

Attachment F Addendum 3
Public Comment – Written
March 17, 2021 after 12:30 PM
Through
March 18, 2021 at 9:45 AM

From: [Craig Litwin](#)
To: [To: Pamela Davis](#); [Gregory N Carr](#); [Gina Belforte](#); [Larry](#); [Cameron Mauritson](#); [David Rabbitt](#); [Lynda Hopkins](#); [Chris Coursey](#); [Susan Gorin](#); [James Gore](#); [district4](#); [Tennis Wick](#); [Andrew Smith](#); [Pat Gilardi](#); [Liz Hamon](#); [Stuart Tiffen](#); [Leo Chyi](#); [Sean Hamlin](#); [McCall Miller](#); [Sita Kuteira](#); [Tracy Cunha](#); [Scott Orr](#); [Jennifer Klein](#); [Georgia McDaniel](#); [Jenny Chamberlain](#); [Jennifer Mendoza](#); [PamDavis707@fastmail.com](#); [johnlowryca@gmail.com](#); [pcook@ch-sc.org](#); [todd@tamuraenv.com](#); [Andrea Krout](#); [Cannabis](#)
Cc: [Andrew Longman](#); [Joel Freston](#); [Herman Hernandez](#); [Johnny Nolen](#)
Subject: 421 Group letter on cannabis ordinance revisions
Date: Wednesday, March 17, 2021 3:41:40 PM
Attachments: [421 Group letter on cannabis ordinance revisions_20210317.pdf](#)

EXTERNAL

Dear County of Sonoma,

Please see the attached letter regarding upcoming cannabis ordinance revision considerations. This letter is intended to be part of the public record.

Thank you,



Craig Litwin

CEO & PRINCIPAL

421 Group

c (707) 849-1622

o (707) 861-8421

craig.litwin@421.group

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March 17, 2021

Sonoma County Planning Commission
% McCall Miller
575 Administration Drive, Suite 104A
Santa Rosa, California 95403.

TO: Sonoma County Planning Commission,
RE: Sonoma County Cannabis Ordinance Revisions
CC: Public Comment at Cannabis@sonoma-county.org; Sonoma County Board of Supervisors

Dear Sonoma County Planning Commissioners,

I'm writing to you today as CEO of 421 Group, a Sonoma County based consultancy that offers strategic business development and operational support services to help California cannabis businesses succeed. Additionally, I have been working on local cannabis ordinances since my stint as Mayor of Sebastopol in 2005. On behalf of the entire 421 Group team, we're pleased to provide the following letter containing feedback to the proposed Sonoma County Cannabis Ordinance revisions.

We have an opportunity to develop sound regulations that provide clear and consistent rules for the community to understand and the applicants to follow. Sensible regulation is superior to no regulation, and fulfills the will of the voters who adopted cannabis legalization.

Further, we affirm the positions and written submittals of the following groups:

- **SCGA;** leading from the heart, thoughtfully, they always stay true to supporting the small craft farmers while protecting the environment. They engage neighbors, regulators, and do their homework!
- **Hessel Farmers Grange;** organized by farmers for farmers, it is heartwarming to see this resurgence of local agriculture take root in such an important time to provide agricultural economic drivers.
- **CBASC;** an effective business organization that shows how cannabis industry leaders are ready to work with the county to follow state law and make a process that works.
- **Sonoma County Chapter of Americans for Safe Access;** Keeping it real that we started a movement in California in 1996 with passage of 215, the Compassionate Use Act. A movement that has spread worldwide. After all, cannabis is a safe, therapeutic substance that helps bring relief.

Thank you for your attention to this matter.

Sincerely,

Craig Litwin
CEO & Principal
707 849 1622
craig@421.Group



421 Group Suggested Ordinance Amendments

Treat cannabis like other agriculture: First, Sonoma County must strive to treat cannabis as the agricultural crop that our community is already well aware that it is. Define it how you want, but cannabis is a plant with roots, like hemp. While many parts of the proposed ordinance work to advance the cannabis industry in a meaningful and responsible way, we know there is still room for improvement.

Generally, we urge the County to develop language for the cannabis ordinance that mirrors state law. The proposed revisions move cannabis closer towards this goal. *We recommend that you cut out sections of the proposed ordinance that are duplicative of other governmental agencies.* There is no reason to create regulations in this ordinance revision that are covered by other local, regional, and state agencies.

Keep the work going on the next ordinance revision, now: Many other parts of the cannabis supply chain need more attention and local ordinance revisions. This should be an ongoing process. With such a new and evolving industry, and with federal decriminalization around the corner, we should do everything we can to prepare ourselves for a successful future for our local cannabis industry. Without the work being done now, Sonoma County will further fall behind neighboring counties, not to mention the impact to our local industry once federal policies have changed. *Please formalize the renewal of the Board Cannabis Ad Hoc Committee or Cannabis Advisory Committee right away!*

Keep the money circulating locally by moving the cultivation permitting to the Ag Department: It is very real that Sonoma County's incorporated cities are continuing to approve other cannabis businesses such as manufacturing, distribution, and retail. All of these businesses in all of the cities allowing them have one thing in common; their supply chain starts with the cultivator. We can either allow ample local cultivation to fulfill this demand or these other local businesses will send their money to other counties to secure the product they need.

Urgency, Urgency, Urgency!!!: Those who have applications stalled or pending at PRMD should receive the benefit of review of their original application under the rules with which they were submitted. They need to be given due process immediately! They should be allowed to have their CUP application heard or go to the front of the line upon arriving at the Department of Agriculture. We encourage you to continue to streamline the application review process wherever possible, and to continue the needed work of updating the ordinance now and for future iterations.

Zone 3 and 4 cannabis farmers need a path to permitting: The requirement of a dry season well yield test is onerous and an unnecessary burden on applicants. A professional hydrologist providing a water use assessment would not only provide more meaningful determination for water use requirements, but is a better predictor of the need of water and its use as it varies from site to site. Further, we recommend the following be encouraged and incentivized in Zone 3 & 4: rainwater catchment, greywater systems, and cultivation best practices that minimize water use. Further, legal wells should be recognized, regardless of their placement.



421 Group Suggested Ordinance Amendments

Clustering should be allowed for applicants controlling adjacent parcels of land: If an applicant controls multiple adjacent parcels they should be able to operate on one parcel using the cultivation square footage allotment granted to all parcels. Clustering makes sense, where without it many farmers and ranchers in the county who own multiple abutting parcels would have to illogically remain 100' away from each of their own properties (200' total). Further, clustering would allow for consolidation of operations within the county and will make the application review process more efficient. In fact, clustering allows many benefits and is an environmentally and economically superior policy. Given the world-renowned sustainable farming movement in Sonoma County, cannabis farming should be viewed and treated similarly to Sonoma County vineyard operators clustering their vineyard operations within a specific appellation for better economic sustainability, and reduced environmental impacts. Clustering is not a new concept; for example, Mendocino County allows for clustering by cannabis applicants.

Allow flexibility for special circumstances: As with most processes, there should be a method by which an applicant can pursue a waiver if one is warranted. Setbacks are the likely reason for such a request. Most cannabis ordinances in other jurisdictions allow for this process. It may be that another adequate buffer is in place, such as a gully, the freeway, or waterway. This waiver may be considered with a CUP process or stay with the Ag department if one provides signed waiver approvals from a neighbor. A waiver through a CUP process could allow some of the larger appropriately zoned RR and AR zoned properties to be considered for cultivation permits.

Generators need to be allowed in all emergencies, not just declared ones: The fact is emergencies can and will occur locally without any formal declaration of emergency by a governmental agency, such as PG&E PSPS localized power outages, construction outages, small fires, accidents, and so on. Therefore, we urge that generators be allowed in all emergencies, not just formal declarations of emergencies. This is allowed by state law.

Hoop houses should be allowed for cultivation use year round: This policy change would save the cannabis industry significant time and money. It also offers maximum flexibility for the best possible product to be grown. Additionally, hoop houses provide a visual screen, hiding the cannabis crop from public view. It is the environmentally preferable alternative, saving on waste, and better protecting this essential crop from outside contaminants of dust, pesticides, smoke and more.

From: [Alexa Wall](#)
To: [PlanningAgency](#); [Greg Carr](#); [Larry Reed](#); [Gina Belforte](#); [Cameron Mauritsen](#); [Pamela Davis](#); [Andrew Smith](#); [Christina Rivera](#); [Tennis Wick](#); [BOS](#); [district4](#); [Susan Gorin](#); [Lynda Hopkins](#); [district3](#); [David Rabbitt](#); [McCall Miller](#); [Scott Orr](#)
Subject: **Please Read and Protect Your Farmers!**
Date: Wednesday, March 17, 2021 5:31:54 PM

EXTERNAL

Dear Planning Commissioners, Supervisors & County Staff:

I am writing to you all today as a current cannabis permit holder in Sonoma County and resident of Penngrove. After waiting nearly 2 years I was finally awarded my CUP in 2019. My husband and I live on the farm with our family and along with our business partner we've invested nearly a million dollars into this project, not including the price of buying the property due to being zoned out of our previous RR zoned location.

The one thing that keeps us up at night is after working so hard to get our permit, the rug is going to be pulled out from under us and a new rule change will cause us to suddenly be deemed ineligible for CUP renewal. I know that I am not the only farmer that feels this way and I ask that you please "grandfather in" the current operators and applicants in the pipeline to the set of rules in place during their application or find a way to protect them from changes that could be detrimental to their business down the line come renewal time.

Here are a few examples, among many, of ways that myself and others would be affected if the County changed the rules to be more restrictive... we cannot let this happen!

- If setbacks are increased between cannabis and residents beyond the 300ft
- If parcel size is increased to 20 acres
- If the ordinance restricted cannabis operations directly adjacent to RR/AR zoned properties

Any additional restrictive changes, like the ones above, would further destroy what is left of the legacy farmers that did the right thing in 2017 and applied for permits and it would destroy our project plans here at 2275 Roberts Road.

Because my husband and I are terrified that the county will vote to change Chapter 26 and in 5 years the rules will be different, it makes it difficult for us to move forward with the greenhouse portion of our project (because why would we make such a big investment with little security that we will be able to grow past the 5-year life of our permit) and ultimately costing the county to miss out on our tax dollars and causing a loss of would-be jobs for the community. Living in fear of losing your life's dream when all you want to do is grow a plant and be a tax-paying legitimate business is not a fun position to be in.

One solution to this problem would be to **remove the 5-year permit timeline on CUPs** and allow those operators that spent thousands of dollars, and in our case, hundreds of thousands of dollars on permitting to get a CUP to be allowed to continue operating past the 5-year life of their permit so long as the operator is in good standing with the county and maintains state licensing.

Another obvious solution to this problem would be to not create the problem in the first place and please do not make Chapter 26 more restrictive than it already is. **We don't need**

increased setbacks. We don't need increased parcel size requirements. We don't need onerous odor standards when the same plant (hemp) can be grown practically anywhere in the county. We need acceptance and a pathway to thrive as a legitimate industry that was voted on and legalized by the people of the State of California. Please do not cave to the worries of the NIMBYs and halt this valuable industry worth over \$60 billion dollars in the US alone. Thank you.

I appreciate your time and attention to this matter!

Kindly,
Alexa

--

Alexa Rae Wall | [Luma California](#)
LIC#: CCL20-0000303

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From: [Bill Blake](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance Updates
Date: Wednesday, March 17, 2021 9:09:19 PM

EXTERNAL

We have lived in the Mark West Watershed since 2003.

We have profound concerns re. the proposed updates to the Sonoma County Cannabis Ordinance:

The ordinance updates contain significant new potential impacts on water quantity and water quality in the Mark West Watershed.

The County should complete a full Environmental Impact Report (EIR) so impacts can be studied and commented on in detail. An EIR provides a rational framework for public discussion, one issue at a time, with nothing left out.

There is no limit on the number of projects that could be permitted. The mitigated negative declaration does not sufficiently acknowledge or address all the potential impacts, especially when considered as a whole. An EIR will accomplish this task.

Spending money now on a full EIR will save the County from future lawsuits as environmental impacts can be identified and addressed with an EIR.

Under current guidelines, the County has not demonstrated an ability to adequately protect water resources.

An exclusion zone would be the most effective way to protect groundwater resources in the Upper Mark West Watershed.

The County is the primary entity responsible for protecting water resources.

Giving warning about compliance visits really only ensures compliance during those visits. The ordinance needs to require real-time water monitoring and not rely on self-reporting. Compliance should not be dependent on someone reporting a violation. The County is responsible for ensuring compliance.

Ordinance language needs to include protections against an applicant claiming previous water use without substantial evidence of actual extended use over time.

Unpermitted water use in impaired watersheds should carry heavier fines and penalties designed to insure compliance. It should not be possible for someone to pay fines and then continue with un-permitted practices.

If there is not a way to ensure the protection of water resources through ordinance language and compliance visits, then an exclusion zone is needed to protect streamflow.

Sincerely,
Bill Blake

--

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From: [Brenda Putnam](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance
Date: Wednesday, March 17, 2021 6:28:56 PM

EXTERNAL

March 17, 2021

Planning Commission and Board of Supervisors of Sonoma County c/o McCall Miller,
Department Analyst, Cannabis Program, County Administrator's Office

Dear Planning Commission and members of the Sonoma County Board of Supervisors,
I have read the proposed changes to the Cannabis Ordinance and understand the reason for the change is "to promote agricultural diversity and a sustainable economy by identifying more projects that qualify for permits and are protective of the public health, safety, welfare, and environment." Under these guidelines cannabis cultivation in rural neighborhoods in Sonoma County should be prohibited since they are a threat to public health, safety, welfare, and the environment.

I have owned my home in rural Sonoma County for 25 years. My property is zoned RR as are several of my neighbors. I live on a narrow one lane unpaved road which is privately maintained. Several of the neighbors who live up the hill from us are zoned DA and under the current regulations qualify for a commercial cannabis operation. In the last several years our neighborhood has been subjected to illegal cannabis grows and we have had to deal with the consequences (noxious odors, fear of crime, increased traffic). With firsthand knowledge of the impacts of these cannabis operations on neighborhoods I participated in the Planning Commission listening sessions. I was outraged to hear the suggestion that cannabis should be treated as any other crop, "cannabis is agriculture". If that were the case there wouldn't be a need for all of the stipulations suggested in your proposed ordinance. These stipulations are of course necessary because these cannabis operations are being allowed in areas where they don't belong. The lane I live on is part of a popular walking trail used by neighbors in surrounding areas who bring their children and walk their dogs. Last year we were subjected to unbearable odor from the illegal grow in my neighborhood that plagued our neighbors and prevented us from enjoying being outdoors. If this illegal grow were to become legal how would these smells be controlled? What enforcement action would be taken? This wouldn't stop the traffic from all of the out of state vehicles we witnessed making trips up and down the road. Why?, because cannabis is not allowed on a federal level. It is a cash crop that invites crime and out of state traffic where cannabis prices are higher.

I do appreciate the additional regulations in the proposal to address and control the environmental impacts (odor, air quality, water, pesticides, etc.) but what is being missed is the issue of location. The County permitted RR throughout unincorporated Sonoma County and now have a responsibility to protect these residences. Residential implies we can live here with our families with the expectation that we can be safe in our neighborhood. We shouldn't have to worry about home invasions and crime due to cannabis cultivation that has been sanctioned by the County. Cannabis is not like any other crop. Other crops don't subject us to months of noxious odors, lights, security fences, and worry for our safety. At a minimum the setbacks you suggest are insufficient. One thousand feet from residences should be a bare minimum.

Cannabis operations with all of the necessary security measures do not belong in neighborhoods but in industrial secured locations in order to protect the health and safety of the citizens, tourists, and tax payers of Sonoma County.

Please give these concerns serious consideration,
Brenda Putnam

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From: craigspencerharrison@gmail.com
To: [Cannabis](#)
Subject: Marijuana Ordinance Letter
Date: Wednesday, March 17, 2021 1:02:15 PM
Attachments: [Marijuana Ordinance Letter.docx](#)

EXTERNAL

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March 16, 2021

To Whom It May Concern,

In 2018, my family along with my three neighbors whom all reside on Herrerias Way in Petaluma, Ca was negatively impacted due to a large marijuana grow operation that was set up without our permission less than ½ a mile from our homes, near an Elementary School and across the street from a Church and Preschool. In the middle of beautiful vineyards lye, a 1-acre marijuana grow operation with a wooden fence that surrounded hundreds of white hoop houses. Our gorgeous seasonal changing vineyards that we had come to know as our backyard had become infiltrated. Regardless of whose home you were in, we all shared the same unsightly view. Not only were we subjected to looking at this new operation, but we also had to deal with heavy traffic coming and going from the location, noise issues as well as the horrific smell.

We also endured medical complications that arose from the grow being so close to our homes. I have asthma and chronic bronchial issues which became exacerbated from the fumes permeating from the marijuana. This required me to be placed on new medications including two different inhalers to help alleviate my symptoms. I could not go in my own backyard or use my swimming pool without becoming ill. My neighbors experienced medical issues as well. One neighbor was sent to the hospital after becoming ill from the stench that was invading her home daily. Another one of my neighbors has a family member who has Cystic Fibrosis and is on a ventilator to assist in his breathing. The grow operation caused him to develop severe phlegm causing his breathing tubes to become clogged. He was sent to the hospital several times due to this complication. This young man enjoyed going outside in his wheelchair and strolling up and down the street with his family but since the marijuana grow operation invaded our neighborhood, he was no longer able to do this.

Together, we would come to find out that this grow operation was illegally set up and that the proper permits for this grow operation were not completed. We then reached out to the Sonoma County Board of Supervisor for help on how to resolve this issue. I am sad to say that they were little to no help at all when it came to this matter. We would eventually as a group, hire an attorney to help us fight against this illegal marijuana grow operation and prevail against the perpetrator.

I find it extremely shameful that three years later the Sonoma County Board of Supervisors are continuing to support the marijuana grow industry in our County. The proposed marijuana ordinance that is being brought forth clearly shows that the Board has no respect for its community members or the environment. They are allowing permits to be obtained without public knowledge, removing all health, safety and nuisance protections, and giving permission for 10 acres grow sites all while retaining inadequate setbacks requirements.

Remember my neighbors and I fought against a 1 acre grow operation, imagine what the health conditions, noise, traffic, and other variables the community and our environment will have to endure if this ordinance passes. Stand up, fight for what is right and do not let the Sonoma County Board of Supervisors get away harming Sonoma County or the amazing people who live here.

Respectfully, Brenda Ward

From: [Hultman, Debbie@Wildlife](mailto:Hultman,Debbie@Wildlife)
To: [Cannabis](#)
Cc: [OPR State Clearinghouse](#); [Bianchi, Mia@Wildlife](#); [Stokes, Wesley@Wildlife](#); [Weightman, Craig@Wildlife](#); [Martinelli, Greg@Wildlife](#); [Gray, Corinne@Wildlife](#); [Dodson, Timothy@Wildlife](#); [Holstege, Stephanie@Wildlife](#); [Day, Melanie@Wildlife](#); [Martinelli, Stacy@Wildlife](#); [Olswang, Mary@Wildlife](#); [Nguyen, Jennifer@Wildlife](#); [Mathis, Ryan@Wildlife](#); [Rosauer, James@Wildlife](#); [Willson, Douglas@Wildlife](#); [Murano, Taro@Waterboards](#); [Feiler, Stormer@Waterboards](#); [Pham, Jonathan@Waterboards](#); [Zwahlen, Zachary@Waterboards](#); [Warner, Samuel@Waterboards](#); [Kuszmar, David@Waterboards](#); [Grady, Kason@Waterboards](#); [Vella, Michael@CDFA](#); [Rains, Lindsay@CDFA](#); [Sone, Kim@CALFIRE](#); [Rick Rogers - NOAA Federal](#); [Scott Orr](#)
Subject: Sonoma County Cannabis Ordinance Update and GP Amend-SCH2021020259
Date: Wednesday, March 17, 2021 5:05:33 PM
Attachments: [Sonoma County Cannabis Ordinance Update and GP Amend-SCH2021020259-Miller-BIANCHI031721.pdf](#)

EXTERNAL

Dear McCall Miller,

Please see the attached letter for your records. If you have any questions, contact Ms. Mia Bianchi, cc'd above.

Thank you,

Debbie Hultman | Assistant to the Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Ste. 100, Fairfield, CA 94534
707.428.2037 | debbie.hultman@wildlife.ca.gov



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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 17, 2021

Sonoma County Planning Commission
c/o McCall Miller
575 Administration Drive, Suite 104A
Santa Rosa, CA 95403
cannabis@sonoma-county.org

Subject: Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment, Subsequent Mitigated Negated Declaration, SCH No. 2021020259, Sonoma County, California

Dear McCall Miller:

The California Department of Fish and Wildlife (CDFW) received a draft Subsequent Mitigated Negative Declaration (MND) from the County of Sonoma (County) for the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

REGULATORY ROLES

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under CESA (Fish and Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Sonoma County Planning Commission
c/o McCall Miller
March 17, 2021
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California Department of Food and Agriculture (CDFA) regulates cannabis cultivation and issues licenses to cultivate. In order to obtain an Annual License to cultivate cannabis, applicants must demonstrate compliance with Fish and Game Code 1602. Additionally, according to the *CDFA Reference Guide for the Applicant Attachments*¹, applicants must demonstrate full compliance with CEQA by conducting project-specific review. The County should ensure that the Cannabis MND appropriately evaluates and covers ministerial cultivation sites to adequately meet CDFA licensing requirements.

Sonoma County Cannabis Ordinance Description

The County proposes to adopt amendments to the County Code, Chapter 26 and new Chapter 38, to allow expanded ministerial permitting for commercial cannabis cultivation in agricultural and resource zoned areas. The County also proposes a general plan amendment to include cannabis within the definition of agriculture. This proposal would expand ministerial permitting of commercial cannabis cultivation in agricultural and resource zoned areas of the unincorporated county (Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), and Resources and Rural Development (RRD) Zoning Districts). It would not include the coastal zone.

Environmental Impacts of Cannabis Cultivation: Introduction

CDFW supports efforts to regulate cannabis cultivation and to address some of its numerous and substantial environmental impacts. CDFW believes that, in concept, providing a ministerial pathway for projects that are unlikely to adversely impact public trust resources will be beneficial to a) avoid and discourage development in sensitive habitats and b) support the legal market. However, Sonoma County has a high density of sensitive species and essential habitat areas. Projects with the potential to impact those areas should have greater regulatory oversight. There are multiple sources available that provide sufficient information for the County to designate areas that should not be considered under the ministerial process and should be required to conduct additional assessments to address sensitive resources and to minimize the environmental impacts of cannabis cultivation. These projects will also likely require additional review and oversight that will allow them to confidently move forward with licensing under the CDFA and compliance with Fish and Game Code, section 1602. As such, CDFW is providing comments on specific species and habitats that should be excluded from the ministerial process unless sufficient information is provided to assure that all impacts to sensitive resources can be avoided. Otherwise, projects should be evaluated on a case-by-case basis in coordination with trustee agencies to develop project specific avoidance and mitigation measures.

¹ <https://www.cdfa.ca.gov/cal cannabis/documents/ApplicationAttachmentsReferenceGuide.pdf>

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CDFW devotes a considerable amount of staff time and resources documenting, assessing, permitting, and addressing the environmental impacts and watershed restoration needs resulting from cannabis cultivation (Bauer et al. 2015). CDFW was one of the first agencies in the State to draw attention to the near exponential growth and substantial adverse impacts of cannabis cultivation on forest lands, including impacts from water diversions and stream dewatering, forest clearing and conversion, pollution, and sediment discharges. CDFW staff have conducted inspections on hundreds of cannabis cultivation sites throughout northern California, including Sonoma County, and have published peer-reviewed research on this topic. Therefore, CDFW has considerable experience in assessing the environmental impacts of cannabis cultivation.

