



COUNTY OF HUMBOLDT

For the meeting of: 11/21/2024

File #: 24-1595

To: Planning Commission

From: Planning and Building Department

Agenda Section: Special Presentation

SUBJECT:

Synthetic Netting Use in Cannabis Operations

Assessor Parcel Numbers: All Parcels

Record No.: LRP-2024-19099

Humboldt County

A special presentation on the use of synthetic netting for cannabis cultivation related activities and a discussion on effective regulation of the activity.

RECOMMENDATION(S):

That the Planning Commission:

1. Provide guidance on the preparation of a resolution governing the use on synthetic netting in cannabis cultivation.

DISCUSSION:

Background

Synthetic netting (e.g. plastic or nylon) also referred to as monofilament netting, is a type of trellis frequently used for cannabis cultivation and other agricultural activities. This type of netting is characterized by a single strand or thread welded at the joints of intersecting strands, providing a durable and mildew resistant netting to support growing cannabis plants. It is also sometimes used for fencing.

The use of synthetic netting for cultivation is not addressed in either of the County's commercial cannabis land use ordinances, however conditions of approval in many cannabis permits restrict the use of synthetic or monofilament netting.

The restriction on this netting is generally imposed as a condition of approval for permits to address concerns raised in referral responses from the California Department of Fish and Wildlife (CDFW), where they typically provide the following request:

“To minimize the risk of wildlife entrapment, CDFW requests, as a condition of approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose weave mesh such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.”

The Humboldt County Planning Commission and Zoning Administrator have routinely imposed this restriction as a condition of approval to reduce impacts to wildlife. Discretionary permits (Special Permits and Conditional Use Permits) are often subject to this restriction because the discretionary process commonly addresses comments from referral agencies as conditions of approval. However, Zoning Clearance Certificates are approved through a ministerial process which provides no opportunity to add conditions of approval and are therefore not subject to this restriction because the County’s land use ordinances do not regulate the use of synthetic netting. As a result, many farms are permitted to use this netting, and others are prohibited. The determining factor is the type of permit issued.

During annual permit inspections, the use of synthetic or monofilament netting, when prohibited, is frequently identified as a violation requiring resolution. On many permitted farms there have been repeated violations and some operators have indicated they will not stop using synthetic netting because they believe there are no viable alternatives, and without support netting they are at a significant commercial disadvantage. For some of these operations, suspension and revocation of the permit may be the next step. This discussion item is intended to help guide the Planning and Building Departments enforcement response.

California Department of Fish and Wildlife and Community Input

In preparation for this discussion item, Staff contacted CDFW and requested comment. In response, CDFW reaffirmed their position that the use of synthetic or monofilament netting at cannabis cultivation sites poses a significant risk of harm to wildlife. Their full comment can be found in Attachment 2A, and a subsequent exhibit which includes photos of wildlife trapped in the netting can be found in Attachment 2B. CDFW continues to hold the position that monofilament netting should be prohibited in all cases.

Responding to a request for public comment, operators and agents argued that suggested alternatives (jute, hemp, coconut (coir) fiber, etc.) degrade and impact their crop by causing mold and depositing fibers that foster the growth of mold, causing their products to become unviable, and that the alternatives are significantly more expensive than monofilament.

Staff has found some operators successfully using alternative methods besides synthetic trellising for plant support, and many other cultivators appear to be using monofilament netting in a responsible

manner, self-imposing best management practices and ensuring that the material is maintained in a manner that would not endanger wildlife. Other operators have been observed to be negligent with the use, storage, and disposal of the monofilament netting. Attachment 1A includes examples of successful alternatives and best management practices, while Attachment 1B includes examples of irresponsible use. Included in Attachment 3B is an example of Best Management Practices language provided by a local consulting firm.

In preparation for this discussion item, staff contacted other county governments and regional CDFW offices to research how other jurisdictions regulated the use of synthetic netting and it appears that Humboldt County may be unique in imposing a restriction on synthetic netting, which is used throughout the cannabis industry. Consultation with the local CDFW office suggests that Humboldt County may present unique circumstances regarding the environmental setting in which cannabis cultivation occurs relative to wildlife habitat. The State Water Resources Control Board does regulate the use of plastic netting, however this is for erosion control purposes only.

As discussed above, the lack of an adopted regulation on the use of synthetic or monofilament netting creates a situation where cannabis farms are regulated differently due to the type of permit issued. It may be appropriate for the County to consider amending the ordinance to address the use of synthetic netting. The key consideration is whether to prohibit the use of synthetic netting in all cases, or whether to create a set of performance standards that would enable the responsible use of synthetic netting.

OTHER AGENCY INVOLVEMENT:

The project was referred to the California Department of Fish and Wildlife who responded with a recommendation to maintain the restriction on the monofilament netting. Their full comment can be found in Attachment 2.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

No Change Alternative: Discretionary projects will continue to be conditioned to not use monofilament netting, compliance inspections will continue to result in non-compliant grades when monofilament netting is observed onsite, and projects which have failed to be compliant for a number of years will be suspended and possibly brought forward for revocation. Non-discretionary projects will continue to be allowed to use monofilament netting.

Alternative 1: Revise the Land Use Ordinance to prohibit monofilament netting for all permit types. This prohibition should then make it clear that it applies to all previously issued permits and Zoning Clearance Certificates.

Alternative 2: Revise the Land Use Ordinance to provide for regulations around the use of synthetic netting in cultivation activities; describe specific circumstances where the use is allowed and where the use is not allowed; require operators to submit a plan to manage storage, disposal, and use of

monofilament netting; enforce mismanagement of synthetic netting, based on proper storage, disposal, and use of the material.

ATTACHMENTS:

1. Demonstrative Photographs
 - A. Examples of Best Management Practices and Alternatives to Monofilament
 - B. Examples of Mismanagement of Monofilament Netting
2. Referral Agency Comments and Recommendations
 - A. CDFW Response to Monofilament Question
 - B. CDFW Wildlife Entrapment Demonstration
3. Public Comments
 - A. ETA Humboldt Public Comment Monofilament Netting
 - B. ETA Humboldt BMPs for Plastic Netting
 - C. Humboldt Logistics Public Comment Monofilament Netting
 - D. Margro Advisors Public Comment Monofilament

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