

June 28, 2001

To: Humboldt County Planning Commission
Humboldt County Planning Director Ford

Re: Planning Commission Meeting July 1, 2001
Agenda Item: Public Hearing #4, Record # PLN-2021-17147

Dear Director Ford & Planning Commissioners,

The work to try remedying some of the problems the RRR program has created is appreciated. I realize the program was planned to prevent further environmental destruction and possibly mitigate damage that had been done. Hopefully this change will help.

Unfortunately the proposal imbedded halfway through this item to "Update" or "modify" the definition of outdoor is not acceptable.

The proposal:

The definition for "Outdoor" has been modified to allow artificial lighting using light bulbs requiring 60 watts of electricity or less to maintain plants in a vegetative state and for the safety of those working in greenhouses after dark.

CCLUO 2.0 Commercial Cannabis Ordinance Definitions

"**Outdoor**" means outdoor cultivation using no artificial lighting. Pg. 8

"**Mixed Light,**" means cultivation using a combination of natural and supplemental artificial lighting" pg. 7

If you use lights you would apply for a Mixed Light permit.

If growers were allowed to use lights with an "outdoor" permit they would need electricity to power those lights. Which leads us to more use of generators for cannabis. This would greatly increase fire danger, noise pollution and the ever-enlarging carbon footprint of the cannabis industry.

This was absolutely not considered in your EIR and you would be in violation of CEQA if you approved this item.

This proposal would cause further environmental & social damage.

Right now if someone has a permit for “Mixed light” they are required to cover the lights at night. They are also required to have noise reduction mitigations. And hopefully some type of fire prevention and mitigation strategy in place. Your staff is not able to oversee these necessary and critical mitigations as it is now. It is up to neighbors to identify and report to the planning commission or code enforcement if there are violations. How could this change possibly be managed? Who and how would there be oversight and enforcement?

The proposal you are considering is in direct conflict with the State as shown in the Staff report.

In the report before you - Cal Cannabis comments state:

Staff frequently observe low wattage string lights in greenhouses, which are not necessarily used for supplemental lighting but rather because cultivators claim that CalOSHA requires them to provide supplemental lighting for the safety of employees working in the greenhouses at night. Of course the use of low wattage string lights to maintain plants in the vegetative state is common especially early in the season. Some cultivators remove the lights and some leave them up. Cal Cannabis view is in this situation cultivators must have a mixed-light license and a lighting diagram explaining when the lights are used and when they are removed. Of course Planning is aware that Cal Cannabis considers any supplemental lighting to be inconsistent with an outdoor license even when the licensee asserts that the lights are in place for the safety of employees. Staff has asked Cal Cannabis for an interpretation and was told they are reviewing the CalOSHA requirements, but seemed skeptical of the claim the supplemental lights are in place to comply with OSHA requirements.

Please do not approve this agenda item as is.

Thank you,
Robie Tenorio
Citizens for a Sustainable Humboldt

June 30, 2021

Hello Commissioners.

I am writing about agenda item #4 “Zoning Ordinance Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO), Record ID #PLN-2021-17147.”

I am requesting on behalf of my client an additional amendment to this item. **We are requesting the commission to consider and discuss an amendment for an additional section under “Setbacks” to be added in the ordinance for undeveloped land zoned TPZ and owned by a Industrial Timber Companies to have setbacks of 100’ defensible space from the property line.** This recommendation should be considered for these following reasons.

While these parcels are subject to different taxation than land used for residence, land in timber production is tax exempt until they harvest, and no land on industrial timber land will be taxed as residential or intent on having residential.

CAL FIRE requires 100’ defensible space from your residence. A 270’ setback from an industrial timber site is excessive if no actual residence is established or intended.

Furthermore, we hope to hear the commission have a discussion about this and consider this amendment.

Thank you.

Angelina Lasko
Ag Efficiencies

Richardson, Michael

From: Jeff and Marisa St John <upperredwoodcreek@gmail.com>
Sent: Thursday, July 1, 2021 10:11 AM
To: Richardson, Michael; Planning Clerk
Cc: Madrone, Steve
Subject: Planning Commission 7/1/2021 21-909

Hello,

Thank you for proposing amendments that would "increase the public review of RRR proposed projects" (CEQA Addendum).