Impacts of specific concern to CDFW include, but are not limited to: habitat fragmentation and loss through land clearing, including direct impacts to riparian areas, wetlands, and sensitive natural communities²; grading and burying of streams; diversion of surface water for irrigation resulting in reduced stream flows and dewatered streams; delivery of sediment, nutrients, petroleum products, and pesticides into streams; impacts of night lighting and noise on wildlife; impacts to wildlife from use of plastic monofilament netting and similar products; and pollution to the environment from trash and other cultivation related waste.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Land Use Planning

Issue: The proposed Ordinance update proposes that canopy cover for outdoor cannabis cultivation and hoop houses may be up to a maximum of 10 percent of a parcel. Currently, sites allow a maximum canopy cover of one-acre cannabis cultivation. The proposed changes allow for the potential of substantial cannabis cultivation expansion on parcels, especially in rural agricultural areas with large parcel sizes. Expanded cultivation areas increases the potential for species and habitat impacts. Ministerial review may not adequately account for all impacts and may potentially allow projects to proceed without appropriate disclosure and avoidance, minimization and mitigation requirements. Therefore, it is critical to evaluate landscape level impact potential throughout Sonoma County, taking into consideration current and future conservation planning efforts.

² <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Background>

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c/o McCall Miller
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Recommendations: The County should limit cultivation on parcels with the potential to support special-status species and their habitat. The Ordinance should establish a current baseline of permitted cannabis cultivation areas and project where new cannabis cultivation expansion may occur on a map. Geo-spatial analysis should be used at an individual property parcel scale, to exclude ministerial approval of cannabis cultivation within areas with habitat to support special-status species and where special-status species occurrences are documented within the California Natural Diversity Database (CNDDDB). Exclusion area boundaries should be mapped at a parcel scale. In addition, species-specific protective buffer distances should be developed as part of the Project MND to limit activities that can occur adjacent to mapped exclusion areas.

CDFW understands the County is currently within the planning phase of a landscape level Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) planning effort. Landscape conservation planning takes a proactive approach, identifying priority mitigation and conservation areas in advance of impacts, with the goal of preserving larger areas of higher habitat quality and connectivity (CDFW 2021). The ordinance should adequately review, address, and propose mitigation for Project areas potentially impacting special status species and their habitat in order to facilitate HCP/NCCP planning efforts.

CDFW recognizes the Sonoma County Agricultural and Open Space District (Sonoma County AOSD) has completed a considerable conservation analysis and planning effort in its 2021 Vital Lands Initiative. The Initiative identifies spatially mapped areas of conservation priorities which includes but is not limited to, riparian habitat, wetlands, conifer forests, grasslands, shrublands, hardwood forests, and wildlife habitat for movement (connectivity). Those areas with highest conservation priority can be reasonably expected to have high value of fish and wildlife resources. Cannabis cultivation within those areas of highest conservation priority likely have the greatest potential for significant effects to the environment and fish and wildlife. CDFW encourages the County to incorporate conservation planning efforts by the Sonoma County AOSD into its ordinance to the greatest extent feasible. For proposed cannabis cultivation within areas of highest conservation priority identified by the Sonoma County AOSD, CDFW recommends separate Use Permit and individual CEQA analysis. Alternatively, CDFW supports cultivation prohibition in those areas.

Comment 2: Sec. 38.12.140. Water Use

Issue: CDFW is concerned about the impact of groundwater diversions and their potential to deplete surface water (e.g., rivers and streams) and affect groundwater dependent ecosystems.

Sonoma County Planning Commission
c/o McCall Miller
March 17, 2021
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According to the MND, if a well is within 500 feet of a blue line stream, the applicant must document one of three things:

1) Prepare a “net zero water plan”, 2) Document the well is within 500 feet of the Russian River or Dry Creek, or 3) Document the well is within the Groundwater Availability Zone 1 or 2.

The third option implies that significant streamflow depletion is unlikely to occur in Groundwater Availability Zones 1 or 2. However, streamflow depletion can occur within any of the groundwater zones in Sonoma County and is dependent on several hydrogeological factors, including but not limited to: well distance from streams; pumping rate and duration; and soil texture and structure. Therefore, the proposed standards inadequately address the hydrological impacts of groundwater pumping.

Evidence of Impacts: Many Sonoma County tributaries have historically provided sustained perennial flow which supports spring, summer, and fall rearing habitat for naturally producing California freshwater shrimp (*Syncaris pacifica*), Central California Coast coho salmon (*Oncorhynchus kisutch*), California Coastal Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*) and other aquatic species. CDFW is concerned available habitat for these species is limited by lack of flow, especially during the summer and early fall periods. The grow season for cannabis cultivation includes summer months (CDFW 2018) during times when stream flows are generally at their lowest (SWRCB 2010). Most Sonoma County fish-bearing tributaries are already subject to large numbers of diversions that are cumulatively affecting the amount of water available for instream habitat. The exact number, location and extent of diversions are unknown. However, in many watersheds, parcels that do not have access to municipal water sources often extract water from the stream either; through direct diversion from the stream or from near stream wells that intercept subterranean stream flow; or from groundwater wells. Groundwater extraction has the potential to impact groundwater dependent resources and reduce streamflow, especially during the late spring and summer months which is a critical time period for the state federally endangered coho salmon and federally threatened steelhead.

The U.S. Geological Survey, in cooperation with the Sonoma County Water Agency, the cities of Cotati, Rohnert Park, Santa Rosa, and Sebastopol, the Town of Windsor, the California American Water Company, and the County of Sonoma, undertook development of a fully coupled groundwater and surface-water model to better understand and to help manage the hydrologic resources in the Santa Rosa Plain watershed (Woolfenden and Nishikawa, 2014). According to modeled result from that report, “increased pumping lowered groundwater levels, causing increased recharge and reduced groundwater evapotranspiration along stream channels, which partially

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mitigated the loss of groundwater storage, but the lower groundwater levels resulted in decreased baseflow, especially during late spring and summer.”

Recommendations: CDFW recommends the County assess the aquatic carrying capacity of watersheds to support cannabis cultivation and propose a limit on density or number of cultivation sites. The focus of the assessment should be to determine the maximum water use availability from watersheds that maintains adequate water supply for fish and wildlife species, considering the cumulative impact of existing and future legal and illegal diversions. Prior to issuing permits for new cultivation sites, the County should prepare the assessment at a watershed scale describing a) existing water use and availability, b) potential for sediment and other pollutant discharge, and c) percentage of habitat fragmentation within a given watershed. Hemp should be incorporated into this analysis since it requires essentially the same cultivation techniques and water use. From CDFW’s perspective, activities causing the same or similar environmental impacts should be reviewed and analyzed with the same rigor. Identified impacts due to hemp cultivation should be avoided, minimized, and/or mitigated. In addition, the analysis should provide detail on the amount of cannabis and hemp cultivation the County proposes to permit within each watershed (e.g., HUC 12 or smaller watershed area), and what impacts the allowed cultivation would have on each of these elements. In order to avoid a concentration of cannabis and hemp cultivation sites in a particular watershed, which could result in potential significant effects, CDFW recommends that prior to issuing permits for new cultivation, the County defines a watershed cap based on an analysis of the impacts to each watershed as described above. Without a defined cap on the number of cultivation sites, analysis of environmental impacts should assume that all parcels meeting zoning criteria could be used for cannabis cultivation. For all cultivation sites, disclosure of the amount of water to be used from each water source, and a current, site-specific analysis of water availability should be required, and the County should reserve the discretion to modify permit conditions. Please note that possession of an active appropriative water right does not guarantee that an adequate water supply is available to support fish and wildlife resources.

Surface water diversions (including subterranean stream flow) are subject to notification under Fish and Game Code 1602. The Ordinance should require projects with surface diversions to comply with 1602 and notify CDFW for all surface diversion activities.

Additionally, CDFW proposes that all near-stream wells (within 500 feet) be evaluated by a qualified professional such as a hydrologist to determine the relationship of surface water interaction and potential for subterranean stream diversion or streamflow depletion. Wells should be evaluated under the CEQA review process to determine their potential for stream water depletion that may adversely affect fish and aquatic life.

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For consistency with the California State Water Resources Control Board (SWRCB) *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation*, the Sonoma Ordinance should require a forbearance period from surface diversions and wells in subterranean streams. The intent of forbearance and storage is to require for water to be diverted during the wintertime when water is more abundant so that this stored water can be used in the summertime to meet irrigation demands.

Issue 2: According to page 95 of the Ordinance, cultivators are required to demonstrate adequate water, but the term is not defined.

Recommendation: CDFW recommends outlining the following requirements in the Ordinance for cultivators to demonstrate adequate water supply on their Project site:

- For surface water and sub-stream flow diversions, sufficient off-stream water storage should be demonstrated prior to receiving a County cultivation permit in order to allow full compliance with the SWRCB forbearance periods. To determine the necessary storage, cultivators should be required to calculate how much water is required for each year of cultivation with consideration to expansion over time. In addition, CDFW encourages use of metal or wood water tanks.
- For well diversions, demonstrating adequate water should include technical analysis prepared by a qualified professional showing diversion from the well is limited to ground water only.

Comment 3: California tiger salamander (*Ambystoma californiense*; CTS) Habitat Exclusion from Ministerial Process

Issue: The present range of the Sonoma Distinct Population Segment (DPS) of CTS is predominantly located on the Santa Rosa Plain but according to CNDDDB, the present range also include areas outside of Petaluma, Penngrove and Cotati. The draft MND considers cannabis cultivation projects in agricultural zones for the ministerial process unless a Biotic Resources Assessment states otherwise. However, based on the species life history, the Santa Rosa Plain has an enhanced potential for CTS presence and, therefore, should not be considered eligible for the ministerial process.

Evidence of Impacts: CTS is endemic to Central California, with isolated populations in Sonoma and Santa Barbara counties (Bolster 2010, USFWS 2014). CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Upland habitats must contain underground refugia, such as mammal burrows, that CTS depend upon for food, shelter, and protection (Laredo et al. 1996). Threats to CTS include habitat

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loss/conversion and fragmentation, including dispersal habitat between breeding pools and upland refugia. CTS spend the majority of their lifecycle underground (Trenham et al. 2000) and are susceptible to being crushed during ground disturbance. CTS is also threatened by competition with and predation from invasive species (USFWS 2017). Introduced species such as bullfrogs and sunfishes have had a negative effect on CTS (Bolster 2010). Larval populations undergo large fluctuations, with most populations containing less than 100 breeding pairs (Pechmann et al. 1991, Bolster 2010). Fluctuating *Ambystoma* populations were found to be susceptible to recruitment failure during stochastic events (Pechmann et al. 1991).

Over the past 25 years, land development has increased dramatically within the Santa Rosa Plain, including low- and high-density land use and agricultural conversion (USFWS 2016). The current core range of Sonoma County CTS encompasses approximately 18,000-20,000 acres of fragmented habitat. The species can migrate up to 1.3 miles between a breeding pond and upland burrows (Orloff 2011). CTS spend approximately 95 percent of their lifetime in underground burrows, emphasizing the importance of protecting potential upland habitat in addition to wetland breeding ponds (Trenham 2001).

Pesticides and fertilizers used in cannabis cultivation could decrease fitness or survival of, or cause abnormalities in, *Ambystoma* species, mostly at the larval stage if contaminants drift into breeding pools (Egea-Serrano et al. 2012). Ponds and vernal pools can quickly accumulate these types of pollutants from run-off, making CTS particularly sensitive to pesticide exposure. Concentrated toxins in rodenticide-treated grain placed in ground squirrel burrows could come into direct contact with the permeable skin of CTS (Bolster 2010). Rodenticides that control small mammal populations would also reduce available burrows, making the habitat no longer suitable for CTS (Laredo et al. 1996). Lack of underground refugia could cause longer migration trips and resulting mortality of CTS as a result of exposure to predators, heat, and other elements (Laredo et al. 1996).

Construction or modification of perennial ponds has been shown to provide breeding habitat for invasive bullfrogs that prey on and compete with sensitive amphibians (Kiesecker et al. 2001, Bolster et al. 2011, Fuller et al. 2011 Kupferberg and Fury 2015). Perennial ponds can also provide suitable habitat for non-native tiger salamander and hybrids.

Grading and filling of habitat can result in crushing CTS, collapsing underground burrows and trapping CTS within, and reducing or fragmenting breeding or non-breeding habitat.

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Roads can result in amphibian mortality and fragment habitat as well as create barriers to movement (Trombulak and Frissell 2000). Off-road vehicles can crush and reduce burrow density and alter wetland habitat.

Artificial lighting can disrupt the production of melatonin in *Ambystoma* salamanders if they are exposed to it, altering metabolic rates and reducing tolerance to high temperatures (Perry et al. 2008). Additionally, *Ambystoma* salamanders could miss the cue to migrate if there is artificial light, which could affect breeding.

Recommendations: Please be advised that actions related to cannabis cultivation activities, including but not limited to, site grading, relocation of individuals out of harm's way, and installation of fencing could result in "take" of CTS (or other listed species). A CESA Incidental Take Permit (ITP) (pursuant to Fish and Game Code Section 2080 et seq.) is required in advance of such activities in order to lawfully take this species. A CESA ITP requires CEQA documentation and the proposed MND does not adequately address impacts to CTS or provide for mitigation to reduce the impact to less-than-significant and therefore, CDFW would be unable to rely on the MND to issue an ITP. CDFW recommends excluding any project within the Santa Rosa Plain and within 1.3 miles of an extant positive occurrence of CTS from the ministerial process. New or expanded cannabis cultivation within the Santa Rosa Plain should be thoroughly assessed through a separate Use Permit and individual CEQA analysis. Additionally, sites outside of the Santa Rosa Plain with the potential for CTS occurrence (e.g., rural Southwest Petaluma, and areas east of Penngrove and Cotati) should be delineated and excluded from the ministerial process.

Due to the presence of contiguous suitable habitat features and migration potential throughout the Santa Rosa Plain, it is vital to protect this habitat to allow for recovery of the species. This should be accomplished by ensuring adequate avoidance, minimization, and mitigation measures are required through individual CEQA review and document preparation. Site analyses should take into consideration species life stage history, proximity to critically designated habitat, and potential habitat availability on each Project site. Project activities evaluated to have any risk of CTS occurrence should apply for take coverage through the applicable state and federal agencies.

Comment 4: Sec. 38.12.070 Protection of Biotic Resources

The following describes the proposed MND language when evaluating Biotic Resource impacts:

"If the cannabis cultivation area and related structures and development are located within a designated critical habitat area, then one of the following criteria must be met:

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- a. *The biotic assessment concludes that “take” of a listed species within the meaning of the federal and California Endangered Species Acts is not reasonably foreseeable; or*
- b. *Applicant obtains all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species.”*

Issues: The Ordinance states that projects located within “the limits of existing agricultural land, or other previously disturbed areas would be unlikely to affect sensitive biological resources.” However, the concept of “previously developed” within an agricultural use perspective is not defined. Some agricultural land uses provide species habitat and/or allow for species migration.

Additionally, the proposed process does not incorporate CDFW when reviewing the Biotic Resources assessment in determining whether there are potential species impacts on a site. CDFW is concerned with not being included in the review process to provide feedback and/or comments on the Biotic Resources Assessments prior to determining if a project may impact sensitive or special-status species.

Projects requiring off-site habitat restoration and/or mitigation are ineligible for CEQA exemption and must be addressed in an environmental review document. CDFW has limited staffing and resources to act as the lead agency in these situations, therefore it is important that the County identifies projects potentially requiring off-site mitigation and/or restoration and removes these from the ministerial process.

Evidence of Impacts: Row crops, orchards, and vineyards can provide some level of habitat by fish and wildlife resources, including acting as species migratory corridors. As an example, CDFW is aware of a least one instance of CTS pit fall traps that collected adult CTS at the edge of a vineyard. This suggests that CTS migrate through and may use vineyard soil for estivation habitat if suitable burrows are present. Converting vineyards, or other agricultural use, may potentially create migration barriers or have direct impacts to CTS. CDFW regularly observes fencing, grading and fill to native soils, hardscaped and graveled pads, imported soils potentially containing pathogens and extensive infrastructure during inspections to cannabis cultivation sites. CDFW has significant experience participating in and leading survey efforts for the purpose of studying species habitat use. This has enhanced CDFW’s understanding of species habitat utilization throughout the state, including landscape throughout Sonoma County.

Recommendations: The County should clearly outline the definition of “previously developed” in the Ordinance. Additionally, the County should thoroughly consider and review all potential biological impacts on a site, even if it is fully within previously developed agricultural land. Biological Resources Assessments should consider

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impacts to existing land uses from changes in site conditions when evaluating whether there is habitat potential on a site.

CDFW would like the opportunity to review existing and proposed cultivation sites for potential impacts to sensitive natural resources. To assist in ensuring effective, efficient and timely review, applicants should initiate the permitting process with the County, and the County should refer projects to CDFW, similar to existing procedures for other project referrals. By applying to the County first, applicants would be provided with a permit tracking number to reference, and contacts with CDFW could be handled more efficiently with a complete application. Therefore, the Ordinance should be revised to reflect that applications and Biotic Resource Assessments will be referred to CDFW after submission to the County. The Biotic Resource Assessment should evaluate all species habitat potential, including Species of Special Concern. Sites with potential to impact special-status species, including Species of Special Concern, should not qualify for ministerial review and should apply for a Use Permit.

In such cases where take of a special-status species is determined to be likely, early consultation with CDFW is encouraged because significant modification to a subsequent project activity and mitigation measures, and an additional CEQA environmental document, may be required. Additionally, take of species listed under the Federal Endangered Species Act would require a separate authorization from the USFWS and/or National Marine Fisheries Service.

Comment 5: Riparian/Wetlands Setbacks

Issue: The Cannabis Ordinance references following riparian and wetland buffer requirements in Sonoma County Code: Section 36-16-120 of Chapter 36, Section 11-14-110 of Chapter 11, and Section 26-65-040. These setbacks are not consistent with state requirements (e.g., SWRCB's *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation*³). For instance, Section 26-65-040 has a minimum standard of a 25-foot setback to riparian areas. The SWRCB Cannabis Policy has a standard of 50-foot minimum buffer for ephemeral watercourses.

Given the unknown variability of site-specific cannabis activities, CDFW is concerned that the proposed setbacks may not be enough to conclude no adverse effects on any special-status fish. The setbacks may not adequately prevent deleterious materials, including wastewater discharge and other pollutants, from entering wetlands and/or streams. Undesignated wetlands, as discussed above, are defined as “any wetlands not designated in the general plan, local coastal program or zoning code”. Requirements for wetland setbacks should be held to the same rigorous standard for all wetlands,

³ https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

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including vernal pools, regardless of whether they are defined in the general plan, local coastal plan, or zoning code.

Evidence of Impacts: Wastewater discharge and runoff from cannabis activities, especially water containing pesticides, disinfectants, and/or fertilizers, may enter and alter existing streams or their function and associated riparian habitat on the Project site. Wetlands that are hydrologically connected to surface water may transport pollutants and waste material associated with cannabis cultivation.

Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. As buffer width increases, the effectiveness of removing pollutants from surface water runoff increases (Castelle et al. 1992). There is substantial evidence showing narrow buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Recommendations: Riparian and wetland setbacks should be as protective as or more protective than the SWRCB's *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation* requirements that require the following:

Common Name	Watercourse Class	Distance
Perennial watercourses, waterbodies (e.g., lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

The County should evaluate each cultivation site individually and reserve the right to require greater setbacks in some cases.

Additionally, all sites should be evaluated for potential wetland features within the required Biological Resources Assessment. Sites with signs of wetland features should

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be delineated by a Qualified Professional to determine the appropriate setback distances from constructed areas. The draft requirements do not specifically request a delineation be completed for all wetland types.

Comment 6: Tree Removal and Disturbance

Issue: The updated Ordinance prohibits the removal of protected trees greater than nine inches at diameter breast height (dbh) and any tree greater than 20 inches dbh. The Ordinance update also includes the following language regarding tree removal:

“If the biotic assessment required by the updated cannabis land use Ordinance determines that construction may impact protected trees, the project applicant shall procure all necessary tree removal permits as required by County Code Chapter 26D. A tree protection and replacement plan shall be developed by a certified arborist.”

This language only indicates that protected trees planned for removal will be considered for replacement. Based on the above, trees less than 20 inches in diameter that are not protected would not require replacement. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. In particular, removal of large trees without adequate mitigation should be considered a substantial adverse change in the physical conditions within the area affected by the Project. CDFW concurs that individual trees should be protected and mitigated; however, CDFW is concerned that the measure does not take into full consideration impacts to habitat such as loss of oak woodlands or account for understory botanical species. Although CDFW acknowledges the nature of the MND, without proper disclosure or analysis, the Project may result in impacts to native trees that support rare, sensitive, or listed species. Additionally, future cannabis site construction and operations, including grading and irrigation, may cause direct mortality or affect the function and value of native trees and their associated habitat.

Recommendations: CDFW recommends that the MND add criteria that the County can use to determine whether any cultivation project requires site-specific CEQA review and does not meet the criteria for a ministerial process, such as impacts to trees. Disclosure through the CEQA process will assist the County in identifying significance of impacts and appropriate mitigation measures.

CDFW recommends the Project avoid large diameter tree removal (e.g., 15-inches and greater), prohibit loss of oak woodlands and conversion of timberland, and avoid special-status botanical resources. On-site tree replacement should be considered as a potential impact minimization measure, but not sufficient to completely offset temporal impacts from loss of large mature trees. CDFW recommends Project mitigation from loss of large trees on-site, and potentially should include off-site preservation of trees in

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perpetuity. Additionally, any on-site tree protection and replacement plans should include specific tree and understory performance criteria, with monitoring and management of the replaced trees.

Comment 7: Nesting Birds

Issue: The MND acknowledges that trees may be removed for project activities yet does not include minimization or avoidance measures addressing impacts to nesting birds from Project disturbance or tree removal.

Evidence of Impacts: The Project may result in population declines or local extirpation of special-status birds, disturbance to migratory birds, habitat loss and fragmentation, and reduced reproductive capacity. Grading, vegetation removal, and other ground disturbances could result in direct mortality, disturbance to breeding behavior, or nest abandonment. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. § 10.13). Sections 3503, 3503.5 and 3513 of the Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA. Project implementation allows cannabis activities that may directly impact, or indirectly through habitat modifications, native bird species, which would be considered significant.

Recommendations: To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's MND, and that these measures be made conditions of approval for the Project:

CDFW recommends that the following protective measures be included in the MND:

1. **Nesting Bird Surveys:** If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.
2. **Active Nest Buffers:** If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, a species appropriate buffer between the nest and active construction should be established. The buffer

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should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist should have the authority to cease all construction work in the area until the young have fledged, and the nest is no longer active.

Comment 8: Light Pollution

Issue: The Project would generate sources of light in rural areas, near wildlands, and near sensitive natural vegetation communities, including permanent lighting from additional buildings or greenhouses, security lighting, and temporary lighting for proposed nighttime construction. The draft MND does not discuss the type or color of lighting that will be used outdoor, i.e., bright security lighting along the perimeter, white light, blue light, etc.

The MND states that it will revise the nighttime lighting requirement to be used only for security reasons. However, the MND does not include measures stating how nighttime lighting would be reduced. CDFW acknowledges and agrees with the ordinance requirement for shielded, downward facing nighttime lighting to reduce lighting spillover onto adjacent properties. In addition to lighting impacts on neighboring areas, artificial lighting and light pollution may cause significant impacts to rare, threatened, endangered, and nocturnal wildlife and migratory birds. Light pollution impacts can disrupt routine behavior of the species life cycle, degrade the quality of the environment utilized by said species and can substantially reduce the number of individuals. The MND does not fully analyze the biological impacts of lighting on wildlife species.

