



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of October 3, 2019
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: Industrial Hemp Ordinance Workshop
Case # PLN-2019-15590

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Please contact Elanah Adler, at 707-445-7541 or eadler@co.humboldt.ca.us if you have any questions about the Industrial Hemp Ordinance workshop.

AGENDA ITEM TRANSMITTAL

Meeting Date October 3, 2019	Subject Industrial Hemp Ordinance Workshop	Contact Elanah Adler
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Project Description: This is a Planning Commission workshop to discuss and receive public comments on proposed zoning ordinance amendments to allow cultivation of Industrial Hemp and other Industrial Hemp activities in Humboldt County. The proposed zoning ordinance amendments would establish the types, location and performance standards for all Industrial Hemp activities in the unincorporated areas of Humboldt County, including the Coastal Zone.

Project Location: The new regulations would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone.

Present Plan Designations: Various.

Present Zoning: Various.

Environmental Review: An Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance will be considered for this project.

State Appeal Status: The Planning Commission will not be taking any action on the project at the workshop, and therefore there will be no action to appeal.

PLANNING COMMISSION INDUSTRIAL HEMP ORDINANCE WORKSHOP

Recommended Commission Action

1. Describe the project as an Industrial Hemp Ordinance workshop to receive and discuss background information for hemp cultivation;
2. Request that staff present the background information;
3. Receive public comment; and
4. Deliberate and comment on the Industrial Hemp draft ordinance.
5. Continue the Public Hearing to October 17, 2019 for further action.

Discussion

Passage of the Agriculture Improvement Act in the 2018 Farm Bill created a legal pathway for industrial hemp to be grown by persons interested in the commercial production of industrial hemp. There is considerable public interest for the County to allow cultivation and other industrial hemp activities to capitalize on an emerging market for industrial hemp as a potential source for cannabidiol (CBD) extract production for medicinal uses. Industrial hemp cultivation and other activities are viewed as having potentially significant economic development potential similar to the commercial cannabis industry. At the same time, there is also concern about the potential impacts of industrial hemp on the cannabis industry through the application of pesticides, introduction of pests and the drift of pollen from new hemp cultivation sites to existing cannabis cultivation sites which could adversely impact the productivity of the cannabis crop.

To provide time to develop appropriate rules and guidelines addressing the expressed concerns to the local cannabis industry and other impacts associated with industrial hemp cultivation, the Board of Supervisors imposed a temporary moratorium on industrial hemp activities in June of this year which extends to December 16 of this year.

Regulation of Industrial Hemp at the federal and state level is still evolving. It is complicated by the fact the federal and state laws allowing hemp cultivation do not take into account that hemp products used in food and applied cosmetically is still regulated by the U.S. Food and Drug Administration (FDA) and the California Department of Public Health which have not developed any guidance for those uses.

With the deadline of the temporary prohibition on industrial hemp activities approaching in December, staff has developed a draft Industrial Hemp Ordinance for the Planning Commission's consideration. It includes several pathways for industrial hemp cultivation and other industrial hemp activities that has been informed to a large extent by the County's Commercial Cannabis Land Use Ordinance (CCLUO) and the public input received at a series of initial public workshops during the summer of 2019.

Public Workshops

A series of three workshops were held in June 2019 to help identify the key issues that should inform the draft ordinance. Two workshops were held in Redway and one in Eureka. Comments provided at the initial round of workshops included the following:

- Support for CBD/medicinal industrial hemp regulations
- Allow entry to smaller growers
- Make the regulatory process less complicated and less expensive than for commercial cannabis
- Exempt the hemp cultivator from Measure S taxes

- CBD developed strains are the legacy of Humboldt County
- Ensure that pollen from hemp does not impact the cannabis industry
- Put in place testing or assurances that hemp is safe for the medicinal users
- Allow for the cannabis cultivators to have an allowance for hemp as part of their permit

With these comments in mind, a draft Industrial Hemp Ordinance was developed and released for public review on Monday, September 23rd. Two additional workshops were held to review the draft regulations with the public and gather initial public feedback. One workshop was held in Redway on September 24th and the other was in Eureka on September 25th. Comments provided at these workshops included:

- The CBD produced by industrial hemp is less effective at treating cancer than CBD produced by other cannabis plants
- I am interested in cultivating hemp for its medicinal value not for commercial purposes
- Concern of the interaction between industrial hemp and commercial cannabis
- The allowances for Hemp Seed Breeders are going to be severely compromised by the requirement that hemp cultivation only use feminized seeds and clones
- Small grower may not be successful if allowed to grow only 5,000 square feet
- Concern about pollen drift, newly introduced pest(s) and disease(s)
- Once we allow for industrial hemp and impacts are introduced, they cannot be “undone”
- The Industrial Hemp Management Zone may allow for large scale agriculture where male plants may go unnoticed and spread pollen up-wind
- Support of an Industrial Hemp Zone, ensure enforcement performance standards
- The environmental impact report for the cannabis regulations may not address all the impacts of the hemp regulations so additional environmental review may be necessary
- Industrial Hemp may negatively impact the established cannabis economy
- Consider allowing a pilot program where a small number of industrial hemp cultivation sites are allowed with tight controls in place to ensure they don't impact nearby cannabis cultivation sites
- Slow down adoption of the industrial hemp regulations to allow more time to develop regulations that protect the commercial cannabis industry
- Hemp has beneficial properties that are not fully taken advantage of by the ordinance. For instance, it can be a source of biomass for energy production and can help stabilize soils in disturbed areas
- Consider the economic viability of the Industrial Hemp industry

The Planning Commission is expected to receive additional public comment during their workshop which provides more detail about the issues raised at these other public workshops.

Draft Ordinance

The draft Industrial Hemp Ordinance proposes several pathways for permitting Industrial Hemp cultivation and other activities outside of Community Plan Areas which are summarized as follows:

1. The mapped Industrial Hemp Management Zone would allow Industrial Hemp cultivation in areas that are currently in agricultural production with only a Registration with the Agricultural Commissioner's office. The IHMZ areas are all zoned AE - Agriculture Exclusive and occur in the lower parts of watersheds where there is an abundance of water for irrigation.

2. There would be an allowance for cultivators of cannabis to substitute their cultivation areas to Industrial Hemp through a Zoning Clearance Certificate between January 1st and April 1st of each year. The cultivation area for new cultivation sites could be expanded to the maximum allowed by the permit type or up to 3,500 feet, whichever is less.
3. The Accessory Use provisions would allow in the AE, AG – Agriculture General, FR – Forest Recreation, and RA – Residential Agriculture Zones, and parcels zoned U – Unclassified with an RA General Plan designation an applicant that lives in a dwelling on the property to grow up to 5,000 square feet of Industrial Hemp. The cultivation would need to be exclusively outdoors, use non-diversionary water for irrigation, and occur in native soils on slopes of less than 10%. Conversion of timberland would not be allowed.
4. The Primary Use provisions would allow larger cultivation areas and other Industrial Hemp activities including indoor, retail sales and manufacturing to be permitted just as Commercial Cannabis Activities are permitted through the CCLUO.

The comment that Hemp Seed Breeders are going to be severely compromised by ordinance requirements for use of only feminized seeds and clones will be addressed in future drafts. Other changes to the ordinance can be made by the Commission in response to the alternatives presented below, other public input, and Planning Commission deliberations.

Alternatives

There are a number of alternatives presented on the last page of the draft ordinance for the Planning Commission to consider:

1. Alternatives to expand the areas where cultivation of industrial hemp is allowed.
 - 1a: Allow Accessory Use within selected community plan areas as principally permitted
 - 1b: Allow Accessory Use within selected community plan areas with a discretionary permit
2. Alternatives to reduce the areas where cultivation of industrial hemp is allowed.
 - 2a: Don't allow Industrial Hemp Cultivation within six hundred feet (600') of a school.
 - 2b. Don't allow Industrial Hemp Activity shall be permitted within Tribal Lands without the express written consent of the Tribe.
3. Alternatives to address other concerns.
 - 3a: Add measures to achieve more parity between Cannabis and Industrial Hemp Cultivation Requirements. While no specific language has been presented, such measures could be added as:
 - Modifications to the Industrial Hemp Ordinance, or
 - Modifications to the CCLUO
 - 3b: Include a Site Restoration Requirement such as the one in the CCLUO which could be modified to apply to industrial hemp:

Upon termination or abandonment of a permitted Industrial Hemp Cultivation Area, the operator and/or property owner shall remove all materials, equipment and improvements on the site that were devoted to hemp activities, including but not limited to bags, pots or other containers, tools, fertilizers, pesticides, irrigation pipes, water bladders or tanks, pond liners, fencing, hemp and hemp waste products, imported soil and soil amendments not incorporated into native soil, pumps, and structures not associated with non-hemp permitted use of the site. If any of the above described or related material or equipment is to remain, the operator and/or property owner shall prepare a plan and description of the non-hemp continued use of such material or equipment on the site.
 - 3c. Add regulations to control pollen drift

3d. Add artisanal branding provisions

3e. Increase the testing requirements to ensure clean and safe hemp products

Additional alternatives and suggestions for other alternatives were provided at the recent public workshops. They include:

4. Continue the prohibition of industrial hemp cultivation
5. Slow down the process of developing an industrial hemp ordinance to get more feedback from those potentially impacted by the new allowances
6. Develop a scaled down version of the ordinance as a tightly controlled pilot program to inform a more expansive set of allowances in coming years

These and other alternatives under development by staff will be presented to the Planning Commission at the meeting.

Attachment 1
Draft Industrial Hemp Ordinance

314-55.5 INDUSTRIAL HEMP CULTIVATION LAND USE REGULATION FOR THE INLAND AREA OF THE COUNTY OF HUMBOLDT

55.5.1 AUTHORITY AND TITLE

This Section regulates the cultivation of industrial hemp within the Inland Area of the County of Humboldt.

55.5.2 PURPOSE AND INTENT

The purpose of this Section is to establish an Industrial Hemp Management Zone (Management Zone) and land use regulations outside of the Management Zone for the purposes of industrial hemp cultivation within the County of Humboldt in order to encourage safe, reasonable and responsible growth that reduces negative impacts on our community and environment, increases public awareness, and community health and safety while creating a clear and attainable path for cultivators to follow.

These regulations are intended to ensure the public health, safety and welfare of residents of the County of Humboldt, visitors to the County, persons engaged in industrial hemp activities to protect the environment from harm resulting from industrial hemp activities, including but not limited to streams, fish, and wildlife, residential neighborhoods, schools, community institutions and Tribal Cultural Resources; and to ensure the security of state-regulated hemp cultivation. To this end, these regulations identify where in the County Industrial Hemp activities can occur and specify the application process, what type of permit is required, the registration process and the approval criteria that will apply.

55.5.3 APPLICABILITY AND INTERPRETATION

55.5.3.1 All facilities and activities involved in Industrial Hemp Cultivation and other Industrial Hemp activities within the jurisdiction of the County of Humboldt outside of the Coastal Zone shall be controlled by the provisions of this Section.

55.5.3.2 Nothing in this Section is intended, nor shall it be construed, to exempt Industrial Hemp Cultivation and all other Industrial Hemp activities from compliance with all other applicable Humboldt County zoning, land use, grading, and streamside management area regulations as well as other applicable provisions of the County Code.

55.5.3.3 Nothing in this Section is intended, nor shall it be construed, to exempt Industrial Hemp Cultivation and all other Industrial Hemp activities from any and all applicable local and state construction, electrical, plumbing, water rights, waste water discharge, water quality, streambed alteration, endangered species, or any other environmental, building or land use standards or permitting requirements.

55.5.3.4 Other than as enumerated in this Section, Industrial Hemp Cultivation and all other Industrial Hemp activities are prohibited in any zoning district other than those zoning districts where it is expressly permitted.

55.5.3.5 Severability. If any provision of this Section, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Section that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Section are severable.

55.5.4 DEFINITIONS

“Approved Seed Cultivars” An Industrial Hemp seed or cultivar included on the most recently approved list of seeds or cultivars of Industrial Hemp provided by the California Department of Food and Agriculture pursuant to Section 81002 of the Food and Agricultural Code.

“Full Sun Outdoor Cultivation” Outdoor cultivation of Industrial Hemp, in native soil, using no artificial light nor greenhouse or other protective structures.

“Hemp Breeder” An individual or a public or private institution or organization that is registered with the Agricultural Commissioner to develop cultivars of Industrial Hemp intended for sale or research.

“Indoor” Cultivation within a structure primarily or exclusively using artificial lighting.

“Industrial Hemp Cultivation Area” The sum of the area(s) used for Industrial Hemp cultivation, calculated in square feet and measured using clearly identifiable boundaries around the perimeter of all area (s) that will contain plants at any point in time, including all the space within the boundary as shown on the approved plot plan. The Industrial Hemp Cultivation Area shall include the maximum anticipated extent of all vegetative growth of Hemp plants to be grown to maturity.

“Industrial Hemp” A crop agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa Linnaeus* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis.

“Industrial Hemp Management Zone” The mapped area where Industrial Hemp cultivation is allowed without discretionary or ministerial permits. Refer to Figure 55.5.x.

“Industrial Hemp Premises” The area specified in the Registration and/or application that is owned, leased, or otherwise held under the control of the applicant and/or licensee where Industrial Hemp is cultivated.

“Mixed-Light” Cultivation using a combination of natural and supplemental artificial lighting.

“Pre-Harvest Notification” Documentation submitted by the Registrant to the Agricultural Commissioner at least 30 days prior to harvest of Industrial Hemp initiating Sampling Procedures.

“Registrant” A grower of Industrial Hemp for commercial purposes with an approved Registration.

“Registration” The procedures used by the Agricultural Commissioner to determine eligibility to cultivate Industrial Hemp for commercial purposes.

“Sampling Procedures” Testing by the Agricultural Commissioner (or a Third-Party sampler designated by the Commissioner) of each cultivar to determine THC content in each Industrial

Hemp sample taken from an approved Industrial Hemp Cultivation Area the registered land area and all areas and facilities used for cultivation, and testing to ensure the Industrial Hemp sample does not contain microbials or pesticides.

55.5.5 GENERAL PROVISIONS APPLICABLE TO INDUSTRIAL HEMP ACTIVITY LAND USE PERMITS

55.5.5.1 Cultivation of Industrial Hemp for the purposes of fiber or seed production intended to produce seed cake or seed oil, is prohibited.

55.5.5.2 Cultivation of Industrial Hemp and all other Industrial Hemp activities for the purposes of cannabinoid derivatives production is permitted subject to the requirements in this Section.

55.5.6 REGISTRATION AND APPLICATION REQUIREMENTS

55.5.6.1 Cultivation Within the Industrial Hemp Management Zone

Full Sun Outdoor Cultivation or Industrial Hemp Cultivation within existing greenhouses using only clones or feminized seeds by Registrants including Hemp Breeders is allowed within the Industrial Hemp Management Zone with a Registration issued by the Agricultural Commissioner.

Changes to the location of the Industrial Hemp Cultivation Area and/or cultivars used shall require separate Registration and may only be issued to replace an approved Registration.

55.5.6.2 Cultivation Outside the Industrial Hemp Management Zone

Registrations for cultivation of Industrial Hemp outside the Industrial Hemp Management Zone by Registrants including Hemp Breeders shall be referred to the Planning and Building Department for a determination of requirements for additional clearances or permits.

Applications for clearances or permits for Industrial Hemp Cultivation outside the Industrial Hemp Management Zone are required to include all items required for Registrations and may be required to include any or all of the following additional information, depending on permit activities and location: Site Plan; Security Plan; Cultivation Plan, Processing Plan; Operations Plan; Irrigation Plan; Materials Management Plans; Hazardous Materials Site Assessments and Contingency Plans; Surveys for Biological Resources and Sensitive Habitat; Surveys for Archaeological, Tribal Cultural Resources, and Historical Resources; Assessments of project-related noise sources; Road System Assessments and Improvement Plans; Timberland Conversion Assessments; documentation of water use, source, and storage; will-serve letters from applicable providers of water and wastewater services; information concerning previously secured state and local permits for cannabis related infrastructure or activities; restoration and remediation plans where appropriate; plans for energy use; and documentation of conformance with the requirements of programs applicable to Industrial Hemp Cultivation Activities administered by the State Water Resources Control Board and Regional Water Quality Control Board.

