

Lippre, Suzanne

From: Mike Gordon <mikemgordon@earthlink.net>
Sent: Monday, October 23, 2017 10:55 AM
To: Planning Clerk; Bohn, Rex; Fennell, Estelle; Wilson, Mike; Bass, Virginia; Sundberg, Ryan
Subject: CCMLUO INPUT
Attachments: Speech on sept22 to planning comm.docx; CCMLUO Recommendations.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Date: 10/23/2017
To: Planning Staff, Planning Commissioners, Board of Supervisors
From: Mike Gordon, 18 year resident of Humboldt County
Subject: CCMLUO Recommendations

Thank You all for the Hard work you have already done, and are prepared to do. OUR Counties future depends a rational, equitable solution to the dire situation we are finding ourselves in. We have all lived with Cannabis as our neighbor, whether friend or foe, for many years. Most of us have become desensitized to Cannabis' power to build prosperity and its power to destroy lives.

Please, as we work thru this second attempt at shaping our counties Future, let us slow down and consider the actions of our consequences. Not only for our own personal economies but for the micro and macro economies that affect each and everyone of us each and every day. There IS a dire situation developing in which much of the county is going to be affected.

WE MUST HAVE A COMMUNITY FOCUSED ORDINANCE IN PLACE THAT NUTURES AND FOSTERS THE COMMUNITY AS A WHOLE, NOT JUST THE 5% OF PEOPLE WHO CAN AFFORD IT.

The HISTORY books will be written about this END of PROHIBITION. Let us not look back with regret as our COTTAGE cultivators are wiped out of the market. Our COUNTY cannot afford a misstep in regulating our future.

Included:
Speech from 9/22/17 planning workshop
Recommendation for CCMLUO

Sent from Mail for Windows 10

Date: 9/22/2017

To: Planning Staff, Planning Commission, Board of Supervisors

From: Mike Gordon, Hydesville CA

Subject: CCMLUO Update.

I am extremely dismayed and in disbelief about how our county has proceeded with this historic and unprecedented opportunity to shape future.

I have been watching Humboldt counties government since 1999 for some guidance on how to proceed in following the hollow law that is proposition 215.

And almost nothing happened.....for 18 years. Unfortunately, through this lack in regulation came the exploitive, blatant destruction that we now must **over regulate** in an attempt to justify the means of this new regulated market.

It is frustrating to me **and** our community, that some of the first farms regulated in **OUR** County have been new grows licensed to out of towners and mega farms who are some of the most egregious violators to our natural world and our local economy. While the smallest most responsible cottage growers have been largely left in the dust.

These are our neighbors, friends, family and community that are being displaced. Our economic future and the vitality of our community is directly tied to these laws we are discussing today.

I do not understand how we have upheld CEQA by allowing **ANY** new grows in this county without first regulating what is already here.

I believe all existing operators should have an opportunity to become regulated in this robust marketplace. And if your board doesn't see fit to allow us to be **reasonably** regulated in our current locations then we must **create** a solution out of what this county has available.

And what we have are multiple industrial and old mill sites conveniently located through our community which have already been zoned and designed for commercial industrial activities, mostly accessed by category 4 and 5 roads.

We must allow for consolidation and increased density on some of our **ONLY** available land zoned for such activity.

I've been waiting to see a developer come along with a ground-breaking idea on how to save Humboldt economic solvency but I'm afraid that day may never come. As a County, we must ensure the safety, health and happiness of our human and non human inhabitants by creating a safe and sane development strategy.

If there are no **inclusive community developments** planned to foster our displaced casualties of this intimate WAR on our humanity then I dread the worst outcome for the County, that I call home. A county that will continue to degrade even further into neglect, violence and turmoil. This **IS** the chance we have to solidify our future, let us not rush through this process again without fully evaluating the consequences of our actions.

We are on the front lines and we are seeing the implosion of our community, please slow down this process and lets work together to find some long term solutions to these extremely complex problem.

I have included a revised version of section 55.4.9 of the update CCMLUO. Please review it and forward any comments of concerns to me at any time. With careful consideration and community involvement we **CAN** solidify our Future. But the time to ACT if NOW!

55.4.9 ADAPTIVE REUSE OF INDUSTRIAL SITES

All Adaptive reuses of industrial sites MUST be designed to be inclusive community development projects, where feasible, with the goal of fostering displaced existing cultivators, while proving opportunities for new manufacturing, microbusinesses and support facilities.