Please postpone any decision regarding these amendments to the Zoning Ordinance Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO), until:

1. CalCannabis weighs in on whether or not the supplement lighting is required by CalOSHA for worker safety (if yes, then restrict work to daylight hours and if no, then reapply for the license that allows for supplemental lighting). Refer to the Humboldt County Agricultural Commissioner's response to the single Public Comment.
2. Humboldt County Planning and Building Department shares their scientific research and analysis on why these proposed changes would:

2.1 "Incentivise" the 4000+ illegal growers (<https://www.times-standard.com/2021/06/29/illicit-cannabis-grows-remain-in-the-thousands-humboldt-county-sheriffs-office-says/>) to apply for RRR. What didn't incentivise them with the original ordinance?

2.2 "Encourage onsite propagation of plants..."

2.3 Not negatively impact "Sensitive Receptors" by reducing the Enhanced Setbacks for Research, Testing, and Distribution in the original ordinance are not reduced by these amendments.

3. Makes the RRR approval subject to the prior clean up of the existing sites.

4. Humboldt County creates a database to track the cumulative effect of proposed estimated water usage and sources within a specific area (ex. Smaller than Willow Creek), as well has a procedure to track actual usage.

5. Explains how these changes will benefit the proposed Titlow Hill Subdivision Applicants and Zoning Changes and negatively affect all parcel owners and the environment.

Sincerely,
Marisa Darpino
Titlow Hill / Upper Redwood Creek
District 5

June 30, 2021

[Submitted via email to planningclerk@co.humboldt.ca.us]

Mr. Alan Bongio, Chairperson
Humboldt County Planning Commission
3015 H St.
Eureka, CA 95501

***RE: July 1, 2021 Planning Commission Hearing: CCLUO Amendment
Agenda Item No. 4***

Dear Chairperson Bongio and Members of the Commission,

This correspondence contains comments on the proposed Commercial Cannabis Land Use Ordinance (“CCLUO”) amendment before you on July 1, 2021.

Prior to the comments there are two important items to note. First, this proposed amendment should be continued from July 1, 2021, to a later date to give cultivators additional time to review and respond to the proposed changes. Many permitted cultivators were unaware of these changes, and the Planning Department did not effectively circulate notice to ensure adequate public participation and comment. Put simply, there is not enough knowledge or time for affected permittees to present well-crafted comments to the proposed changes.

Secondarily, it should be noted that the proposed CCLUO amendment that allows for supplemental lighting for outdoor cultivation activities is a step in the right direction for permitted cannabis cultivators, and the Planning Department should be commended for this. The County should allow outdoor cultivators to use supplemental lighting for workplace safety and to maintain plants in a vegetative state, as is, and always has been the industry’s practice. Moreover, the County should petition the relevant state agencies for a similar provision in state law to provide for the use of low wattage supplemental lighting for outdoor cannabis cultivation licenses. This would prevent crops from prematurely flowering causing potential catastrophic crop damage.

With those initial points in mind, the proposed CCLUO amendment has items that require further clarification and comment. This correspondence addresses two of these.

First, the CCLUO should not limit “propagation” to twenty-five percent of the approved cultivation area. For the reasons set out below this is not consistent with state regulations and would hinder many permitted cultivators. The propagation area should only be limited on a case-by-case basis in circumstances where physical constraints would necessitate it. Also, to remain consistent with state regulations, the CCLUO should be amended so that the definition of “propagation” is changed and new definition for “immature plant area” is added.

Secondly, the proposed CCLUO amendment would allow for lighting over the cultivation area, limited at 60 watts per 100 square feet. This proposed amendment is beneficial, but it should

be changed and modified. Limiting the lights to 60-watt bulbs, and using 60 watts per 100 square feet is not the best way to allow cultivators to use supplemental and safety lighting. The County should instead allow 0.06 watts per square foot of permitted cultivation area, and let the cultivators decide the lighting that works best within these parameters.

The full discussions of these points are set out further below.

Propagation Area

As stated above, the proposed CCLUO amendment is not consistent with state law. As it currently exists, the CCLUO and the California Department of Food and Agriculture CalCannabis (“CalCannabis”) regulations, both allow for two types of areas associated with cannabis activity. These two areas are the actual canopy or cultivation area where the permit/license holder cultivates the mature cannabis plants, and also an area to keep immature plants prior to moving them to the canopy or cultivation area. The proposed CCLUO amendment would make the CCLUO more exacting than the CalCannabis regulations.

The CCLUO currently defines “propagation” as:

[The] cultivation of immature, non-flowering cannabis plants. Areas used for Propagation which are incidental, accessory, and subordinate to Cultivation areas on the same Parcel or Premises may be excluded from the calculation of Cultivation area at the discretion of the Planning Director or Hearing Officer.

