

To Humboldt County Planning Commission
From: Bonnie Blackberry (CLMP)
For: August 5, 2021 Planning Commission Meeting
RE: Changes to CCLUO

Commissioners,

There should be consistency with the California State rules and regulations, and Humboldt County. Unfortunately there are has conflicting regulations. Please review the attached (PG2) definitions from the CCLUO and the CDFA

CDFA defines "Nursery" as meaning all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis. Humboldt has a different meaning of "nursery" which includes that the clones, or immature plants are being grown for sale to another cultivator or distributor.

Humboldt has "propagation" and "propagation area" , which there is no separate definition for propagation in the CDFA regulations ,as propagation is what happens in the "nursery".

Humboldt has not only avoided including propagation nurseries as a nursery because the plants are grown at the cultivation site. These propagation nurseries (hoop houses) have not been included as part of the cultivation area. These bonus areas has been up to 10% of the cultivation area, and now proposed to expand to 25%.

Propagation area used as a nursery should be categorized as a nursery as defined by CDFA, which does not make it necessary for the clones, or immature plants to be grown for sale to another cultivator or distributor.

CDFA categorizes Light Deprivation as Mixed Light, Humboldt calls it "outdoor"

CDFA categorizes any use of lights as Mixed Light. with a maximum of _twenty-five watts per square foot. Humboldt is proposing to increase to 60 watts and on top of that, calling it "outdoor".

Let's call it what it is. Adding lights and calling it outdoor is going too far. Having plastic hoop housing and calling it outdoor is already in conflict with the state regulations and definitions.

If more space is needed for propagation, and lights are need to keep plants in a vegetative state. Fine. No problem. Just call it what it is. Whether it is a nursery and or needs lights, call it what it is, a nursery and mixed light. However much space is need for propagation should be included in the cultivation area because propagation is a cultivation activity.

I would think that Humboldt County would be working to have regulations that are consistent with the state and not trying to redefine reality with saying the use of lights is not mixed light.

Respectfully,
Bonnie Blackberry Civil Liberties Monitoring Project rep.

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

"Outdoor" means outdoor cultivation using no artificial lighting.

"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.

"Nursery" means a facility that produces clones, immature plants, and seeds for wholesale to licensed cultivators to use specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors.

STATE CDFA DEFINITIONS

"Nursery" means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis..

"Outdoor" means the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants outside of the canopy area.

"Light deprivation" means the use of any technique to eliminate natural light in order to induce flowering

"Mixed-light Cultivation" means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hot house, or other similar structure using a combination of:

(1) Natural light and light deprivation and one of the artificial lighting models listed below:

(A) "Mixed-light Tier 1" without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot.

(B) "Mixed-light Tier 2" the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

(2) Natural light and one of the artificial lighting models listed below:

(A) "Mixed-light Tier 1" \ the use of artificial light at a rate above zero, but no more than six watts per square foot.

(B) "Mixed-light Tier 2" the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

Submitted by Bonnie Blackberry, underlined areas are meant to highlight wording.