The County may request additional information prior to application intake, or during application processing, where deemed necessary to perform environmental review pursuant to the California Environmental Quality Act (CEQA). All required plans and reports shall be designed to demonstrate compliance with relevant eligibility and siting requirements, and applicable performance standards, while conforming to relevant checklists and guidance documents maintained and supplied by the County. All Technical Reports and Plans are subject to final review and approval by the County.

55.5.7 CULTIVATION OF INDUSTRIAL HEMP ON SITES APPROVED FOR COMMERCIAL CANNABIS CULTIVATION THROUGH THE COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO).

55.5.7.1 Cultivation of Industrial Hemp instead of Commercial Cannabis under a permit or permits approved through the CCLUO may be allowed with a Zoning Clearance Certificate if an application is received between January 1 and April 1 of each year. All of the permit requirements for the approved Commercial Cannabis cultivation shall apply to the Industrial Hemp cultivation.

55.5.7.1.1 CCLUO permit holders for Pre-Existing Cannabis Cultivation may be allowed to cultivate Industrial Hemp instead of Commercial Cannabis within the approved cannabis cultivation area.

55.5.7.1.2 CCLUO permit holders for new Cannabis Cultivation that meet all Eligibility and Siting Criteria and Performance Standards for Accessory Use Industrial Hemp Cultivation specified in Section 55.5.8 may be allowed to cultivate Industrial Hemp instead of Commercial Cannabis up to the maximum area allowed by the CCLUO permit type or up to 3,500 square feet above the approved Cultivation Area, whichever is less.

55.5.8 ACCESSORY USE INDUSTRIAL HEMP CULTIVATION

On properties with a dwelling occupied by the applicant outside the Industrial Hemp Management Zone Full Sun Outdoor Cultivation may be allowed as an Accessory Use outside of Community Planning Areas with a Zoning Clearance Certificate when meeting all the following Eligibility and Siting Criteria and Performance Standards, except when otherwise specified.

55.5.8.1 Eligibility Criteria – Accessory Use Industrial Hemp Cultivation

55.5.8.1.1 Zoning and Minimum Parcel Size

AE, AG, FR, RA, and U when accompanied by a Residential Agriculture (RA) General Plan land use designation.

55.5.8.1.2 Allowed Industrial Hemp Cultivation Area

Up to 5,000 sq. ft. of Industrial Hemp Cultivation Area.

55.5.8.1.3 Cultivation Type

Industrial Hemp Cultivation Area(s) shall be grown exclusively as Full Sun, Outdoor. Use of greenhouses, protective covers, or supplemental lighting is prohibited.

55.5.8.1.4 Water Source

Irrigation shall exclusively utilize Non-Diversiory Sources or water from a Public or Private Water Supplier.

55.5.8.1.5 Imported Soil Prohibited

Planting shall occur exclusively in native soils. Adding amendments to the native soil is allowed. Planting within imported soils is prohibited.

55.5.8.1.6 Slope

The Industrial Hemp Cultivation Area must be confined to areas of the Parcel where the Slope is 10 percent or less. Grading of more than 50 cubic yards of soil is prohibited.

55.5.8.1.7 Timberland Conversion Limited

The Industrial Hemp Cultivation Area shall be within the same non-forested contiguous building envelope containing the primary residence. Conversion of timberland for Industrial Hemp cultivation is prohibited.

55.5.8.1.8 Setbacks

The Industrial Hemp Cultivation Area must observe all of the following setbacks:

- a) Property Lines - Thirty (30') feet from any property line;
- b) Residences and undeveloped parcels - Three hundred feet (300') from any residence on an adjacent separately owned parcel, and two hundred seventy feet (270') from any adjacent undeveloped separately owned parcel;
- c) The setback required from associated property lines or residence(s) on an adjacent privately-owned property may be waived or reduced with the express written consent of the owner(s) of the subject property; and
- d) The Industrial Hemp Cultivation Area shall be outside of Streamside Management Areas (SMAs), as identified and described under Section 314-61.1.

55.5.8.2 Performance Standards – Accessory Use Industrial Hemp Cultivation

Accessory Use Industrial Hemp Cultivation Registrants and operators shall conduct all Industrial Hemp Cultivation activities in compliance with the following performance standards. Failure to comply shall be grounds for permit revocation and injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws, specifically including those set forth in Title III, Division 5, Chapter 1 of the Humboldt County Code:

- 55.5.8.2.1 Maintain compliance with all applicable state laws and County ordinances.
- 55.5.8.2.2 Maintain a current, valid business license at all times, if applicable.

55.5.8.2.3 Conform to all requirements of the issued Registration.

55.5.9 PRIMARY USE INDUSTRIAL HEMP CULTIVATION, INDOOR CULTIVATION, MANUFACTURING, RETAIL SALES, AND CULTIVATION SUPPORT FACILITIES

Applications for new Primary Use Industrial Hemp Cultivation may be accepted through the CCLUO allowances in Section 314-55.4.6 (Outdoor and Mixed Light) and Section 314-55.4.8.1 (Indoor) where cultivation of Industrial Hemp occurs instead of Commercial Cannabis. All the Eligibility Criteria and Performance Standards that apply to Commercial Cannabis Cultivation shall equally apply to Industrial Hemp Cultivation.

Existing Cannabis Manufacturing sites permitted through Section 314-55.4.8.2, Cannabis Retail Sales sites permitted through Section 314-55.4.10.1 and Section 314-55.3, and Cannabis Support Facilities permitted through Section 314-55.4.7 may substitute Industrial Hemp for Commercial Cannabis without additional permit or Registration requirements except those required by state and federal law. The conditions of approval and performance standards of the permitted Commercial Cannabis activities also apply to Industrial Hemp activities.

Applications may be accepted for new Industrial Hemp Manufacturing sites through Section 314-55.4.8.2, Retail Sales sites through Section 314-55.4.10.1 and Section 314-55.3, and Support Facilities through Section 314-55.4.7 where Industrial Hemp is substituted for Commercial Cannabis. All the Eligibility Criteria and Performance Standards that apply to Commercial Cannabis activities shall equally apply to Industrial Hemp activities.

55.5.10 TESTING REQUIREMENTS

All Industrial Hemp Cultivation Registrants shall provide Pre-Harvest Notification to the Agricultural Commissioner which will initiate Sampling Procedures. If the Sampling Procedures determine the Industrial Hemp crop contains more THC than 0.3 percent on a dry weight basis, or the sample contains pesticides or microbials, the Industrial Hemp crop shall be destroyed to the satisfaction of the Agricultural Commissioner.

55.5.11 CAP ON PERMITS

The total number of Industrial Hemp Registrations, Zoning Clearance Certificates and Permits shall be limited to the number of permits and acres of cultivation applicable to Commercial Cannabis Cultivation specified in the Board of Supervisors in Resolution 18-43 or its successors. Each Registration, Zoning Clearance Certificate and Permit for Industrial Hemp cultivation activities outside of the Industrial Hemp Management Zone shall be counted toward the cap the same as each Cannabis Cultivation Permit.

Once the permit cap for a given watershed has been reached, no additional Registrations or permit applications for Industrial Hemp Cultivation activities will be processed until the Planning Commission and Board of Supervisors consider an analysis of the state of the watershed and approves an increase in the cap. The analysis shall include review of water flow data and applicable studies or information prepared by state and local agencies and recommendations from the following state agencies: California Department of Fish & Wildlife,

North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.

55.5.12 RIGHT TO FARM DISCLOSURE

When required to execute or make available a disclosure statement pursuant to 314-43.2 of the code “Right to Farm Ordinance”, said statement shall include information describing the possibility of cultivation of Industrial Hemp.

55.5.13 RELEASE OF LIABILITY, INDEMNIFICATION, AND HOLD HARMLESS

As part of the application for any Zoning Clearance Certificate, Special Permit, or Use Permit for Industrial Hemp activity, the property owner and permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the Industrial Hemp activity and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of these uses.

ALTERNATIVES:

1. *Alternatives to expand the areas where cultivation of industrial hemp is allowed.*
 - 1a: *Allow Accessory Use within selected community plan areas as principally permitted*
 - 1b: *Allow Accessory Use within selected community plan areas with a discretionary permit*

2. *Alternatives to reduce the areas where cultivation of industrial hemp is allowed.*
 - 2a: *No Industrial Hemp Cultivation shall be permitted within six hundred feet (600') of a school.*
 - 2b: *No Industrial Hemp Activity shall be permitted within Tribal Lands without the express written consent of the Tribe.*

3. *Alternatives to address other concerns.*
 - 3a: *Measures to achieve more parity between Cannabis and Industrial Hemp Cultivation Requirements (suggestions?)*
 - Modifications to the Industrial Hemp Ordinance*
 - Modifications to the CCLUO*

 - 3b: *Site Restoration Requirement*

Upon termination or abandonment of a permitted Industrial Hemp Cultivation Area, the operator and/or property owner shall remove all materials, equipment and improvements on the site that were devoted to hemp activities, including but not limited to bags, pots or other containers, tools, fertilizers, pesticides, irrigation pipes, water bladders or tanks, pond liners, fencing, hemp and hemp waste products, imported soil and soil amendments not incorporated into native soil, pumps, and structures not associated with non-hemp permitted use of the site. If any of the above described or related material or equipment is to remain, the operator and/or property owner shall prepare a plan and description of the non-hemp continued use of such material or equipment on the site.

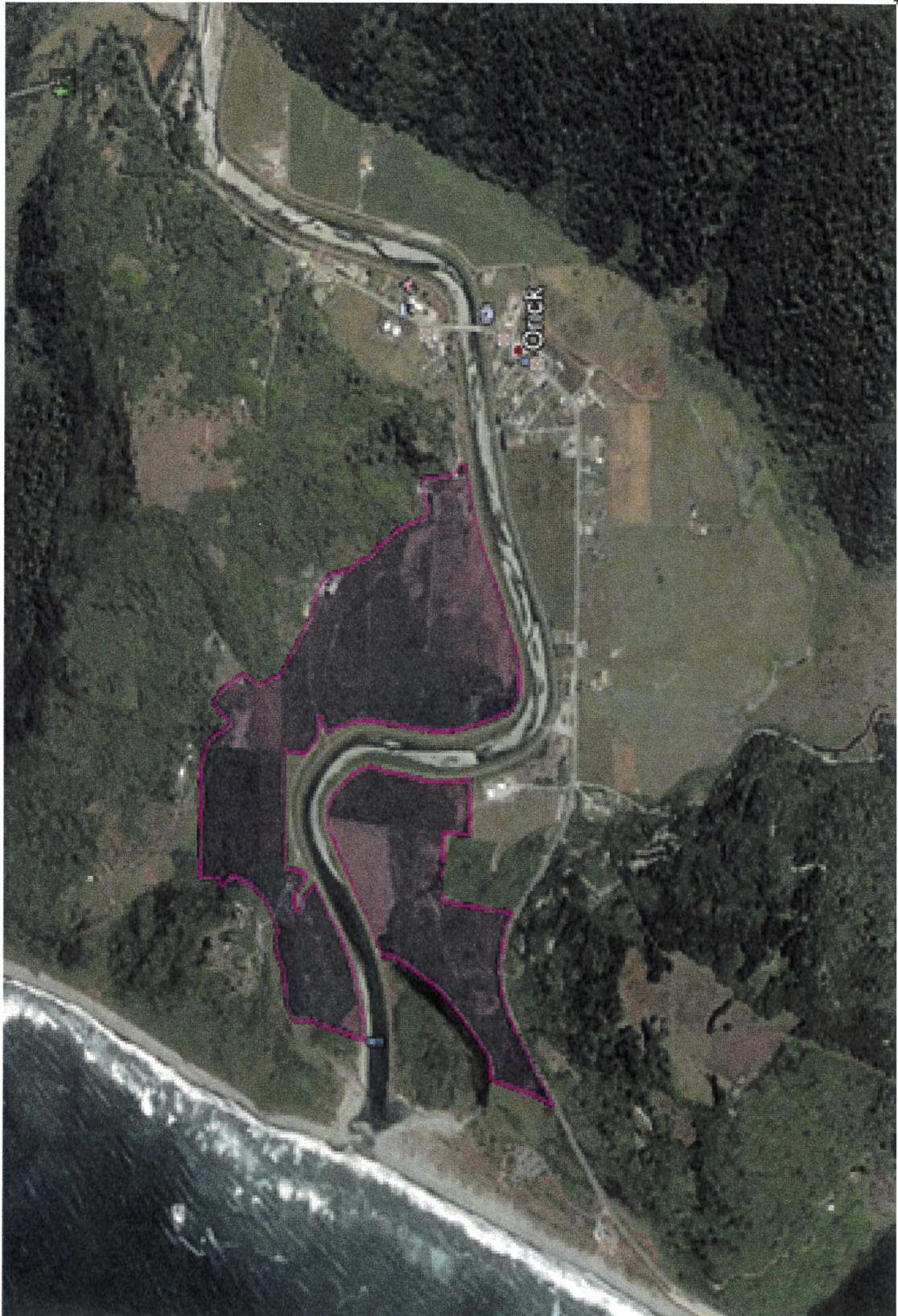
 - 3c: *Regulations to control pollen drift*

 - 3d: *Artisanal branding provisions*

 - 3e: *Increased testing requirements to ensure clean and safe hemp products*



“Management Zone” Orick Area



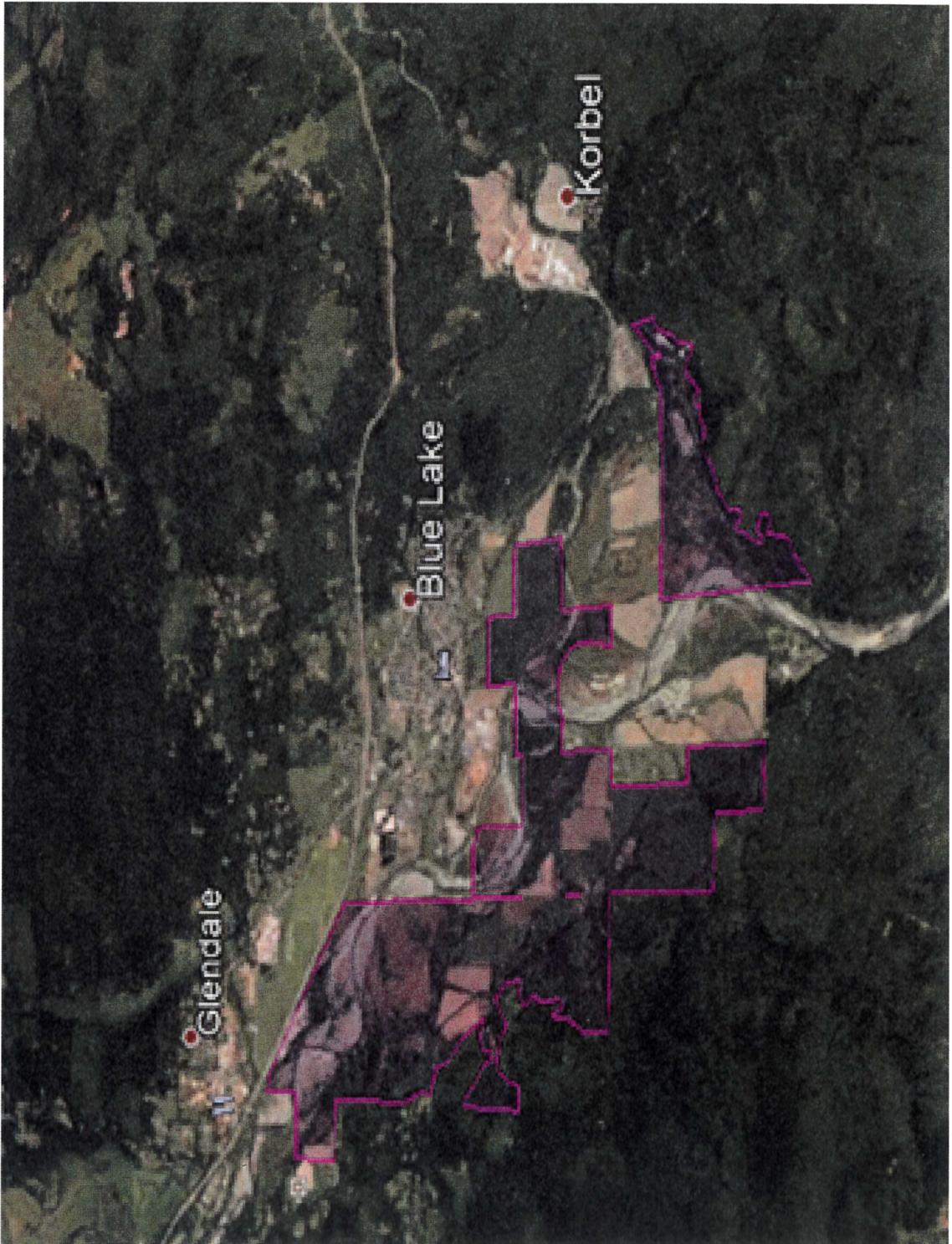


“Management Zone” Arcata Area





“Management Zone” Blue Lake Area





“Management Zone” South Eureka Area





“Management Zone” Ferndale Area



“Management Zone” Rio Dell Area



Attachment 2
Public Comments on the Draft Industrial Hemp Ordinance

Staff: John Ford (JF), Jeff Dolf (JD), Michael Richardson (MR), Joel Ellinwood (JE), Elanah Adler

Supervisor: Estelle Fennell

Public: Sign-in sheet provided. Not all signed in, approximately 8 people

Intro: Two meetings scheduled: tonight, and the 12th

JF: Come and talk to community to talk and share ideas on how to address hemp regulations. Don't want to write these in the dark without having community input.