(CCLUO section 55.4.4.)

In simple terms, the CCLUO draws a distinction between the “cultivation area” that is permitted and the propagation area. The CCLUO makes clear that propagation area may be excluded from the calculation of the cultivation area, and it is also important to note that the CCLUO currently does not limit the propagation area based on a percentage of the cultivation area.

The CalCannabis regulations are similar to the CCLUO. The CalCannabis regulations do not define propagation or immature plant area, but instead require cannabis cultivation license applications to identify areas where immature plants are maintained. (California Code of Regulations [“CCR”] Title 3, section 8106(a)(1)(B).) Similar to the CCLUO, the CalCannabis regulations draw a distinction between the canopy and the immature plant area. The CalCannabis regulations require these immature plants to be kept in an area outside the licensed canopy. (See *ibid.*) Again, in simple terms, the CalCannabis regulations allow for a canopy area, with a distinct and separate immature plant area. Similar to the CCLUO, the CalCannabis regulation do not limit the size of the immature plant area.

The proposed CCLUO amendment would make the CCLUO more restrictive than state regulations, and remove the consistency outlined above. The staff report for the proposed CCLUO amendment states that the CCLUO amendment limiting propagation area to twenty-five percent of the approved cultivation area is done “to help align the CCLUO better with common commercial cannabis practices.” (Staff report at p.4.) However, it is unclear why staff cites that common

practice is to limit the propagation area to twenty-five percent of the cultivation area. In fact, given the physical ability and the space to do so, many permitted cannabis cultivators use more than twenty-five percent of the permitted cultivation area for propagation. Giving permitted cultivators this flexibility allows them to respond to variable conditions and conduct successful cultivation activities.

Moreover, many permits granted under the CCLUO include a condition of approval that only allow the propagation area to a certain percent of the permitted cultivation area- several examples of which are before the Planning Commission tonight. If the Planning Department currently limits propagation area on a case-by-case basis, it is unclear why a blanket limitation is necessary now.

Undoubtedly, there are many projects and circumstances which require propagation areas that are limited in size. For instance, on parcels with slopes exceeding a certain gradient, near sensitive biological resources, or near other residences, limiting the propagation area would be beneficial and further the objectives of the CCLUO. However, in circumstances where the physical components of the project and the particular layout of the parcel allow for a larger propagation area, there is no need to limit it. The proposed CCLUO amendment would provide a blanket ceiling on the size of the propagation area that would apply to all projects, regardless of the circumstances. In many cases, this ceiling would disrupt and limit local cannabis businesses from efficiently conducting cannabis cultivation.

As an alternative to the Planning Department's proposed amendment, the following are two simple changes that would greatly benefit the cannabis industry. First, the Planning Commission should include a definition for "immature plant area" and stop using the term "propagation" or "propagation area." This changed definition would mirror the CalCannabis regulations and help avoid confusion when discussing the underlying requirements of the County permits vis-à-vis the CalCannabis licenses. Secondly, the Planning Commission should not limit the size of the propagation area to twenty-five percent of the approved cultivation area. The Planning Department could, as is the current practice, at its discretion limit the propagation area where physical or other constraints indicate that it is appropriate. These changes would align the County's ordinance with state law and help many cultivators conduct successful cultivation activities.

Lighting in Cultivation Areas

As stated at outset, the County should allow supplemental and task lighting in cultivation areas to provide, as required by CalOSHA law, workplace safety. (See 8 CCR § 3449.) The supplemental lighting also allows cultivators to maintain plants in a vegetative state, and prevent catastrophic crop failures. This change is an important step in assisting County farmers to conduct successful operations. The proposed amendment limiting supplemental lighting should not, however, limit the types of lighting used to 60-watt or less bulbs.

The proposed amendment would limit the supplemental light to 60 watts per 100 square feet, and only allows for 60-watt bulbs. This standard is confusing, and difficult to implement. Many cultivators will need to be able to use stronger lights in certain areas in order to provide

adequate lighting for workplace safety and to maintain plants in a vegetative state. Moreover, CalCannabis regulations currently calculate light usage on a square foot basis, and do not dictate the type of light used. (See e.g. 3 CCR § 8000(t)(2) [defining the watts per square foot of mixed light licenses].) The County should likewise implement a wattage per square foot basis, with no limitation on type of lighting. Therefore, to remain consistent with the analysis contained in the staff report, the County should implement a 0.06 watts per square foot requirement, and eliminate a maximum wattage on the bulbs used. This would give cultivators the flexibility to utilize low level lights in the manner that best suits their needs, while also remaining within the bounds of the County's proposed amendment.