Evidence of Impacts: Sensitive species, wildlife, and their habitats may be adversely affected by increased and artificial night lighting, even temporarily due to night construction activities. Light plays a vital role in ecosystems by functioning as both an energy and an information source (Gaston et al. 2012, 2013). The addition of artificial light into a landscape disrupts this role, altering the natural circadian, lunar, and seasonal cycles under which species have evolved. Artificial lights result in direct illumination, altering the natural patterns of light and dark, and sky glow (i.e., scattered light in the atmosphere), which can extend the ecological impacts of light far beyond the light source (Longcore and Rich 2004). On cloudy nights in urban areas, for example, the sky glow effect can be of an equivalent or greater magnitude than high-elevation

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summer moonlight (Kyba et al. 2013). The addition of artificial light into a landscape can impact a broad range of system processes, including:

- Activity patterns
- Availability and detectability of food resources
- Movement, navigation and migration
- The timing of phenological events
- Physiological functions
- Foraging behavior and predator-prey interactions
- Phototaxis (attraction and movement towards light)
- Circadian rhythms (both physiological and behavioral)
- Causing disorientation, entrapment, and temporary blindness

Recommendations: CDFW recommends the following set of criteria of types of lighting that may be used on-site:

- In addition to facing lights downward, lights should be motion-activated, or turned off or dimmed during critical times of the year (e.g., migration) and during times of night that have the most significant impact on wildlife (i.e., dawn and dusk) (Gaston et al., 2012, 2013).
- Lights with wildlife-friendly spectral composition (i.e., minimize light avoidance/attraction) should be used (Gaston et al. 2012, 2013). LED lights are well suited for operating at variable brightness and being switched off or dimmed during certain times of the year or during times of low demand, as they operate at full efficiency and have no “warm-up” time (Gaston et al., 2012, 2013).
 - Vegetation may also be used to shield sensitive areas against light, and light-absorbent surfaces can be used in place of reflective surfaces (Gaston et al., 2012, 2013).
- All lights should be disposed of properly, as many contain mercury and other toxins.
- Hoop-houses and other grow facilities that use lighting (e.g., light deprivation) should be required to be completely covered at night from sunset to sunrise.

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Comment 9: Fencing Hazards

Issue: The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc.

Evidence of Impacts: Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Further information on this subject may be found at: <https://ca.audubon.org/conservation/protect-birds-danger-open-pipes>.

Recommendations: CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

Comment 10: Monofilament Plastic Netting Prohibition

Issue: Monofilament plastic netting is commonly used as trellising on cannabis plants. This plastic netting can be harmful as wildlife can become entangled and/or trapped. This topic is not considered or evaluated within the MND.

Evidence of Impacts: Plastic netting used in these products has been found to entangle many different species of wildlife, including reptiles, amphibians, birds, and small mammals. CDFW has documented wildlife mortality related to monofilament including to raptor and mammal species. Snake entrapment is of particular concern, as there have been numerous reports of snake injury and mortality due to entanglement in plastic netting used in temporary erosion and sediment control products (Rich et al 2020). Additionally, plastic materials persist in the environment for years before breaking down into smaller fragments. When plastic fragments break down, these smaller fragments or microplastics often blow away or wash materials into waterways and habitat areas.

Recommendations: The Ordinance should prohibit use of monofilament plastic netting and identify comparable materials that may be allowed that are less harmful to fish and wildlife. Allowable alternatives may include bio-degradable material, such as jute and coir (coconut husk fibers) in both erosion control measures and trellising materials.

Comment 11: Sec. 38.16.030. – Authority for Enforcement

CDFW views this Ordinance/MND update as an opportunity to provide gratitude and support for the ongoing enforcement County Code Enforcement has taken to suppress illicit cannabis cultivation while supporting the legal market. CDFW staff has first-hand experience working with county enforcement staff and commends them on their work.

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As always, there is more work to be done in this area and we encourage the ongoing and continued work.

CDFW enforcement staff have partnered with the County on enforcement cases. As an example, we have documented instances in the Santa Rosa Plain where past and current cultivation has occurred, usually by impacting upland grassland habitat, thereby impacting CTS. We would like to see our ongoing partnership evolve to restore, remediate, and mitigate impacts that have already occurred to special-status species habitat as a result of illegal cannabis cultivation, such as to CTS in the Santa Rosa Plain.

The Ordinance update indicates that the Agricultural Commissioner is responsible for conducting enforcement inspections and to determine any subsequent enforcement actions due to activities violating the provisions of the Ordinance. To maintain an active site monitoring and compliance effort for permitted cultivation operations, CDFW recommends that the County ensure adequate funding and personnel are available to assist with conducting inspections as needed.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).


CONCLUSION

CDFW supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts. We believe that greater regulatory oversight and enforcement by local Lead Agencies can help minimize the environmental impacts of

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cannabis cultivation. CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Ms. Mia Bianchi, Environmental Scientist, at Mia.Bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: **California Department of Fish and Wildlife**

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Stacy Martinelli, Stacy.Martinelli@wildlife.ca.gov
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Lt. Douglas Willson, Douglas.Willson@wildlife.ca.gov
Jennifer Nguyen, Jennifer.Nguyen@wildlife.ca.gov
Ryan Mathis, Ryan.Mathis@wildlife.ca.gov
James Rosauer, James.Rosauer@wildlife.ca.gov

State Water Resources Control Board

Taro Murano, taro.murano@Waterboards.ca.gov
Stormer Feiler, stormer.feiler@waterboards.ca.gov
Jonathan Pham, Jonathan.Pham@Waterboards.ca.gov
Zackary Zwahlen, Zachary.Zwahlen@Waterboards.ca.gov
Samuel Warner, Samuel.Warner@Waterboards.ca.gov

North Coast Regional Water Quality Control Board

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Kason Grady, Kason.grady@waterboards.ca.gov

California Department of Food and Agriculture

Michael Vella, michael.vella@cdfa.ca.gov
Lindsay Rains, lindsay.rains@cdfa.ca.gov

Sonoma County Planning Commission
c/o McCall Miller
March 17, 2021
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California Department of Forestry and Fire Protection

Kim Sone, Kim.Sone@fire.ca.gov

NOAA Fisheries

Rick Rogers, rick.rogers@noaa.gov

Sonoma County Permit and Resource Management Department

Scott Orr, scott.orr@sonoma-county.org

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From: [district5](#)
To: [Cannabis](#); [Leo Chyi](#)
Subject: FW: Letter to Sonoma County supervisors
Date: Wednesday, March 17, 2021 1:43:04 PM
Attachments: [letter to supervisors 0321.docx](#)

JW

-----Original Message-----

From: Gina Cloud <gzcloud@comcast.net>

Sent: Tuesday, March 16, 2021 6:48 PM

To: Andrea Krout <Andrea.Krout@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>;
district3 <district3@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@sonoma-county.org>

Subject: Letter to Sonoma County supervisors

EXTERNAL

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, do not click any web links, attachments, and never give out your user ID or password.

Dear Supervisors Gorin, Rabbitt, Coursey, Gore, and Hopkins:

I live in District 2 in the town of Bloomfield, but I write this on behalf of all of Sonoma Counties' unincorporated areas. I am deeply concerned about a glaring inequity in Part Two of the new cannabis ordinance.

As written, the ordinance requires only a 300 foot setback for cannabis related activities from residences. For many people who live in areas like Bloomfield, this is simply unacceptable. What it means is that our back yards, or the last 300 feet of our properties, may be compromised by the near proximity of cannabis related activities.

Most homes in Bloomfield and other similar small towns are on small holdings of one to three acres. All day long people are outside, working, walking, visiting or just enjoying the beauty of the skies and surrounding hills. How is it fair to allow cannabis related activities to intrude within 300ft of our homes? Having unwelcome activity so close to our homes and yards where we spend hours each day is unacceptable.

We know that cannabis is becoming concentrated in unincorporated Sonoma County, but most of it is at least 1-5 miles from neighborhoods; this distance is acceptable. However, in Bloomfield there is one cultivation and production site awaiting a permit that is within town limits and shares property lines with several homes. We understand that cannabis will bring much needed revenue to our county. However, allowing cannabis cultivation and production facilities just across our property lines, within sight, smell, and hearing of so many families is not acceptable.

On behalf of Bloomfield and other small towns and neighborhoods in unincorporated areas of our county, I urge you to take the time to make sure this transition to a cannabis economy is done right. It's critically important that local stakeholders be treated fairly. Please consider either a 1000 ft setback from any residence, or at least a 700 foot setback from neighboring property lines.

Thank you for your service.

Gina Cloud
11850 Mill St,
Bloomfield CA 94952

From: [Gail](#)
To: [Cannabis](#)
Subject: Draft Cannabis Ordinance comments
Date: Wednesday, March 17, 2021 3:19:55 PM

EXTERNAL

RE: Aesthetics in the Draft Mitigated Negative Declaration
Fencing requirements & Location of cannabis farms

We have two main concerns about the Ordinance: The fencing requirement (aesthetics) and the location in neighborhoods with smaller parcels.

1. **Fencing requirement!** As the declaration states: **“the high value of cannabis as a crop which creates the need for solid fencing and screening which may affect scenic views”**.

To comply with the fencing requirement, we have seen cannabis farms with 8 foot high green mesh fencing (a wall of fence that blocks views and vistas over a large area), or chain link with rolled barbed wire on top. These “farms” look like prisons! Set backs of 100 or 300 feet is not going to reduce the view of these unsightly fences. Is this what we want all over our beautiful countryside? I would rather see the greenhouses. It would take vegetation years to grow up and cover up these fences.

The ordinance states: **“design buildings and fences to be in harmony with site characteristics and nearby buildings”** (should include the surrounding neighborhood): If this is the criteria you are using then many fence structures are incompatible with that definition. You should be specific about what can and can't be used, especially in Scenic Resource corridors. Don't leave the fencing up for any kind of interpretation.

How about something like deer fencing where you still have continued vista (instead of a big wall). Then they could use vegetation to hide the greenhouses or whatever view needs to be blocked. The typical agriculture farms we see have fences with t-posts and barbed wire that allow vistas of the countryside, and still keep people out. They are a pleasure to look at.

2. **Our second problem is the location of these farms. There should be a requirement that these commercial farms be limited to areas with similar parcel sizes.**

For example, there is a cannabis farm in the middle of a neighborhood on Wood Road, Fulton. It is on 23 acres but the surrounding homes are mostly on much smaller parcels of 2 – 12 acres. It is a neighborhood of around 20+ houses surrounding this big pot farm, which has one of those green mesh fences surrounding it. Many people walk and bike down this street.

We love this county and want to see it stay beautiful! Please include these requirements in the Ordinance.

Thank you for your consideration,

Gail Frederickson
707-697-5604

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From: [Teri Shore](#)
To: [PlanningAgency; Cannabis](#)
Subject: Fwd: Cannabis Ordinance - PC Public Hearing - March 18 - No Grows in CS, EIR needed
Date: Wednesday, March 17, 2021 5:06:17 PM
Attachments: [Logo PRIMARY green web 72dpi.png](#)
[GACannabisCSComments3.21.pdf](#)

EXTERNAL

Resubmitting as I don't see my comments in the public comment letters posted for tomorrow's meeting. Or maybe I just couldn't find them.

----- Forwarded message -----

From: Teri Shore <tshore@greenbelt.org>
Date: Tue, Mar 16, 2021 at 11:32 AM
Subject: Cannabis Ordinance - PC Public Hearing - March 18 - No Grows in CS, EIR needed
To: <PlanningAgency@sonoma-county.org>, <cannabis@sonoma-county.org>, <SonomaAg@sonoma-county.org>



March 16, 2021
Sonoma County Planning Commission
c/o Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403-2859

VIA Email _____

RE: Cannabis Ordinance Amendments, General Plan Amendment and Mitigated Neg Dec ORD20-0005 - Disallow Cannabis Grows in Community Separators to be consistent with General Plan and Measure K; Require full EIR

Dear Sonoma County Planning Commission and Permit Sonoma,

Greenbelt Alliance urges the Planning Commission and Permit Sonoma to revise the proposed amendments to the Cannabis Ordinance and General Plan to specifically *disallow* cannabis grows in community separators, and/or to conduct a full environmental impact report to analyze and mitigate the impacts to voter-protected community separator lands and across the county. The 53,000 acres of lands designated in community separators are protected in General Plan policies and by the 83 percent of voters who supported Measure K from intensification of development without a vote of the people.

Cannabis grows in community separators were never considered, mentioned, or analyzed in the countywide General Plan, its Environmental Report (draft version 2006, FEIR not on record) or in Measure K. The Mitigated Negative Declaration does not analyze the impacts to community separators or even mention them. Changing the status of cannabis to an agricultural crop, rather than a product, with ministerial permits would open up community separators to a totally new, more intensive use of the lands and without any public notice, review or input.

Of significant concern is that community separators are the closest county lands to cities and towns and therefore neighborhoods, by design, to protect rural character and hold back sprawl. This elevates the potential negative environmental impacts to people living next to community separators compared to other lands. For example, the Buzzard's Gulch property next to the Cloverleaf Ranch for youth is RRD and located inside the Windsor-Larkfield-Santa Rosa Community Separator. In addition to a youth camp, the neighbors include a senior living center and a cancer treatment facility. The proposed ordinance would potentially allow a grow there with a ministerial permit and zero public notice. Voters vehemently objected to a proposed development there in 2020.

Most community separator lands are designated Resource and Rural Development or one of the various agricultural land use designations (LIA, LEA, DA, etc.). Existing agriculture uses were considered generally consistent with the purpose of community separators. However, cannabis grows are significantly different and a more intense use of the land given the typical use and need for permanent greenhouses, hoop houses with artificial lighting capability, 8' solid security fencing, night and other lighting, structures with an industrial appearance, events, and potentially armed security around the clock.

Given these realities, Greenbelt Alliance urges the Planning Commission to disallow cannabis grows in community separator lands. We also urge you to require a full Environmental Impact Report to consider the negative environmental impacts of cannabis grows in community separators and lands across the county before moving forward on the Cannabis Ordinance and General Plan amendments.

Please refer to detailed letters from Sonia E. Taylor and Preserve Rural Sonoma County that provide additional comments and rationale for requiring a full EIR under CEQA. Greenbelt Alliance supports their comments and proposed actions.

Sincerely yours,



Teri Shore, Advocacy Director
tshore@greenbelt.org, 707 934 7081

cc: Sonoma County Board of Supervisors

--

Teri Shore
Advocacy Director

Greenbelt Alliance
1 (707) 934-7081 cell | tshore@greenbelt.org
greenbelt.org | [Facebook](#) | [Instagram](#) | [Twitter](#)

We're adapting to a changing climate. Get our new [Strategic Plan](#) to find out how.

--

Teri Shore
Advocacy Director

Greenbelt Alliance

1 (707) 934-7081 cell | tshore@greenbelt.org
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March 16, 2021

Sonoma County Planning Commission
c/o Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403-2859

VIA Email PlanningAgency@sonoma-county.org

RE: Cannabis Ordinance Amendments, General Plan Amendment and Mitigated Neg Dec ORD20-0005 - Disallow Cannabis Grows in Community Separators to be consistent with General Plan and Measure K; Require full EIR

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generally consistent with the purpose of community separators. However, cannabis grows are significantly different and a more intense use of the land given the typical use and need for permanent greenhouses, hoop houses with artificial lighting capability, 8' solid security fencing, night and other lighting, structures with an industrial appearance, events, and potentially armed security around the clock.

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Please see detailed letters from Sonia E. Taylor and Preserve Rural Sonoma County that provide additional comments and rationale for requiring a full EIR under CEQA. Greenbelt Alliance supports



their comments and proposed actions.

Sincerely yours,

Teri Shore, Advocacy Director
tshore@greenbelt.org, 707 934 7081

cc: Sonoma County Board of Supervisors

From: [Jon & Katherine](#)
To: [PlanningAgency; Cannabis](#)
Subject: Draft Cannabis Ordinance Revisions, Draft General Plan and Draft
Date: Wednesday, March 17, 2021 9:42:39 PM

EXTERNAL

Dear Planning Commissioners and staff,

This letter is for submittal of the following:

We are not opposed to commercial cannabis. What we are opposed to is the lack of provisions in the documents regarding cannabis to create good neighbors of commercial cannabis. My wife and I strongly suggest you incorporate a 1000 foot buffer from any property line. We also request you have an environmental impact report on the impact to a community with regards to ground water. Would the community be at risk with their wells?

Please carefully consider our comments, as our goal is to provide information to reduce conflict between existing rural residential towns and neighborhoods and the young cannabis industry.

Sincerely,
Jon & Kathy Little
Bloomfield CA

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From: [john dean](#)
To: [Cannabis](#)
Subject: Comment on Cannabis Ordinance Mitigated Negative Declaration
Date: Wednesday, March 17, 2021 4:07:12 PM

EXTERNAL

COPY OF LETTER PREVIOUSLY MAILED TO COUNTY

Planning Commission
c/o McCall Miller, Department Analyst,
Cannabis Program,
County Administrator's Office
Cannabis@sonoma-county.org

Honorable Commissioners

Thank you for this opportunity to comment on the proposed Sonoma County Cannabis Program ordinance and Negative Declaration. A Mitigated Negative Declaration is required to show that the proposed ordinance will not have significant effects on the environment due to mitigations found in the ordinance to avoid preparation of an EIR.

The Negative Declaration sets forth on page 10 that the existing ordinance establishes setbacks from cannabis operations of 100 feet from property lines, 300 feet from neighboring residential structures and 1,000 feet from schools, public parks and various other listed sensitive land uses. This existing 1,000-foot setback of cannabis grow operations from sensitive land uses establishes that cannabis grow operations have a negative environmental effect for 1,000 feet around a grow operation. Otherwise, there would be no reason for the Board of Supervisors to establish this setback. The new cannabis ordinance only establishes a 300-foot setback from residences.

These negative environmental effects of cannabis growing include obnoxious odor, associated criminal activity and the stigma of cannabis as a mind-altering substance similar to alcohol and nicotine opposed by various health, religious, law enforcement and social organizations. These are the reasons many people want to distance themselves, their children and their guests from cannabis grow operations.

Odors particularly affects use of property driving people indoors when they should be enjoying their porches, decks, barbeques and other excuses for being outside. This is particularly true of the cannabis odor months of September and October, as set forth on page 35 of the negative declaration under the section on Outdoor Cultivation Odors. These months have some of the nicest weather of the year in Sonoma County. The current Covid epidemic clearly demonstrates the environmental

advantage of being outdoors. Clean fresh air has always been considered a necessary ingredient for healthy living.

The proposed negative declaration discusses outdoor cultivation odor also on page 35 frankly admitting that cannabis sites can generate odor that adversely affect a significant amount of people. But odor is not specifically identified as a significant environmental impact and the only suggested mitigation is growing bushes that will somehow filter out this odor or expensive and wasteful water spray systems to wash out the odor. There is no discussion of whether the adverse environmental effects of cannabis growing will degrade the county, cause people to move away, reduce property values or unnecessarily keep people inside their residences. Further, there is no discussion whether other mitigation exists such as greater setbacks to mitigate odor as an environmental impact.

This is the failure of the proposed Mitigated Negative Declaration to perform its legal duty to mitigate environmental effects of the Cannabis Program Ordinance. The same reasons cannabis grow operations are set back from schools, public parks and other sensitive land uses apply equally to residences where people live. Children go to schools and parks but they spend more time living and sleeping in their houses. Adults recreate in parks and on public trails. They also live in their houses. The negative declaration needs to explain how a 1,000-foot setback is necessary between cannabis grow operations and schools, public parks and other sensitive land uses but not from residences where people eat, sleep and entertain themselves. Currently, many people also have to educate their children and work at home. There should be no place better than home. The alternative to trying to justify treating residences differently from schools, public parks and other special uses is to establish as mitigation the same 1,000-foot setback between cannabis grow operations and residences.

Establishing a 1,000-foot setback from cannabis grow sites and residences will reduce the amount of land devoted to cannabis growing in Sonoma County. This will reduce the cannabis impact but also affect the rights of many landowners of over 10 acres. The rights of all land owners should be balanced. If growing cannabis keeps other people from the quiet enjoyment of their property due to environmental impacts and mitigation exists in the nature of a reasonable setback, the California Environments Quality Act requires imposition of that mitigation. The alternative is preparation of an Environmental Impact Report to explore the environmental impacts and suggest alternatives.

Establishing a thousand-foot setback between cannabis grow operations and residences will avoid a multitude of future problems, lawsuits and political controversy.

Thank you for your consideration.

John & Susan Dean

1722 Barlow Lane
Sebastopol Ca 95472
johnpdean@gmail.com

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From: [Jared Kennedy](#)
To: [Cannabis](#)
Subject: Local sonoma county cannabis patient
Date: Wednesday, March 17, 2021 1:35:18 PM

EXTERNAL

I am a medical cannabis patient who lives in Sonoma County. I rely on the cannabis grown right here in Sonoma County to treat a serious medical condition. I am grateful that the county has done so much to secure the supply of safe medicine for people like me. However, the current cultivation permitting process takes too long and is too expensive. Delays and high costs affect other patients and me. We need a more straightforward system to get medical cannabis to patients at a lower price.

I am writing to support the proposed changes to the county's cannabis permitting process. There is no reason why licensed cannabis businesses in Sonoma County should be treated differently from other agricultural businesses in zones already approved for farming. There are comprehensive local and state regulations designed to protect the environment, regulate water use, ensure public safety, and more. None of that goes away if the county streamlines its process. I urge you to support the staff recommendations and ask the Board of Supervisors to adeptly them quickly.

Sincerely,
Jared Kennedy

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From: [Jacqueline Moore](#)
To: [Cannabis](#)
Subject: Sonoma County cannabis law - -Public comment
Date: Wednesday, March 17, 2021 5:34:06 PM

EXTERNAL

My house is at 10605 Slattery Road, Glen Ellen. I am very much AGAINST this new law, for many reasons, but particularly because of the water weed farms use. We've got to conserve the water in Sonoma. It's harmful enough to grow vineyards, but this would be even worse.

Thank you,

Jacqueline Moore

This message may contain confidential or privileged information and is intended only for the party named above. If you are not the addressee, you must not use, copy, disclose or take any action based on the information herein. Please notify the sender immediately by e-mail if you have received this message in error and delete this message from your system. This message is for information purposes only and is not an offer to sell or a solicitation of an offer to buy any security. Any performance information provided is estimated and unaudited; no representation or warranty is made to, and no reliance should be placed on, the fairness, accuracy, completeness or timeliness of the information contained herein. Any investment strategy entered into for potential profit also involves risk of loss. For more information regarding how we collect and process personal information, please visit our [Privacy Policy](#).

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From: [judith.Rousseau](#)
To: [Cannabis](#)
Cc: [Greg Carr](#); [Larry Reed](#); [Gina Belforte](#); [Cameron Mauritsen](#); [Pamela Davis](#)
Subject: Commercial Cannabis Cultivation ordinance--letter to Commissioners
Date: Wednesday, March 17, 2021 5:27:09 PM
Attachments: [cannabis.docx](#)

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March 17, 2021

Planning Commission
c/o McCall Miller, Department Analyst
Cannabis Program, County Administrator's Office

RE: Amendments to the County Code and New Chapter 38.

Dear OMr McCall and Planning Commissioners

I am writing out of a deep concern for the far-reaching effects these amendments will have on the landscape of Sonoma County.