What is difference between hemp between food and fiber and/or CBD hemp?

Public: lives close to Willow Creek: There's three types of uses: for food and fiber, CBD, and CBD with broadcast seeding (between planting techniques of food/fiber and CBD method). In Oregon, they grow it the same, in pots and grow as cannabis. But some people do throw out seed and broadcast it. Just depends on grower. What the community is talking about is a single large plant, clones, hybrid agriculture that are high quality. He's really interested in low fees, unlimited area, with consideration of water and environmental factors (permitting aspect has been simple). He's had a commercial cannabis permit in the works for the past several years.

Public: With hemp in Oregon and also with CBD growing, how does that work?

Response: Has friends in Oregon. Oregon doesn't have any buffer zones or restrictions; they've had some issues with that for several years.

Public: Teacher, mother of six, CBD is being sold at Redwood Feed. Used medicinally for quite a while, her brother died of AIDS and wanted relief. She has supported Marijuana for a long time; her daughter moved to Nevada to grow it there. Supports CBD growing, people can figure out how they want to grow it, they're the experts.

Public: cannabis nursery in Whitethorn. At nursery, she breeds CBD genetics. She would like to see people allowed to breed genetics on their own as well. Very important because there is likely a strain is good in fiber sense; but most people are looking to grow CBD type hemp. CBD concentrations are very, very low in hemp. What people want to do here in Humboldt is to have high CBD levels in cannabis and low in THC. There is a difference in the way that you grow it, for example, if using in extract – then those flowers don't have to be perfect, can use less fertilizers/pesticides. If you are growing for flower use, then people will look to tend the flower production. Suggests no males to begin with in developing regulations.

JF: are some looking for fiber/seed or for CBD, in general?

Public: Yes, but some have expressed interest in for cattle feed.

JF: are most looking to grow for CBD? How do we deal with fiber/seed? Can we narrow this down for Humboldt County? Is it realistic to grow fiber/seed hemp?

Most all agree that it's problematic with fiber/seed hemp, land area needed, protection of cannabis industry, etc.

Public: Yes... but, fiber/seed, the argument for textiles, food, fiber, etc. To completely shut that down, it's a little hypocritical to say NO to fiber/seed.

JD: Is it possible that we can grow more food for animal needs in the County? We import a lot of food for cattle.

Estelle: We need to think about how many counties in CA to grow fiber/seed (i.e. Kern County, used it in a way to shut down cannabis industry). If we talk about all types of hemp in Hum Co, could it be done?

JF: We could do both, but it's difficult, to make this process as streamlined as possible. We have a lot of unknown, and that presents a challenge to include both hemp types (fiber/seed and CBD) in regulations, creates complications.

Public: In store, a lot of hemp is grown in Oregon – asked about how it's being grown in Oregon. All indoors?

Public: No, all grown outdoor, it's been bumpy, there have been a lot of lawsuits.

Public: feminized seeds are stressed out females. People are going crazy breeding hemp seeds (they are unstable, can be stabilized, but need to do it correctly). Their nursery has stayed away from that because of the process is difficult.

Public: With planting cannabis by seed, you do get some males. When planting with females, how is that controlled?

General consensus: Needs to be monitored and controlled very closely. And/or seed needs to be started in greenhouse or other fabric enclosure to control pollen drift outside propagation/breeding area.

Public: Not a cannabis grower. Works with cannabis community, does cannabis journalism. Likes what public is saying, have Hum Co start small, continue to meet, and see what problems are. Happy to hear talk of CBD strains, it's a big part of Hum Co legacy: Lawrence Ringo – one of the 1st farmers to bred CBD stains. Wants to encourage CBD hemp cultivation, open to seed breeding as well. Would be good if those farmers who want to grow hemp not be overburdened by fees and regs, but also concerned about the environment as well and thinks it's important to protect water usage. Likes to

hear the idea of buying from licensed local growers/breeders. Wants the County to consider offsets for farming techniques that sequester carbon through the Climate Action Plan.

Estelle: Board was struggling with CBD hemp. There are registered cultivars that can be bred, hemp is low THC – if CBD is used as medicine, then how do we deal with it as a medicine?

JF: If it is a medicine, is it important for it be tested to ensure that it's safe for use?

Public: Important to differentiate between a medical and recreational use.

Public: High CBD level, should be tested to ensure that it has CBD – and not have all the heavy metals. She believes that it should be tested.

JD: Hum Co has been known to be high quality. Perhaps that's important to keep in mind with the hemp ordinance as well.

Discussion re: testing of CBD, by FDA? CCLUO, does have provisions for testing, trace and track, etc. as required by the State. But Hemp, does not have to be tested, or any of the other things included for Medical Marijuana/Cannabis. Only changed laws this year, removed all restrictions on hemp with 2018 law. That's why we are seeing the bad actors coming into the state.

Public: if Hum Co is going to be known as high quality, how will it work?

Public: PG&E came up to his place, was talking about quality does make it different. In Hum Co, this can keep the value higher, we should try to protect and build that up.

Public: There is different methods of cultivation. Cannabis cultivation is not the same as high CBD hemp – should not be held to the same standard. CBD doesn't hold the same higher medicinal value as cannabis (and health claims are false, the FDA will come after companies for making these claims). People are growing "hemp" to get their product over state lines.

JD: FDA had hearing on CBD claims, etc. They will be taking written comments. They are still trying to deal with the regulations surrounding CBD hemp.

JE: FDA is not going to solve the CBD health claims anytime soon, they're receiving comments until July. If you buy cannabis from a dispensary, you know what is in the product. It is possible to look at CBD hemp as not requiring a state license, or paying state taxes, but have it regulated locally for quality and safety.

Public: During time when people where gay & had AIDS, cannabis had an incredibly positive effect! Just this weekend, she gave a man CBD salve & he said it was the first thing that had helped him with his pain after a work injury.

Public: Would like to see hemp well-regulated and be able to go out of state.

JE: No, not until FDA rules are written. We can plan for that...

JF: We need to take a hemp ordinance back to the BOS by September, we want to understand 1st, but we also need to have a huge task to accomplish. We won't have State regs by then, and definitely not Federal regs.

JF: What about environmental protection, what does that mean, how do we accomplish that? Aren't the impacts fundamentally the same (as with cannabis)? Most of the group agreed.

Public: how do protect the environment? Fundamental challenge, we are talking about a medical protect, medical marijuana is regulated. But with change with SB1409, changed the perspective (and rules). But we do have regulations in place to deal with medical products... She believes that hemp should be able to not deal with same regs as cannabis, see that hemp could be exported in the future.

JF: There is an incredible about of tension. There was an estimated 15,000 grow sites, we have 2,000 permits in play right now, a lot of unregulated cultivation that goes on right now. There is a lot of environmental degradations that is happening with those unpermitted cultivation sites. Will hemp create a new problem with environmental degradation? Do we want to continue to protect that in Hum Co? How can you create the ordinance to show that people are going to enhance the environment?

Estelle: Seems of value to her to understand why permitting make it so expensive. Consultants were very expensive; people felt that they couldn't do all that on their own. That was an added cost; we understand that's a problem. But if people just register and cultivate, State will eventually see those new cultivation areas and the Water Board & Fish and Wildlife, and we need to be aware of the bigger impact to the environment.

Public: she has clinical degree, plant a seed in people's head – why aren't people interested essential oils? Lemon sage has nearly same terpene profile as cannabis, grows in dry soils and re-seeds itself – why aren't we thinking more about these plants?

Public: less regulation... When people start farms with corn, what do they have to abide by? JD: principally permitted, don't need a permit from planning department. But, may have zoning restrictions on that, as well as other crop restrictions. But keep in mind that corn is grown in prime ag soils areas.

JF: regarding prime ag soils, we tried to reduce environmental impacts and he's spending 20% of time responding to complaints. JD: also, other ag has a lot of laws and regulations to abide by. Public: the product itself would be regulated as a basic ag product. JF: but high CBD is grown for the flower. Public: it's a tough position to be in, depends on grower, they should be different things. Track and trace program for CBD hemp seems over-regulated.

JF: Let's talk about how we agree that it's CBD hemp is a medical product, it's a real tension point.

Public: Perhaps that's the rationale behind the reason that hemp was illegal. Cannabis growers to grow in conjunction with hemp. Does believe that it should be tested, if it's ingested, should be tested for pesticides, etc.

Estelle: When we started with 1.0, we looked at most environmentally superior choice. But by requiring prime ag and zoned ag, walked into a really big problem, as those areas naturally coincide with human settlement and now those areas are residential.

Public: CBD flower is catching high price with THC flower, can see that at the dispensary.

Public: But that will change with legalization of hemp, the price will go down. Doesn't seem to make sense that they should be treated the same way. They each have their own place in medical care.

JF/JD: If they are both medical and have the same type of cultivation methods, how do we separate these?

MR: We are looking to figure out how to balance out environment, economy, and how to protect the Hum Co heritage.

Public: Sort out fiber hemp out later and now focus time on CBD hemp, protect rivers, THC farmers, and environment. No one is clamoring to get fiber uses now, but there is interest there, but the real demand is for CBD hemp.

Public: So, focus on cross-pollination and seeding marijuana plants. Then focus on CBD propagation and then take those primary ideas.

JF: Close to time up, want to agree that we will come back, and talk more about next steps on the 12th.

JD: Agree that we want CBD hemp 1st. Let's have people come back and evolve in their thinking about what is next...

Staff: Michael Richardson (MR), Elanah Adler (EA), Jeff Dolf (JD), Joel Ellinwood (JE)

Supervisor, Estelle Fennell

Public: Sign-in sheet provided, all signed in, 6 people

Intro: This is the second of two public meetings in Southern Humboldt, the first was on June 3rd. We will also be holding a public meeting in Northern Humboldt at the Ag Center on June 20th.

Handed out PowerPoint presentation, copy of slides shown below notes.

Performed a round of introductions, beginning with staff, letting the group know to contact Michael or Elanah for comments in regard to crafting Industrial Hemp regulations.

The purpose of the handout provided is for discussion points. Staff is reaching out to gather input from the public to assist in crafting recommendations to present to our decision makers on a Hemp Ordinance.

The discussion began with Slide #3, to summarize what we heard from the previous public workshop in Redway on June 3. The group consensus was Industrial Hemp is grown for different uses, one for seed and fiber hemp and the other for CBD hemp. Additionally, the group agreed that CBD hemp is of primary interest in the County and should be addressed first. There is community interest in seed & fiber hemp but given the tight time frame that to develop recommendations (in September of this year), the primary focus should be CBD hemp regulations. As with the first workshop, the group discussed that high CBD-strains were developed in Humboldt County in the 1980's. Residents are proud of that legacy and wish to continue to be part of this industry.

We discussed what we hope to gain from this public meeting (Slide #4), to start building recommendations to allow CBD hemp cultivation in the County and how are we can do that with minimal permitting requirements. This was the most important message received from the 1st workshop – the permitting requirements should not be so difficult as they are with the Cannabis Cultivation Land Use Ordinance (CCLUO). The permitting for the CCLUO, along with meeting State agency requirements, has been difficult for applicants and the group did not want to see CBD hemp permitting to be as arduous. However, the group agreed that it's important that we protect the environment and the existing cannabis industry.

Discussion about the issues of pollen drift, pollination, feminized seeds, hermaphrodite plants (and controls) and accidental cross-fertilization of cannabis/hemp strains followed. However, the group concurred that if seed and fiber hemp were not being considered at this time, and with best management practices used at each farm – these are existing issues that cultivators are currently dealing with and are preventable.

The next topic of discussion was to begin consideration of permitting requirements (Slide #5). The County introduced the concept of using cultivation area size as a permit threshold and asked the group thoughts on this approach. There was general agreement that this could be used as permitting tool, although some were concerned that a size limitation would be cost prohibitive. The initial proposal is to use 5,000sf being the limit with the least amount of requirements, along with a developed homestead site, land designated for agricultural use (i.e. zones AE, AG, FR, RA), use of native soils (as with other types of ag uses) and located outside of identified community plan areas. Some members thought that it may be OK to grow within community plan areas with a discretionary permit process, like the CCLUO allows for. A member said that hemp doesn't have the same type of smell as cannabis, as it's not grown for the high THC-associated aroma. It's generally better tolerated in regard to smell, isn't as much of a risk of theft, and isn't a safety risk for children, etc.

The group began to discuss some of the ideas presented on Slide #6 (last slide), as they relate to the permitting requirements – especially in regard to requiring planting in native soils and natural light. Both of these were not popular with a few of the public members, points were made that if the cultivation areas were small that people would want to maximize investment. That would include (likely) using imported soil, possibly in pots or planter beds and in greenhouses with low-level supplemental light, so that several cycles could be finished during the growing season. We began to run out of time, the only items that the group didn't get a chance to discuss included requirements for water, no tree removal and protection of sensitive species.

The group raised some questions about permitting thresholds, if the low threshold was at 5,000sf, what would be the requirements of larger CBD hemp cultivation permits? The response was that is something the County would like feedback on, and it would likely include a type of a discretionary permit. The public asked that CBD hemp not be "added" to the CCLUO regulations. Additionally, there were questions asked about how State Agencies would be dealing with CBD hemp cultivation – which was something that, as County employees, we weren't able to answer.

See the next few pages for a copy of the Slides handed out at the workshop:

Workshop #1

Agreed hemp is grown for different uses:

1. Seed & fiber hemp
2. CBD Hemp
 - Interest is primarily CBD hemp
 - Legacy of early development of high-CBD medicinal cannabis

Group consensus:

- Focus on CBD hemp now
- Seed & fiber hemp – later

3



Outline of Workshop

Discussion from 1st Workshop – start building recommendations to:

- Allow CBD hemp cultivation
- Minimize cultivation regulations
- Protect the environment
- Develop procedural steps

4



CBD Hemp Cultivation

Minimize permitting requirements,

- CBD hemp should be minimally regulated
- Size of cultivation – use as permit threshold

Where should CBD hemp be grown?