* * *

I thank the Commission for the opportunity to present these comments, and I hope that the Commission takes them into consideration when making its final determination.

Sincerely,

A handwritten signature in black ink that reads "Robert T. Renfro Jr." with a stylized flourish at the end.

Robert T. Renfro, Jr.
Panther Gap Farms
Innovation West Corporation

From: [Scott Raymond](#)
To: [Planning Clerk](#)
Subject: Proposed Changes to the CMMLUO
Date: Thursday, July 01, 2021 10:26:36 AM

55.4.6.4.4.1.2 Residences and Undeveloped Parcels. Three hundred (300) feet from any residence on an adjacent separately owned parcel, and two hundred seventy (270) feet from any adjacent undeveloped separately owned parcel.

I would like to request the commission take a look at this language regarding undeveloped parcels.

Most residential parcels in the county are surrounded by other similarly sized parcels. Residential parcels in the 5-10 acre and higher range usually situate the Residence at least 100 feet off the property line. So, effectively, in these neighborhoods, a cannabis cultivation site can be located between 100 to 200 feet off the property line because the amount that the neighboring home is already inset into its own parcel (often 100-200ft) counts towards the 300ft buffer.

With the way the adjacent undeveloped neighboring property line is written, there is no way to reduce this setback and a cultivation site must be a FULL 270 feet away from a VACANT parcel.

As a result, the way the ordinance is written, undeveloped and unoccupied parcels often have a FAR GREATER setback than developed and inhabited parcels. If 300 feet is sufficient for a setback from residences, what does the property line of an undeveloped parcel need all that setback for?

I imagine some of the intent must be to preserve these undeveloped parcels so that at sometime in the future they can be developed without having cannabis cultivation sites right on top of them, thus hampering the future value and desirability of the homesite?

But planning and developing has always come with a certain time variable. First in time and first in right, so to speak. If someone owns an undeveloped parcel in the city center, the zoning of all the parcels around that undeveloped parcel is not limited in height and density so as to preserve some hypothetical use and value in the future for the undeveloped lot. If you have a lot in a city center, you are expected to assume it will be impacted by the neighboring uses of the neighboring parcels to some degree.

I propose the neighboring undeveloped parcel setback be reduced to a much more reasonable 100ft.

I look forward to some discussion about this amongst the members of the Planning Commission - thanks!

Scott Raymond

To Humboldt County Planning Commission
From: Bonnie Blackberry
For: July 1, 2021 Planning Commission Meeting

RE: Proposed changes to CCLUO Definitions

Planning Commissioners,

Please consider my following comments regarding the proposed changes to the CCLUO.

The first proposed change is to "update" the definition for "Propagation" to allow an area, not to exceed 25% of the cultivation area, for the use of nursery and immature plants.

Current CCLUO definitions:

"Propagation" means cultivation of immature, non-flowering cannabis plants. Areas used for propagation which are incidental, accessory, and subordinate to Cultivation areas on the same Parcel or Premises may be excluded from the calculation of Cultivation area at the discretion of the Planning Director or Hearing Officer. See also "Cultivation Area".

"Cultivation Area" means the sum of the area(s) used for cannabis cultivation, calculated 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. Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.

It appears that the "propagation area" may or may not be included in the "cultivation area" at the discretion of the Planning Director, whatever that means. And the propagation area is being considered as "outdoor", even though it uses artificial lighting, plus.

Proposing up to 25% of cultivation in an area that is categorized as "outdoor", to be used in greenhouse/hoop-houses for propagation with artificial lights, when the propagation with lights should be defined as mixed-light is difficult to comprehend.

Additionally, the proposed updated definition for "Outdoor" allows use of lights requiring 60 watts of electricity or less to be used to maintain plants in a non-flowering state in the area approved for Propagation. No matter how many watts, it's still supplemental light

Current CCLUO Ordinance definitions:

"Outdoor" means outdoor cultivation using no artificial lighting.

"Mixed Light" means cultivation using a combination of natural and supplemental artificial lighting"

Now the proposal is to redefine outdoor to include the use of artificial supplemental light, when the use of artificial lighting is already the definition of "mixed light".

It's very simple, use of any artificial lights is in reality, mixed light.

Also the idea that the Planning Dept. would be able to monitor to insure that a certain size of a light bulb was used during a specified time is almost laughable. Current monitoring consists of a once a year check (maybe).