First, as you know, allowing ministerial permits for new cannabis cultivation will greatly reduce protections for ecologically threatened areas of our county—and for its unique rural character, especially for those properties zoned RRD. These are often areas with native trees and plants, animals, slopes and water sources such as creeks. Applying ministerial permits, instead of CEQA, for agriculture outside of agricultural zones could greatly impact critical habitats, not to mention the maintenance of stored carbon to slow climate change, which is a recently expressed concern of our County Supervisors. This is also a giant step away from the intent of the existing General Plan.

Many of us are stunned by the potential scope of this plan. Up to 65,000 acres could be affected! This is an extreme expansion of potential cannabis cultivation.

There are many other important concerns: water use issues, scenic blight of large hoop houses, traffic, rural neighborhood concerns, parks and schools. Why are you moving so rapidly on these amendments? The proposed changes will affect the ecological health and the unique character of Sonoma County permanently. Please act with foresight and scale back the proposed changes, including permitting and percentage of eligible acreage.

Thank you for listening,

Judith Rousseau

From: [Judith Rousseau](#)
To: [Cannabis](#)
Subject: zoom link for cannabis meeting 3/18??
Date: Wednesday, March 17, 2021 5:59:14 PM

EXTERNAL

Please send to: jrousseau12@hotmail.com

thx!

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From: [Judith Rousseau](#)
To: [Cannabis](#)
Subject: zoom link for meeting 3/8
Date: Wednesday, March 17, 2021 6:14:09 PM

EXTERNAL

reply with link
thx!

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From: [Kimberly Burr](#)
To: [Cannabis](#)
Cc: [McCall Miller](#)
Subject: Cannanbis Comments
Date: Wednesday, March 17, 2021 5:01:34 PM

EXTERNAL

Thank you for the opportunity to provide preliminary comments on the proposed changes to the Cannabis regulations.

Mitigated Negative Declaration (MND)

The proposed General Plan Amendment and changes to Chapters 26 and the new Chapter 38 pose many changes. Compared to the previous manner in which cannabis/hemp applications were processed, this new approach poses more potentially significant adverse impacts to the environment. An environmental impact report, therefore must be prepared by an independent company -independent of the county or the regulated community, to properly inform the public and the decisionmakers of the full and accurate potential impacts of these changes and additions.

The issue of water supply and demand has not been cumulatively analyzed. And under the proposed approach cannot even be properly analyzed on an individual basis.

All potentially significant impacts of which there are many must be properly described and verified and a mitigated negative declaration is the improper tool with which to carry out this comprehensive review.

Ministerial Permit

Here the County proposes to subject new high intensity development to a ministerial permit process.

Declaring the activities subject to the new ordinance ministerial is a decision held to a standard set out in the California Environmental Quality Act. That standard is not met here. These activities, for example, go well beyond issuance of a mere dog license.

Ministerial permits are reserved for those activities that pose no potential threats to the environment. This is so even if a jurisdiction asserts that any impacts can be mitigated some how.

A ministerial process here does not adequately address the complexities of high

demands for water on a daily basis throughout the summer, high demands for electricity, development of new structures and roads in rural areas and removal of native vegetation that is already under stress due to climate change.

Analysis of Potentially Significant Adverse Impacts

Listed above are just a few of the impacts necessary to be carefully understood, quantified, avoided, and mitigated if possible on a case by case basis. None of this is possible under the current approach. If the county were to adopt a ministerial approach here, it would be tying its own hands. This it would do at the cost of good planning and protection of the community's water supplies and the species already listed as in danger of going extinct due to degraded lands controlled by county permits.

Changing the application process to a ministerial permit -from the previous process for this and similar activities, greatly increases the risks to the environment. The change results in the relaxing of the requirements of the applicant seeking to intensely develop the land and to develop new water supplies for a water intensive endeavor.

Compared to previous approaches, this approach weakens standards, eliminates valuable public input, and reduces the ability to do a careful case by case analysis. It minimizes the ability to investigate, verify, and require site specific improvements, and attempts to inexplicably remove all discretion - that was formally seen as necessary. Changes such as these ignore the potentially significant impacts of this potentially high impact activity.

Potentially Significant Impacts and Harm to Protected Species

These new permits will be the catalyst for the activities described in the applications and those impacts are potentially significant and foreseeable - especially the great need for protecting fresh water supplies.

The development of new activities and projects that usurp natural resources -like a dwindling fresh water supply, is by definition development that poses potentially significant environmental impacts.

The lead agency cannot abdicate its responsibilities by simply declaring this new intense development ministerial because it opens the gates for clearing, pumping, building, enclosures, and diversions. The proposed approach would improperly allow destructive development that has the potential to harm and contribute to take of protected species by improperly avoiding environmental review or analysis.

Thank you for taking my preliminary comments on this matter.

Kimberly Burr

“Balance - When we are urged to weigh the environmental impacts against the interests of developers, consider this...."We've lost nearly two-thirds of the world's wildlife since the first Earth Day 48 years ago."

—The Nature Conservancy

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From: nbaylk@aol.com
To: [Cannabis](#)
Subject: Response to Part 2 of Sonoma County Cannabis Ordinance
Date: Wednesday, March 17, 2021 2:11:15 PM

EXTERNAL

I live near, but not in, the little village of Bloomfield, on a small ranch which is not only my home but also my place of work. I am writing to express my concerns about the possible cannabis operation that is being proposed for the village of Bloomfield, and would be adjacent to my farm and ranch. Anyone who has seen the site will realize that cannabis production on the proposed acreage will have a major effect on the village of Bloomfield, as well as adversely change the nature of all adjacent property, including my property, which I purchased specifically because it was quiet country property, surrounded by ranches and farms, far from lights, noise, heavy traffic, or commercial activity.

It is important that all cannabis farming operations be required to be in a location that can accommodate a buffer/set back from a property line, not just from a house, sufficient to protect all neighbors and their houses and their land, including country property, ranches, and farms, from the detrimental effects of cannabis farming and production. For many people, especially people on ranches, farms and country property, the land is as important, if not more important, than the buildings, and the people living on such properties may spend more time outside on the land than inside the house.

Allowing cannabis production almost at the boundary of another persons property is basically taking away the right of that person to enjoy the use of the property.

Many of the detrimental effects of cannabis farming and production will be particularly noticeable and disruptive in rural surroundings, where people have frequently chosen to live in order to avoid noise, traffic, lights, noxious odors, and night time activities. Neither the residents of Bloomfield, nor the occupants of the surrounding ranches, many of them owned by the same families for generations, expected, when choosing to live in rural areas, to be subjected to the many undesirable results of cannabis farming and production. These well documented detrimental products of cannabis farming and production were not problems property owners accepted when purchasing their properties; these undesirable effects are being forced upon property owners by changes being made after they had committed their resources to properties that were not subject to the exact problems that are now being forced upon them.

All cannabis production facilities ought to be restricted to an area that is zoned commercial, as the noise, lights, odor, traffic, and activities associated with production are those that are normally required to be limited to a commercial zone. The farming of cannabis has many incidental results not associated with other farming activities, such as, traffic, safety, amount of ground water usage, contamination, noxious odor, lights, noise, and likelihood that all of these disruptions could well be going on 24/7. Cannabis farming needs to have additional and well-thought-out regulation to prevent cannabis cultivation from becoming a county wide disaster for the residents of Sonoma County. Sonoma County should require an Environmental Impact Report to properly study the impacts of commercial cannabis farming and production on towns, neighborhoods, country property, ranches and farms.

While those who will benefit financially from the cultivation and production of cannabis tout the financial rewards available from cannabis, it is important to consider that if Sonoma County becomes known as the Cannabis Capital of California, it may well be at the expense of the distinction we have known as a destination for fine food, exceptional wine, renowned scenic beauty, serene rural ambiance, and abundant outdoor activities. Even those who intend to have their vacation include cannabis may choose to do so in another county, if excessive cannabis farming and production and the accompanying odor, noise, traffic, lights, safety concerns and 24/7 activity detract from the beautiful and serene rural ambiance for which Sonoma County has been so well known.

Thank you for your consideration of these concerns.

Karen Kibler

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From: [Lynne Deegan-McGraw](#)
To: [Cannabis](#)
Subject: Planning Commission c/o McCall Miller, Department Analyst, Cannabis Program, County Administrator's Office,
Date: Wednesday, March 17, 2021 2:26:37 PM

EXTERNAL

Good afternoon,

I am a property owner in Glen Ellen. The proposed ordinance troubles me greatly in that:

- * 65,000 area is more acreage than the County has growing grapes
- * The proposal allows for the grows to be next to existing neighborhoods without a public hearing
- * The proposed setbacks are inadequate
- * Odor limits are unenforceable
- * Cannabis grows use over six times the amount of water as grapes

We live in a very special place and, to my mind, planning decision should be taken to enhance the value of the space to residents and tourist alike. I am not against growing cannabis (although the water usage and run off is a huge issue) but surely it would be more acceptable to all parties to allow and encourage grows in industrial parks rather than despoil pristine landscapes.

My understanding is that Napa County Supervisors have already voted against an ordinance such as this. I urge you to do the same.

Thank you for your consideration

Sincerely

Lynne Degan-McGraw

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From: [LAUREN LOCKWOOD](#)
To: [Cannabis](#)
Subject: Response to cannabis draft ordinance updates
Date: Wednesday, March 17, 2021 11:36:04 PM

EXTERNAL

Hello,

As Sonoma County homeowners and residents, we are writing in response to the Cannabis draft ordinance updates and urge these NOT to be approved! Our main concerns are regarding the health of the fish and water in the Mark West Watershed. These significant updates to Cannabis ordinances pose new impacts and threats to the water quality, *water quantity* and sustainability in our neighborhood in the Mark West Watershed.

The County should do a complete Environmental Impact Report to study these impacts thoroughly. The ordinance updates only refer to mitigations on a permit by permit basis, and there is no look at the overall cumulative impact of multiple water draws within the same area. There is no limit on the number of projects that could be permitted. The mitigated negative declaration does not sufficiently acknowledge or address all the potential impacts, especially when considered as a whole.

Results from the Mark West Flow Study 2017 show that our watershed hangs in a delicate balance, with enough water to support humans and fish with current land use in an average or wet rain year. In dry years, we have a net deficit, and there is every indication that more dry years are likely on the horizon as we continue to be impacted by climate change. Any changes in public policy that have the potential for increased groundwater use in the Mark West Watershed threaten to tip this delicate balance in the wrong direction.

The County has a legal obligation to protect groundwater and streamflow in critically impaired watersheds. Having Net Zero Language in the ordinance does not go far enough to ensure protections. There needs to be a full EIR to identify all potential impacts and appropriately address those impacts. Under current guidelines, the County has NOT demonstrated an ability to adequately protect water resources. An exclusion zone would be the most effective way to protect groundwater resources in the Upper Mark West Watershed. The County is the primary entity responsible for protecting water resources.

Commercial cultivation would now be allowed on up to 10% of the total parcel acreage, where previously it was limited to no more than one acre, regardless of parcel size. This is a significant increase in potential acreage for commercial cultivation. This means an increase in water needs that Mark West Watershed does NOT have to be sustainable. All the impacts are increased making the problems greater. What about sanitation issues, sewage, and debris from these cultivation sites?

Giving warning about compliance visits really only ensures compliance during those

visits. The ordinance needs to require real-time water monitoring and not rely on self-reporting. Compliance should not be dependent on someone reporting a violation. The County is responsible for ensuring compliance. Ordinance language needs to include protections against an applicant claiming previous water use without substantial evidence of actual extended use over time. Unpermitted water use in impaired watersheds should carry heavier fines and penalties designed to insure compliance. It should not be possible for someone to pay fines and then continue with un-permitted practices.

We are also greatly concerned about our overall safety, increased crime, increased noise, odors, increased traffic on our already stressed roads, increased pollution (light, water, air, trash) and the "Right to farm" language meaning that we, the neighbors, cannot complain about these impacts. We are not anti-cannabis. We feel there are better suited areas for cannabis cultivation than the Mark West Watershed of Sonoma County.

Again we urge further study and not to approve these Cannabis ordinance changes/updates. I hope we can retain our neighborhood way of life and environment.

Thank you.

Regards,

Lauren Lockwood & John Wetzel

3430 Chalfant Road
Santa Rosa, CA 95404
hammerbetty@hotmail.com
707-280-9614

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From: [Leda Schulak](#)
To: [Cannabis](#)
Subject: Cannabis Comment to Planning Commission c/o McCall Miller
Date: Wednesday, March 17, 2021 3:27:51 PM

EXTERNAL

Dear M Miller,

My 83 year old mother, I, and my daughter live in Glen Ellen on Slattery Road and I am concerned that the new Cannabis ordinance does **not have enough protections nor controls** for homeowners and landowners.

I think this ordinance **needs to be revised before accepted and I oppose it in its current form.**

1. Could a Cannabis grower spray their crops? They only need to be 100 feet away from the property line. What does that do to our organically grown orchard fruit? To the quality of our world class wine? To our children's lungs?
2. Are there limits to the water usage of a Cannabis farm? When we moved to the valley in 1970 there were orchards. Since then, there are primarily vineyards which use water far greater than homeowners or orchards. Are we to let Cannabis growers add to our water woes?
3. How flammable is Cannabis? We are in a high fire danger area. The spread of broom (*Genista monspessulana* and *Cytisus* spp.) have exacerbated our fire danger problems in our valley. I do not want to add more "fuel to the fire."
4. Have there been traffic and parking studies? Impact on native species? And other reasonable research before we accept up to 65,000 acres of cannabis in the Valley of the Moon?

I do not oppose cannabis growing, nor do I oppose taxing it, but I do want more research, planning and public review before it becomes like broom - hard to control, dangerous to us, toxic to animal life and an huge change to our ecosystems and environment.

Thank you for your attention in this matter,
Leda Schulak
10699 Slattery Rd
Glen Ellen, CA
510-325-1328

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From: [Lisa Weger](#)
To: [Cannabis: "Joan Conway"](#)
Subject: Letter Re: Cannabis Cultivation
Date: Wednesday, March 17, 2021 2:07:52 PM
Attachments: [Letter re cannabis cultivation.docx](#)

EXTERNAL

Attached is the letter which I have sent to the Sonoma County Board of Supervisors and the Planning Agency.

Best Regards,
Lisa Weger

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**Lisa Weger
Weger Interests, Ltd.
2333 Mill Creek Lane
Healdsburg, CA 95448**

March 16, 2021

James Gore, Supervisor 4th District
& the Sonoma County Board of Supervisors
575 Administration Drive, Rm. 100 A
Santa Rosa, CA 95403

RE: Cannabis Ordinance.

Dear Supervisor Gore and Sonoma County Supervisors:

I am writing to you to voice my strong opposition to the recent (and relatively unknown) Cannabis Ordinance that is to come before the Board of Supervisors on April 13, 2021.

I have lived in Sonoma County for over 33 years. My roots are from Mendocino county where I am a descendant of Samuel Orr who settled in California in the 1860's. My family has been ranching here ever since.

While I have no personal opposition to the use of cannabis, as the owner of a large ranch in rural Mendocino county I know intimately the impacts of "cannabis cultivation." Over the years, we have experienced uncounted trespass grows. What was always most disturbing about those sites (as we were removing the pipe, the poisons, and wire) was the blatant disregard for the environment. There was persistent ephemeral stream dewatering, traps, animal poisons, and volumes of trash left behind. All the while the cannabis industry kept claiming the environmental "high ground."

While the trespass grows are mostly a thing of the past, the cannabis industry environmental abuses continue. The cannabis industry is supposed to comply with the same general protections regarding roads, culverts, water, erosion, wildlife, and health of the environment, with which those in agriculture, timber harvesting, or any other citizen in Sonoma County citizen who undertakes a "project", must comply.

However, once again the cannabis industry is falling short of meeting the best management practices (BMPs). The “solution” to this unwillingness to practice BMPs is the Ordinance before you—which in effect, protects their proposed projects from full scrutiny before approval.

Let’s address the laundry list of reasonable concerns that Sonoma County citizens have about this proposed ordinance:

1. WATER

Cannabis cultivation requires an enormous amount of water. Hoop houses which grow at least two crops a year require twice that amount of water. Aren’t we currently concerned about the health of our aquifers? Should you approve a process that allows “growers” to further deplete these aquifers without any cumulative impacts evaluation?

2. FAIRNESS

Why would we single out one industry for special treatment? We don’t exempt grape growers, builders, homeowners, or timber harvesters from the full impact of the permitting process. Why cannabis??

3. HOOP HOUSES AND STENCH

Recently one of my Mendocino neighbors built a three-story hoop house which is illuminated day and night. The very loud generators run constantly. It negatively impacts wild animals by disturbing their natural environment. It is a huge eyesore on the landscape. Can you imagine the impacts of unrelenting noise and light pollution if hoop houses appeared all over the hillsides of Sonoma County?

I have a friend who sold her house and moved out of Sonoma County because her new neighbor put in a pot garden along her property line. During the last month or so of the growing season the stench of skunk made her house uninhabitable.

Such nuisance impacts would be swept under the carpet as a result of the proposed Ordinance because neighbors could not complain about them, under the “right to farm” provision that would be extended to cannabis.

4. CRIME

To pretend that growing cannabis is the same as growing grapes, or apples, or hay is ridiculous. What percentage of crime in this county results from cannabis grows? People stealing “flower” and/or cash from one another is serious and dangerous, not only for the growers but for their innocent neighbors!! That’s me—the public. Approval of this proposed Ordinance jeopardizes the health and well-being of the public you represent. Has anyone been murdered, beaten, or robbed because one person stealing grapes from another person?

5. USE PERMIT

The Proposed Ordinance should be defeated. ALL citizens of Sonoma County should be treated equally. Growing cannabis should comply with provisions of CEQA and growers should be required to obtain a use permit allowing a full vetting of the pros and impacts of any proposed project.

Sincerely,

Lisa Weger
Weger Interests, Ltd.

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Public comments during Planning Commission Meeting
Date: Wednesday, March 17, 2021 1:37:10 PM

From: Marshall Behling <marshall.behling@ymail.com>
Sent: March 17, 2021 1:01 PM
To: Larry Reed <Larry.Reed@sonoma-county.org>; Todd Tamura <Todd.Tamura@sonoma-county.org>; Gina Belforte <Gina.Belforte@sonoma-county.org>; Greg Carr <Greg.Carr@sonoma-county.org>; Caitlin Cornwall <Caitlin.Cornwall@sonoma-county.org>; Pamela Davis <Pamela.Davis@sonoma-county.org>; John Lowry <John.Lowry@sonoma-county.org>; Cameron Mauritson <Cameron.Mauritson@sonoma-county.org>; Jacquelynne Ocana <Jacquelynne.Ocana@sonoma-county.org>; PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: Public comments during Planning Commission Meeting

EXTERNAL

Commissioners:

Please allow public comments of at least two minutes per person to happen during your Planning Commission meeting tomorrow afternoon. A number of us intend to speak about the draft cannabis ordinance.

Thanks, Marshall Behling

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From: [Marc Farre](#)
To: [Brenda Putnam](#)
Cc: [Cannabis](#)
Subject: Re: Cannabis Ordinance
Date: Wednesday, March 17, 2021 6:41:43 PM

EXTERNAL

Fantastic letter, Brenda!

Sent from my iPhone

On Mar 17, 2021, at 6:28 PM, Brenda Putnam <bjp2004@comcast.net> wrote:

March 17, 2021

Planning Commission and Board of Supervisors of Sonoma County c/o
McCall Miller, Department Analyst, Cannabis Program, County Administrator's
Office

Dear Planning Commission and members of the Sonoma County Board of
Supervisors,

I have read the proposed changes to the Cannabis Ordinance and understand the reason for the change is "to promote agricultural diversity and a sustainable economy by identifying more projects that qualify for permits and are protective of the public health, safety, welfare, and environment." Under these guidelines cannabis cultivation in rural neighborhoods in Sonoma County should be prohibited since they are a threat to public health, safety, welfare, and the environment.

I have owned my home in rural Sonoma County for 25 years. My property is zoned RR as are several of my neighbors. I live on a narrow one lane unpaved road which is privately maintained. Several of the neighbors who live up the hill from us are zoned DA and under the current regulations qualify for a commercial cannabis operation. In the last several years our neighborhood has been subjected to illegal cannabis grows and we have had to deal with the consequences (noxious odors, fear of crime, increased traffic). With firsthand knowledge of the impacts of these cannabis operations on neighborhoods I participated in the Planning Commission listening sessions. I was outraged to hear the suggestion that cannabis should be treated as any other crop, "cannabis is agriculture". If that were the case there wouldn't be a need for all of the stipulations suggested in your proposed ordinance. These stipulations are of course necessary because these cannabis operations are being allowed in areas where they don't belong. The lane I live on is part of a popular walking trail used by neighbors in surrounding areas who bring their children and walk their dogs. Last year we were subjected to unbearable odor from the illegal grow in my neighborhood that plagued our neighbors and prevented us from enjoying being outdoors. If this illegal grow were to become legal how would these smells be controlled? What enforcement action would be taken? This wouldn't stop the traffic from all of the out of state vehicles we witnessed

making trips up and down the road. Why?, because cannabis is not allowed on a federal level. It is a cash crop that invites crime and out of state traffic where cannabis prices are higher.

I do appreciate the additional regulations in the proposal to address and control the environmental impacts (odor, air quality, water, pesticides, etc.) but what is being missed is the issue of location. The County permitted RR throughout unincorporated Sonoma County and now have a responsibility to protect these residences. Residential implies we can live here with our families with the expectation that we can be safe in our neighborhood. We shouldn't have to worry about home invasions and crime due to cannabis cultivation that has been sanctioned by the County. Cannabis is not like any other crop. Other crops don't subject us to months of noxious odors, lights, security fences, and worry for our safety. At a minimum the setbacks you suggest are insufficient. One thousand feet from residences should be a bare minimum.

Cannabis operations with all of the necessary security measures do not belong in neighborhoods but in industrial secured locations in order to protect the health and safety of the citizens, tourists, and tax payers of Sonoma County.

Please give these concerns serious consideration,

Brenda Putnam

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From: [Roxanne](#)
To: [Cannabis](#)
Subject: Comments on Pepper Road/Lane Cannabis Commercial Cultivation Permit Proposal
Date: Wednesday, March 17, 2021 6:45:38 PM

EXTERNAL

Planning Commission
c/o McCall Miller
Department Analyst, Cannabis Program
County Administrative Office
575 Administrative Drive, Suite 104A
Santa Rosa, CA 95403

Cover sheet to be attached to my 2-page email of this date sent electronically to Cannabis@sonoma-county.org at 6:04pm, using proper addressee.

Marie-Roxanne Gudebrod
67 Live Oak Drive
Petaluma, CA 94952
(707-492-9205)

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From: [Roxanne](#)
To: [Cannabis](#)
Subject: Comments on Pepper Road/Lane Cannabis Commercial Cultivation Permit Proposal
Date: Wednesday, March 17, 2021 6:04:17 PM

EXTERNAL

To Whom it May Concern

The location of this proposal to permit a commercial production of cannabis at the juncture of Pepper Road and Pepper Lane is absolutely UNACCEPTABLE.

Traffic: Pepper Road is a VERY traveled main road leading from Highway 101 into the heart of an old, historic area of the Petaluma valley. The number of trucks using the road relating to the dairy industry, the tree farms, wineries, etc, has grown tremendously in the 45 years I have lived here. The noise level has also increased, and add the number of individuals using the road as a race way with loud car engines and motor cycles on. This goes on regularly. Now add additional vehicles as will be involved in the *cultivation* of cannabis with add addition noise and wear and tear not only on Pepper Road, but also access roads such as Jewett Lane and Center Lane; two roads that this county has *miserably* failed to maintain in the time I have lived here. There is just one flashing traffic signal. Accessing these two lanes from Live Oak Drive will be more difficult than ever with additional traffic driving at speeds well above the designated speed limit.