- Developed homestead site
- Land designated for ag use
- Locate in areas with little/no slopes
- Outside of community planning area

5



Environmental Protection

Cultivation requires fertile land, water and inputs for quality products:

- Water use similar to cannabis

How do we protect environment?

- Water from non-diversionary sources, ideal
- Refrain from grading of native soils
- Natural light
- No tree removal
- Protect sensitive species

6



Staff: Michael Richardson (MR), Elanah Adler (EA), Jeff Dolf (JD), John Ford (JF), Joel Ellinwood (JE)

Supervisor: District 5, Steven Madrone

Public: Sign-in sheet provided (not all signed in), approximately 34 people

Intro: This is the third of three public workshops. Two were held in Southern Humboldt on June 3rd and June 12th.

Performed a round of introductions, beginning with staff, letting the group know to contact Michael or Elanah for comments in regard to crafting Industrial Hemp regulations.

Staff provided a summary of the public workshops in Redway: in discussing Industrial Hemp (IH) the participants determined that there are differences between IH for fiber & seed and CBD. The majority of the attendees are interested in IH for CBD and asked that the County focus on developing regulations for CBD 1st, and potentially allowing IH for fiber & seed in the future. We discussed environmental protections and how we can allow for minimal permitting while protecting vital resources. Additionally, we talked about the Humboldt County legacy of breeding high CBD strains and the desire to continue that legacy.

MR: asked the audience to not let the information from the previous workshop discussions to seed the minds of the attendees – that we are hoping to have an open conversation about how to approach writing the IH ordinance.

The discussion began with the BIG question, how do we approach the drafting the IH ordinance. Before we could begin discussion of this question, the audience asked for some fundamentals, i.e. what is the difference between IH and cannabis? (IH is .3% THC). What makes IH, “industrial” is it the amount of plants? (Not #, name is definition in State law). Additionally, we had a discussion between the differences of cultivation methods of IH for fiber & seed and for CBD as they differ significantly in practice.

This was a significantly larger group than at the past two workshops in Redway. As such, after guidance on the intent of the workshop was provided, the participants began discussing how to regulate IH. JF and JD were able to provide points of clarity when needed. From time to time, EA would ask for an opportunity for any of the participants that hadn’t had a chance to speak if they’d like to provide comment.

The following is a summary of comments on how to regulate IH:

The participants’ comments generally fell into three groups:

1. Do not regulate IH beyond State requirements;
2. Regulate with a light touch, with only minor regulations beyond State requirements;
3. Regulate IH to ensure it’s not determinantal to the environment and the existing cannabis industry.

1. Do not regulate IH beyond State requirements;
 - ♦ Apply lenient guidelines, no tax of IH cultivation areas/harvest, but charge the costs to implement the ordinance, encourage cultivation on prime ag soil, allow multiple growers in appropriate areas on single parcels (i.e. RRR's as allowed with Cannabis)
 - ♦ Least amount of regulation with the lowest barrier of entry, people in County are not going to cultivate "dirty". Most will be growing small amount of IH
 - ♦ It's an agricultural commodity – the hundreds of acres of IH will be grown elsewhere in flat areas with lots of water. Allow it to be regulated as any other ag commodity
 - ♦ No CCLUO (Commercial Cannabis Land Use Ordinance) for IH

2. Regulate with a light touch, with only minor regulations beyond State requirements;
 - Require that cultivators use feminized seeds/clones, referral from planning to ag department, and following processing/testing guidelines through ag department
 - Require that IH cultivation occur in designated Q-zones (overlay areas), where it's an appropriate use
 - Keep administration with the Ag Commissioner (not Planning). Ensure farming of IH to be on flat farmland, in areas where it can be dry-farmed, do not allow for grow-bags, non-native soils, plastics. Ensure that it's regulated to meet health & safety for human consumption (create a niche market)
 - Allow those CCLUO applicants/permit holders to be able to grow IH
 - Use a 3rd party certifier "Clean Green certification" (or other) to ensure organic standards, and process/handling certification
 - Let small IH grows have a chance, if they don't divert water, etc.

3. Regulate IH to ensure it's not determinantal to the environment and the existing cannabis industry.
 - Many that spoke in support of lesser regulation for small cultivation were also in support of applicants who wished to grow bigger crops or in less ideal locations – to go through a discretionary permitting process (allow public review, public hearing, approval by decision makers, etc.)
 - What is the difference between cannabis and IH? Regulate it in same way
 - Use CCLUO permitting process, branch out for IH and big acreage, create niche and top-quality product, require testing as with Commercial Cannabis
 - Regulate the same as CCLUO, protection of the environment should be equal to cannabis (doesn't matter if it's .3% THC or not)

Discussion about creation of an IH ordinance, Supervisor Madrone was happy to hear the discussion, the ideas being shared, and that people were not being disrespectful to each other. Believes that the IH ordinance can be done this year, that we should not over-regulate IH cultivation, but the ordinance should ensure no chemicals or grading are allowed. We didn't get everything right with the CCLUO, but we can make improvements.

Those who have been going through the CCLUO process felt that they should be protected. How do we ensure that those applicants (or permit holders) equity is protected? Applicants going through the permitting process have invested a lot of time, money and effort to ensure that they are compliant. CCLUO applicants should be allowed to cultivate IH, and with the easiest level of permitting.

Another participant suggested approaching regulations in a different way, break into categories of intended uses, i.e. smokable, bioremediation of soil, to make tiles or other products, etc. Then regulate accordingly. Is involved in an IH pilot program in another county and is trying different cultivation methods for different end uses. Suggests “appellations” for IH, as they are developing through CalCannabis, currently. This is a certified designation or title that may signify standards, practices, and the varietal of cannabis grown in a certain geographical area. The wine industry has adopted appellations, and the idea would be to apply those type of standards to cannabis as well. The commenter recommends that this should include IH as well.

JD: responded that, as the representative for the professional association on the CDFA Appellations Working Group, he has recommended that CDFA consider including IH as part of it’s current work on this.

Some of the most common comments during the workshop were:

- No taxes for IH cultivation by the County
- Con – disappointed the moratorium was put into place – losing a year of IH cultivation
- Pro – have the opportunity to craft regulations that will set the County apart from the rest of the State and Country
- Support of small IH cultivators to be able to make a sustainable living wage (if the regulations are not overly burdensome)
- Allow the permitted/in process CCLUO farms to have the ability to easily register for IH to diversify their farms
- Take a cautious approach and make sure we do things right for a productive IH industry for the County while protecting sensitive resources
- Continue the Humboldt legacy as an innovator of breeding for high CBD strains
- This County isn’t the place to be a big industrial producer of IH, but has the history and ability to create intellectual property with a CBD focus
- There is a broad spectrum of interests in IH – there’s room for everyone at the table

Hemp Ordinance – Review of Draft Regulations

COUNTY OF HUMBOLDT

Planning and Building Department

Humboldt County Public Workshops, Redway#4 & Eureka #5
September 24th and 25th 2019



Purpose of the Workshop

- Review draft ordinance regulating Industrial Hemp
- Provide suggestions for Alternatives
- Discuss ideas and address questions



Comments from previous Workshops

Consensus to focus hemp regulations on:

1. Medicinal/CBD Hemp
 - Humboldt has legacy of development of CBD medicinal cannabis strains
2. Seed & fiber hemp prohibited (for these regulations)
 - Possibly address seed & fiber later



Outline of Workshop

Review and discuss Draft Hemp Ordinance:

- Allows for cannabinoid hemp cultivation
- Registration and Application provisions
- Review Management Zone
- Hemp interface with Commercial Cannabis
- Alternatives



Registration Provisions

Within the Industrial Hemp Management Zone:

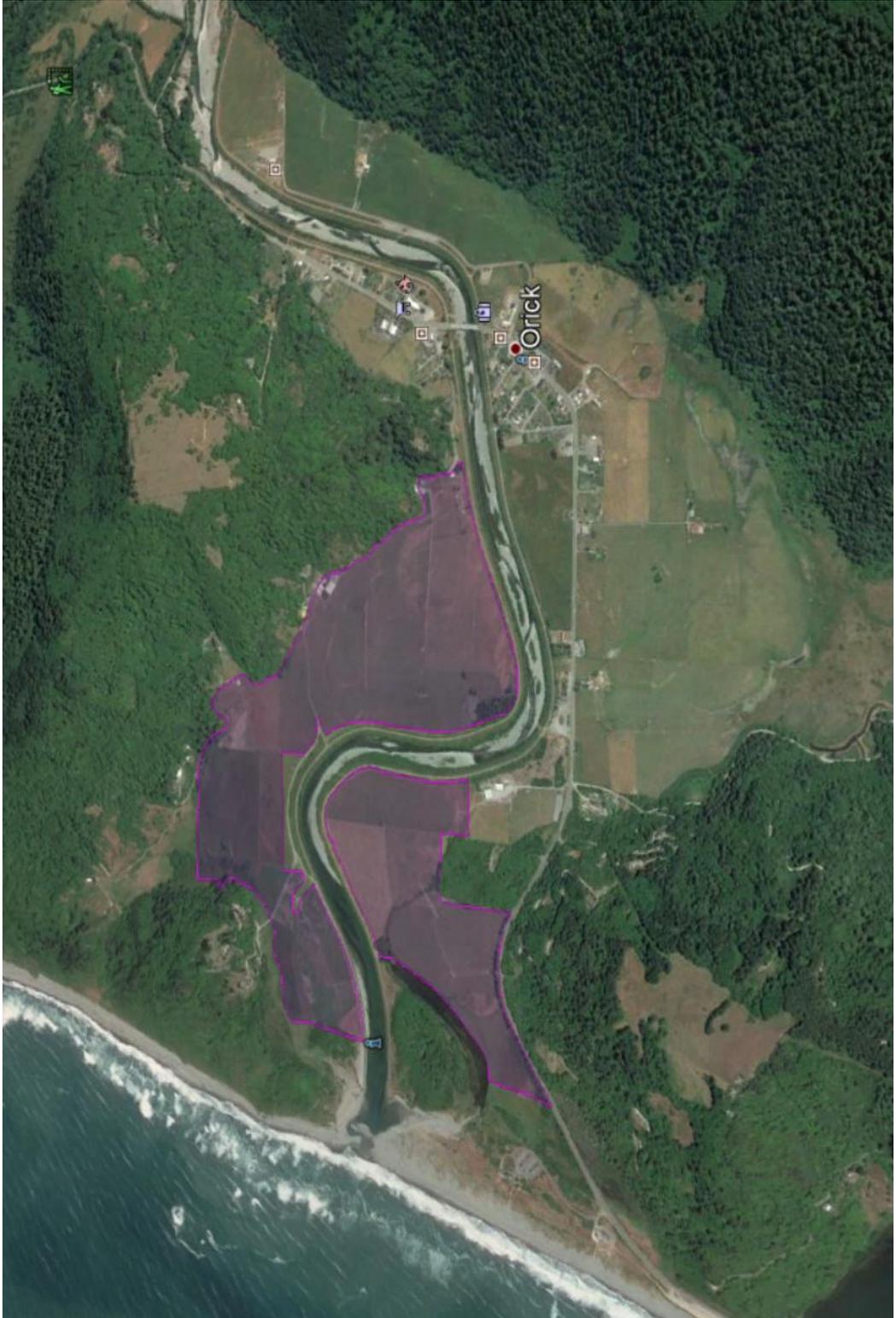
Registration

- “Management Zone” are where agricultural activities are primary use
- Register with Agricultural Commissioner for Hemp Cultivation of Hemp Breeder
- Allows Full Sun, Outdoor cultivation (or within existing greenhouses)