Allowing and permitting activities that you are unable to monitor in a timely manner to insure verification of adherence to the conditions of the permit is very problematic, on many levels. This is already happening. Adding more exceptions, and now saying use of lights in not really supplemental mixed-light, is difficult to make sense of.

I urge the Planning Commissioners to vote against changing the meaning of the words "outdoor" and "mixed light", by not changing the definition of "outdoor" to include artificial lighting. The use of artificial light is currently defined as "mixed light", which is a clear definition and it should remain for use of artificial lights in whatever form or wattage. And if nursery and propagation activities need to use artificial light, they should be in the mixed light category.

We've got big issues to deal with as this historic drought continues, as the Planning Commission and Zoning Administrator continue to approve permits, as if all is OK and we'll get to adjusting to the situation later. Now is the time to consider the reality of our current situation and where we are heading with water and fire and covering the landscape with plastic and generator grows. Why is the county continuing to issue permits for new grows, especially the large, multi crop ones, when there are serious issues with water and carrying capacity in our watersheds that have not been adequately addressed?

Respectfully,
Bonnie Blackberry

From: [Mike Gordon](#)
To: [Planning Clerk](#)
Cc: [Bohn, Rex](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Bass, Virginia](#); [Madrone, Steve](#)
Subject: CCLUO Updates
Date: Tuesday, June 29, 2021 4:27:21 PM

Hello Planning Commissioners,

This coming Thursday July 1st, The Planning Commission is going to discuss changes to CCLUO which, if approved, will place additional restrictions on Humboldt County cultivators further limiting our ability to compete in the State Arena. Below you will find the Proposed Changes to the CCLUO, current reality, and my opinions and recommendations. Every single change to our current ordinance must not go unnoticed and these changes, although small on the face, can have great implications to how we operate our businesses compliantly. Please feel free to email me at any time if you would like to discuss in greater detail.

PROPOSED CHANGES TO CCLUO (changes in blue)

"Outdoor" means outdoor cultivation using no artificial lighting except artificial lighting that is shielded and directed to illuminate only the cultivation area using light bulbs requiring 60 watts of electricity or less per 100 square feet of canopy area used for employee safety and/or to maintain plants in a non-flowering vegetative state in the area approved for cultivation or propagation.

"Mixed-light" means cultivation using a combination of natural and supplemental artificial lighting that exceeds the 60 watt limit for artificial lighting allowed for Outdoor cultivation.

"Propagation" means cultivation of immature, non flowering cannabis plants. Areas used for propagation which are incidental, accessory, and subordinate to cultivation areas on the same parcel or premises may be excluded from the calculation of cultivation area at the discretion of the Planning Director or Hearing Officer provided the area used for Propagation does not exceed 25% of the cultivation area. See also "cultivation area."

CURRENT REALITY

State and County Regulations do NOT currently have a limit for square footage of Immature Plant Area or Propagation Areas

State and County Regulations do NOT limit the amount of light that can be used for Immature Plant Areas and Propagation Areas

OPINION

"60 watts of electricity or less per 100 square feet" is NOT sufficient to Propagate Clones or to "Harden Off" clones prior to planting outdoors in full sun.

Cal OSHA Requires MINIMUM thresholds of Task Lighting to be employed in all areas where night time or low light activities are being performed based on candle foot per square foot NOT Wattage per square foot. see link below

<https://www.dir.ca.gov/title8/3449.html>

RECOMMENDATIONS (strike outs with added language in red)

"Outdoor" means outdoor cultivation using no artificial lighting except artificial lighting that is shielded and directed to illuminate only the cultivation area using light bulbs requiring 60 watts of electricity or less per 100 square feet, up to 0.6 watts per square foot of electricity in canopy area used for employee safety and/or to maintain plants in a non-flowering vegetative state in the area approved for cultivation or propagation, as well as work lights needed to meet the minimum threshold of Cal-OSHA's task lighting candle-foot requirements.

"Propagation" "Immature Plant Area" means the area used for the cultivation of immature, non flowering cannabis plants, Areas used for propagation which are incidental, accessory, and subordinate to cultivation areas on the same parcel or premises and may be excluded from the calculation of cultivation area at the discretion of the Planning Director or Hearing Officer provided the area used for Propagation does not exceed 25% of the cultivation area. See also "cultivation area."