Water: The residences in this area are serviced by wells. If you are not aware of it now, we are in a drought, and have been for several consecutive years with only a few "normal" rain years. And now you are proposing use of the land for a product that requires 600% more water than can already be provided to current residences, and other more environmental sensitive commercial concerns in the immediate area. Apparently, the planning department in it's infinite wisdom, has already submitted the steps to have residential wells metered. Why? There is a water shortage in this county! So now you want to divert water to growing of a product that is, in fact, NOT AN AGRICULTURAL product (...Yet, but we see the writing on your wall).

This also applies to the several potential locations immediately in the vicinity of the Pepper Road/Lane proposal.

Security: Just who is going to maintain the security of the nearby homes that would be located next to the "facilities". This location will inevitably draw criminal and/or truants to it. The residences around the "facility" have open space around them, in most cases with natural shrubbery, trees, groves of Eucalyptus. These would be helpful for the miscreants to trespass on private property in order to either evade or access the "facility". Oh, and why not burglarize nearby residences while they're in the neighborhood. Too many times have residents of the unincorporated areas of Petaluma called Petaluma Police or Sheriff's dept regarding a problem only to be told by each entity that "that's not in our jurisdiction". If it is to be the owners responsibility, what would that involve? Razor blade wire fencing? Trained dogs? Ultra bright flood lighting at night? Guards empowered to physically stop intruders with some kind of weapon? Turn the area into a high risk environment instead of the pleasant, rural neighborhood that has thrived in this small area for over 100 years!!

Odor: Because of the huge dairy presence in the immediate area of Pepper

Road/Lane, we are all accustomed to the odor of the cow dung that necessarily is spread in the fields. It is seasonal, for the most part, and a reminder that we live in a beautiful rural neighborhood. The odor of "skunk weed" is powerful and called "skunk weed" for its particular smell. No one wants to live with the smell of skunk--and we have those too--on a continuous basis.

This area of Petaluma is an old, historic area. We have one of the top elementary schools, Liberty School, with in 4 miles of the Pepper Road/Lane site. We have an old cemetery going back over 100 years. Remnants of the old chicken farms that once proliferated in this area, to remind us of the history of the area, vineyards, sweeping fields for cows to graze on. This area was designated an agricultural belt, and therefore limits the number of residences that can be built, new, in the area. Now, you want to blight the area with cannabis facilities, consisting of ugly warehouse-like buildings, and giant igloos covered in plastic tarps, ugly fencing. And when the venture fails, as some will, who will deal with the mess left behind? The Planning Department; the Permit Department?? God help us in that case! To say nothing of the property values decreasing when potential buyers see the ruins of the facility in what is/was a lovely community. (Oh, but I forget, your proposal to use the "ministerial" method of both permitting and removal of the remains. Handled by some untrained, un-engaged bureaucrat in the Agriculture Dept., located in Sacramento, who knows nothing of the area and "guided" by what is written in the code books. I address this issue in another communication).

Is this how the Planning Commission of this county plan to raise revenues for the future of this county? We will become a huge pot growing county, outstripping the wine growing acres--and which are ***real agriculture***. Supported by "contributions" from those big corporations who are the ones backing these proposals, and let the residents be damned. Finesse the county codes to remove any right of residents to determine the future of the area that they so love for its rural, natural beauty, by not advising them of any changes that may affect the right to the quiet enjoyment of their homes.

This proposal **MUST NOT BE PASSED.**

Marie-Roxanne Gudebrod
67 Live Oak Drive
Petaluma, CA 94952
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From: [Maira Jacobs](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: MAR17 2021 Phase II ordinance - PLEASE USE THIS SUBMISSION
Date: Wednesday, March 17, 2021 7:16:57 PM
Attachments: [MAR17 2021 Phase II ordinance.docx](#)
[Oct-2018-Quick-Facts.v4.pdf](#)
[Social-Justice-one-pager.pdf](#)
[2020-Impact-Report1.pdf](#)

EXTERNAL

Please replace my earlier submission with this updated one.

Thank you,
Maira Jacobs

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March 17, 2021

Comments from Moira Jacobs, Santa Rosa, CA

Dear County Marijuana Drug Promotion Department (aka "Canabis" Dept):

Please ensure my comments are included in the public record opposing this latest County abomination of land use planning policy.

I'm completely opposed to the current ordinance as well as the proposed phase II ordinance covering marijuana operations in Sonoma County.

1) First of all, the Supervisors promised that neighborhood compatibility would be fully addressed in Phase II ordinance. Not only is it not addressed, this draft demonstrates the Supervisors' and County staff's complete disregard of and disrespect for the citizens' overwhelming view that marijuana operations should be located far away from private residences.

2) There should also be a cap of cultivation in Sonoma County, no more than 100 acres. Approved sites should be only for applicants who have resided in Sonoma County prior to 2017, as primary residence. The current 65,000 acres being proposed is a purely insane and environmentally devastating number, totally unjustifiable. On what authority have you decided this county will endeavor to supply the world's "recreational" marijuana demand? You have ZERO voter mandate for this.

3) Systemic Collusion and Corruption between County and marijuana industry requires a new ordinance be drafted, this time with VALID community input. Current Phase I and II must be shelved until full investigation conducted. See details below. A new Citizen Advisory Board must be established to provide neighborhood compatibility in put, comprised of 5 citizens, one from each district.

4) There is NO voter mandate for the current ordinance let alone this Phase II ordinance. Details below. This massive change in policy - implementing large scale COMMERCIAL marijuana operations for a DRUG product (note: this is NOT food, it's a DRUG) throughout Sonoma County rural residential neighborhoods is not a policy change, it is a radical new change to the social, environmental and public health and safety fabric of this entire County. Your approach to date is beyond shameful, indeed the very definition of corruption.

5) A CEQA is required before one more commercial pot production operation is approved. See letters from Craig Harrison and Deborah Eppstein. I fully support both their letters on this issue, their statements fully communicate my views as well. Moreover, this phase II ordinance now includes structures, massive traffic and employee increases, and related lighting, equipment and processing that by definition makes this light industrial activity, NOT traditional agriculture. Finally, it is the production of a proven dangerous and unhealthy DRUG not a nutritional food product.

6) Ministerial license approvals by the pro-pot county Ag commissioner should be stopped immediately. Mr. Smith is well known to be acting in a biased manner, and completely disregards neighborhood incompatibility issues. He pushes for ministerial permits authority refusing any community input, acting similarly to a communist party apparatchik in the Soviet Union, instead of a bureaucrat in the United States of America. He is **a public servant and serves ALL citizens of Sonoma County, not only his friends in the marijuana industry.**

7) The many other issues of environmental harm, water resource impacts, the many fire safety issues, are well covered in the many other citizen letters, again including Mr. Harrison's and Ms. Eppstein's letters.

8) Health and Safety policy: until the County has a comprehensive drug addiction and abuse mitigation plan, with funding fully set aside, no additional marijuana acreage should be approved. Same for a CHP and local law enforcement DUI approved test for marijuana, which is still needed. Same for homeless impact mitigation plan and increased crime mitigation plan. This policy impacts all of these areas and ought not be approved until the County has a holistic approach to all of this.

Public HEALTH and SAFETY should always be the top priority for every government entity.

9) The addition of THC to State of California Prop 65 in January 2020 was a significant material change to State law conventions regarding the substance this ordinance attempts to “control” in regards to land resource management. This requires a CEQA review as the substance (THC in marijuana) is the main active ingredient being developed for human consumption. Moreover, a full OSHA safety review is also required.

“Now with the January 2020 addition of Marijuana and THC to the CA Prop 65 toxins list (damages male and female reproductive organs), there is additional urgency for the county to rewrite the ordinance and finally conduct a full scale CEQA on the entire “marijuana promotion” project (aka Cannabis Dept). A full OSHA review is needed as well.”

Moira Jacobs
Santa Rosa, CA

Further background:

Per #3 above:

See email exchange between county staff who forwarded citizen email with valid concerns to marijuana industry representatives in May 2020, proving collusion between county staff and industry during intense lockdown periods. This email string was provided to supervisors in March 2021 as it was just discovered through public records request. It appears the County was actively colluding with the industry and preparing phase II in cooperation with the industry while ignoring citizen complaints. Formal calls for investigations now in process at State and Federal levels. This should require a freeze on this ordinance phase II until a thorough investigation can commence.

Per #4 above:

Actually, Prop 64 clearly stated any person could grow up to 6 plants for personal use, and no more. It also stated:

“Counties and municipalities were empowered to restrict where marijuana businesses could be located. Local governments were also allowed to completely ban the marijuana establishments from their jurisdictions. Moreover, local jurisdictions were allowed by the measure to “reasonably regulate” the personal growth, possession, and use of marijuana plants allowed by Prop. 64.” ref: ballotpedia.

This County continues to ignore the fact that **Prop 64 gave ZERO voter mandate for such a massive and aggressive push for marijuana light industrial operations all over Sonoma County.** While 59% voted yes on Prop 64 in Sonoma County, 41% voted No. Moreover, of the 59% that voted yes, the vast majority of those Yes voters only approved the decriminalization of personal marijuana use, not a County approval of a massive number of large commercial marijuana operations throughout County lands. Most notably, in a 2018 Press Democrat poll, over 70% of Sonoma County citizens stated they did not want such operations “anywhere near them.”

It's notable how Napa and Marin County supervisors have continued to listen to and respect their voters' wishes and have voted not to allow large scale commercial marijuana facilities there.

What is different in Sonoma County? 1) there is an abject disrespect for the citizen input here, and 2) the County is in collusion with the marijuana industry.

Additional support for banning all new projects in Bennett Valley per the requirements of the Bennett Valley Area Plan:

From Mr. Harrison's submission, once again pointing to the various problems with this ordinance completely disregarding the Bennett Valley Area Plan, which must be adhered to:

"Allowing up to 470 acres of outdoor cultivation and 138 acres of greenhouses that can resemble self-storage sheds would violate the visual and scenic policies in the BV Plan. While we are raising these issues as residents, Bennett Valley is a treasure for all of Sonoma County. It is also one of many parts of Sonoma county that draws visitors for its bucolic scenery. Among the pertinent policies in the BV Plan are:

- New development throughout Bennett Valley shall be reviewed for site design and consistency with Bennett Valley development guidelines (p. 8).
- Unique scenic, visually and environmentally sensitive, and historic resources are important to the character of Bennett Valley and shall be protected (p. 9).
- Open vistas shall be protected (p. 9).
- A scenic corridor shall be established to protect views from the road . . . (p. 10).
- The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected (p. 10).

The SMND fails to analyze any of these policies."

No voter mandate in Prop 64 - see excerpts below:

Marijuana users

Proposition 64 legalized the recreational use of marijuana for adults aged 21 years or older, permitting smoking in a private home or at a business licensed for on-site marijuana consumption. Smoking was to remain illegal while driving a vehicle, anywhere smoking tobacco is, and in all public places. Up to 28.5 grams of marijuana and 8 grams of concentrated marijuana are legal to possess under this measure. However, possession on the grounds of a school, day care center, or youth center while children are present remains illegal. An individual is permitted to grow up to six plants within a private home as long as the area is locked and not visible from a public place.[2]

Marijuana sellers

According to this proposition, businesses needed to acquire a state license to sell marijuana for recreational use. Local governments could also require them to obtain a local license. Businesses were not authorized by the proposition to sell within 600 feet of a school, day care center, or youth center.[2] The initiative also prevented licenses for large-scale marijuana businesses for five years in order to prevent "unlawful monopoly power." [8]

Marijuana regulation

The Bureau of Medical Cannabis Regulation was renamed the Bureau of Marijuana Control and became responsible for regulating and licensing marijuana businesses.[2]

Counties and municipalities were empowered to restrict where marijuana businesses could be located. Local governments were also allowed to completely ban the marijuana establishments from their jurisdictions. Moreover, local jurisdictions were allowed by the measure to "reasonably regulate" the personal growth, possession, and use of marijuana plants allowed by Prop. 64.

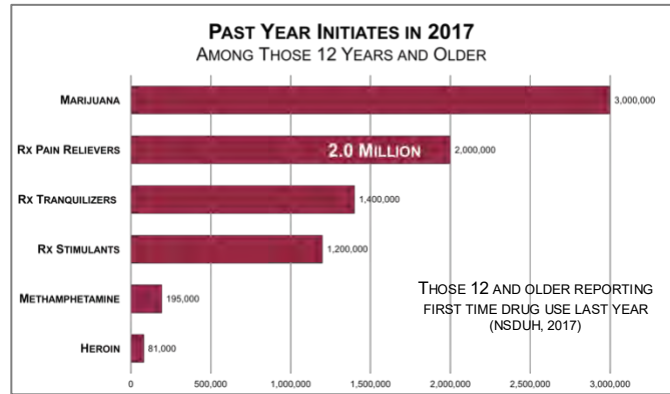
MARIJUANA LEGALIZATION: QUICK FACTS

MARIJUANA IS ADDICTIVE & HARMFUL

ENDORSED BY:

- WORLD HEALTH ORGANIZATION (2016)¹
- NATIONAL ACADEMY OF SCIENCES (2017)²
- NATIONAL INSTITUTES OF HEALTH
- AMERICAN SOCIETY FOR ADDICTION MEDICINE
- AMERICAN MEDICAL ASSOCIATION
- AMERICAN ACADEMY OF PEDIATRICS
- AMERICAN ACADEMY OF CHILD ADOLESCENT PSYCHIATRY

IN 2017 THERE WERE 8,300 NEW MARIJUANA USERS EACH DAY; ROUGHLY 1,200 MORE THAN THERE WERE IN 2016.³



Regular use of marijuana is linked with increased risk of developing cannabis use disorder, higher rates of mental illness and higher rates of co-substance abuse with alcohol, among other drugs⁴.

THERE ARE 2X AS MANY DAILY OR NEAR DAILY MARIJUANA USERS THAN THERE WERE JUST A DECADE AGO.³

NOT THIS...

~5-25%
THC



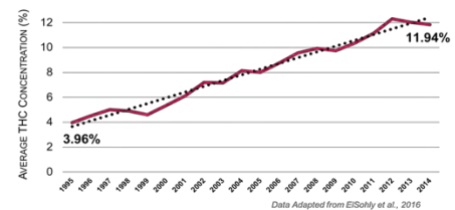
BUT THIS...

~20-95%
THC



NOT YOUR WOODSTOCK WEED

A STUDY ON THE WASHINGTON MARKET SHOWED AVERAGE THC LEVELS OF 20% IN FLOWER PRODUCTS AND 70% IN EXTRACTS FOR INHALATION IN 2016.⁷



“Epidemiological studies have clearly established that acute cannabis impairment increases the risk of motor vehicle accident involvement, including fatal collisions.”

-AMERICAN JOURNAL OF PUBLIC HEALTH, 2017

IN COLORADO, DRUGGED DRIVING WENT FROM KILLING ROUGHLY ONE PERSON EVERY 6.5 DAYS TO NOW EVERY 2.5 DAYS, SINCE LEGALIZATION WAS PASSED.⁸

REFERENCES

- ¹World Health Organization. (2016). The health and social effects of nonmedical cannabis use. Retrieved October 2, 2018, from http://www.who.int/substance_abuse/publications/cannabis_report/en/
- ²The National Academies of Sciences. (2017, January). The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research. Retrieved October 2, 2018, from <http://www.nationalacademies.org/hmd/Reports/2017/health-effects-of-cannabis-and-cannabinoids.aspx>
- ³SAMHSA. (2018, September). Reports and Detailed Tables From the 2017 National Survey on Drug Use and Health (NSDUH). Retrieved October 2, 2018, from <https://www.samhsa.gov/data/nsduh/reports-detailed-tables-2017-nsduh>
- ⁴Hasin, D. S., Kerridge, B. T., Saha, T. D., Huang, B., Pickering, R., Smith, S. M., ... & Grant, B. F. (2016). Prevalence and correlates of DSM-5 cannabis use disorder, 2012-2013: findings from the National Epidemiologic Survey on Alcohol and Related Conditions-III. *American Journal of Psychiatry*, 173(6), 588-599.
- ⁵EISOHLY, M. A., MEHMEEDIC, Z., FOSTER, S., GON, C., CHANDRA, S., & CHURCH, J. C. (2016). Changes in cannabis potency over the last 2 decades (1995-2014): analysis of current data in the United States. *Biological psychiatry*, 79(7), 613-619.
- ⁶Fischer, B., Jeffries, V., Hall, W., Room, R., Collier, E., & Rehm, J. (2011). Lower Risk Cannabis Use Guidelines for Canada (LRCUG): a narrative review of evidence and recommendations. *Canadian Journal of Public Health/Revue Canadienne de Sante Publique*, 324-327.
- ⁷Smart, R., Caulkins, J. P., Kilmer, B., Davenport, S., & Midgette, G. (2017). Variation in cannabis potency and prices in a newly legal market: evidence from 30 million cannabis sales in Washington state. *Addiction*, 112(12), 2167-2177.
- ⁸Rocky Mountain HIDA. (2018, September). The Legalization of Marijuana in Colorado: The Impact, Vol. 5, Update. Retrieved September 14, 2018, from <https://mhidta.org/files/D2DF/FINAL-VOLUME 5 UPDATE 2018.pdf>

Marijuana Legalization – A Social Injustice

Where there are issues of systemic injustice and racism, legalization does not address the root of these issues and instead only exacerbates these problems by promoting increased drug use and the accompanying negative social consequences in disadvantaged communities

DISPARATE AND INCREASING ARREST RATES

In Denver, Colorado, African American arrests in 2017, the last year for which data are available, remain unchanged versus 2012. Hispanic and Asian arrests are up during the same period. (CDPS, 2018)

African Americans are twice as likely to be arrested for marijuana in Colorado and Washington, both states that have legalized recreational use and sales. (CJCJ, 2016)



2X Colorado's marijuana arrest rate for African Americans (233 per 100,000) was nearly double that of Caucasians (118 per 100,000) in 2017. (CDPS, 2018)

Marijuana arrests nearly tripled after legalization of marijuana in Washington, D.C. (*Washington Post*, 2017)



In Colorado, on-view arrests are up 26% since 2015 (1,074 to 1,353 in 2017). Blacks (39%) were 21% more likely to experience an on-view arrest than whites (18%) in 2017. (CDPS, 2018)

These disturbing stats correlate with the fact that in nearly every state that has legalized, the overall prison population has either stayed stable or, as in some states like Colorado and Washington D.C., it rose sharply after legalization following years of decline. (SAM, 2018)



DISPARATE SOCIAL COSTS

Employment

More African American workers surveyed work in a profession where they will be drug tested, compared to white workers. (Yale, 2013)



Health

The National Survey on Drug Use and Health found that 28% of women living in low-income areas tested positive for marijuana use during pregnancy. (Foeller & Lyell, 2017)

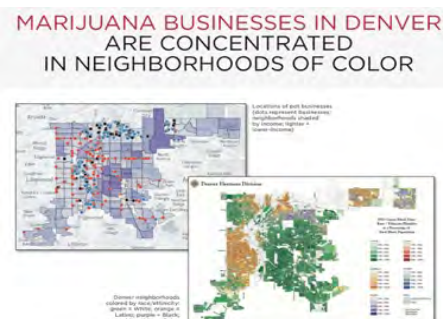


Youth

In states that have legalized marijuana, minority youth are showing much larger increases in use of marijuana than their Caucasian counterparts. (Johnson, 2018)



Pot Shops Dense in Poor Neighborhoods of Color (Migoya et al., 2016)



References:

Center on Juvenile and Criminal Justice (CJCJ). (2016). Black People Twice As Likely To Be Arrested For Pot In Colorado And Washington – Where It's Legal. <http://www.cjcj.org/news/10232>

Colorado Department of Public Safety (2018). https://cdpsdocs.state.co.us/ors/docs/reports/2018-SB-13-283_report.pdf
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Foeller, M. E., & Lyell, D. J. (2017). Marijuana use in pregnancy: Concerns in an evolving era. *Journal of Midwifery and Women's Health*, 62(3), 363–367. doi: 10.1111/jmwh.12631

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Migoya, David, and Baca, Ricardo. "Denver's pot businesses mostly in low-income, minority neighborhoods". *The Denver Post*, 2 Jan. 2016.

SAM, State Prison Population Summary (2018) <https://learnaboutsam.org/state-prison-populations/>

Washington Post. (2017). D.C. Arrests for Public Use of Marijuana Nearly Tripled Last Year. https://www.washingtonpost.com/local/public-safety/dc-arrests-for-public-use-of-marijuana-nearly-tripled-last-year/2017/07/11/906bea50-627d-11e7-8b2b-b6c8c99c3bea_story.html?utm_term=.a26ac5812467

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LESSONS LEARNED FROM STATE MARIJUANA LEGALIZATION

2020 - 2021 Edition

Reviewed by researchers from:
University of Colorado at Denver
Harvard Medical School
Boston Children's Hospital
University of Connecticut
Yale University
University of Kansas
and more

SAM Smart
Approaches to
Marijuana
preventing another big tobacco

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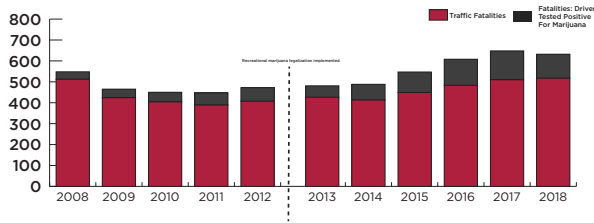
DATA AND POLICY BACKGROUND

Contrary to federal law, under which the use and sale of marijuana for any purpose is illegal (Controlled Substances Act, 21 U.S.C. § 801), beginning in 2012 several states legalized the commercial sale of marijuana. Despite this, dozens of other states (as of September 2020)—including New York, New Jersey, Connecticut, Texas, Maryland, Arizona, New Mexico, Minnesota, North Dakota, Delaware, Ohio, and New Hampshire—have continued to reject marijuana legalization, as have the vast majority of localities in “legal” states that continue to ban marijuana production and retail sales.

We compiled publicly available state-level data, reports, and investigatory findings, peer-reviewed studies, and government health surveys to assemble this report. We have attempted to be as transparent as possible in our evaluation. For example, in reviewing the Substance Abuse and Mental Health Services Administration (SAMHSA) data taken from the state-level National Survey on Drug Use and Health (NSDUH), we included data from the District of Columbia and Vermont in our assessment of “legal” jurisdictions. They have legalized marijuana to some degree, though their measures differ from traditional recreational marijuana programs because they do not allow commercial sales.

A SNAPSHOT

COLORADO TRAFFIC FATALITIES WHERE THE DRIVER TESTED POSITIVE FOR MARIJUANA



(Colorado Department of Transportation, 2019)



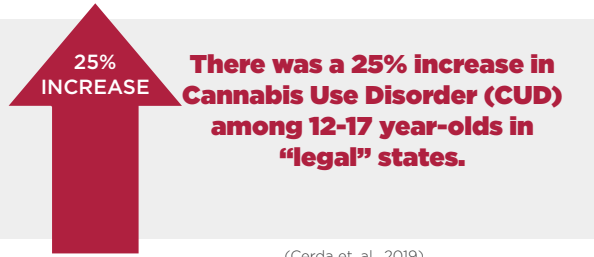
(Oregon Liquor Control Commission, 2019)

STATE REGULATORY FRAMEWORKS STRUGGLE TO KEEP UP WITH THE NUMBER OF LICENSED SHOPS.