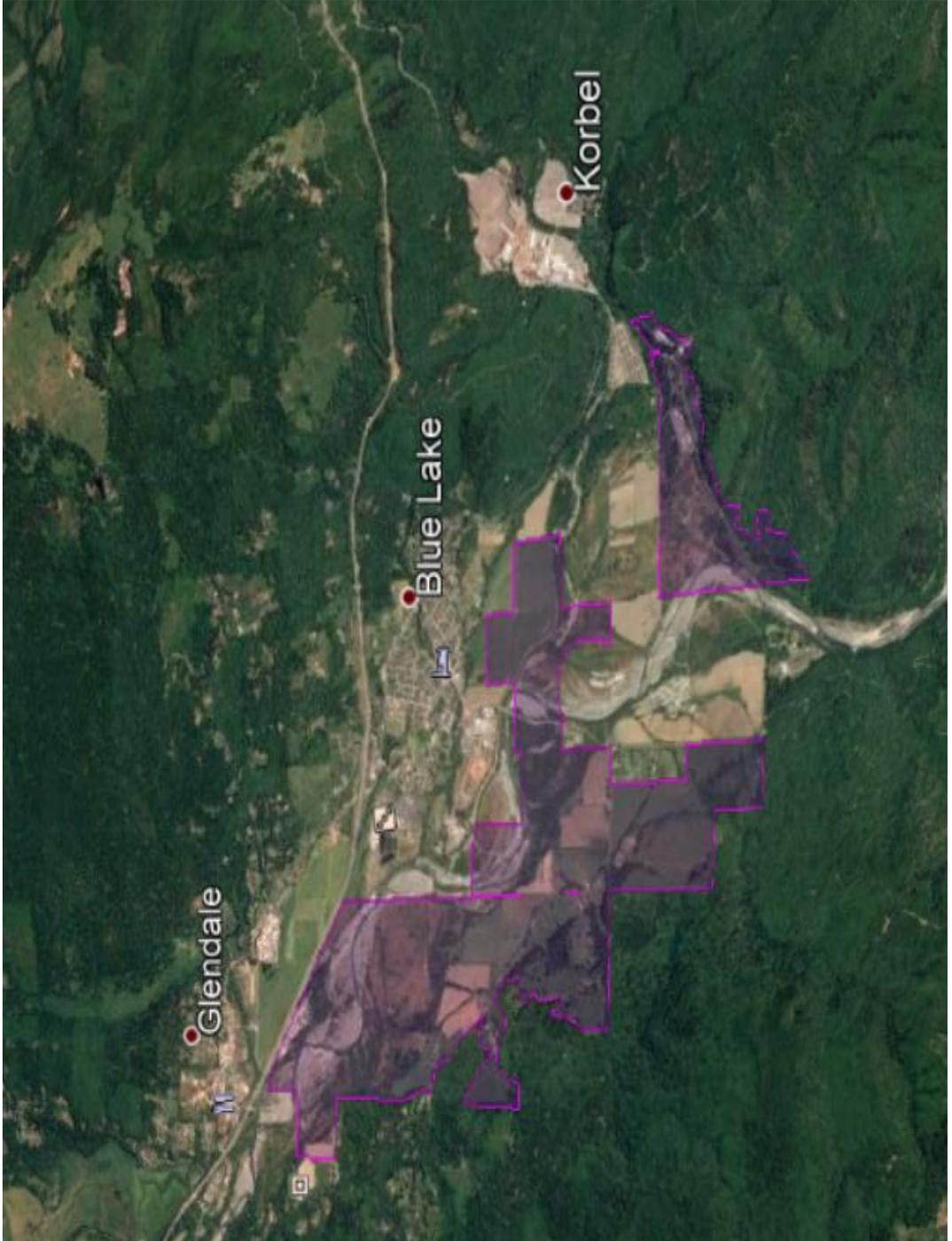


“Management Zone” Orick Area



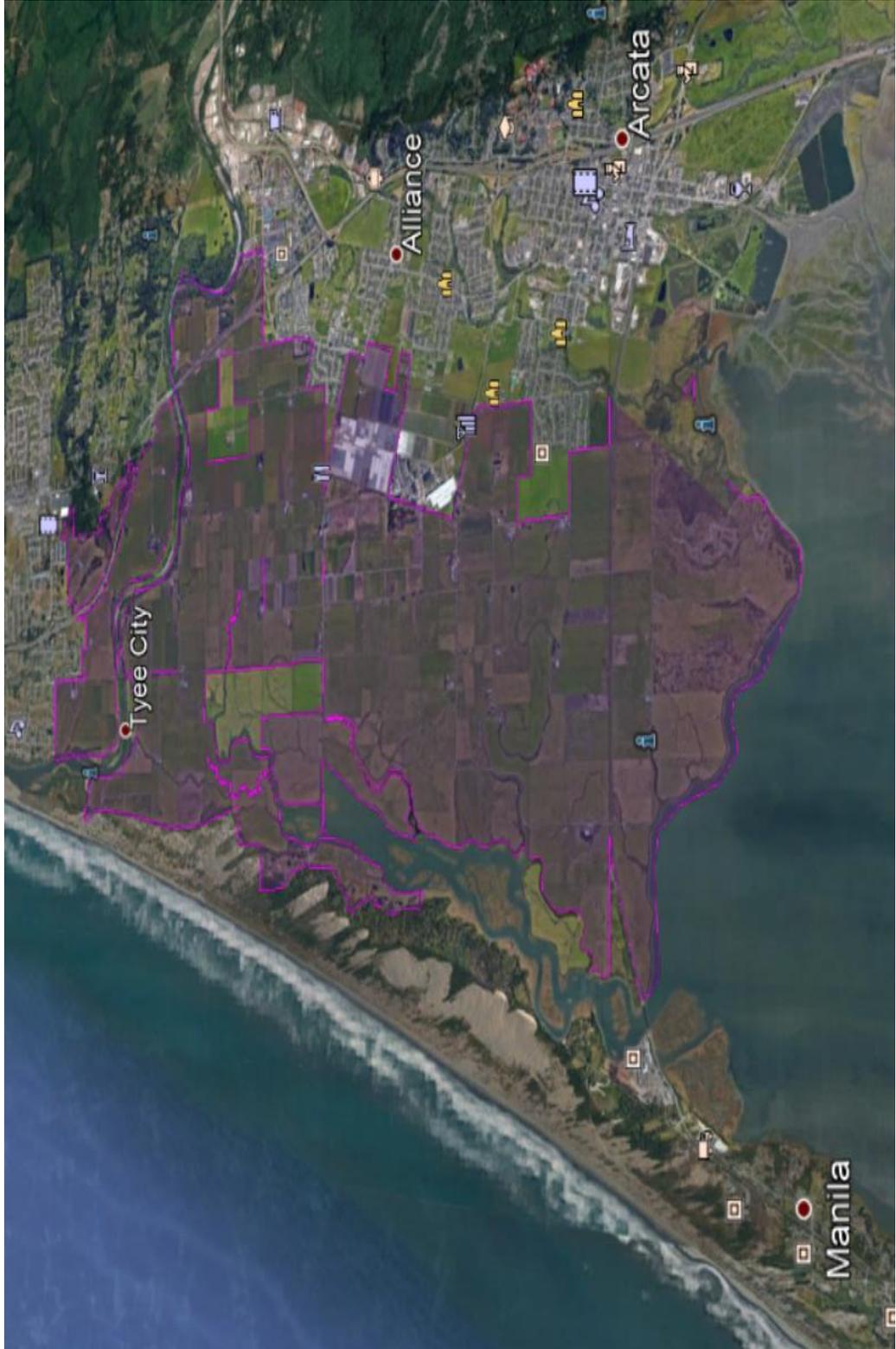


“Management Zone” Blue Lake Area





“Management Zone” Arcata Area





“Management Zone” South Eureka Area





“Management Zone” Ferndale Area



“Management Zone” Rio Dell Area



Application Provisions

Outside Management Zone:

Commercial Cannabis permit holders can cultivate Hemp vs. Cannabis (ZCC):

- “Pre-existing” cultivate permitted sq ft
- “New” cultivate up to max sq ft of permit type (or 3,500sf, whichever is less)
- Must apply between Jan. 1st and April 1st



Application Provisions

Outside Management Zone:

Accessory Use

- Properties have home occupied by applicant
- Zoning: AE, AG, FR, RA, or U (with RA GP)
- Up to 5,000 sq ft cultivation
- Full Sun, Outdoor (no greenhouse/lighting)
- Non-Diversiory water source

Continued, next slide:



Application Provisions

Outside Management Zone:

Accessory Use

- Plant in native soil
- Cultivation on slopes less than 10%
- No conversion of timberland
- Setbacks
 - 30' property line
 - 300' from residences on adjacent parcel
 - Outside of SMA



Application Provisions

Outside Management Zone:

Primary Use

- Application through the CCLUO
- Zoning: AE, AG, FR, or U (with RA GP)
- Limited to sq ft based on CCLUO guidelines
- Support facilities (processing, manufacturing) allowable to substitute for Industrial Hemp



Alternatives

1. Expand areas where cultivation is allowed
2. Reduce areas where cultivation is allowed
3. Other concerns:
 - Achieve parity between cannabis & hemp
 - Site Restoration Requirement
 - Regulations to control pollen drift
 - Artisanal branding provisions
 - Increased testing, ensure safe hemp products



Staff: John Ford (JF), Michael Richardson (MR), Elanah Adler (EA), Jeff Dolf (JD)

Supervisor, Estelle Fennell

Public: Sign-in sheet provided, 8 people signed-in

Intro: This is the fourth public workshop, this meeting and will also be holding a in Northern Humboldt at the Ag Center on September 25th.

The purpose of the workshop is to discuss draft Industrial Hemp Ordinance that was posted on County’s website and provided at the Workshop. Staff is reaching out to gather input from the public to ensure that we heard what was said at previous workshops and have incorporated those recommendations into the draft regulations. Staff’s hope is to gain public insight on these draft regulations prior to presentation to the Planning Commission for a Public Workshop on October 3rd, 2019 and for a Public Hearing on October 17th, 2019.

The setting was casual and the chairs set-up in a circle, EA provided the draft provisions one at a time and further discussion followed each permitting type. The discussion began with the areas identified within the Industrial Hemp Management Zone, which allowed for applicants to pursue Registration with the Ag Commissioner’s office and is not proposed to require any Planning Department interaction. Discussion included concerns about being clarity in the ordinance to address an allowance for Hemp Breeders to use males and females for production of seed, if applicants wish to create new cultivars – seeds need to be stable and feminized (will likely take several years to establish and stabilize). Concerns were expressed about hemp having a role in CBD as medicine, finding that cannabis CBD is better medicine when being used for cancer. There is already fraud in the marketplace surrounding CBD, concerned about people spending money on products that don’t work. Comments regarding large-scale Industrial Hemp farms grown in the Management Zone could potentially have widespread impacts on cannabis farms. There is concern, if large Industrial Hemp farms cultivate in the Management Zone, issues with male and/or hermaphrodite plants might not be detected in time prior to releasing pollen, allowing the wind to carry pollen eastward to areas such as Highway 36. Additionally, if “mono-cropping” of Industrial Hemp does occur, will that destroy the economic viability of agriculture and may potentially bring in new pests and pathogens. For example, this year, the bang aphid was detected in Humboldt Count and never a pest previously – was this due to the Oregon Industrial Hemp agricultural boom?

The next permitting pathway discussed was for the ability of CCLUO permit holders to “switch” commercial cannabis for industrial hemp cultivation and a proposed method for achieving this goal based on a recent State Law re: “premise”, Industrial Hemp and Commercial Cannabis cannot be grown on same “premise”. Attendees said that premise could be limited to boundary or barriers between cannabis and hemp, may not mean entirely different property. Staff will look to definition and ensure that ordinance it addressing as intended. Questions were raised in

regard to those applicants in the process of obtaining CCLUO permit, would they be eligible? Also, would they be able to “switch” back to cannabis?

The Accessory Use provision was discussed, the requirements that would need to be met to allow up to 5,000sf of Industrial Hemp to be grown on property that had an applicant occupied dwelling. Some participants felt that this was a good provision to be included, as it allowed for those who wished to cultivate and were not located in the Management Zone or hold a CCLUO permit, to cultivate Industrial Hemp for medicinal purposes. However, other participants felt that this was not economically viable when Industrial Hemp is being produced throughout the County and the price has dropped significantly for CBD produced from Industrial Hemp. The concern is again, allowing another cannabis crop that could negatively affect surrounding commercial cannabis farms that have bred their own genetics and are concerned that some people may not be so careful with pollen and pest/disease prevention and control. There was also a caution expressed to not use this provision of the ordinance as a “nod” to the small farmer that may be struggling with permitting or deciding whether or not to permit their commercial cannabis operations. The economic investment may not pan-out for these small farmer who might want to try to go the route of Industrial Hemp because the path of commercial cannabis has been too expensive or time-consuming.

As the workshop came to a close, the word of the evening was one of caution – to be careful with allowing regulations for Industrial Hemp for the variety of reasons that the group had discussed that night. Investigate areas such as Oregon (Applegate, Jackson County) that have suffered unintended consequences of Industrial Hemp cultivation without adequate regulatory oversight. Create regulations for a new industry with that are fair and balanced and do not have consequences for other agricultural industries and the environment (i.e. use of pesticides, impacts to wildlife).

A request for a moratorium that extends through the next growing season would be wise to see what lessons are learned from other areas in the County and State. That will allow adequate time to develop a regulatory structure that will minimize impacts.

Another request was made to provide a weekly news blog of information to put out to the public so that people are adequately informed about cannabis and hemp and it will help to reduce misinformation within the community.

Staff: John Ford (JF), Michael Richardson (MR), Elanah Adler (EA), Jeff Dolf (JD)

Public: Sign-in sheet provided, 20 people signed-in

Intro: This is the fifth public workshop; a meeting was also held in Southern Humboldt at the Redway Elementary School Gymnasium on September 24th.

The purpose of the workshop is to discuss draft Industrial Hemp Ordinance that was posted on County's website and provided at the Workshop. Staff is reaching out to gather input from the public to ensure that we heard what was said at previous workshops and have incorporated those recommendations into the draft regulations. Staff's hope is to gain public insight on these draft regulations prior to presentation to the Planning Commission for a Public Workshop on October 3rd, 2019 and for a Public Hearing on October 17th, 2019.

JF gave a brief presentation, EA did a brief Power Point presentation of the draft ordinance, MR provided a brief summary of the items of discussions that were held at the previous night's meeting. (Refer to public workshop notes for September 24th for additional detail).

The group began discussion of concerns of unregulated Industrial Hemp cultivation that could be spraying pesticides, possibly by air, causing pesticide drift. Other members echoed concerns about pesticides and their impacts on wildlife, such as fish. Other comments included possible large-scale Industrial Hemp farms grown in the Management Zone could potentially have widespread impacts on cannabis farms. There is concern, if large Industrial Hemp farms cultivate in the Management Zone, issues with male and/or hermaphrodite plants might not be detected in time prior to releasing pollen, allowing the wind to carry pollen eastward to areas such as Highway 36. Additionally, if "mono-cropping" of Industrial Hemp does occur, will that destroy the economic viability of agriculture and may potentially bring in new pests and pathogens.

There was discussion on the State Law re: "premise", Industrial Hemp and Commercial Cannabis cannot be grown on same "premise". Attendees said that premise could be limited to boundary or barriers between cannabis and hemp, may not mean entirely different property. Staff to look to further to definition and ensure that ordinance it addressing as intended. Most attendees didn't believe that cannabis cultivators would be interested in cultivating hemp, it's not worth it economically and they are supporting their community now with THC products and getting better economic returns than they would with medicinal CBD/hemp.

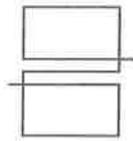
Overall, participants felt that this was not economically viable to cultivate the Accessory use of 5,000sf, or even cultivate large scale in the Management Zones. Since Industrial Hemp is being produced throughout the Country and State, the price has dropped significantly for CBD produced from Industrial Hemp. The concern is allowing another cannabis crop that could negatively affect surrounding commercial cannabis farms that have breed their own genetics and are concerned that some cultivators would not be careful controlling pollen and pest/disease prevention and control, even on a small scale.

A participant asked for the members in the group to raise their hands if they would want to prohibit Industrial Hemp in Humboldt County – approximately 16 people raised their hands. Several participants believe that Industrial Hemp is bad for Humboldt County, allowing it does not provide enough economic benefit for the potential negative impacts it could have to the cannabis industry. A request for a moratorium was recommended that extends through the next growing season to see what lessons are learned from other areas in the Country and State. That will allow adequate time to develop a regulatory structure that will minimize impacts. One commenter suggested doing an economic viability study and pilot program. Many people said that we were trying to “push through” this ordinance and not weighing the cost/benefits to the County. Why are we in such a hurry?

Several people encouraged the County to look at the Cannabis Land Use Ordinance and evaluate some alternatives that may allow for provisional licenses, i.e. 2,500sf (thus don't have to have Water Board permit) – bring the cannabis cottage industry back. Also, allow for those with pre-existing cultivation to still come in and get permitted – this would allow for addition County revenue and getting people into permitted market.

Some questions posed were: will Measure S taxes would be applied (and will it have to go back to the voters)? How long will it take for the ordinance to go through the Coastal Commission process (as much of the Management Zone is in the Coastal Zone)? Were the communities that the Management Zone is in/near contacted & did they have comments? Why not allow for greenhouses for Industrial Hemp to address the pollen drift concern? How will the CEQA component be dealt with? Why can't the stated medical benefits be studied for Industrial Hemp now that it's Federally legal (Mississippi may have a study published)? Why did we spend 2 years developing CCLUO when people who are permitted through cannabis grow medicinal strains with CBD? Why bother with a whole new ordinance now, rather than just amend the CCLUO to address hemp or medicinal cannabis strains? If we do put a prohibition on Industrial Hemp now, change we change that later?

Those in support of Industrial Hemp think that people can be responsible with pollen and pesticides, just as they are with cannabis. They pointed out that there are many avenues to explore with hemp, not only CBD. The County needs to allow for a successful environment for people to be able to be Industrial Hemp Seed Breeders and wants the regulations to address that more specifically.



HUMBOLDT COUNTY

GROWERS ALLIANCE

Date: May 13, 2019
From: Terra Carver, HCGA Executive Director
To: Humboldt County Board of Supervisors

Subject: Regulation of CBD-Hemp and Pollinating Hemp in Humboldt County

As the county considers local regulations for hemp cultivation, this memo outlines several recommendations and concerns regarding the future of “hemp” in Humboldt County. As with cannabis policy, hemp policy is a new and rapidly developing area, and tailoring a local policy that is responsive to both local control and rapidly changing state and federal policy is a major challenge. Hemp policy is even further complicated by its relationship to cannabis policy, itself a rapidly evolving and uncertain area.

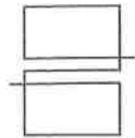
Amid this uncertainty, we think there are a few important principles that should guide Humboldt hemp policy. We have three major recommendations:

- 1- HCGA strongly supports extending the county’s moratorium on the cultivation of industrial hemp.
- 2- HCGA strongly opposes that pollinating hemp varieties (i.e. hemp produced for reasons other than CBD) should be allowed in the county due to the significant risk that hemp pollen will contaminate cannabis and CBD-hemp farms.
- 3- HCGA supports that hemp produced for its CBD content should be authorized under the county’s existing cannabis ordinance, as suggested by staff. However, has concerns on properly regulating such activity due to the uncertainty of evolving federal and state policy and believes the county should carefully approach the issue.

At the outset, we’d like to establish some clarity on what we mean by cannabis, CBD-hemp, and pollinating hemp. Although there is not yet a clear legal distinction between these categories at the state or federal level, we think that understanding the botanical and operational distinction between these different plant types is a key first step to formulating thoughtful hemp policy.