On parcels 2 acres or smaller in size, a use permit will be required by the original developer to establish each premises with the goal of maximizing the potential of the site while consolidating cultivators from unfavorable and/or unpermittable locations. Up to four separately permittable premises will be allowed for properties under 2 acres. The density of the site will be required to exhibit highest and best use while observing all special area provision outlined in this ordinance(55.4.5.1)

On parcels 2 acres or larger in size, a use permit will be required by the original developer to establish each permittable leased area or premises. There is no limit on the amount of leasable premises for the larger industrial sites as long as the maximum coverage meets the special area provisions outlined in this ordinance(55.4.5.1).

Adaptive use of existing structures is a principle permitted use requiring a Zoning Clearance Certificate, subject to the requirements set forth in each section of this ordinance, including: Indoor Cultivation, Outdoor Cultivation, Mixed light Cultivation, Manufacturing, Microbusinesses and Cannabis Support Facilities. All applicants for cultivation **MUST** first be existing operators that need Relocation. Whereas Microbusinesses, Manufacturing and Cannabis Support Facilities may be NEW applicants.

A special permit will be required for any NEW Cultivation that is deemed necessary to meet the density requirement established through the development use permit.

55.4.12.12 PERFORMANCE STANDARDS FOR ADAPTIVE REUSE OF DEVELOPED INDUSTRIAL SITES

All Commercial Activities shall be conducted in a way which avoids displacing or destroying existing buildings or other infrastructure on the parcel developed for prior commercial or industrial uses. Adaptations shall be carefully designed to preserve future opportunities for future resumption or restoration of the other commercial or industrial uses after the commercial activities have ceased or been terminated.

- a) Development of additional buildings or infrastructure only allowed once existing infrastructure has been fully occupied.
- b) Interior changes or additions to facilities must not prevent future re-occupancy by new uses which are compatible with the base zoning district.
- c) Newly constructed facilities must comply with all development standards of the principal zoning districts.
- d) Green houses built for the relocation of existing indoor, outdoor and mixed light operators must be at least 2500square feet and in no case larger than 5000 square feet to foster operations

attempting to relocate into these locations, so as to provide a multiplier for any and all operations utilizing the RRR program outlined in the CCMLUO(55.4.6.5.9). Green houses will be constructed on an “as needed” basis to foster the relocation of Existing Cultivators. With the exception of the original build out in which 10% of the total amount of anticipated improvements maybe constructed to prepare in advance for incoming operations.

- e) Developer must first make leasable premises available to existing cultivators at an affordable rate thus preserving the legacy status of Humboldt Counties Existing operators. This may be subsidized by the County to help foster the relocation of Existing Cultivators, with the goal to have as many individually owned businesses retained in the County as possible while as well mitigating activities that are being done in less than ideal location.
- f) On properties over 2 acres, it will be required for the original developer or the site management company to form an inclusive collective and or distribution company to maximize the marketable opportunities of the lessees of the site.
- g) On properties over 2 acres, it will be required for the original developer or site management company to have and on site quality control officer AND regulatory officer to ensure that all lessees follow existing regulations and quality protocol to ensure Humboldt Counties standards are being met and exceeded in every phase of the production. The quality control officer and regulatory officer may be one in the same as long as they can show competency in all related regulatory statutes and quality control standards.

55.4.6.5.9 Retirement, Remediation, and Relocation(RRR) of Pre-Existing Cultivation Sites

In order to incentivize, promote, and encourage the retirement, remediation and relocation of pre-existing **INDOOR, OUTDOOR and MIXED LIGHT** cultivation operations occurring in inappropriate, marginal, or environmentally sensitive sites to relocate to environmentally superior sites, the following provisions shall apply.

- a) **Cultivation Sites Eligible for RRR incentive shall be all cultivation sites operating between January 1st, 2006 and January 1st, 2016 in any and all Zones! Including Indoor, Outdoor, or Mixed Light Cultivators in all zones throughout Humboldt County who cannot meet the performance standards outlined in this ordinance.**
- b) Sites Eligible for Relocation of RRR Sites shall be those meeting the eligibility criteria specified in Section 55.4.6.1 or 55.4.6.2 and the siting criteria specified in Section 55.4.6.4 through 55.4.6.2 as well as the applicable performance standards specified in section 55.4.12. **IN ADDITION, Eligible Site will include the ADDAPTIVE USE OF INDUSTRIAL SITES outlined in 55.4.9, with associated performance standards outlined in 55.4.12.12.**
- c) Operators of RRR Sites shall be eligible to receive a Zoning Clearance Certificate for commercial cannabis cultivation on an eligible Relocation Site, for an Area up to four times the area of the pre-existing cultivation site but in no event more than 20,000 square feet. Any operators exceeding 20,000 square feet may relocate cultivation activity to a preapproved cultivation site on a 1to1 basis subject to a special permit. **All Indoor Cultivators of under 500 square foot will be eligible for a Zoning Clearance Certificate for commercial cannabis cultivation on an eligible Relocation Site for an area of 2500 square feet of Mixed Light Cultivation or 5000 square foot of Outdoor Cultivation.**