MARIJUANA HOSPITALIZATIONS INCREASES SINCE LEGALIZATION

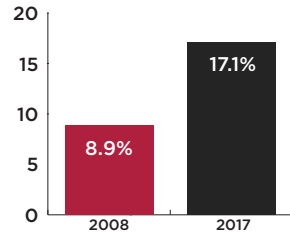


(Colorado Department of Public Health and Environment, 2013-2017; Alaska Department of Health and Social Services, 2020).



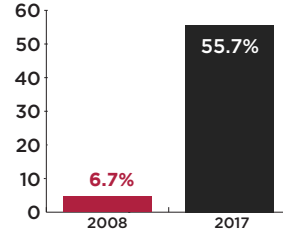
(Cerde et al., 2019)

MARIJUANA PLANT POTENCY

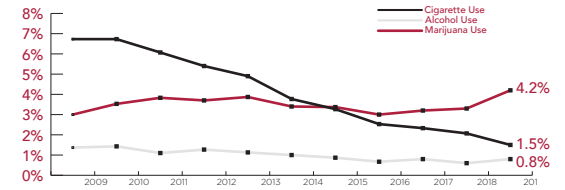


(Chandra et al., 2019)

CONCENTRATE POTENCY

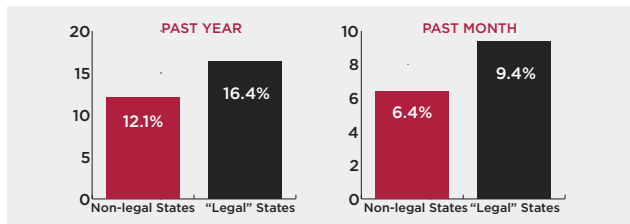


DAILY MARIJUANA USE AMONG 8TH, 10TH, AND 12TH GRADERS



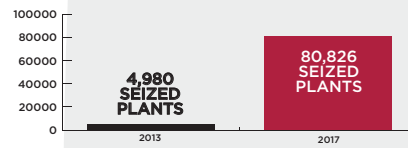
(Miech et al., 2019)

PAST MONTH AND PAST YEAR YOUTH USE IN "LEGAL" STATES OUTPACES SUCH USE IN NON-LEGAL STATES.



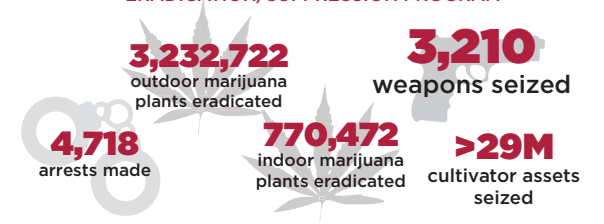
(NSDUH State Comparisons, 2019)

ILLICIT MARIJUANA PLANTS SEIZED OFF OF COLORADO PUBLIC LANDS



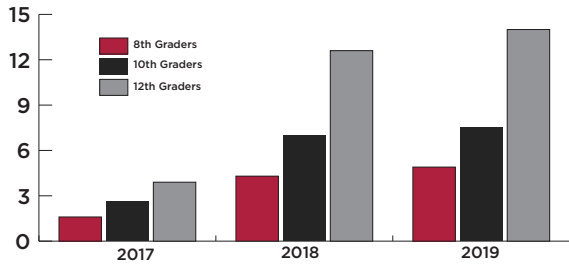
(US Bureau of Land Management, 2017)

2019 DEA DOMESTIC CANNABIS ERADICATION/SUPPRESSION PROGRAM



(Drug Enforcement Administration, 2020)

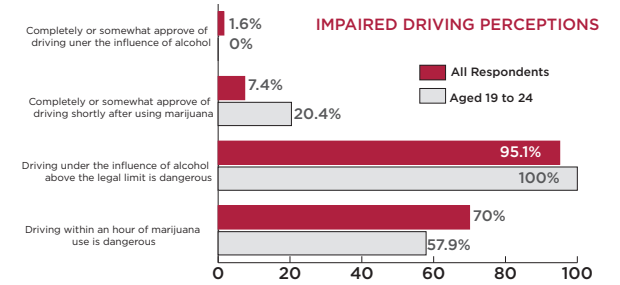
YOUTH PAST MONTH VAPING HAS INCREASED DRAMATICALLY SINCE IT WAS FIRST RECORDED IN 2017.



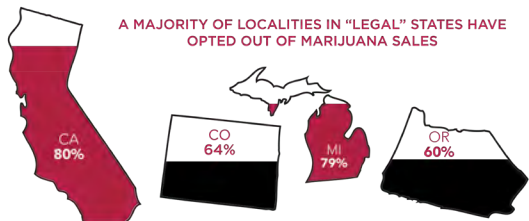
(MONITORING THE FUTURE, 2019)

47% of Colorado drivers who tested positive for marijuana at a level of 5.0+ THC, also had a BAC of 0.08 or higher.

(Colorado Division of Criminal Justice, 2019)

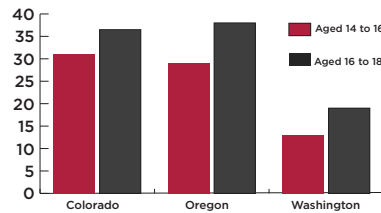


(AAA Foundation for Traffic Safety, 2019)



(Alfonso, 2019; Colorado Department of Revenue, 2019; Walsh, 2019; Oregon Liquor Control Commission, 2019)

PERCENT OF YOUTH REPORTING PAST 30-DAY USE WHO DABBED*



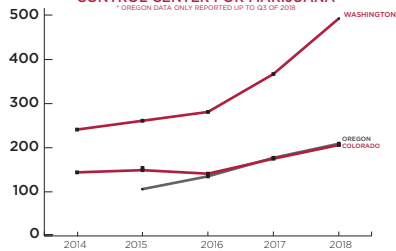
(Colorado Department of Public Health and Environment, 2019; Oregon Healthy Teens, 2019; Washington State Healthy Youth Survey, 2018)
* Taken from most recent data available, ages are an average based on an age range

The indoor cultivation of one kilogram of marijuana requires **5.2 megawatt hours of electricity** and releases **4.5 metric tons of carbon dioxide emissions**



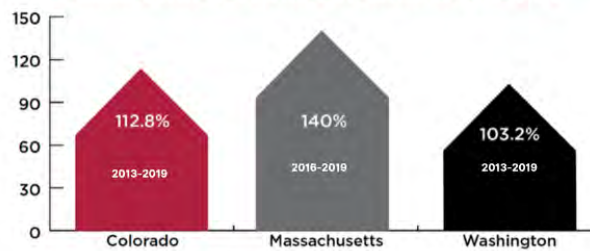
(OREGON-IDAHO HIGH INTENSITY DRUG TRAFFICKING AREA, 2018; US ENVIRONMENTAL PROTECTION AGENCY, 2015)

CALLS TO THE POISON CONTROL CENTER FOR MARIJUANA



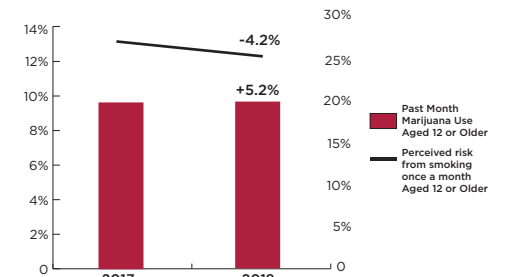
(Rocky Mountain Poison and Drug Center, 2019; Washington Poison Center, 2019; Oregon Poison Center, 2019; Massachusetts & Rhode Island Poison Center, 2019)

PERCENT INCREASE IN CALLS MADE TO THE POISON CONTROL CENTER FOR MARIJUANA EXPOSURES FOLLOWING LEGALIZATION IN THE STATE.



(Rocky Mountain HIDTA, 2019; Whitehill et al., 2019; Washington Poison Center, 2018)

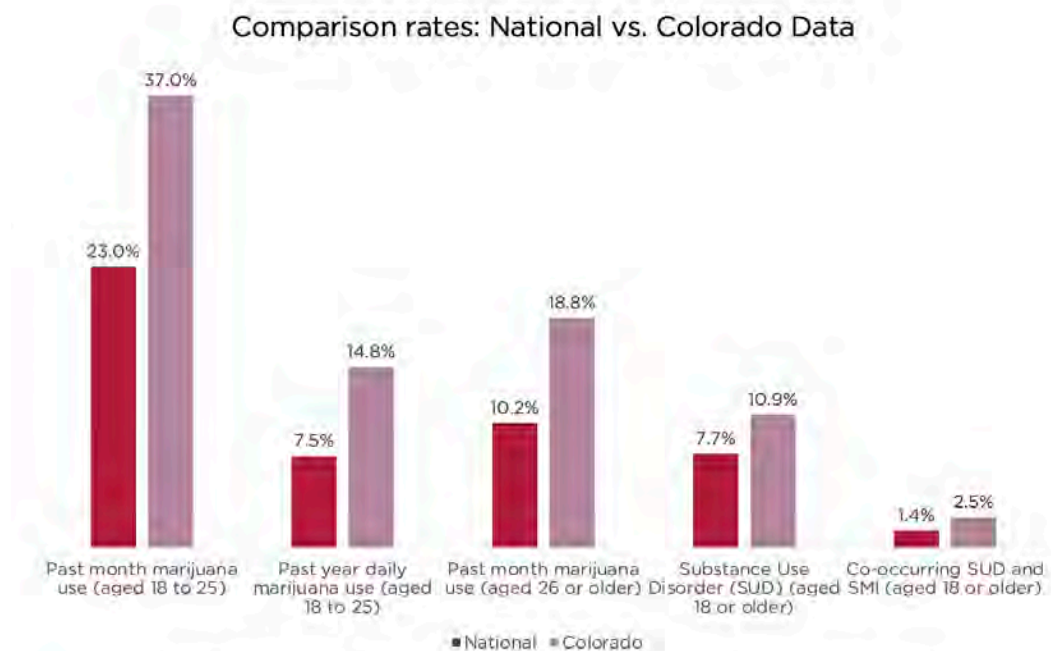
PERCEPTIONS OF RISK DECREASE WHILE USE IS ON THE RISE



(NSDUH, 2019)

In 2013, the U.S. Department of Justice (DOJ) decided to take a hands-off approach toward legalization at the state level. Officially, the DOJ stated it would only get involved if any of eight requirements laid out in the “Cole Memo” (e.g., sales to minors, increased drugged driving) were violated. Unfortunately, according to the U.S. Government Accountability Office (GAO), the DOJ took no meaningful action even as states routinely violated the “Cole Memo.” However, public health and safety departments and law enforcement agencies in states where legalization has occurred have produced primary data and impact reports that shine a light on how current marijuana policies are failing to protect the health and safety of the general population (Alaska State Troopers, 2017; Grondel et al., 2018; Oregon-Idaho High Intensity Drug Trafficking Area [OIHIDTA], 2020; Oregon Liquor Control Commission [OLCC], 2020; Oregon Public Health Division, 2016; Oregon State Police Drug Enforcement Section, 2017; RMHIDTA, 2019; Washington Office of Financial Management, 2019).

In 2018, the DOJ rescinded the Cole Memo policies, signaling an uncertain future for the marijuana industry. One thing is clear: by legalizing marijuana, states continue to violate federal laws. We now have eight years of data to show how these marijuana policy changes—and the industry they created—affect families and communities. This industry is chiefly driven by higher use rates and increased normalization, seeking to convert casual- and non-users into life-long customers. As we are only now beginning to address the far-reaching and devastating consequences of the addiction epidemic—driven largely, but not exclusively, by opioids—the rise of additional corporate promotion of drug use comes at an inopportune time.



Source: NSDUH, 2019: <https://www.samhsa.gov/data/report/2019-nsduh-detailed-tables>

RESEARCH ON MARIJUANA HARMS

Scientific literature on the harms of marijuana use exists in abundance and will be discussed in this report. There are over 20,000 peer-reviewed research articles linking marijuana use to severe mental health outcomes, ranging from depression to psychosis, as well as consequences for physical health, and even negative outcomes for neonates exposed in utero and inhibited cognitive development. The connections between marijuana use and consequences to mental and physical health, and brain development, among other risks are often lost in conversations on legalization.

The distinction between medical and recreational marijuana has been deliberately blurred by an industry with a heavy hand in both markets. A recent study found that in spite of evidence that lower THC dosage is more appropriate for medical purposes, the medical marijuana products advertised in retail stores contain around the same amount of THC as recreational marijuana products—and generally contains upwards of 15% THC (Cash et al., 2020). Though there is potential for the medical use of certain components found within the marijuana plant, these components should be researched through well-designed clinical studies and under the guidance of the FDA.

These are just some examples of the conflict between data-driven research and marijuana normalization. The science is clear. Yet legalization proponents march forward, eyeing profits.

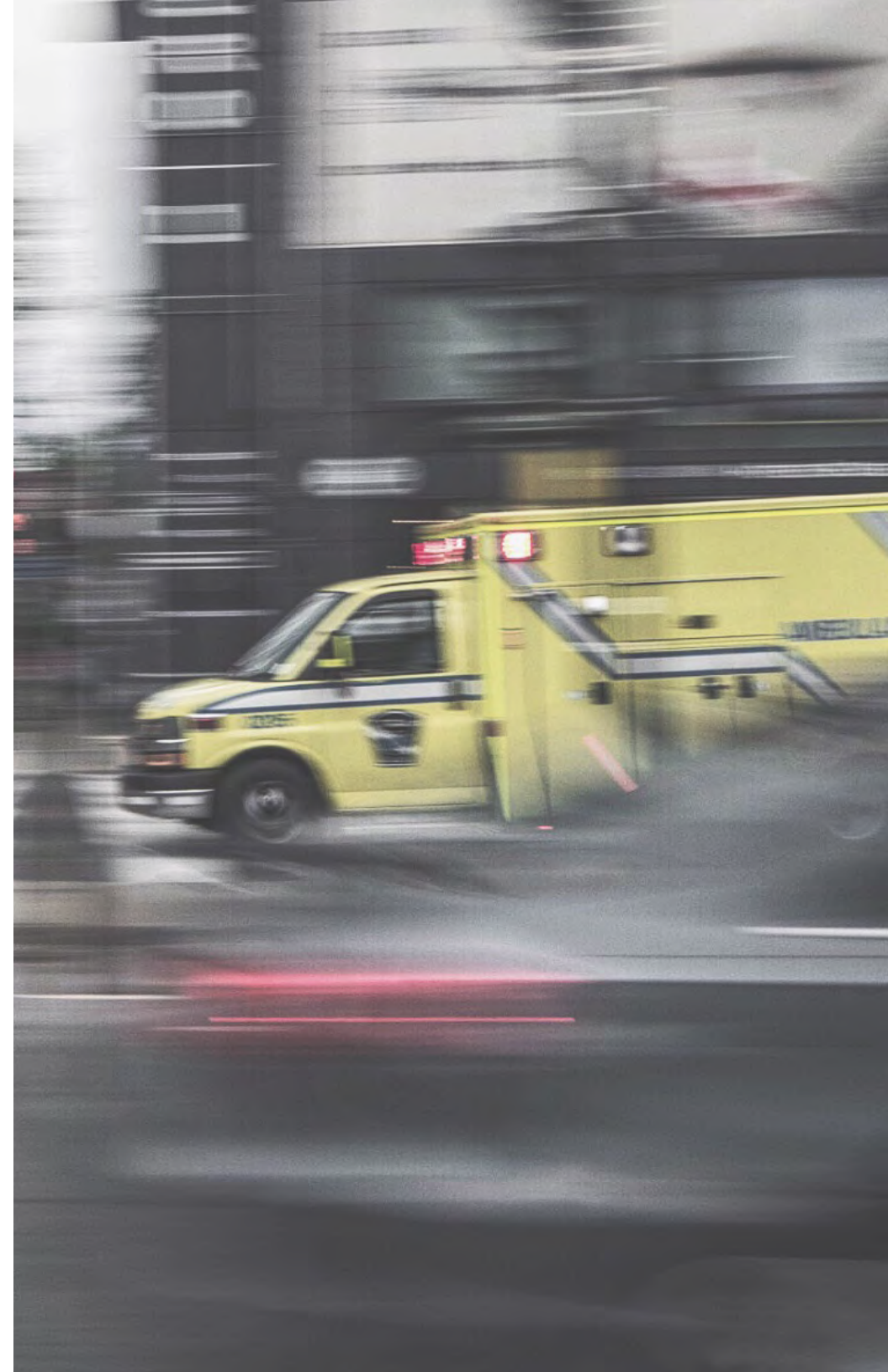


KEY OUTCOMES

Like with our past in tobacco, the full consequences of marijuana commercialization will materialize over decades. However, we do not need to wait that long to understand some key outcomes. For example, the data in this report—and many others—show states that legalized marijuana have among the highest rates of marijuana use in the country, and use is sharply increasing in vulnerable demographics, like youth and young adults whose brains are still developing.

These states also have:

- Higher rates of marijuana-related driving fatalities.
- Issues with “legally” sold, but contaminated, marijuana vapes.
- More marijuana-related emergency department visits, hospitalizations, and accidental exposures.
- Expansive and lucrative criminal markets.
- Exacerbated racial disparities in marijuana industry participation and criminal justice enforcement.
- Increases in workplace problems, including labor shortages and accidents.





“I don’t want anyone to mistake what I’m saying as implying that these products are considered safe for general adult usage.”


U.S. Surgeon General, Jerome Adams (2019)

COMMERCIALIZATION: A GROWING CONCERN

The commercialization of marijuana results in negative consequences for public health, social justice, and public safety. Medical marijuana legalization gave way to recreational marijuana legalization in states across the country and both industries are heavily capitalized. The result is the creation of a new and powerful addiction-for-profit industry.

More and more people are using marijuana while remaining largely ignorant of its negative consequences and use rates are surging across the United States after years of declines. More than 43.4 million people reported past year marijuana use in the U.S. in 2018, a more than six percent increase from the previous year. The alarming increase in use among young people, as well as pregnant women, in particular prompted U.S. Surgeon General Dr. Jerome Adams to issue a first-of-its-kind advisory on marijuana use (Office of the Surgeon General, 2019).

Though his advisory specifically addressed significant increases in use among youth and pregnant women, he does not shy away from cautioning against marijuana use more generally. At one congressional hearing, he told senators, “I don’t want anyone to mistake what I’m saying as implying that these products are considered safe for general adult usage” (Cornyn & Feinstein, 2019) .



THC VAPING
Over 2,700
hospitalizations and
more than 60 deaths.

(Centers for Disease Control and Prevention, 2020)

A "MASSIVE PUBLIC HEALTH EXPERIMENT"

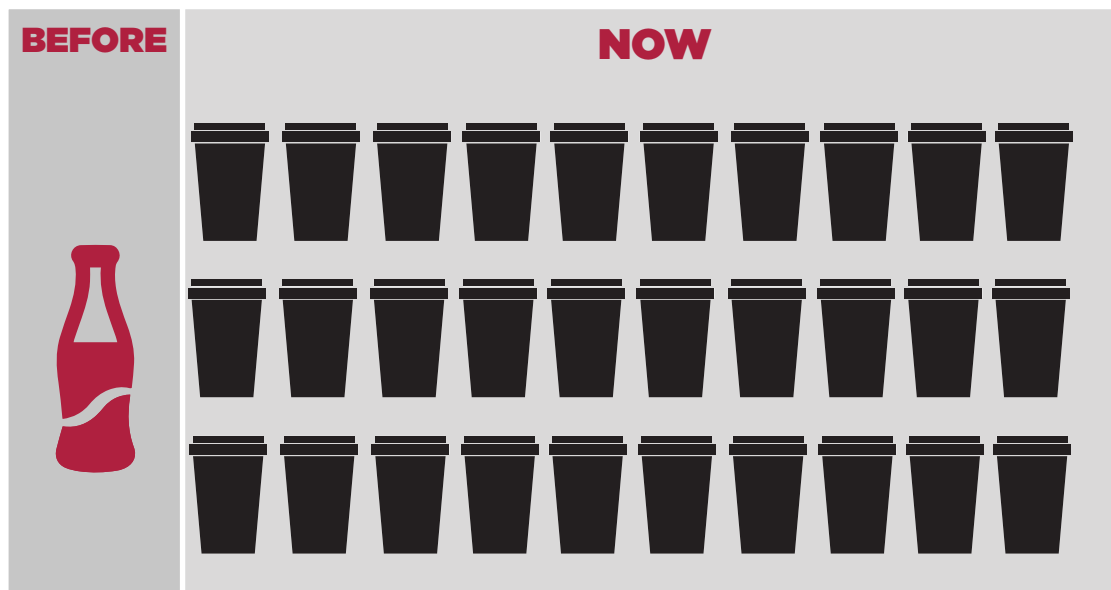
Dr. Adams continued to warn senators at the hearing of the "massive public health experiment," telling them: "We need to learn from our mistakes and be careful of normalization of behavior" (Cornyn & Feinstein, 2019). The commercialization of marijuana exemplifies just what Dr. Adams cautions against.

The sudden emergence in all 50 states and some U.S. territories of mysterious lung illnesses tied to vaping represents a unique case study on the impact of marijuana legalization. New technology and rapid commercialization drove an increase in the popularity of marijuana consumption through vaping devices. As demand increased subsequent use increased—and with it an epidemic resulting in over 2,700 hospitalizations (and more than 60 deaths) at the time of this report's publication, along with a double-lung transplant (Centers for Disease Control, 2019a).

In states where marijuana is “legal,” retail and medical licenses outnumber popular food chains. For example, in Colorado, marijuana retail locations outnumber all McDonald’s and Starbucks locations in the state combined (MJBiz Daily, 2019). In 2019, there were 1,016 registered retail and medical locations combined (Colorado Department of Revenue, 2020) compared with 392 Starbucks and 208 McDonald’s (as of 2018). The sheer commonplace numbers of these stores promote and normalize marijuana use.

Adding to the danger of marijuana commercialization is the increasing market demand for high-potency products created by the combination of aggressive promotion and ever-increasing tolerance by heavy users. With innovation, the industry responded to meet the demand it had created, modifying marijuana to increase its potency. The commonly conceived “Woodstock weed” had only 1–3% THC, the psychoactive intoxicant responsible for the high. According to recent studies, today’s average marijuana flower—touted by industry advocates as a harmless plant—contains around 17.1% THC, though independent studies in “legal” states found the percentage to be even higher. Concentrates and edibles pack a more potent punch, containing an average of 55.7% THC (Chandra et al., 2019). But these products can be even more potent than that. Many marijuana retailers promote, and profit from, products containing up to 95–99% THC (Prince & Conner, 2019).

Not Only Potency, But Consumption Levels: What Do Users Look Like Today?



(Caulkins, 2018)

The change in marijuana potency today (daily users) versus 20 years ago (average weekend user) is akin to the caffeine change from one 20 oz cola a day, to thirty-three 16 oz cappuccinos a day.

One significant problem with high-potency products is the lack of regulation. Numerous studies have found that product regulation in “legal” states is limited (Lamy et al., 2016; Peace et al., 2016; Yates & Speer, 2018) and internal audits conducted by state governments have exposed gaping holes in regulatory frameworks. In Oregon, for example, the Oregon Liquor Control Commission found that there is one state inspector per every 83 marijuana licenses (OLCC, 2020) . Perhaps more concerning, no state has limited the potency of these products—and attempts have been quickly blocked by the industry.

83 MARIJUANA BUSINESSES



**STATE REGULATORY
FRAMEWORKS
STRUGGLE TO KEEP UP
WITH THE NUMBER OF
LICENSED SHOPS.**

(Oregon Liquor Control Commission, 2019)

The mislabeling of products also plagues the “legal” market. Studies have found that labeling of active ingredients in concentrates and edibles often misrepresents the actual ingredients in those products (Peace et al., 2016). Unsuspecting consumers often have no idea what exactly they are smoking or ingesting.