REASONING

"Outdoor" cultivators in Humboldt County need to be treated equitably. Mother Plants and Clones are an essential part of "Outdoor" cultivation businesses and this change would make it all but impossible to compliantly propagate clones, maintain mother plants or grow immature plants prior to full sun exposure. We should not compromise by limiting the number of watts necessary for propagation and/or immature plants, since State Law does not impose this limit. Codifying a LIMIT on the amount of light that is allowed for Propagation and Immature Plants is not in line with State Regulations and operational efficiencies will be negatively impacted. "Outdoor" Cultivators must be principally entitled to have mother plants and to propagate onsite to be able to maximize profit margins while maintaining control over genetic stock.

The definition of "Propagation" should be changed to "Immature Plant Area" to more closely align with State Regulations. Currently the County and State do not have a limit on Immature Plant Areas and Humboldt County would be remiss to limit the amount of Immature Plant Areas to 25%. This adjustment to county code would eliminate the ability of cultivators to be granted additional discretionary entitlements above this threshold. Considering the reduction of overall environmental impact due to the success of the "abatement program" and coupled with the relatively small size of most of Humboldt Counties Permitted Farms should be justification to allow up to 100% Immature Plant Areas at the discretion of the Planning Director or Hearing Officer. We can not afford to implement restrictive policy change at the same time other regions are currently permitting Massive Mega Farms.

Thank you for all the hard work you do and are prepared to do!

Mike Gordon

Fibonacci Management

707-407-7884

July 14, 2021

Hello Commissioners.

I am requesting on behalf of my client an additional amendment to this item. **We are requesting the commission to consider an amendment for an additional section under “Setbacks” to be added in the ordinance for undeveloped land zoned TPZ, and owned by Industrial Timber Companies to have setbacks of 120’ defensible space from the property line.** This recommendation should be considered for these following reasons.

While TPZ parcels are subject to different taxation than land used for residence, land in timber production is tax exempt until they harvest, and no industrial timber would be taxed as residential or intent on having residential.

CAL FIRE requires 100’ defensible space around your home, and 0-150’ for fire hazard tree removal. The current 270’ setback from undeveloped land is excessive if no actual residence is established or intended to be.

After hearing the discussion on the Morris project, we amended our initial public comment sent. We propose that the 120’ setback required combined with the 30’ setback required for residences from a property line, to equal a total of 150’ setback be suffice.

Furthermore, we hope to hear the commission have a discussion about this and consider this amendment.

Thank you.

Angelina Lasko; Ag Efficiencies,
Dave Shea; Humboldt Bud Co.,
Gabe DeMartini; Humboldt Bud Co.

To Humboldt County Planning Commission
From: Bonnie Blackberry
For: July 15, 2021 Planning Commission Meeting

RE: Proposed changes to CCLUO Definitions

Planning Commissioners,

Please consider my following comments regarding the proposed changes to the CCLUO.

The first proposed change is to "update" the definition for "Propagation" to allow an area, not to exceed 25% of the cultivation area, for the use of nursery and immature plants.

"Propagation" means cultivation of immature, non-flowering cannabis plants. Areas used for propagation which are incidental, accessory, and subordinate to Cultivation areas on the same Parcel or Premises may be excluded from the calculation of Cultivation area at the discretion of the Planning Director or Hearing Officer. See also "Cultivation Area".

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

It is my understanding that on May 8, 2018 the Board of Supervisors passed a resolution setting county wide limits/caps on the total number of permits and acres of cannabis cultivation within 12 watersheds. The resolution describes cultivation activities to include Outdoor, Mixed Light Cultivation and Nurseries. (see attachment)

The limits were set to address environmental impacts. When up to 25% of the cultivation area is excluded from the cultivation area calculations, it provides an inaccurate, and misleading assessment of the actual area used for cultivation purposes.

The proposal to include artificial lights to the definition for outdoor cultivation is in direct conflict with the current definition and the common accepted meaning of outdoor. When you visualize outdoor, I am sure you aren't seeing plastic hoop houses filled with lights, and fans.

All cannabis cultivation activities, including nurseries should be included in the cultivation area permit calculations.

All use of artificial lights, no matter the wattage should be categorized as mixed light, which is defined as *"cultivation using a combination of natural and supplemental artificial lighting"*

Respectfully,
Bonnie Blackberry,
Civil Liberties Monitoring Project (CLMP) Rep.

**Resolution Establishing a Cap on the Number Permits and Acres
Which May Be Approved for Commercial Cannabis Cultivation**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

RESOLUTION NO. 18-43

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

WHEREAS, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

WHEREAS, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within each of the twelve (12) discrete planning watersheds of Humboldt County; and

WHEREAS, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by the following state and local 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.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
2. It is appropriate to limit the total number of Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation permits granted as well as the total permitted acreage of cultivation as shown in the following table.