- d) Relocation Sites may be on leased premises for agricultural purposes allowable pursuant to the exclusion from the Subdivision Map Act, Government Code section 66412(k). More than one RRR Site Zoning Clearance Certificate may be granted **on Approved Relocation Sites**, provided that the cumulative total cultivation **meet the performance standards outlined for each designated zone**.
- e) In order to receive the benefits specified in Section 55.4.6.5.9 (c), the operator of a Site shall prepare a plan for the full remediation of the RRR site, including removal of all cultivation material, equipment and improvements, regrading to preexisting contours, reseed with native vegetation, reforestation, habitat restoration, and monitoring, as determined to be appropriate by the planning department. **Other remediation activities will be considered included the continual agricultural use of the site for NON-CANNABIS crops granted that a certain percentage of crops will be donated to a non profit or food bank.** The operator shall execute an agreement to complete the work specified in the remediation plan with in 12 months, and shall post a bond in a sufficient amount that will allow the county to contract to complete the work specified in the plan in the event that the operator of the RRR Site fails to do so. The operator or the property owner

55.4.7 CANNABIS SUPPORT FACILITIES

Cannabis Support Facilities, including Distribution, Off Site Processing, **Nurseries**, Community Propagation Centers, **Private Propagation Centers**, **Ancillary Propagation Centers**, Cannabis Testing, Research Facilities **and Research Gardens** shall be permitted as follows. Roads providing access the Parcels of Premises must comply with the Road System Performance Standards for Functional Capacity **unless the Support Facilities adhere to 55.4.6.5.1 for Small Cultivation Sites with no more than 3000 square foot of Cannabis Related Activities. Exception will be Considered.**

55.4.7.1 Distribution, Off-Site Processing, **Nurseries**, Community **and Private** Propagation Centers, **and Ancillary Propagation Centers**

Within all zones specified in Sections 55.4.6.1.1 (AE,AG,FR,U,**and existing RA**) and 55.4.6.2.1(C-3,ML,MH,and U), as well as C-2 and MB zones, Distribution, Off-Site Processing, **Nurseries**, Community **and Private** Propagation Centers, **and Ancillary Propagation Centers**, shall be principally permitted with a zoning clearance certificate when meeting all applicable performance standards, as well as the eligibility and siting criteria specified in section 55.4.6.3 and 55.4.6.4, except for 55.4.6.4.4 (c) and (d). **Exception will be considered on a case by case basis. Support Facilities adhering to 55.4.6.5.1 for Small Cultivation Sites with no more than 3000 square foot of Cannabis Related Activities will be principally permitted with zoning clearance in AE,AG,RA,FR and U zones. Exception will be Considered.**

55.4.7.3 Cannabis Research Gardens

Within all zones specified in Sections 55.4.6.1.1 (AE,AG,FR, and U) and 55.4.6.2.1(C-3,ML,MH,and U), as well as C-2 and MB zones, Distribution, Off-Site Processing, Nurseries, Community and Private Propagation Centers. Shall be principally permitted with a zoning clearance certificate when meeting all applicable performance standards, as well as the eligibility and siting criteria specified in section 55.4.6.3 and 55.4.6.4, except for 55.4.6.4.4 (c) and (d). **Exception will be considered on a case by case basis.** Support Facilities adhering to 55.4.6.5.1 for Small Cultivation Sites with no more than 3000 square foot of Cannabis Related Activities will be principally permitted with zoning clearance in AE,AG,RA,FR and U zones. Exception will be Considered.

55.4.6.5.1 Small Cultivation Sites

On parcels 5 acres or more in size, up to 3,000 square foot of Outdoor or Mixed-Light Cultivation, or any combination thereof, may be permitted with a zoning clearance certificate, subject to the additional requirements and allowances.

- a) The operation was in existence prior to January 1st, 2016.
- b) Only company owners, their family and residents of the premises shall engage in cultivation, harvesting, drying, curing, or trimming activities on site.
- c) Existing Residences must be permitted or become permitted.
- d) No more than one permit per parcel.
- e) The road system performance standards in section 55.4.12.1.8(a) thru (c) shall not apply, but section 55.4.12.1.8(d) shall apply.
- f) The existing area of cultivation may be located on slopes greater than 15 percent, but not more than 30 percent with a zoning clearance.
- g) **SMALL CULTIVATORS WILL BE EXEMPT FROM CULTIVATION TAX!**

55.4.6.5.4 A Cultivation Site located on slopes greater than 30 percent may be permitted with a special permit.