Defining Cultivation Practices: Cannabis, CBD-Hemp, and Pollinating Hemp

While state law distinguishes only between high-THC “cannabis” and low-THC “hemp,” the agricultural reality of hemp cultivation requires a distinction to be made between hemp produced for CBD content and pollinating hemp produced for seed or fiber. We distinguish these categories as follows:



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- **Cannabis** – contemplated under the current CCLUO and MAUCRSA, state law essentially defines cannabis as the cannabis plant and its by-products that contain more than 0.3% THC.
- **CBD-hemp** – all hemp, including CBD-hemp, is defined under state law as containing less than 0.3% THC. However, as the county staff report points out, CBD-hemp in practice is produced in a manner very similar to high-THC cannabis. CBD-hemp is grown for its flower, is not densely planted, and is grown with care. Most crucially in this context, CBD-hemp must be feminized in order to produce the high amounts of cannabinoids necessary to make it marketable. CBD-hemp cultivators, like cannabis cultivators, must pay close attention to their plants to ensure that no male plants are given the opportunity to release pollen and effectively destroy their crop.
- **Pollinating hemp** – referred to at times in the staff report as “industrial hemp,” we use pollinating hemp to refer to forms of hemp cultivation that require or traditionally utilize male plants. Typically, pollinating hemp is grown for its seed (often for human consumption in food products) or its fiber. When grown for seed, pollinating hemp requires male plants in order for reproduction to occur. When grown for fiber, male plants are often preferable to female plants due to the qualities of male hemp fiber. As a practical matter, the cultivation of pollinating hemp does not resemble the cultivation of CBD-hemp or cannabis. As the staff report explains, pollinating hemp varieties are densely planted, not grown with care, not feminized, and low in cannabinoid content.

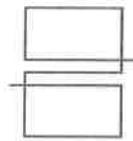
To be clear, the distinctions made here between pollinating hemp and CBD-hemp are for practical purposes and are not present in state or federal law. According to existing law, all hemp varieties that contain less than 0.3% THC are considered “industrial hemp,” regardless of how they are cultivated.



Pollinating Hemp Poses Major Risks for Humboldt’s Cannabis and CBD-Hemp Economies

Concerns regarding hemp pollen contamination of cannabis crops are well-established. Wind widely distributes the pollen from male hemp plants, seeding feminized cannabis and CBD-hemp crops that are often located many miles away. In order to produce significant THC or CBD, these feminized cannabis crops cannot be pollinated and seeded; if pollination occurs, they lose their cannabinoid potency and are essentially unmarketable.[1]

Other states have often underestimated the challenge in managing the relationship between cannabis cultivation and the cultivation of pollen-producing hemp varieties. Without the benefit of experience, jurisdictions have often dismissed hemp pollen drift issues as too technical, subtle, or unstudied to take effective preventive regulatory



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action. In these regions, the failure to anticipate pollen drift issues as part of an initial cannabis/hemp regulatory structure has caused structural pollen drift problems that are now very difficult – if not impossible – to reverse.

Pollen drift issues are not unique to cannabis: in conventional foods, GMO crop pollen often seeds and contaminates organic farms, resulting in litigation claims that state and federal laws have not been able to cleanly resolve.[2] Even among agricultural crops, however, hemp pollen is uniquely difficult to control. A study in the *Journal of Industrial Hemp* found that hemp pollen is uniquely prolific, far-reaching, and unpredictable. Male hemp plants release large amounts of pollen and winds can carry pollen for large distances: the study estimated that wind patterns could result in a 5x variability in average distance travelled.[3] Given the unpredictability of hemp pollen, the study was not able to suggest a safe buffer area between hemp and cannabis crops, and later publications have not been able to fully clarify the issue.

In practice, pollen drift has consistently created problems in jurisdictions where outdoor cannabis cultivation coexists with pollinating hemp. In Pueblo, Colorado, a four-mile buffer between cannabis and hemp farms hasn't been sufficient to prevent cross-pollination, and crop loss is estimated at 12-18%.[4] In Oregon, burgeoning hemp cultivation is forcing many cannabis growers indoors.[5]

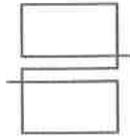
We want to emphasize that this is not an issue where cannabis and hemp are necessarily at odds. As mentioned earlier, pollen drift from male plants poses the same risks to CBD-hemp as to cannabis. The relevant distinction is not between cannabis and hemp, but rather between feminized plants grown for cannabinoid production (whether THC or CBD) and male-inclusive hemp crops grown for other purposes.

In response to pollen drift concerns, the county's staff report suggests that the county should require feminized seeds, with the idea that female plants will not release pollen. For reasons considered below, however, we do not believe that this proposed mitigation strategy will resolve the pollen drift problem.

Feminized Seeds Will Not Mitigate Risks from Pollinating Hemp

Hemp seeds – like cannabis seeds – may be feminized in order to produce female-predominant adult plants. Requiring the feminization of pollinating hemp/industrial hemp varieties, however, is not a meaningful, enforceable, or effective approach for several reasons:

- **Non-CBD industrial hemp typically requires the presence of male plants** – other issues aside, the notion of “feminizing” hemp that is produced for seed or fiber is basically contradictory. As mentioned earlier, cultivation of hemp for seed requires male plants for reproduction, and cultivation of hemp for fiber often requires male plants due to the unique qualities of their fiber.[6] As a result,



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requiring feminization of hemp seed eliminates most of the uses for which non-CBD industrial hemp would be grown in the first place.

- **“Feminized seeds” still produce male plants** – despite the name, certified “female-predominant seeds[7]” only produce female plants 70-95% of the time[8]. The remaining male plants, on a cannabis or CBD-hemp farm utilizing feminized seed, must be carefully eliminated to prevent pollen contamination. Elimination of male plants on cannabis or CBD-hemp farms is typically effective given the incentives at play: if male plants are not culled, the cannabis or CBD-hemp crop will be effectively worthless, warranting a high level of care and attention from the farmer. On the other hand, industrial hemp farms have little incentive to cull male plants, and in fact may have an incentive to maintain them.
- **A seed or plant feminization requirement would be extremely difficult to enforce** – even if a prohibition on feminized seeds were expanded to include feminized adult plants, it’s hard to imagine how such a prohibition could be enforced. Staff would need to exhaustively inspect all densely-planted pollinating hemp farms for male plants, and – as discussed above – absent heavily-resourced enforcement, hemp farmers have little incentive to undertake the labor required to cull male plants.

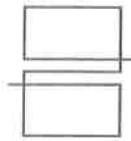
Humboldt County is Not Suited to The Production of Pollinating Hemp

Pollen drift issues aside, Humboldt County is not especially suited to the production of hemp for fiber or seed. As one article cited in the staff report points out, pollinating industrial hemp grown for fiber or seed is typically cultivated in “vast fields” at a large scale and with little individual attention paid to plants.[9] As a result, farmers in the Central Valley have been at the forefront of California’s hemp registration program.[10]

CBD-Hemp Considerations

CBD-hemp involves considerations distinct from the cultivation of pollinating hemp. As mentioned earlier, we support the inclusion of CBD-hemp in the county’s cannabis ordinance. Feminized CBD-hemp does not pose risks of pollen contamination and involves environmental and land use issues similar to those faced by cannabis farmers. With this in mind, we think inclusion of CBD-hemp into the county’s existing land use ordinance will ensure effective and equitable regulation of CBD-hemp farms.

As the county considers how to integrate CBD-hemp into the CCLUO, there are a few legal issues that we think are worth keeping in mind. These are not recommendations, but we mention them to help develop a sense for the complexity of policy making in an emerging and unsettled context.



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CBD-Hemp: A Cannabis Product or a Hemp Product?

Although it's sensible to treat CBD-hemp and cannabis similarly from a land use perspective, this legal distinction is not yet recognized at the state level. CBD-hemp farmers seeking to comply with the CCLUO will therefore need to determine whether they would prefer to sell CBD through California's licensed cannabis market, or through the largely unregulated hemp market. Sale through the hemp market has several advantages from the farmer's perspective: CBD-hemp farmers will not need to obtain a state cannabis license, will not be required to follow state cannabis regulations or pay state cannabis taxes, and may be able to sell CBD products across state lines.

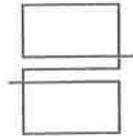
On the other hand, a CBD-hemp farmer who does not obtain a state cannabis license will need to ensure that their product tests below 0.3% THC, or risk sanctions from the state. Under current state law, hemp is required to be tested for THC content no more than thirty days before harvest and must be destroyed if the test reveals an excessive THC content. If THC content is measured at more than 1%, the cultivator is potentially criminally liable for violation of cannabis cultivation laws.[11]

Pending state legislation – SB 153 – would stiffen state sanctions associated with hemp cultivation that exceeds 0.3% THC.[12] Initial violations of the THC content threshold, if shown to be the result of negligence rather than bad intent, would require the cultivator to submit a corrective action plan to CDFA. A third violation would result in revocation of the right to grow hemp. For a violation that involves criminal intent, CDFA is required to refer the case to the state and federal Attorneys General.

Evolving State and Federal Landscape on CBD-Hemp

The federal legalization of hemp has not clarified many outstanding questions about CBD-hemp and CBD. These questions include:

- At the state level, whether CBD may be added to food and drink without adulteration. AB 228, pending state legislature, would reverse CDPH's current position that CBD may not be added to food or drink.[13]
- At the federal level, the FDA continues to prohibit CBD in food and beverage for the time being.[14] Other questions related to FDA approval of the CBD drug Epidiolex, and its relation to non-pharmaceutical CBD, remain unsettled.
- The legality of hemp or CBD export across state lines, and whether and how other states may enforce against exporters.[15]
- Over the long term, whether the separation of the CBD-hemp and cannabis markets is sustainable or sensible given the botanical similarities between the plants.



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Conclusions

Amid uncertain state and federal hemp policy, we believe Humboldt County should take a cautious approach to all hemp-related issues. Once again, HCGA strongly supports a prohibition on pollinating hemp, supports incorporation of CBD-hemp into the county's existing land use ordinance, thusly protecting the viability of the county's existing cannabis industry and creating a pathway for farmers seeking to cultivate CBD-dominant hemp.

Thank you for your considerations on this very important issue.

Warmest regards,

Terra J. Carver
Executive Director
Humboldt County Growers Alliance
hcgaco

- [1] <https://cannabisnow.com/oregons-sinsemilla-worries/>
- [2] <http://www.pennstatelawreview.org/wp-content/uploads/2015/02/3-Endres-final.pdf>
- [3] <https://pdfs.semanticscholar.org/c9ec/c950ba86efa252469e943332b82e1c445163.pdf>
- [4] <https://dopemagazine.com/pollen-drift-cannabis-industrys-ticking-time-bomb/>
- [5] <https://www.forbes.com/sites/andrebourque/2019/01/31/how-hemp-is-moving-oregon-marijuana-to-an-indoor-grow-crop/#48746ce460ed>
- [6] <https://www.leafly.com/news/industry/legal-hemp-pollen-drift>. Specifically, Sonoma County Agricultural Commissioner Tony Linegar's discussion of male hemp plants: "Sonoma County is one of just a handful of places in California that allow outdoor cannabis growing, and those growers have expressed a lot of concern, because there are some applications of growing hemp that require male plants... Primarily that would be when you're growing hemp for seed (whether that seed is to be used for planting or for consumption), and when you're growing hemp for fiber."
- [7] A list of California-approved female-predominant certified hemp seeds is here: <https://ccia.ucdavis.edu/sites/g/files/dgvnsk5326/files/files/page/List%20of%20approved%20hemp%20varieties%20grain%20%26%20fiber%20for%20CA%20April%202019.pdf>
- [8] <https://www.sciencedirect.com/science/article/pii/S1360138517301772>
- [9] <https://www.potnetwork.com/news/no-cbd-oil-not-made-industrial-hemp-and-stop-saying>
- [10] <https://www.fresnobee.com/news/local/pot-in-california/article221978935.html>
- [11] http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1409
- [12] http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB153
- [13] http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB228
- [14] <https://www.naturalproductsinsider.com/regulatory/fda-cbd-let-congress-deal-it>
- [15] <https://www.cannalawblog.com/transporting-hemp-across-state-lines-is-still-risky/>



June 25, 2019

To: Humboldt County Board of Supervisors, Director of Planning and Building Department, County Agricultural Commissioner,

Sun Valley has been doing business in Humboldt County for 50 years. My partners and I purchased the company in 1991, and since then have built it into an internationally recognized leading floral company in the USA, employing over 500 team members in Humboldt County.

Business conditions are challenging to say the least, rising cost due to a series of rapid minimum wages increases, a phased out elimination of the agricultural overtime exemption, increasing health insurance cost and other factors are raising the cost of the flowers we produce. This has impacted our competitive position in the market place, meanwhile cheap imports continue to increase into our in Country, 80% of flowers sold in the United States are not grown in America.

In most cases our customers are unwilling to accept price increases; to the contrary. Due to the Walmart and Amazon effect, we now operate in a business environment where customers expect price reductions.

In other words, business conditions are very challenging.

The recent news of CBD legalization by the US government, is giving a glimmer of hope that hemp as an alternative crop could potentially provide welcome opportunities.

In the summer months, many of our greenhouses are vacant, due to low demand for flowers.

The prospect of growing this alternate crop during these months could be a potential lifeline to our business, and provide additional employment opportunities.

It is my understanding that the County of Humboldt is currently in the process of writing an ordinance for the production of hemp, with emphasis on CBD, while THC content does not exceed 0.03%. This product would strictly be used for medical purposes.

I would like to go on record, strongly supporting the Board of Supervisors in allowing CBD production in Humboldt County.

We consider this development a potential lifeline for continuation of our business in Humboldt County.

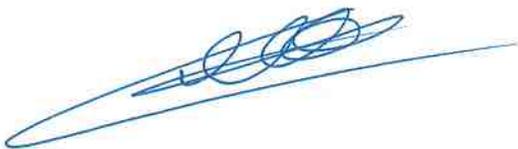
Sun Valley's involvement in the local community, and its employment base of over 500 team members, are an integral part of the North Coast economy. We want to continue operations and grow in Humboldt County for many years to come.

To that point I strongly urge you not to put a cap on greenhouse square footage as long as a grower obtains a CBD grower license with the County of Humboldt.

CBD could prove to be a game changer for our company and for the County of Humboldt as a whole. It would allow our company to continue operations and employment of our current base of team members.

The wellbeing of 500 hardworking team members and their families is depending on your willingness to be accommodating in writing this ordinance.

Thank you,



Lane DeVries

CEO Sun Valley Group



Amber Gillespie
Compliance Officer
Emerald Family Farms, LLC
Arcata, CA 95521

July 3, 2019

To Whom It May Concern:

I am writing today in regards to the public meeting on local hemp regulations that was held on June 27, 2019 in Eureka, CA. I would like an opportunity to address some of the issues that were brought up in the meeting as well as make some suggestions and general comments.

While I appreciate the format of an open forum, it does not seem conducive to moving forward with any suggestions. It seems as though having a bit of a stronger format, with specific suggestions or options of regulation, may help keep people more on topic. It was disappointing to me that most of the suggestions or comments were of a very self-serving nature and did not adequately address implementation of a local ordinance.

Some of the proponents repeatedly spoke of hemp's ability to bioremediate soil. While this is true, in my experience plants that are used to bioremediate soil are generally destroyed at the end of the season due to the toxicity of the plant. It is unclear to me how the plant would be able to be remediated after drawing so many harmful components from the ground. Maybe the speakers did not intend for the plants used to bioremediate the soil to be sold, but that was unclear.

The issue of native soil vs. purchased soil also seemed a big contention. While I do believe in everyone's intention to increase soil fertility and be stewards of the land, cannabis growing in the county has proved to be extremely detrimental to the land, the watersheds, as well as the native flora and fauna. Without some sort of regulations regarding cultivation practices, I fear that environmental degradation will continue to proliferate.

I understand that many people in the county would like very lax regulations regarding the cultivation of hemp, but I believe this would likely lead to detrimental environmental practices if not regulated and closely monitored and enforced. I believe that the hemp regulations should be bifurcated in regards to cultivation types/growing habits with a set of regulations for seed/fiber crops that closely resemble current agricultural ordinances, and another set of regulations that address the growing of high CBD hemp that more closely resemble the Commercial Cannabis Land Use Ordinance, with an exemption created for those currently holding local and state cannabis cultivation licenses.

The bifurcation will allow for properly regulated cultivation practices that will also allow for appropriate pricing of the two different types of end products created by the differing cultivation practices. If lumped together, I fear that the low input, low end price seed and fiber hemp may inadvertently affect the pricing of the higher input hemp grown for CBD flower.