Cap Distribution		
Watershed	Permits	Acres
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
TOTAL	3,500	1,205

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

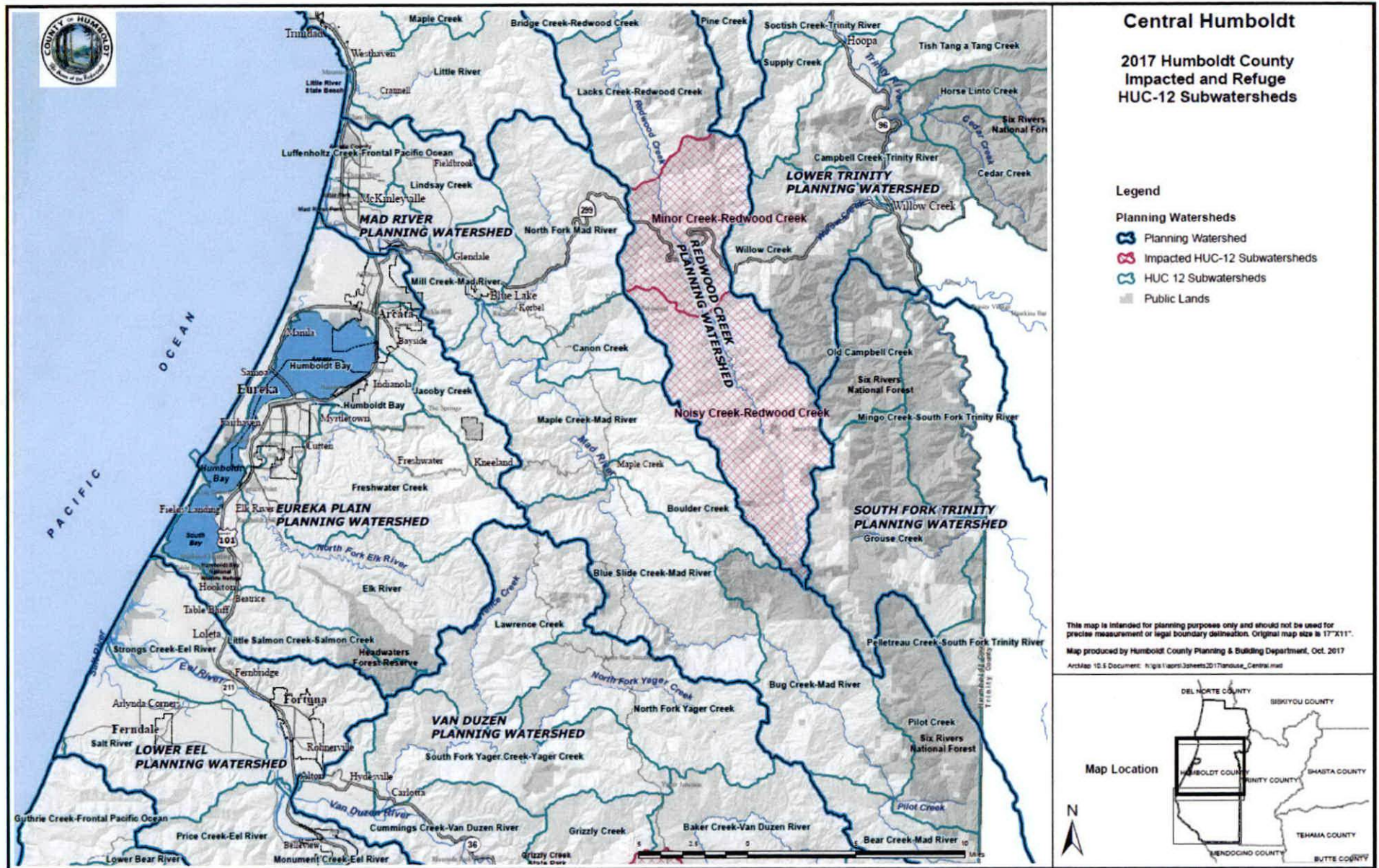
Certified copy of portion of proceedings; meeting on May 8, 2018