Furthermore, the adaptability of marijuana gives way to mass-marketed products modeled after popular consumer goods. Marijuana-infused “edibles” come in the form of cookies, candy, ice cream, sodas, and other sweet treats that are particularly appealing to children (O’Connor & Méndez, 2016). Marketing tactics make use of bright colors and catchy names, replicating images or appropriating the names of well-known commercial food products. For example, “Pop Tarts,” a widely consumed kid-friendly breakfast product, was used by one marijuana producer to market “Pot Tarts.” Unfortunately, these products are thought to be contributing to the increased accidental marijuana exposures among children and others.



These kinds of growth tactics by industry are not new. They largely mirror the boom of Big Tobacco in the early 1900s—and not by accident (Ayers et al., 2019; Richter & Levy, 2014). Though marijuana proponents operate under the guise of up-and-comers, they are now well financed and advised by professionals from the tobacco industry. For example, the corporate owner of the Marlboro brand, Altria, purchased a 35% stake in Juul shortly after acquiring a 45% stake in Cronos, one of the largest international distributors of marijuana (LaVito & Hirsch, 2018). The UK-based Imperial Brands invested around \$123 million CAD (~\$94M USD) in Auxly, a Canadian marijuana company. This partnership, which entitles Imperial Brands to a 20% stake in the company, will focus on utilizing Imperial Brand’s vaping technology to develop marijuana vaping products. The marijuana industry has also caught the attention of Big Pharma and Big Alcohol.

Former Purdue Pharma executive John Stewart left the pharmaceutical industry to create his own marijuana company (Murphy, 2016). Teva Pharmaceuticals signed an agreement to become a medical marijuana distributor in Israel (Helfand, 2016). And Sandoz, a subsidiary of Novartis, signed an agreement with Tilray to distribute marijuana products (RTT News, 2018).

Constellation Brands, maker of Corona, purchased a 9.9% stake in Canopy Growth for \$191 million, then upped the stake to 38% for \$4 billion in 2018. The company has the option to increase their investment and purchase up to 139.7 million new shares at a price of up to \$5 billion more (Sheetz, 2018). Anheuser-Busch InBev announced an upcoming partnership with marijuana giant, Tilray, to explore the potential for marijuana-infused beverages. Molson Coors and Blue Moon also made substantial investments in the marijuana industry (T. Hughes, 2019; Miller, 2018).

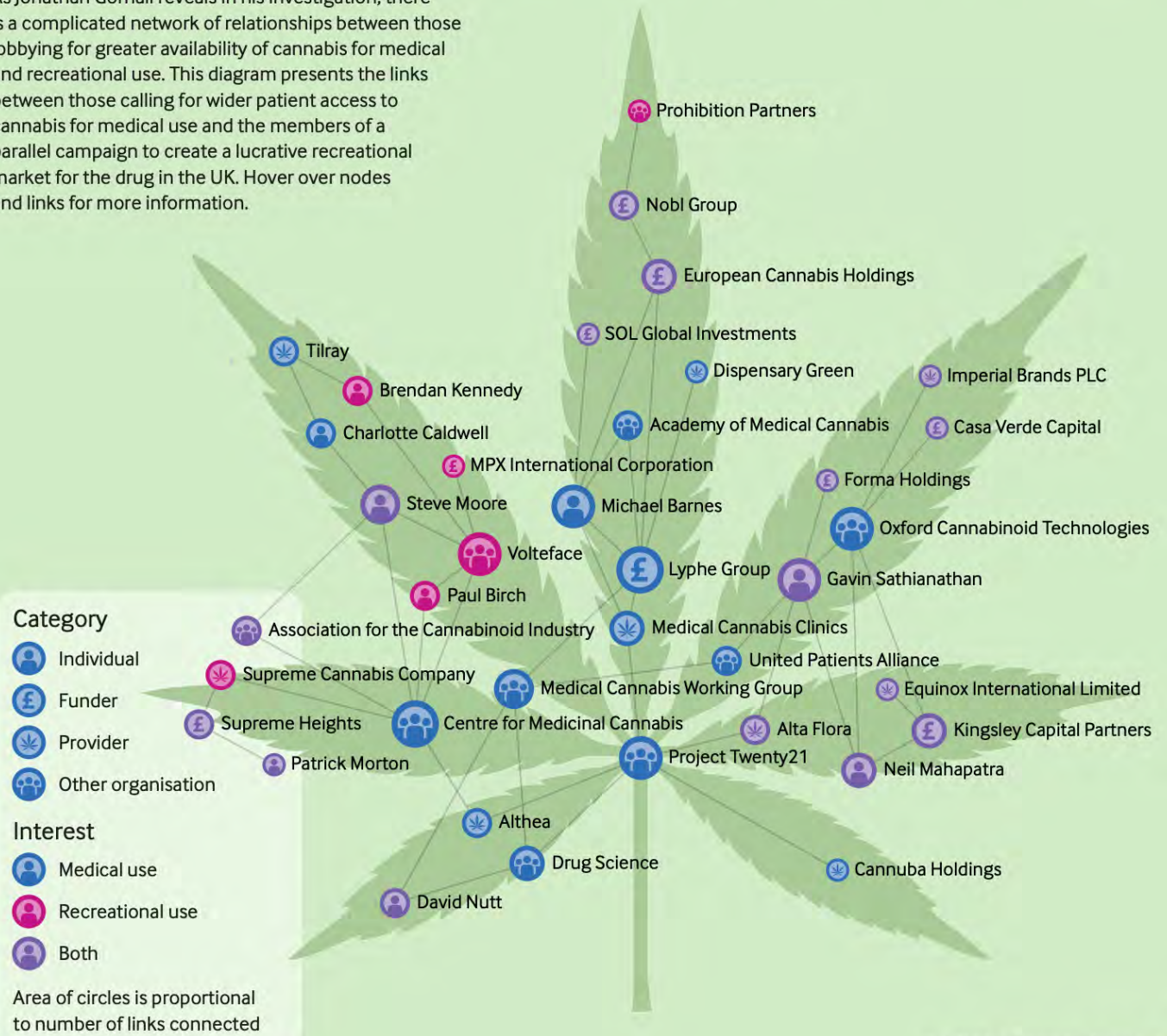
The investments of these big industry players coincide with more covert action taken to push legalization forward. In an investigative report, examining marijuana interests in the UK, journalist Jonathan Gornall linked several commercial organizations with vested interests in the creation of a recreational marijuana market with individuals and activists pushing for more access to medical marijuana. What's more, he found that several tobacco companies were funding studies on medical marijuana, an activity that calls for some questioning into the validity of that research (BMJ, 2020).

These connections are unsurprising. Marijuana commercialization presents addiction-for-profit industries, long under public scrutiny, with a new and innovative pathway to profits.

The true be-leaf-ers

The tangled connections between proponents of medicinal and recreational cannabis use

As Jonathan Gornall reveals in his investigation, there is a complicated network of relationships between those lobbying for greater availability of cannabis for medical and recreational use. This diagram presents the links between those calling for wider patient access to cannabis for medical use and the members of a parallel campaign to create a lucrative recreational market for the drug in the UK. Hover over nodes and links for more information.



Courtesy: The British Medical Journal

ADVERSE HEALTH EFFECTS OF MARIJUANA

Contrary to popular belief, marijuana is a harmful drug. The main psychoactive ingredient in marijuana, THC, causes many different types of mental and physiological health problems— especially in children, young adults, and pregnant women. Its addictive properties exacerbate its potential harms as marijuana users become dependent on the drug. Its potency has skyrocketed in recent years.

Researchers found that marijuana is an addictive drug (Volkow et al., 2014). Brain scans of marijuana users show changes in the structure of the brain's reward center to be consistent with addiction (Gilman et al., 2014) and up to 47% of regular users experience withdrawal symptoms when they cease use (Hasin et al., 2008; Bahji et al., 2020). The National Institute on Drug Abuse reports that around 30% of marijuana users have some form of marijuana use disorder and that people who begin using marijuana before the age of 18 are four to seven times more likely to develop a marijuana use disorder compared with those who start later (National Institute on Drug Abuse, 2019b). One recent study on rats found that marijuana vaping may support "conditioned drug-seeking behavior," cause for concern as vaporized marijuana gains popularity (Freels et al., 2020).

Studies found marijuana use can cause severe consequences for mental health. Marijuana is increasingly linked to the onset of psychosis and schizophrenia (Henquet et al., 2005; Marconi et al., 2016; Mustonen et al., 2018; Niemi-Pynttari et al., 2013) and shows a more modest association with depression and anxiety (Agrawal et al., 2017; Duperrouzel et al., 2018; Gobbi et al., 2019). In one of the most comprehensive studies to date on marijuana and psychosis, Di Forti et al found that daily marijuana use is associated with an increased likelihood of developing psychosis. What's more, researchers reported a more than four-times odds of daily users of potent marijuana to develop psychosis (Di Forti et al., 2019).

“Compared with never users, participants who used high-potency cannabis daily had **four-times higher odds of psychosis** in the whole sample.”

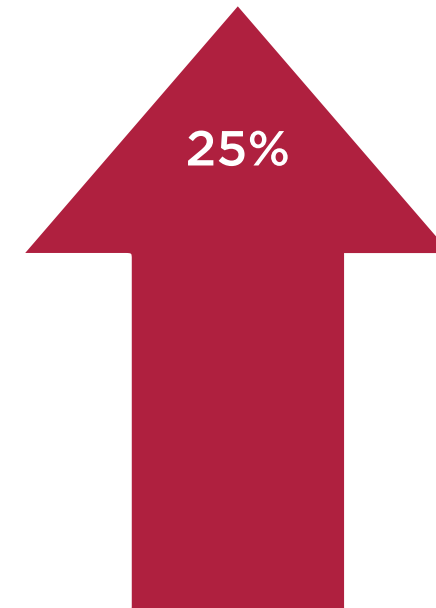
(Di Forti et. al., 2019)

Chronic marijuana use increases the likelihood of anxiety in adults in their late twenties and older, and those who met the criteria for cannabis use disorder (CUD) had a high risk of all mental health symptoms across all ages (Leadbeater et al., 2019).

These studies are worth noting, particularly as marijuana is increasingly marketed as a solution for anxiety and other mental health ailments.

Frequency of marijuana use, as well as higher THC potency, is associated with the most severe impact on mental health, which is evidenced by psychosis, suicidality, reshaping of brain matter, and addiction (Cinnamon Bidwell et al., 2018; Di Forti et al., 2019; Fischer et al., 2017; Pierre et al., 2016). The increasing demand for high potency marijuana products and the coinciding prevalence of marijuana use disorder are indicative of a future maelstrom with unknown consequences for public health, especially as the industry engages in a concerted effort to undermine scientifically proven risks of marijuana use. The legalization of marijuana coincides with a nationwide increase in marijuana use disorder. According to the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health (NSDUH), 4.4 million

Americans reported marijuana use disorder in 2018, up from just over 4 million the previous year (SAMHSA, 2019a). One study comparing marijuana use of respondents before and after legalization in their home state found a near 25% increase in people aged 12 to 17 who reported marijuana use disorder (Cerdá et al., 2020).



There was a 25% increase in Cannabis Use Disorder (CUD) among 12-17 year-olds in “legal” states.

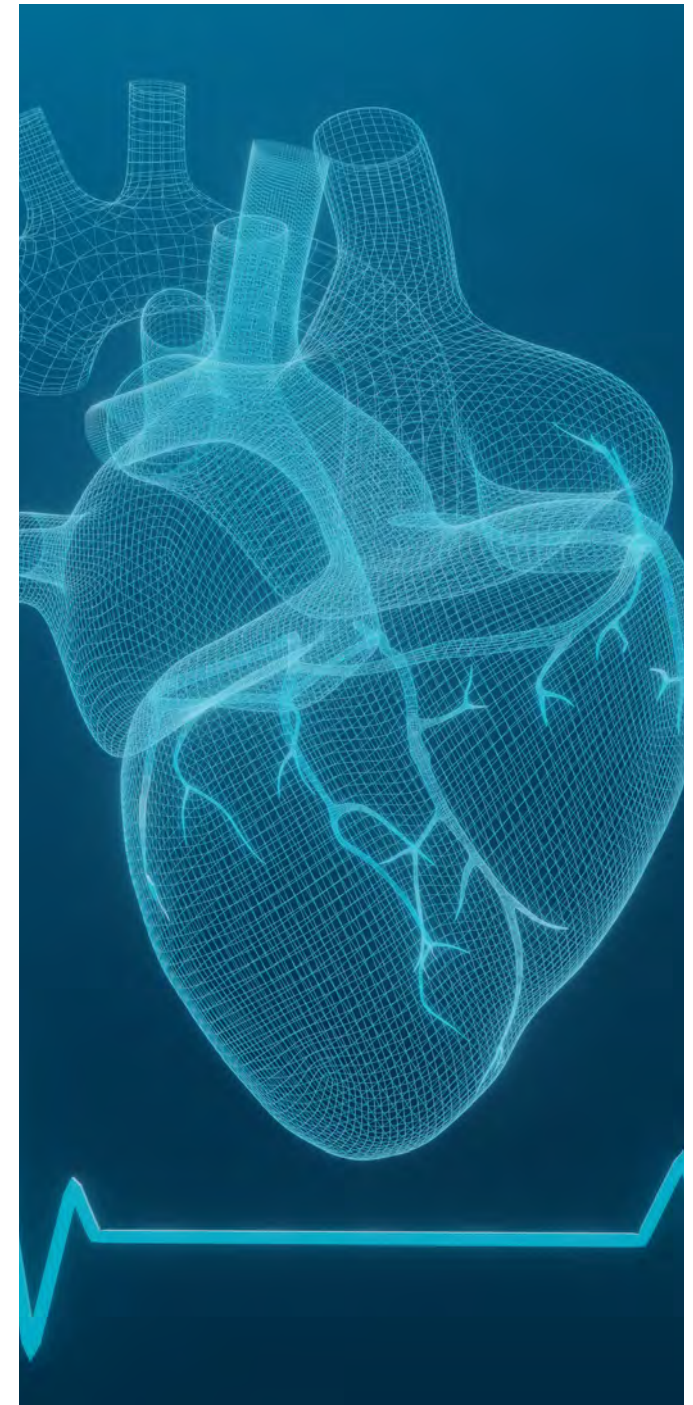
(Cerde et. al., 2019)

In addition to this alarming trend, more Americans who report any, or serious, mental illness issues also reported past-year marijuana use. Co-occurring mental illness and substance use disorder was higher among past-year marijuana users than past-year opioid users (SAMHSA, 2019a).

Marijuana is also linked to significant physical ailments. Researchers have found a connection between marijuana use and lung damage, as well as serious cardiovascular problems, including hypertension, myocardial infarction, cardiomyopathy, arrhythmias, stroke, and cardiac arrest (Bigay-Gamé et al., 2018; Hall & Lynskey, 2016; Pacher et al., 2018).

Studies find marijuana to be linked to certain types of cancer (Liu et al., 2020), including testicular cancer (Ghasemiesfe et al., 2019; Gurney et al., 2015).

Researchers at Boston University found that marijuana use among men may double the risk of partner miscarriage—regardless of the woman’s use (McAlpine, 2019). Additionally, marijuana use during pregnancy is accompanied by a host of risks for the baby. Use during pregnancy may affect cognitive development by increasing the risk of hyperactivity, impulsivity, and inability to focus (Huizink & Mulder, 2006; G. S. Wang et al., 2017). Prenatal exposure to marijuana also predisposes offspring to neuropsychiatric disorders (Frau et al., 2019). A mother’s marijuana use during pregnancy may also increase the risk of low birth weight and small for gestational age births, preterm births, and may also increase the risk of neonatal intensive care unit placement and developmental problems (Gunn et al., 2016; Kharbanda et al., 2020). Low birth weight and preterm birth increase the risk of short- and long-term complications for the child (Mayo Clinic, 2017).



Increasingly, government officials sound alarms on marijuana use during pregnancy after research and reports have revealed that more pregnant women are using the drug. In Alaska, for example, 9% of women who delivered a baby in 2017 reportedly used marijuana during their pregnancy (Alaska Department of Health and Social Services [ADHSS], 2020). In fact, in Colorado, researchers found that seven in 10 dispensaries recommended marijuana to women posing as pregnant women (Nedelman, 2018). Dr. Nora Volkow, the director of the National Institute of Health's National Institute on Drug Abuse, published a report in response to this alarming trend developing across the country of increased marijuana use during pregnancy and warned of the detrimental health risks of in utero cannabis exposure (Volkow et al., 2017). In 2019, the U.S. Surgeon General issued an advisory on marijuana use during pregnancy (Office of the Surgeon General, 2019). In 2019, a newborn whose mother reportedly used marijuana while pregnant was found dead at just 11 days old and doctors believed the cause was acute marijuana toxicity (Bao & Bao, 2019). The trend in marijuana use during pregnancy even prompted the U.S. Surgeon General to issue an advisory



that warned women not to use marijuana to alleviate nausea during pregnancy (Office of the Surgeon General, 2019). Commercialization advocates have also suggested that marijuana may help PTSD sufferers, a claim with important implications for veterans in particular. This may be a dangerous assumption. Two studies conducted on military personnel suffering from PTSD found an elevated risk for suicidal thoughts and behaviors among those using marijuana (Allan et al., 2019; Gentes et al., 2016).

Marijuana commercialization, normalization, and misinformation pose a significant risk to public health as the science continues to be downplayed or dismissed. Dr. Elinore McCance-Katz, Assistant Secretary at the Department of Health and Human Services, repeatedly asserts that the dangers posed by marijuana are “settled science,” yet pushback from the industry inhibits wider acceptance of that fact.

MARIJUANA AND CO-USE WITH OTHER SUBSTANCES

Some industry proponents claimed that legalizing marijuana would have a positive impact on other substance use in the United States, such as alcohol and opioid use. Common industry rhetoric holds that former alcohol users will switch to marijuana if it is made legal. They also suggest that legalization will be “the exit to the opioid crisis” (MadMoney, 2018), and cite a since debunked and severely flawed study that seemed to show a decrease in opioid overdoses in states that legalized medical marijuana.

Amid the third wave of the decades long opioid crisis (Centers for Disease Control, 2019b) and in a population in which nearly 14.5 million people are impacted by alcohol use disorder (National Institute on Alcohol Abuse and Alcoholism [NIAAA], 2020), the false assertions by the marijuana industry are harmful and not backed by science.

A 2014 study (Bachhuber et al., 2014) suggested medical marijuana legalization was associated with a decrease in opioid-related deaths until 2010. However, a more recent study of that data showed the opposite. This 2019 study, which now includes more years of data, found instead that marijuana legalization coincided with a 23% increase in opioid-related deaths after 2010 (Shover et al., 2019). (However, the study notes that medical marijuana legalization, more likely than not, had no impact on opioid-

related deaths.) Medical marijuana users, according to findings from this study, represent 2.5% of the U.S. population and consequently medical marijuana legalization is likely incapable of exerting a demonstrable impact on opioid overdose deaths. Other studies have backed the finding (Caputi, 2019). The positive correlation found in this study is still worth further examination, given the relationship between marijuana use and opioid misuse.

Studies have found a link between marijuana and opioid use as well as marijuana and future use of other drugs. Marijuana exposure in adolescence in particular seems to impact future opioid use (Ellgren et al., 2007). A large proportion (44.7%) of lifetime marijuana users go on to use other drugs (Secades-Villa et al., 2015). A study by Azagba and colleagues (Azagba et al., 2019) found marijuana users were more likely than nonusers to report prescription opioid misuse, echoing an earlier study that demonstrated that participants who reported marijuana use in the previous year were 2.6 times more likely to abuse nonprescription opioids (Olfson et al., 2018).

A body of research shows early marijuana use is associated with more than doubling the likelihood of other drug use later in life (Olfson et al., 2018; Secades-Villa et al., 2015). In fact, according to the National Survey on Drug Use and Health, 95–97% of people who used cocaine or heroin started with marijuana (Substance Abuse and Mental Health Services Administration [SAMHSA], 2018). The scientifically validated relationship between substance abuse and marijuana use is difficult to ignore.

Marijuana is often lauded as a plausible substitute for opioids in the treatment of pain. But there is evidence to suggest that marijuana use—particularly chronic use—is associated with poor pain control (Salottolo et al., 2018). A recent study found adults with pain are vulnerable to adverse marijuana use outcomes, a finding that calls into question the prescribing of marijuana as pain relief (Hasin et al., 2020). Considering that severe pain continues to be one of the most common reasons for obtaining a medical marijuana card—93% of registered cardholders in Colorado reported severe pain as the reason for marijuana use (Colorado Department of Public Health and Environment, 2019)—current state policies should be reconsidered.

A four-year prospective study in the highly respected journal, *The Lancet Public Health*, followed patients with chronic non-cancer pain and found no evidence marijuana use mitigated pain severity or interference or that marijuana affected rates of opioid prescribing or opioid discontinuation (Campbell et al., 2018).

Rising alcohol use is also an issue. According to a 2018 report, Washington state saw a 9% increase in gallons of beer consumed since legalization (Sauter, 2018). Since legalization in Colorado, state officials recorded a 7% increase in gallons of alcohol consumed (CO Department of Revenue, 2019). Other studies showed no meaningful decrease in alcohol use since legalization (Haughwout et al., 2016). Further analysis found that, “Allowing for changes in the adult population over the period 2005–2017, the data show a continuing increase in wine servings alongside ... legalization” (Pellechia, 2018).

Rather than discouraging polysubstance use (the use of multiple drugs), marijuana legalization is associated with further use, misuse, and dependence on other drugs. While the “gateway” effect of marijuana is sometimes considered outdated, the association between use of marijuana and other drugs is supported by the science. Marijuana use often predicts future drug use—ranging from tobacco and alcohol use, to opioid use.



Marijuana use itself may be forecasted by other, seemingly less harmful drugs, such as tobacco and alcohol. Among high schoolers who first initiated alcohol use by 12th grade, subsequent marijuana use was more likely. Marijuana seems to both impact—and be impacted by—tobacco use in younger age groups (Keyes et al., 2019). The relationship that these drugs have on use of each other is important to note.

A 2018 study published in the *Journal of Studies on Alcohol and Drugs* found that, similar to tobacco and alcohol co-users, marijuana and alcohol co-users were more likely than non-marijuana alcohol users to overvalue alcohol, signaling a dependence on both drugs (Morris et al., 2018). Marijuana use is also associated with an increased likelihood of alcohol use disorder (Weinberger et al., 2016).

The commercialization of marijuana perpetuates an understatement of dangerous consequences of marijuana use, adding to the social burden of addiction rather than subtracting from it.



THE VAPING EPIDEMIC

The vaping epidemic is the first national, marijuana-driven crisis in this country and is a direct result of marijuana normalization and commercialization. The vaping of marijuana in THC oil pods or cartridges is a relatively new marijuana-industry innovation. Vaping quickly delivers 70–90% THC concentrates to users by heating extracted oils so that they can be inhaled as vapor. No studies on consumer safety were conducted prior to the mass marketing of vaporizers, which are also popular among tobacco users.

The ensuing crisis, dubbed EVALI (e-cigarette or vaping product use-associated lung injury) by the Centers for Disease Control and Prevention (CDC), has left nearly 70 dead and resulted in the hospitalizations of 2,739 as of the publishing of this report (Centers for Disease Control, 2020). Many of these victims suffered lung damage that their bodies will never recover from. One hospitalization resulted in the double-lung transplant for a 17-year old (CNNwire, 2019).