While the Farm Bill requires states to include methods for testing for delta-9 tetrahydrocannabinol, I believe testing for mycotoxins, pesticides, moisture levels, and heavy metals should also be required of cultivators, prior to sale to consumers or manufacturers/processors. As many stated at the meeting last night, hemp is a bioremediator, and in my opinion, should be tested for safety prior to sale. If this is not required at the state level, my suggestion is to require it at the county level. Not only will this ensure Humboldt County's reputation for high quality cannabis will stay in tact, it will ensure we are putting out the cleanest, highest quality hemp in the state.

The Farm Bill also requires states create a procedure for enforcement of the regulations that are created. Last year I do not believe the state inspected an adequate amount of cultivation sites and therefore the black market was able to continue to proliferate. I believe the same will be true for hemp without proper enforcement by both the state and the county. The lawless attitude of many in this region and lack of proper enforcement and inspection will likely result in additional black market activities.

Proper regulation will ensure safe products in the marketplace, growth for small farmers of the county, increased revenue for the county by way of taxes and licensing fees, and it will also allow for long term employment opportunities for our county on both the side of licensing and regulation and on the side of cultivation and production.

One issue that was not addressed last night is how the local and state regulations will affect processors and handlers. Many people interested in growing high CBD hemp are also interested in extracting the CBD oil in a manner similar to, if not in exactly the same manner, as high THC cannabis. I hope that regulations for manufacturing and processing are also addressed at the time cultivation regulations are created. The regulation and enforcement of testing, environmental health, and public safety aspects of hemp extraction and manufacturing are just as important as cultivation regulations and without being addressed will likely lead to issues with inadequate extraction labs posing human health risks.

In conclusion, I want to thank everyone for their time and patience at the meeting and again reiterate the importance of proper regulation and enforcement regarding hemp cultivation, processing, and manufacturing in Humboldt County.

Sincerely,

Amber Gillespie

Compliance Officer

Emerald Family Farms

C B D REGULATION ORDINANCE in Humboldt County for 2020 public comment closes end of August, 2019

YOUR INTERESTS ARE AT STAKE IF YOU ARE A CBD:

worker consumer seeds and clones producer nursery plants provider
crop producer laboratory services provider distributor
product designer/manufacturer retailer

Humboldt Area Network for Deliberation
is organizing and hosting 3-hour workshops across the county
to provide comprehensive and systematic public comment on CBD regulation

SAT 8/3
Willow Creek
Studio 299
The Terrace
10a to 1p

SAT 8/10
McKinleyville
Satori
Nursery Way
2p to 5p

SUN 8/11
Arcata
Library Conf Rm
7th Street
2p to 5p

SAT 8/17
Garberville
Civic Club, Maple Ln
10a to 1p **AND**
3p to 6p

SAT 8/24
Petrolia
Mattole Valley
Community Cntr
2p to 5p

AT THE WORKSHOP YOU WILL

~ **outline** ~
your preferred framework
for the CBD industry

~ **pinpoint** ~
next steps for your
CBD advocacy efforts

documentation from all the workshops will be combined
~*~ by participants ~*~
into one coherent report
for distribution to libraries, the press and government

originated ~*~ co-ordinated ~*~ facilitated ~*~ funded
by Willow Rain – a CBD consumer
cbdcommunity2019@outlook.com 707-889-1350
www.inkpeople.org/dreammaker-data/servinghand

HAND is a project of the Ink People's DreamMaker Program

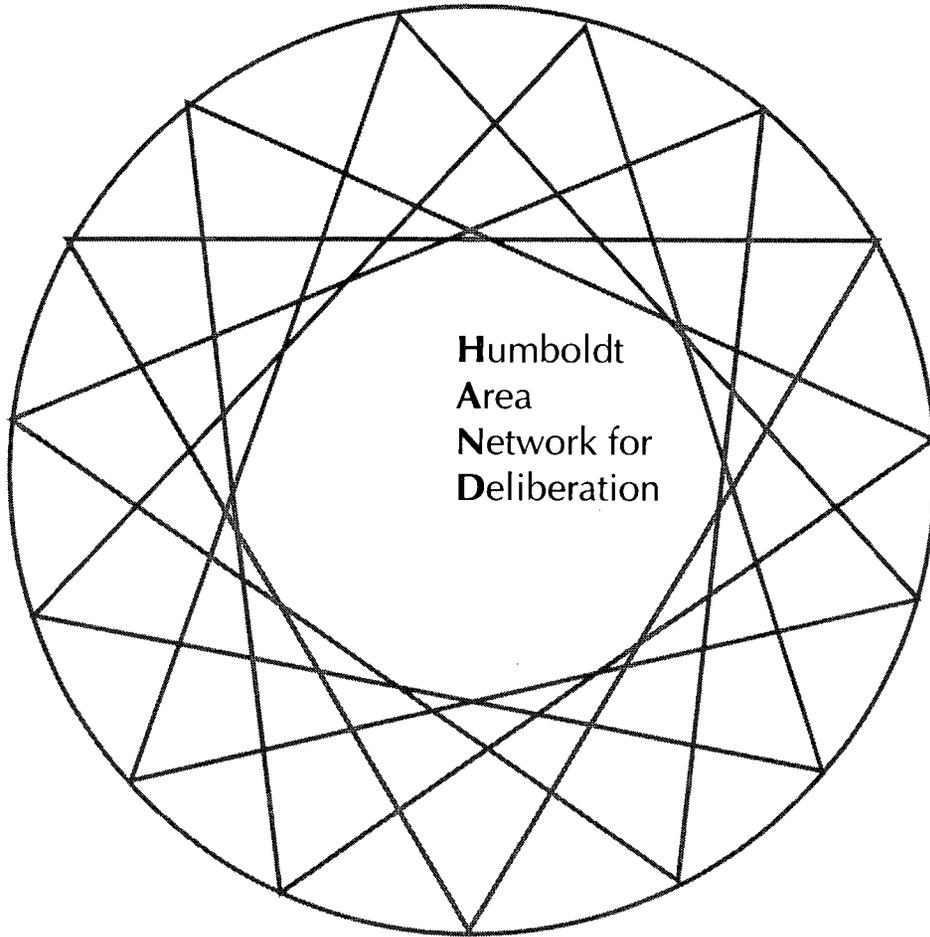
SMELL - NEUTRAL SPACE

Respecting the sensitivities of many people, and
the facilitator, please do not use fresh applications
of essential oils, perfume or body care products
with "fragrance"; nor wear clothes newly laundered
by detergents or dryer sheets with "fragrance".

space is
limited to
less than
20 people

bring potluck
snacks and
your own
cup/drink





**Humboldt
Area
Network for
Deliberation**

facilitated by Willow Rain, founder of
Serving HAND
a project of Ink People's
DreamMaker Program

servinghand 707@gmail.com
707-889-1350



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INTRODUCTORY COMMENTS
by Willow Rain

Please read this introduction before going further

This series of workshops is the first time the Humboldt Area Network for Deliberation (HAND) has organized a networked conversation to give people across the county an opportunity to deliberate an issue.

Workshops were scheduled in Willow Creek, 8/3, McKinleyville, 8/10, Arcata, 8/11, Garberville, 8/17 (twice) and Petrolia, 8/24.

In Willow Creek, 1 person participated. The workshop took an hour and 10 minutes

In McKinleyville, no one showed.

In Arcata, 2 people participated. They said at the outset they had to leave early, so I did not dwell on each part of the process to get it all worked through. The workshop took an hour and 15 minutes.

In Garberville, 1 person showed for each of the 2 sessions. The morning session was completed in one and a half hours; the second had to be short and lasted under an hour.

In Petrolia, no one showed.

Thus, a total of 5 people contributed the material in the following pages. I designed and scheduled the process to accommodate less than 20 people. Although the process was productive with only 1 or 2 participants at a time, the resulting comments are cryptic. Had there been more people the material would be richer and more informative.

As the designer and facilitator of the process I consider there to be a firewall between me and the content of the issue at hand. During workshops, I do not, for example, re-state comments, help people find words and phrases, give nuggets of information or provide succinct paraphrases for lengthy comments.

Participants in the final session in Petrolia would have organized and grouped the main headings and named them. Since no one showed, that work was not done.

This outline of *Ideal Structures* is not, and does not pretend to be, comprehensive. With more participants the outline would have more features.

WORKSHOP STRUCTURE
by Willow Rain

There were 3 segments in the workshop:

What are your *Ideal Structures* for the emerging CBD industry?
What is important to you, that makes these *Structures* “ideal”?
How could you advocate for your *Ideal Structures*?

In the first segment participants listed what they wanted to see established in the CBD industry. The lists were combined in each workshop, and then re-combined with the lists at each subsequent workshop.

The comments, from the 5 people attending 4 of the workshops, were ultimately integrated to make a total of 10 groupings.

WISE WATER USE

REQUIRE ORGANIC STANDARDS

TRUE ECONOMIC GROWTH FOR SUSTAINABILITY

MAKE PRIORITIES AND EXCEPTIONS FOR MEDICAL CANNABINOIDS

REGULATIONS ALLOW INDIVIDUALS TO ACCESS PROCESSING SERVICES

ACKNOWLEDGE CBD HEALING POWERS

AFFORDABLE, ACCESSIBLE AND SAFE

NOT OVER-REGULATED

SHOULD NOT BE TAXED

NO BIG PHARMA TAKEOVER

In the second segment participants identified the perspectives, paradigms, values, priorities, principles and beliefs of their world views, which underly ideals, in any context.

PERSPECTIVES, PARADIGMS, VALUES, PRIORITIES, PRINCIPLES AND BELIEFS

- ~ higher self soul growth. mission and purpose. service
 - ~ value the gifts of plants
 - ~ value earth mother
 - ~ value people prioritizing action
- ~ value soul mission and purpose - not money
- ~ legally brought into another state or country
 - ~ lower costs
- ~ healing people with pains, ailments, headaches, seizures, migraines
- ~ health benefits from CBD and how it works with our brains and central nervous system etc
- ~ CBD is a natural healing plant that has many benefits and has been living longer than humans
 - ~ where to purchase safely
- ~ balance water in local rivers by dry farming solutions
 - ~ keep water consumption at low measures
 - ~ no cutting more forests for short term gain
 - ~ distributors cannot under cut wholesale prices

The third and final part of the workshop was a question that required intuitive responses rather than analysis.

All aspects of anything are all interconnected, so the question asked which of the *Ideal Structures* “most directly impact” which of the 9 Constituencies I had outlined for consideration: workers, consumers, seeds and clones producers, nursery service providers, crop producers, laboratory service providers, distributors, product designers/manufacturers and retail service providers.

Embedded in all these *Ideal Structures* would be the underlying perspectives, paradigms, values, priorities, principles and beliefs which would then be reflected in subsequent policies and procedures across the industry that emerge from these *Ideal Structures*.

The participants intuitively identified which Constituencies were impacted by each *Ideal Structure*. Their selection revealed that, at a minimum, if they were to successfully advocate for the four *Ideal Structures* identified here, all 9 of the Constituencies would be impacted:

REQUIRE ORGANIC STANDARDS

ENABLE TRUE ECONOMIC GROWTH FOR SUSTAINABILITY

MAKE PRIORITIES AND EXCEPTIONS FOR MEDICAL CANNABINOIDS

ACKNOWLEDGE CBD HEALING POWERS

In a hierarchy of meaning, the *Ideal Structures* are negotiable. They are “ideal”, and by definition are subject to change and adjustment.

On the contrary, perspectives, paradigms, values, priorities, principles and beliefs are not negotiable. As relational beings in a society, we hold our personal world view as sacrosanct, as part of our identity and our own moral compass.

Thus, by identifying their standards, the participants have provided their *Ideal Structures* with a model ethical framework.

TURNING PERSONAL WORLD VIEW STATEMENTS
INTO A CHECKLIST OF VALUE-LADEN QUESTIONS
by Willow Rain

These questions have all been crafted by me, after the workshop series was complete. Had there been more participants at every session, and had the full time allotted to them been allowed, these questions would have been crafted by participants. As it was, few people showed up and most had to leave early.

The *questions in italics* pre-suppose the existence of draft proposals for policy, laws, regulations and infrastructure.

Viewed as a list of concerns the world view comments are random.

But when turned into questions they become a value-laden checklist of ethical considerations for making policy, laws, regulations and establishing infrastructure.

PERSPECTIVES, PARADIGMS, VALUES, PRIORITIES, PRINCIPLES AND BELIEFS

~ higher self soul growth. mission and purpose. service

.... *does it support people with personal, spiritual, inner life motivations?*

.... *does it reflect and acknowledge motivations of mission and purpose?*

.... *what service does it provide?*

~ value the gifts of plants

.... *are the gifts of plants valued?*

~ value earth mother

.... *is earth as mother taken into consideration?*

~ value people prioritizing action

.... *is action by people prioritized?*

~ value soul mission and purpose - not money

.... *is money the prime factor in decisions, or are the more subtle values of intention and meaning taken into serious consideration?*

~ legally brought into another state or country

.... *does the legal framework enable free flow of goods and services?*

~ low costs

.... *does it keep costs as low as possible?*

~ healing people with pains, ailments, headaches, seizures, migraines

~ health benefits from CBD and how it works with our brains and central nervous system etc

~ CBD is a natural healing plant that has many benefits and has been living longer than humans

.... *does it support CBD as a medicine for a broad spectrum of ailments?*

~ where to purchase safely

.... *does it support a manufacturing and distribution system that requires safety in purchasing?*

~ balance water in local rivers by dry farming solutions

~ keep water consumption at low measures

.... *do the permitting constraints take water supply and rates of consumption into consideration?*

~ no cutting more forests for short term gain

.... *how will private property owners be permitted, or not, to cut trees?*

~ distributors cannot under-cut wholesale prices

.... *are there loopholes in the distribution system that allow unfair trade practices?*

COMBINED COMMENTS
FOR EACH *IDEAL STRUCTURE*

WISE WATER USE

dry farming
land stewardship

REQUIRE ORGANIC STANDARDS

non-GMO
true seeds
clean, pesticide-free medicine

TRUE ECONOMIC GROWTH FOR SUSTAINABILITY

reduce, re-use, recycle
no clear cutting
potential
real ingredients
low environmental impact

MAKE PRIORITIES AND EXCEPTIONS FOR MEDICAL CANNABINOIDS

(no further comments)

REGULATIONS ALLOW INDIVIDUALS TO ACCESS PROCESSING SERVICES

(no further comments)

ACKNOWLEDGE CBD HEALING POWERS

acknowledge need for medical use
good quality product
acknowledgement of medicinal value
healing powers
natural remedy

AFFORDABLE, ACCESSIBLE AND SAFE

accessible to everyone
should be readily available to anyone
affordable to those who need it
affordable
fair price for farmers; no low-ball
not being detained for carrying personal medication

NOT OVER-REGULATED

(no further comments)

SHOULD NOT BE TAXED

(no further comments)

NO BIG PHARMA TAKEOVER

no pharma takeover
no illegality

From: [Lisa B.](#)
To: [Adler, Elanah](#); [Ford, John](#)
Subject: Re: Hemp regulations
Date: Thursday, September 26, 2019 12:05:32 PM

Hi Lana and Director Ford. Thank you for your response Lana. I heard about the meeting last night and that folks who were in favor of hemp felt intimidated by the others to speak. That is unfortunate.

Full sun outdoor cultivation by definition is "in native soil, using no artificial light nor greenhouse or other protective structures". Are CDP's required for corn or pumpkins out on the bottomland? Hemp cultivation is not development, but agriculture and is administered through the agriculture department not planning and development. I understand that if processing or greenhouses are involved that this would throw things into a CDP, but dirt farming? Is the County honestly serious about this?

In my opinion, the County should allow hemp cultivation as an allowable use in AE zoning throughout the County, including the Coastal Zone. Period.