3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

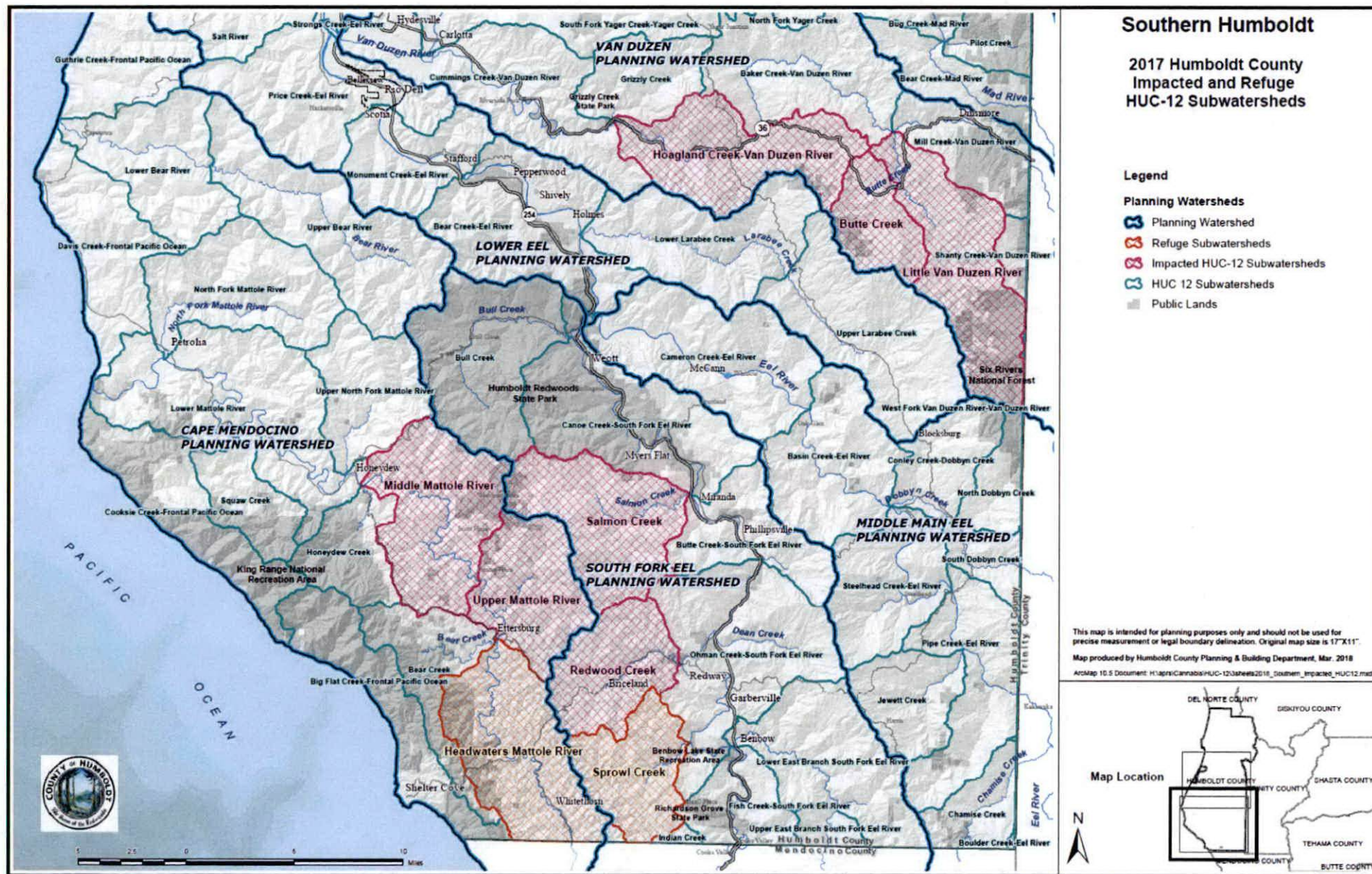
Impacted & Refuge HUC-12 Subwatersheds by Planning Watershed
PLANNING WATERSHED #1 CAPE MENDOCINO
<i>* Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
PLANNING WATERSHED #8 REDWOOD CREEK
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
PLANNING WATERSHED #9 SOUTH FORK EEL RIVER
Redwood Creek
Salmon Creek
<i>* Sprowel Creek</i>
PLANNING WATERSHED #12 VAN DUZEN RIVER
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
<i>* Refuge watersheds</i>

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4. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in May of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted May 8, 2018

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors: Bass, Fennell, Sundberg, Bohn
NAYS: Supervisors: Wilson
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --



RYAN SUNDBERG, CHAIRMAN,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Ryan Sharp, Deputy Clerk

Date: May 8, 2018