

# HUMBOLDT COUNTY GROWERS ALLIANCE

January 11, 2022

RE: Agenda #3 Letter from the Planning Commission

Dear Humboldt County Board of Supervisors,

On behalf of 275 permitted and licensed Humboldt County cannabis operators, Humboldt County Growers Alliance (HCGA) submits the following comments in response to Agenda Item 3 "Letter from the Planning Commission related to Cannabis Program."

We ask that you do not change the existing cannabis land-use policy today. To make informed decisions, we need to review and analyze proposed policies in writing for at least 1-2 weeks. Thus today, we ask that you hear the presentation from staff and public comment and each other's input. Then, direct staff to bring back recommendations in writing before making policy decisions.

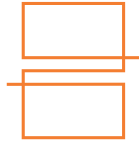
As a regular participant at the Planning Commission hearings, I can attest that generators, roads, and water storage policies are inconsistently applied to applicants. Having consistent and fair policies applied to all applicants would be beneficial. It is discouraging for applicants to believe they've fulfilled all the land-use ordinances' requirements, only to have new conditions applied to their project during a planning commission or zoning administrator hearing. Often the additional conditions are very costly and may require experts or professional services that have over-booked schedules that do not bend immediately to the applicant's needs.

## **Generators**

"The Commission has been conditioning projects requiring cessation of generators by the end of 2025 with conversion either to renewable power or if available PG&E."

- a) Should the Commission Continue this practice? And/or
- b) Should new policies or regulations be developed to address the use of Generators associated with 1.0 applications?

What is being proposed? All generators? Are we talking about generators above a certain capacity e.g. generators at or above 50 break horsepower ([CARB regulations apply](#)). What about generators that are used for ancillary needs such as freezers for cannabis storage, or are you talking about generators used for flowering? Is the county planning on developing regulations that apply to all urban and rural generator use?



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## Roads

"We believe this process is subject to abuse, and many permits have been approved in the hills on roads that do not meet Category 4 standards. We believe that better processes are needed to address the capacity of the road."

- a) Is this a policy that should be revisited?
- b) That the Board of Supervisors consider eliminating the Self Evaluation process and require that either an engineer or the County Public Works Department complete the road evaluation.

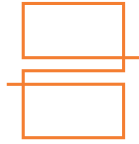
The primary goal of the first land-use ordinance (CMMLUO) 1.0 was to bring pre-existing cannabis farms into compliance. The Planning Department underwent the arduous process to verify historic cannabis cultivation, which established "baseline" conditions before implementing the CMMLUO. The roads used to access the cultivation sites have been used for years or decades. As part of the permitting and environmental compliance processes, applicants pay to upgrade roads and culverts. Adding additional requirements to have an engineer evaluate the roads adds additional costs and time. But, again, these are roads that are currently being used and have been used for many years without incident.

There is a big difference between a pre-existing operator and a new project that is being developed. Therefore, it is perfectly reasonable to require any new project, whether under 1.0 or 2.0 to include a road and traffic analysis as part of the application.

## Water Storage

- a) Should the Commission continue to require substantial water storage for sites using groundwater wells exclusively? Should forbearance and/or rainwater catchment be combined with use of a well?
- b) Develop regulations for permitting and use of wells.

No, the Commission should not require additional and substantial water storage as a condition of approval. Developing adequate water storage requires significant costs and sufficient space to hold upwards of hundreds of thousands of gallons of water. Should an applicant need to build water storage for hundreds of thousands of gallons of water storage, a new area will likely require additional permitting for grading and/or input from California Department of Fish and Wildlife for pond development. Both the CMMLUO and CCLUO, as well as state water policy, and CDFW functionally encouraged the development of wells as opposed to surface water diversions, which is why the county has reported increased occurrence of wells.



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At a bare minimum, should the county wish to move in the direction of conditioning additional water storage as part of the project's approval, a reasonable timeframe must include reaching compliance. For example, similar to the requirement for operators to transition from generators to renewable power sources by 2025.

Recently your board granted an appeal of a project applicant that was conditioned by the Planning Commission to develop immediate water storage in addition to the use of their well. Later today, another cannabis project is appealing the planning commission's condition for 50% water storage for their well.

As you are well aware, Humboldt County's cannabis industry is in jeopardy due to market collapse. Nearly 85% of all projects that have received full permit authorization and those that are still in the queue are pre-existing operators. These people voluntarily and willingly invested their savings into coming into compliance with our environmental land-use ordinances. It is not that we are insensitive to environmental or safety concerns, it is simply that we are continuously being asked to do more and told that what we are doing, or have done is not good enough. In order to continue to operate and contribute to our community, we need consistent, predictable, and fair policies.

Thank you for your consideration,

Natalynne DeLapp  
Executive Director