Lisa

On 9/26/19 11:35 AM, Adler, Elanah wrote:

Hi Lisa,

You pose another good question about the Industrial Hemp Management Zone being mostly within the Coastal Zone, with the Section that references the intent of the Ordinance for activities outside of the Coastal Zone. We are drafting a separate ordinance for the Coastal Zone, as the Coastal Commission is the approving body in regard to activities within the Coastal Zone. Therefore, we will have an inland ordinance and a coastal ordinance, which is also true for other regulations (for example the Commercial Cannabis Land Use Ordinance).

I hope that answers your question. I do not see any reason that "Full Sun Outdoor Cultivation" cannot occur in the Coastal Zone!

Thanks for your review, questions and comments,
Lana

Elanah Adler

Planner II

Humboldt County

[Long Range Planning Division](#)

3015 H Street | Eureka, CA 95501

707-445-7541

From: Lisa B. <mingobaby@gmail.com>
Sent: Wednesday, September 25, 2019 10:10 AM
To: Adler, Elanah <EAdler@co.humboldt.ca.us>; PlanningBuilding <planningbuilding@co.humboldt.ca.us>
Subject: Re: Hemp regulations

Thank you Lana for your well thought out response. I hope the meeting went well last night. I am unable to attend meetings at this time but will be keeping in touch with others who are. I am just getting familiar with the proposed regulation. My main focus is cultivation within the Industrial Management Zone.

In Section 55.5.3.1 Applicability and Interpretation, it states, "activities within the jurisdiction of the County of Humboldt outside of the Coastal Zone..." *It appears that almost all of the mapped areas excepting the West End area of Arcata are within the coastal zone. With this caveat, where is the County envisioning this activity can take place as an allowable agricultural use? Is there a reason that "Full Sun Outdoor Cultivation" cannot occur in the Coastal Zone or is this another typo?*

Thank you for your attention and I look forward to your response.

Lisa

On 9/24/19 12:53 PM, Adler, Elanah wrote:

Hi Lisa,

Thank you for your comments on our draft ordinance – I really appreciate you taking the time to review and provide detailed responses. I have cc'ed John Ford (as you requested) and my supervisor, Michael Richardson, as well as Jeff Dolf, our County Agricultural Commissioner.

1. I agree that there are some typos in the draft, including the one that you call out in Section 55.5.6.1, yes, Hemp Breeders will need to have pollen for seed breeding purposes. On page 8 or the Ordinance, Alternatives, 3c. Regulations to control pollen drift. This is a topic we will need to address further, as you include in your comments.
2. The section of Changes to Registration language may be taken out altogether, as State Law may be shifting in this regard – thank you for pointing out this error in this section.
3. The reasoning behind prohibiting hemp for the purposes of fiber is based on our previous public workshops and public hearing. What

we heard, and understand through literature, is that the cultivation of Industrial Hemp for CBD, for example, is drastically different than that for fiber or seed production. In our public workshops, we heard that the public is very interested in pursuing cultivation of hemp for CBD/medicinal purposes. Perhaps we could further describe what is allowable and what is not. Your point in growing hemp for fiber, if it is grown from feminized seeds, is well made.

Thank you, Lisa, for your comments. I hope that we see you at a workshop if you are interested in participating in the ordinance discussion in that forum.

Lana

Elanah Adler

Planner II

Humboldt County

[Long Range Planning Division](#)

3015 H Street | Eureka, CA 95501

707-445-7541

From: Lisa B. <mingobaby@gmail.com>

Sent: Tuesday, September 24, 2019 10:21 AM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>; PlanningBuilding <planningbuilding@co.humboldt.ca.us>

Subject: Hemp regulations

Hi Lana and Director Ford. I found the new proposed hemp regulations and I wanted to provide a few comments prior to the meeting tonight. Please forward this email to Director John Ford if I do not have his proper email address.

There are some items that I am assuming are typo's or misunderstandings. *My comments are in italics.*

In Section 55.5.6.1

-1) "using only clones or feminized seeds by Registrants including Hemp Breeders..." *You cannot breed seed with feminized seed or clones so I am assuming this is a typo and it should read "excluding".*

Prohibiting the use of non-feminized seeds is probably not in compliance with state law and I advise that the county delve into this deeper from a legal perspective. Humboldt County has some of the best seed breeders in the world right here, many who have developed premier CBD hemp suitable varieties. To disallow the continued

development and production of these genetics would be an unfortunate course for the County to proceed with. Cannabis growers are not required to use clones or feminized seed and therefore, this is not an acceptable restriction for hemp producers.

Feminized seed can often go hermaphrodite and easily go undetected in the field. It can be far riskier to have this possibility in your field as opposed to planting out seed with intentional removal of males as they express. As with cannabis, CBD hemp producers are very aware that male plants will ruin their crop.

There are cannabis nurseries in Humboldt selling sexed female plants grown from non-feminized seed, guaranteed. Plants grown from seed are far superior to clones and feminized seed can be problematic producing hermaphrodites and inconsistent viability, growth and production. To disallow non-feminized seeded production is counterproductive to the goals of having successful hemp production in Humboldt County.

-2) "Changes...and/or cultivars used shall require separate Registration..." As per state regulations, changing cultivars requires only a revision to the original application.

Backing up to Section 55.5.5.1

-1) "Cultivation of Industrial Hemp for the purposes of fiber...is prohibited." Assuming allowing only the use of feminized seed or clones is legal and approved by Supervisors, why can fiber not be grown with feminized seed or clones? What is the point of this prohibition?

Thank you for your attention.

Lisa

From: [Adler, Elanah](#)
To: jean@votehemp.com
Subject: RE: Draft Hemp Regs
Date: Thursday, September 26, 2019 12:00:00 PM
Attachments: [image001.png](#)

Hi Jean,

I'm curious if you are referring to "zones allowing for hemp" in relation to the Industrial Hemp Management Zone? Or are you also referring to the land use zones, such as AE (Agricultural Exclusive), AG, RA, etc.?

There are several pathways that we have laid-out in the draft ordinance, one is through Registration with the Ag Commissioner in areas within the Industrial Hemp Management Zone. A second is through allowance of an "Accessory Use" permit of 5,000sf on properties zoned AE, AG, FR, RA, and U (with a General Plan designation of RA). Another is through those permitted within the existing Commercial Cannabis Land Use Ordinance, they may "switch" between cannabis and hemp. And finally, if applicants wish to grow larger industrial hemp crops (and are outside of the Management Zone), they may seek a "Primary Use" permit which is laid out in the Commercial Cannabis Land Use Ordinance. This allows areas in appropriate zones to have cultivation from 10,000sf to 1 acre in size (and large in cases where properties are 320 acres or larger).

I believe that hemp cultivation has the potential ability to be less limited than commercial cannabis, if this draft ordinance moves forward with the same permitting allowances. Some other things to consider about the limitation on the cultivation of hemp is our limited, usable cropland. The County has some areas of relatively flat, farmable land, however, the majority of the landscape is that of mountains, forest and tribal lands (under the jurisdiction of Tribal Entities). Additionally, timberlands are privately held by timber companies and public/park land as well. So all those factors are important to consider in regard to constraints of useable areas for agricultural production.

I hope that provides a little more insight to the provisions of the ordinance, as well as a larger landscape view of the County.

Thank you for your interest in our industrial hemp regulations,

Lana

Elanah Adler

Planner II

Humboldt County

[Long Range Planning Division](#)

3015 H Street | Eureka, CA 95501

707-445-7541

From: jean@votehemp.com <jean@votehemp.com>

Sent: Wednesday, September 25, 2019 10:51 AM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Subject: RE: Draft Hemp Regs

Hi Elanah,

I was wondering why the zones allowing hemp cultivation are so limited in your county?

I understand that Humboldt has a unique situation with regard to supporting its cannabis industry, but it would appear that the requirement of feminized seeds/clones would be sufficient to allow peaceful coexistence between the crops.

Jean

From: Adler, Elanah [<mailto:EAdler@co.humboldt.ca.us>]

Sent: Tuesday, September 24, 2019 9:05 AM

To: jean@votehemp.com

Subject: RE: Draft Hemp Regs

Hi Jean,

I will certainly flag a reminder for myself and send it your way and if you have any comments or ideas, please send them my way!

Thank you, Lana

Elanah Adler

Planner II

Humboldt County

[Long Range Planning Division](#)

3015 H Street | Eureka, CA 95501

707-445-7541

From: jean@votehemp.com <jean@votehemp.com>

Sent: Monday, September 23, 2019 6:20 PM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Subject: RE: Draft Hemp Regs

Hi Elanah,

Thanks much for passing this on. If you remember, I'd appreciate you forwarding the final, approved draft once it's completed.

Jean

From: Adler, Elanah [<mailto:EAdler@co.humboldt.ca.us>]

Sent: Monday, September 23, 2019 5:45 PM

To: jean@votehemp.com

Subject: RE: Draft Hemp Regs

Hi Jean,

We now have them on our website and wanted to provide you that update. They are located at:
<https://humboldt.gov/2491/Hemp-Ordinance>

Please let me know if you have any other questions or have comment to provide once you review the materials,
Thank you, Lana

Elanah Adler

Planner II

Humboldt County

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707-445-7541

From: jean@votehemp.com <jean@votehemp.com>

Sent: Thursday, September 19, 2019 6:00 PM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Subject: Draft Hemp Regs

Hi Elanah,

Would it be possible to get a copy of your draft hemp regulations – thanks.

Jean Johnson

California Outreach Director



206-853-4353

From: [Adler, Elanah](#)
To: [Jesse Lopez](#)
Cc: [Richardson, Michael](#)
Subject: RE: Industrial hemp draft ordinance, accessory use
Date: Tuesday, September 24, 2019 12:01:00 PM
Attachments: [IHMZ.cpg](#)
[IHMZ.dbf](#)
[IHMZ.prj](#)
[IHMZ.sbn](#)
[IHMZ.sbx](#)
[IHMZ.shp](#)
[IHMZ.shx](#)

Hi Jesse,

I just talked to Michael and he reminded me that I have the shapefiles that I could share with you!

I have attached,
Lana

Elanah Adler

Planner II
Humboldt County
[Long Range Planning Division](#)
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From: Adler, Elanah
Sent: Tuesday, September 24, 2019 11:39 AM
To: Jesse Lopez <jesselopez@brb-nsn.gov>
Cc: Richardson, Michael <MRichardson@co.humboldt.ca.us>
Subject: RE: Industrial hemp draft ordinance, accessory use

Hi Jesse,

Thank you for your review of the ordinance and your comments – the CCLUO permit section states that they may be allowed up to the maximum areas allowed by their permit type or up to 3,500 sf above, whichever is less. You raise a good question about referral to the tribes and this should be a consideration of the permit change. I will be keeping this suggestion as we update the draft.

I don't know Jason DeKeyser. Michael Richardson prepared these maps and I'm cc'ing here to see if he has the shapefiles he could share.

Lana

Elanah Adler

Planner II
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From: Jesse Lopez <jesselopez@brb-nsn.gov>
Sent: Tuesday, September 24, 2019 10:48 AM
To: Adler, Elanah <EAdler@co.humboldt.ca.us>
Subject: Industrial hemp draft ordinance, accessory use

Hello Elanah,

I was going over the draft hemp ordinance and was wondering if you could provide some clarification on the accessory use described in section 55.5.7.1.2. It is my understanding that if the CCLUO permit holder meets the requirements they may grow an additional 3.5k sqft above their permit type? Will this require an additional ZCC permit with a referral that includes updated site plan be sent to the tribes?

Also, I contacted Jason DeKeyser about getting Shapfiles for the proposed IH management zones but he said he did not have them. I would like to see if there are any known cultural resources near these zones, so if you know where I can find these files it would be appreciated.

Jesse Lopez

Tribal Historic Preservation Officer Assistant / GIS Specialist
Bear River Band of the Rohnerville Rancheria
Loleta, CA 95551

707-733-1900 x371 Office
707-733-1727 Fax
JesseLopez@brb-nsn.gov

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From: [Adler, Elanah](#)
To: [Bjorn OSOEXTRACTS](#)
Subject: RE: Processing hemp
Date: Tuesday, September 24, 2019 10:36:00 AM

Hi Bjorn,

We're working on our Industrial Hemp ordinance right now. Here's a link to the draft version for your review: <https://humboldt.gov/2491/Hemp-Ordinance>

In the ordinance, pg. 6, Section 55.5.9 refers to the use of facilities approved for Cannabis support facilities to allow for Industrial Hemp uses. Please note that this is just a draft, and not yet to the approval stage. I would recommend that you refer to our Commercial Cannabis Land Use Ordinance facility requirements (<https://humboldt.gov/2124/Medical-Marijuana-Land-Use-Ordinance>) to review what the requirements are for processing and manufacturing facilities. They may be allowable for the use of both cannabis and hemp, depending on what is approved through the Industrial Hemp Ordinance.

I hope that this helps to provide some feedback on your question. There's no "yes" or "no" answer yet.

Lana

Elanah Adler

Planner II

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707-445-7541

From: Bjorn OSOEXTRACTS <osoextracts@gmail.com>

Sent: Tuesday, September 24, 2019 9:56 AM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Subject: Processing hemp

Hello,

I was wondering if there are any ordinances for processing facilities of the hemp. I was curious what the process would be to get operational. Also are the cultivation zones going to be for processing and extracting.

Thanks

Bjorn Gallus

From: [Adler, Elanah](#)
To: [NICK Diaz](#)
Subject: RE: hemp ordinance
Date: Monday, August 26, 2019 11:45:00 AM

Yes, this is a federal law – but like any federal law, a state can choose to make the scope of the law more restrictive. Maybe a good example, environmental law – the Federal Government uses NEPA (National Environmental Policy Act), while California has CEQA (California Environmental Quality Act), which is more conservative in scope.

The State has a couple pieces of legislation that covers Industrial Hemp, the first being Wilk, Senate Bill 1409 which was signed by the Governor on September 30, 2018 and when into effect on January 1st, 2019, that covers the California Registration & Testing process for California hemp cultivators. Currently, there are is another bill pending at the State, Including Senate Bill 153 that was approved by the Senate and yet to be signed by the Governor which clarifies language between hemp and cannabis. Another Bill Assembly Bill 228, has been stalled for a vote and may not be taken up during this legislative session – this bill governs how the testing of hemp will be conducted to ensure that it's safe for consumption.

I hope that this helps to shed some light on your question. If you know of the Humboldt County Grower's Alliance, for example, are very much tuned in to bills associated with cannabis and hemp in the State. There are other local groups that also stay tuned in to State legislative actions on these topics.

Lana

Elanah Adler

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From: NICK Diaz <nickdiaz415@gmail.com>
Sent: Monday, August 26, 2019 10:02 AM
To: Adler, Elanah <EAdler@co.humboldt.ca.us>
Subject: Re: hemp ordinance

Since when has the state wanted to change the legislation behind this law? This is a federally enacted law. Could you please enlighten me on this topic please ?

On Mon, Aug 26, 2019, 9:56 AM Adler, Elanah <EAdler@co.humboldt.ca.us> wrote:

Hi Nick,
Thanks for writing. We likely won't be having any workshops in August (none have been scheduled to date). The goal was to have a public draft prior to a public hearing, and that may still be

happening. Currently, the complicating factor is changing and/or pending legislation at the State that may impact the way that our ordinance is drafted.

We have October 10th as our goal for the 1st public hearing with the Planning Commission that will begin as close to 6:00 as possible. This hearing will provide an opportunity for public comment, and for Planning Commissioner's recommendation to the Board of Supervisors. I expect that we will have a draft ordinance for public review prior to that hearing.

I'll continue to keep any new information posted at our Hemp Ordinance webpage at:

<https://humboldt.gov/2491/Hemp-Ordinance>.

Lana

Elanah Adler

Planner II

Humboldt County

[Long Range Planning Division](#)

3015 H Street | Eureka, CA 95501

707-445-7541

From: NICK Diaz <nickdiaz415@gmail.com>

Sent: Friday, August 23, 2019 9:56 PM

To: Adler, Elanah <EAdler@co.humboldt.ca.us>

Subject: hemp ordinance

Hi Elanah my name is Nick, i was hoping to find out when the next meeting will be held? will there be an august workshop? please and thank you.