Of EVALI cases, 52% of affected patients are under the age of 24. Victims killed by the vape-related lung illness ranged in age from 15 to 75. Cases of vaping illnesses have appeared in all 50 states as well as several U.S. territories (Centers for Disease Control, 2020). 15% of EVALI victims are under the age of 18—and therefore under the legal age limit to buy a marijuana vape. This is in keeping with the unfortunate and fast-moving upward trend in youth marijuana vaping (Miech et al., 2019).





**One in six cases
were attributed
to products sold
in commercial
shops.**

(Centers for Disease Control and Prevention, 2020)

82% of the vape cases investigated in connection with EVALI were found to contain marijuana. One in six of these cases were from vapes and oils sold by commercial shops. Yet when the CDC determined that the problem was likely a contaminant common in THC vapes, the marijuana industry immediately pointed to the underground market and used the epidemic to suggest that legalizing marijuana was the only solution to the public health crisis. The CDC, meanwhile, advised people to stop using THC vapes altogether, as scientists struggled to discern what could cause the kind of intense lung damage that was apparent in EVALI cases.

Various studies of lung biopsies point to different causes. One Mayo Clinic study revealed what researchers defined as a chemical burn (Butt et al., 2019)—a potential consequence associated with inhaling heated metal toxins from vape devices. Others pointed to vitamin E acetate, which is a chemical not meant to be inhaled. While the CDC continued to advise users not to use any THC vape products, because they could not definitively say that vitamin E acetate was the cause of illness, the marijuana industry continued to point to vitamin E acetate in order to assert that only illicit vapes were complicit in the disease—even as vitamin E acetate was found in some “legal” vapes.

Many victims obtained vapes initially purchased from “legal” dispensaries in “legal” states. In Oregon, two deaths were linked to marijuana products purchased state-licensed dispensaries (Selsky, 2019). A death in Tennessee was linked to a vape purchased at a dispensary in Colorado (WKRN, 2019). Cases in Delaware, Maryland, California, Washington, Michigan, and Massachusetts were linked to “legal” marijuana (Edwards, 2019; Janney, 2019; Newman, 2019; O’Donnell, 2019; Snyder, 2019; Stone, 2019).

Seeking clarity, SAM submitted a Freedom of Information Act request to the state of Massachusetts, which compelled the state to reveal six EVALI cases linked to the Massachusetts “legal” marijuana market (Grace, 2019; Edwards, 2019). In Michigan, the state’s regulatory agency was forced to issue a recall on products sold at state-licensed dispensaries after it was revealed that several of them contained vitamin E acetate (Neavling, 2020). Another recall implicated 3,400 “legal” cartridges.

This tragic epidemic, which impacts users across the country, came about because of widespread legalization and relaxed attitudes towards marijuana. It’s unlikely that these issues will simply disappear. Many states that have implemented medical and recreational programs have run into continued problems with safety. In Michigan, vapes sold at “legal” dispensaries continue to be pulled from shelves for containing substances that violate the state’s standards. The Marijuana Regulatory Agency (MRA) recalled several thousand of vapes which contained vitamin E acetate, after the substance was banned in late November (Neavling, 2020). In the spring of 2020, a whistleblower revealed that Hawaii’s standards for medical vapes were far below the standard of any other state, putting patients at risk. Almost half of vapes subjected to a blind test were found to contain ethanol levels so high that the cartridges would be illegal if sold in the likes of California, Colorado, or Washington (Blair, 2020).

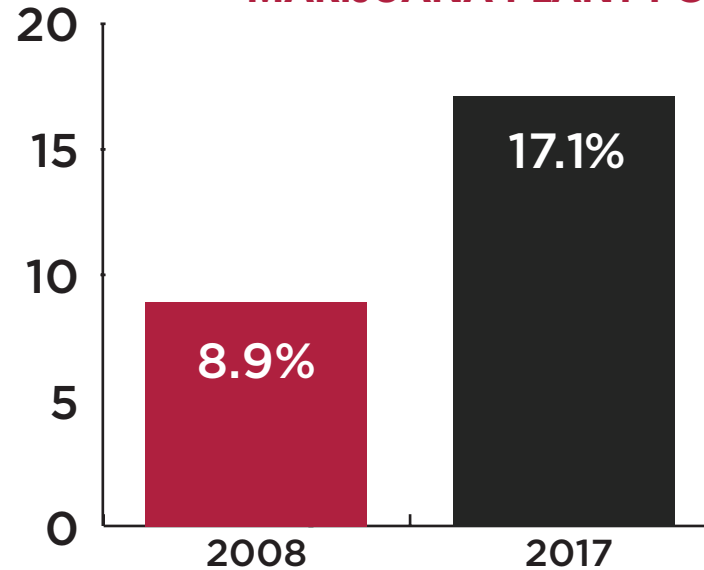
Legalization will not solve the problem of contaminated products, and that comes with deadly implications for consumers and patients alike.

HIGH POTENCY MARIJUANA

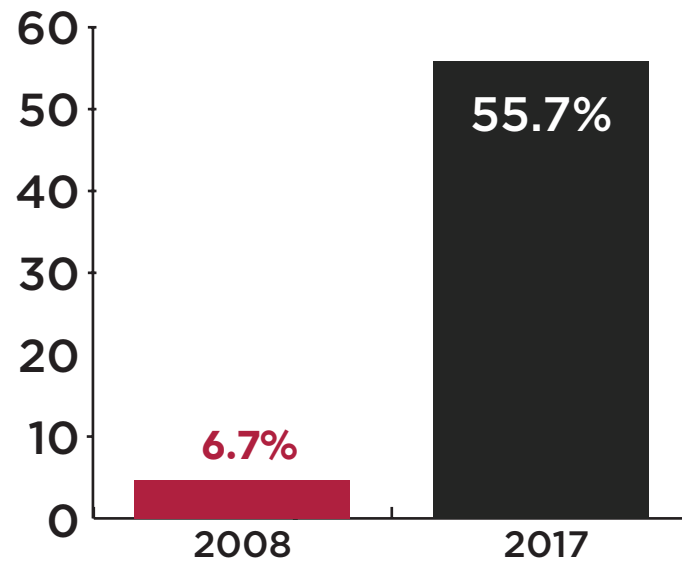
In the 1970s, “Woodstock Weed” contained roughly 1–3% THC (EISOhly et al., 2000), the psychoactive component of marijuana. Since then, products became increasingly potent, driven in large part by market demand as well as a shift in consumption methods. THC concentrates such as shatter, budder, and waxes—as well as gummies and edibles—are packed with more THC than joints ever were. Now, even the plant itself is genetically engineered to contain a greater percentage of THC. One study found that the average potency of the marijuana plant increased from 8.9% THC in 2008, to 17.1% THC in 2017. Concentrates, which contained an average potency of 6.7% THC in 2008, contained an average potency of 55.7% in 2017 (Chandra et al., 2019).

The market for marijuana flower hybrids and concentrates continues to rise with the increase in demand for products with higher THC potency levels. In Washington State, market share for flower products with 10–15% THC declined by 60.4% between 2014 and 2017, while the market share for flower products with more than 20% THC increased by 48.8% during that same period (Smart et al., 2017).

MARIJUANA PLANT POTENCY



CONCENTRATE POTENCY



In Oregon, concentrates and extracts easily surpassed flower marijuana in sales and comprise an increasingly large proportion of all marijuana sales. In the month of December of 2019 alone, nearly 1 million units of concentrates and extracts were sold in the state and the number of units of edibles sold exceeded the pounds of flower marijuana sold (OLCC, 2020). Retailers increasingly promote higher potency marijuana in order to drive profits—high potency marijuana sells.

The demand for stronger marijuana is dangerous. High potency marijuana exacerbates many of the consequences of marijuana use. Frequent marijuana users and users of higher potency marijuana are more likely than regular users to develop schizophrenia and psychosis (Di Forti et al., 2019). Users of Butane Hash Oil (BHO), a marijuana concentrate that yields a potency of between 70–99% THC, are more likely to have lifetime diagnoses of depression and anxiety while being more likely to report other substance use (Chan et al., 2017).

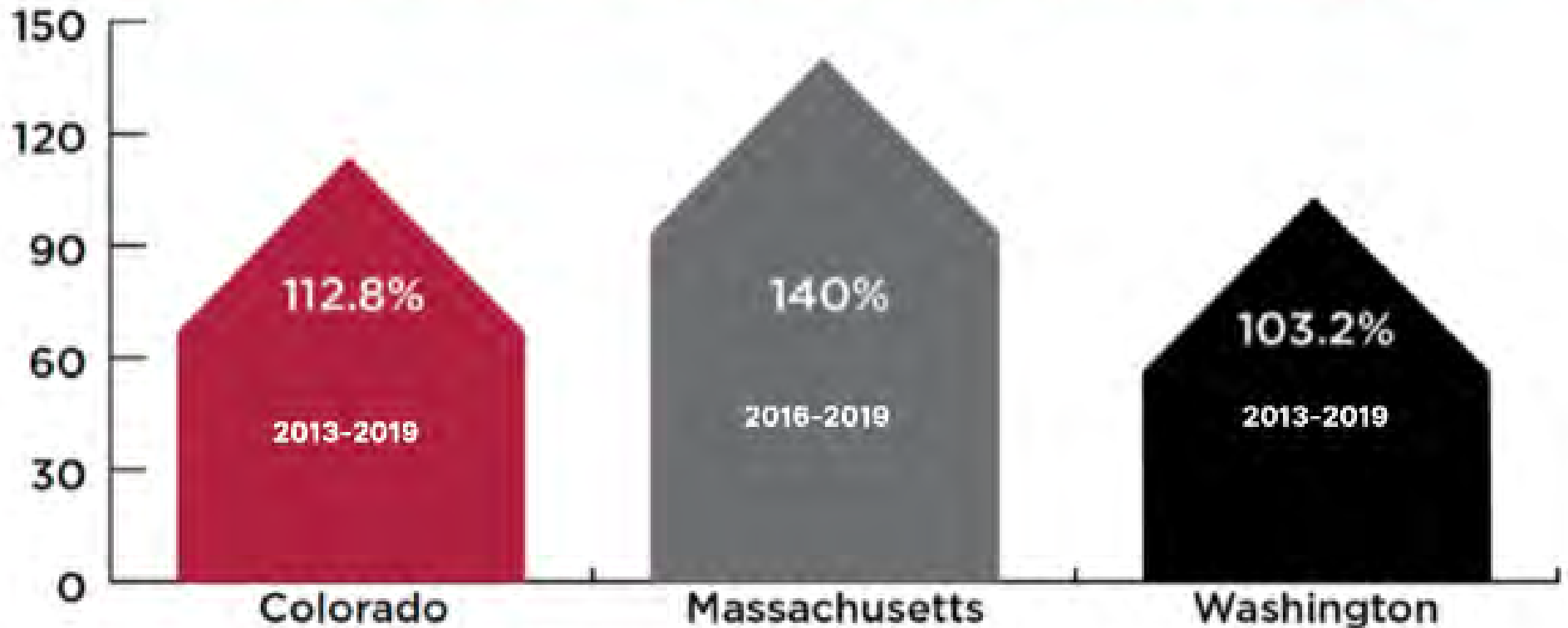
The lucrative cash potential of high potency marijuana also emboldens illegal producers of BHO. Its production involves forcing raw marijuana and butane into a reaction chamber, which creates a highly combustible liquid that can easily explode when introduced to an ignition source. This has implications not only for public health but public safety as well.

Between 2012 and 2018, over 100 marijuana extraction labs were seized in Oregon. Over 30 fires and explosions related to the production of this kind of marijuana were reported in the state in that time period. The number of labs seized in the area reached a new high of 37 in 2017 (Oregon Department of Justice, 2020).

In addition to these concerns, BHO explosions led to an increasing number of BHO burn victims. The Oregon-Idaho High Intensity Drug Trafficking Area report found that 87 marijuana extraction burn victims were treated from 2015 to 2017. Since 2013, treatment costs for marijuana extraction burn victims totaled \$15 million (Legacy Burn Center, 2017).

Products with high amounts of THC proliferate with market demand and, as such, consequences associated with highly potent marijuana become more apparent.

PERCENT INCREASE IN CALLS MADE TO THE POISON CONTROL CENTER FOR MARIJUANA EXPOSURES FOLLOWING LEGALIZATION IN THE STATE.



(Rocky Mountain HIDTA, 2019; Whitehill et al., 2019; Washington Poison Center, 2018)

EMERGENCY & HOSPITAL ADMISSIONS

The widespread availability and accessibility of high potency marijuana due to legalization has resulted in an increasing number of marijuana-related poison control calls, hospitalizations, and ER visits.

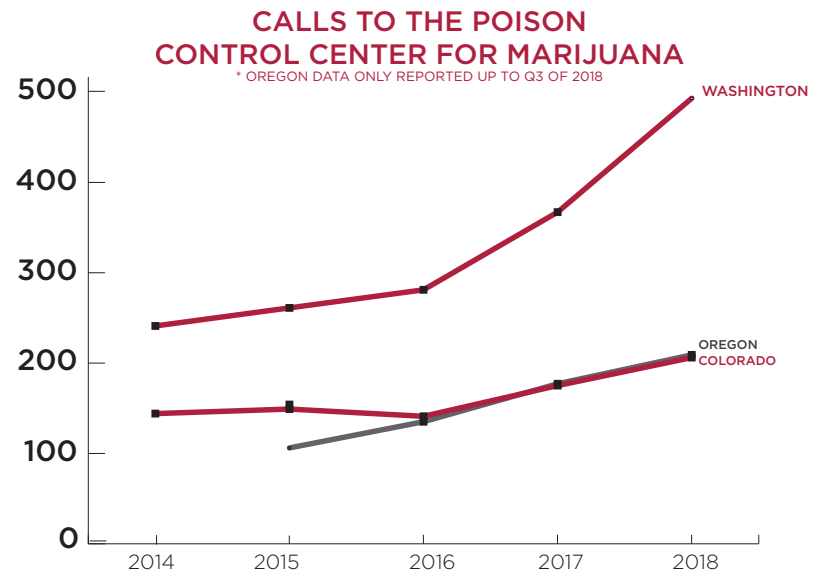
A 2020 study found that recreational marijuana commercialization is associated with between 66–77% increase in marijuana exposures. State-specific data shed greater light on this phenomenon (Shi & Liang, 2020).

In Colorado, the number of marijuana-related emergency department visits increased 54% from 2013 to 2017. Yearly marijuana-related hospitalizations increased 101% in that same period (CDPHE, 2019). Calls to the poison control center for marijuana exposures also increased. In 2013, 125 calls were made for marijuana-related exposures. By 2018, that number jumped to 266, representing a 112.8% increase. Youth cases (instances of marijuana-related exposures of children aged 8 or younger) increased 126.2% from 2013 to 2018. In 2018, youth cases represented over half of all marijuana-related exposure calls (Rocky Mountain Poison and Drug Center).

A study by the Colorado Department of Public Health and Environment found that in 2018, over 23,000 homes in the state with children aged one to 14 years had marijuana products stored in an unsafe manner (Colorado Department of Public Health and Environment [CDPHE], 2018). In 2018, 60% of youth marijuana exposures involved edibles, compared with just 18% in 2016 (Rocky Mountain Poison and Drug Center). Even when packaging is compliant with Colorado's regulatory requirements, it fails to discourage or prevent children from accessing potent and dangerous marijuana.

Researchers who studied the impact of medical marijuana legalization also found many pediatric marijuana exposure cases in the state, despite childproof packaging and warning labels (Whitehill et al., 2019). During the eight-year period studied, the Regional Center for Poison Control and Prevention (RPC) recorded a 140% increase in single-substance (marijuana) exposures, with 81.7% of these calls regarding marijuana exposures of 15- to 19-year olds.

A study conducted in Washington State found that the rate of pediatric exposures to marijuana (children aged 9 or under) was 2.3 times higher following "legal" retail sales than before legalization (A. Thomas et al., 2019). Poison control center cases in Washington state have increased 103.2%. Cases for children aged 5 and younger increased in 176.5%. In 2018, there were 497 calls—compared with 245 when legalization in the state began (Washington Poison Center, 2018).



Rocky Mountain Poison and Drug Center, 2019; Washington Poison Center, 2019; Oregon Poison Center, 2019; Massachusetts & Rhode Island Poison Center, 2019)

In Alaska, 2017 there were a total of 3,296 inpatient discharges and 6,639 outpatient discharges related to marijuana (ADHSS, 2020). In Illinois, just several days after legalization, doctors reported a surge in emergency room visits and hospitalizations for marijuana, including several cases of marijuana-induced psychosis (McCall, 2020).

Though it is true that marijuana misuse does not result in the same kind of immediate overdose that other drugs may cause, cases of Cannabis Hyperemesis Syndrome (CHS)—or sometimes CVS (Cannabis Vomiting Syndrome)—have increased significantly since legalization. CHS is a disease that presents as episodes of screaming and vomiting, dubbed “scromiting,” and

the only effective treatment is the immediate stoppage of marijuana use. The disease appears to mainly affect heavy, daily users of marijuana.

From 2010 to 2014, researchers recorded a 46% increase in CHS cases in Colorado (Bhandari et al., 2019). Another study of CHS in Colorado found at least two deaths that were caused by CHS and recorded a third death that CHS is believed to have contributed to (Nourbakhsh et al., 2019). This phenomenon was not reported before 2004.

The dramatic increases in emergency cases related to marijuana exposure highlight the danger of commercialization. In many instances, the danger impacts unwitting children or people who mistakenly consume marijuana. Innocent and unwilling citizens are subjected to consequences of a situation that they did not create.

MARIJUANA HOSPITALIZATION INCREASES SINCE LEGALIZATION



(Colorado Department of Public Health and Environment, 2013-2017; Alaska Department of Health and Social Services, 2020).

IMPACT ON YOUTH

The legalization of marijuana has had a profound impact on youth use of the drug as well as perceptions of its harms.

Years of playing catch-up to alcohol and tobacco normalization have resulted in important downward trends in youth alcohol and cigarette use. But a new wave of substance use among children is appearing. Given the relationship between marijuana use, alcohol, and cigarette use, it is important to note that use rates of all substances among youth may rise if the dangers of youth marijuana use go ignored.

While some marijuana industry proponents have suggested that a strict legal marijuana market would limit youth use, marijuana use among youth is rapidly increasing concurrent with legalization—while perceptions of risk associated with use are decreasing. Compounding this problem are the increasing use rates of adults. A 2019 study found that parental marijuana use increases the likelihood of marijuana use among children in the household, as well as increases their risk of tobacco use and opioid misuse (Madras et al., 2019).

In part, the ease of obtaining marijuana has contributed to youth use in “legal” states. Restrictions on selling to minors have not stopped state-sanctioned vendors from selling the drug to underage consumers in “legal” states. In 2018, 46% of young people nationwide aged 12 to 17 reported that they perceived marijuana to be easy or fairly easy to obtain

(SAMHSA, 2019a). In Washington state, where marijuana is “legal,” this number is much higher, with 49% of 10th graders and 61% of 12th graders believing that marijuana was easy to obtain (Washington State Healthy Youth Survey [WSHYS], 2018).

In Washington state, marijuana violations have remained high since legalization in 2014. As of December 2019, 3,220 violations have been documented. Violations pertaining to the sale or service of marijuana to a minor, or for allowing a minor to frequent a restricted area, comprised 16.3% of all of these violations (Washington State Liquor and Cannabis Board, 2020).

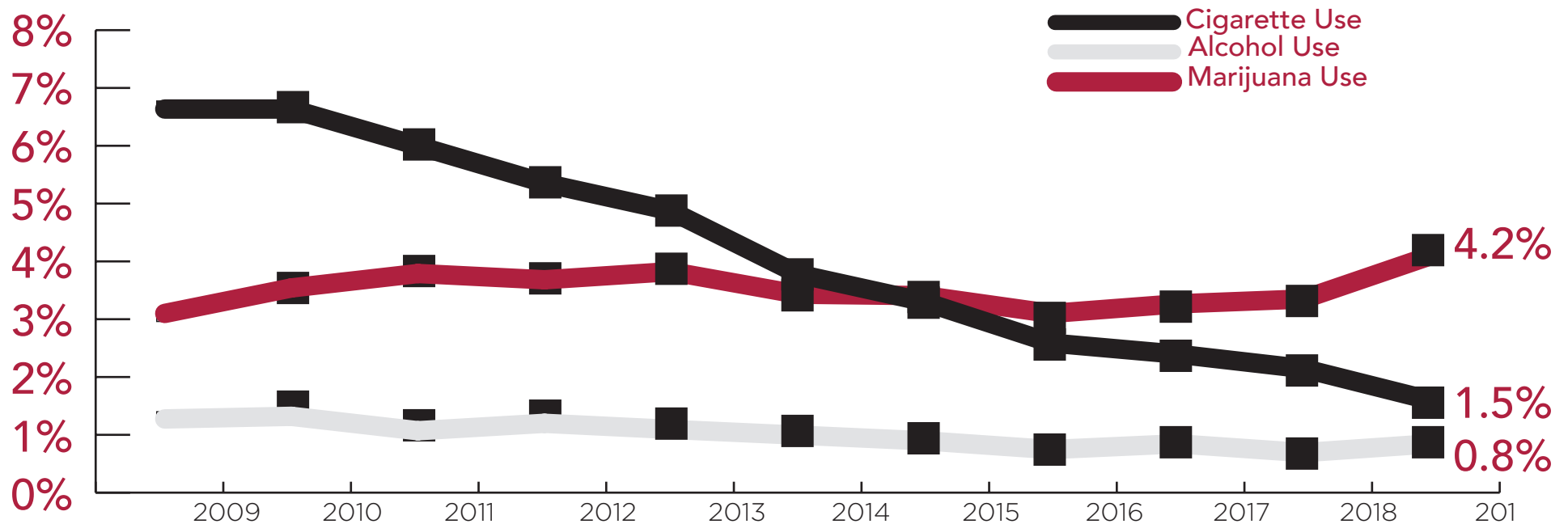
Among Oregon 11th graders who currently use marijuana, 67% reported obtaining marijuana from a friend (Oregon Health Authority, 2016). Furthermore, 37.2% of 8th and 49.5% of 11th graders reported being exposed to online marijuana advertisements in the past 30 days (Oregon Health Authority, 2017). A recent study found that one in three youth living in a state where marijuana is “legal” engaged with marijuana promotions on social media. The same study found that youth who engaged with marijuana promotions were five times as likely to use marijuana (Trangenstein et al., 2019).

In Washington state, 22% of 6th and 8th graders believed there to be no or low risk from regular marijuana use, while 40% of 10th and 12th graders reported no or low risk from regular marijuana use. 67% of 10th and 12th graders in the state reported no or low risk of trying marijuana once or twice (WSHYS, 2018).

Additionally, near daily marijuana use—as reported by the University of Michigan’s Monitoring the Future (MTF) survey—increased dramatically from 2018 to 2019 with 6.4% of 12th graders, 4.8% of 10th graders, and 1.3% of 8th graders reporting near daily marijuana use in 2019. The increase in near-daily marijuana use among 8th graders is particularly concerning: 2019 near-daily use rates jumped 85.7% from 2018 to 2019 (Miech et al., 2019).

Youth marijuana vaping has added to the already-alarming trend of increasingly prevalent marijuana use among young people amid widespread commercialization. Trends in youth vaping have given way to a countrywide epidemic (Centers for Disease Control, 2019a) that present implications for youth marijuana use. Youth vaping of any kind (tobacco or flavors) has been shown in several studies to increase the likelihood of subsequent marijuana vaping or marijuana use generally (Chadi et al., 2019; Kowitt et al., 2019). As youth vaping of any kind has increased, so too has youth marijuana vaping.

DAILY MARIJUANA USE AMONG 8TH, 10TH, AND 12TH GRADERS

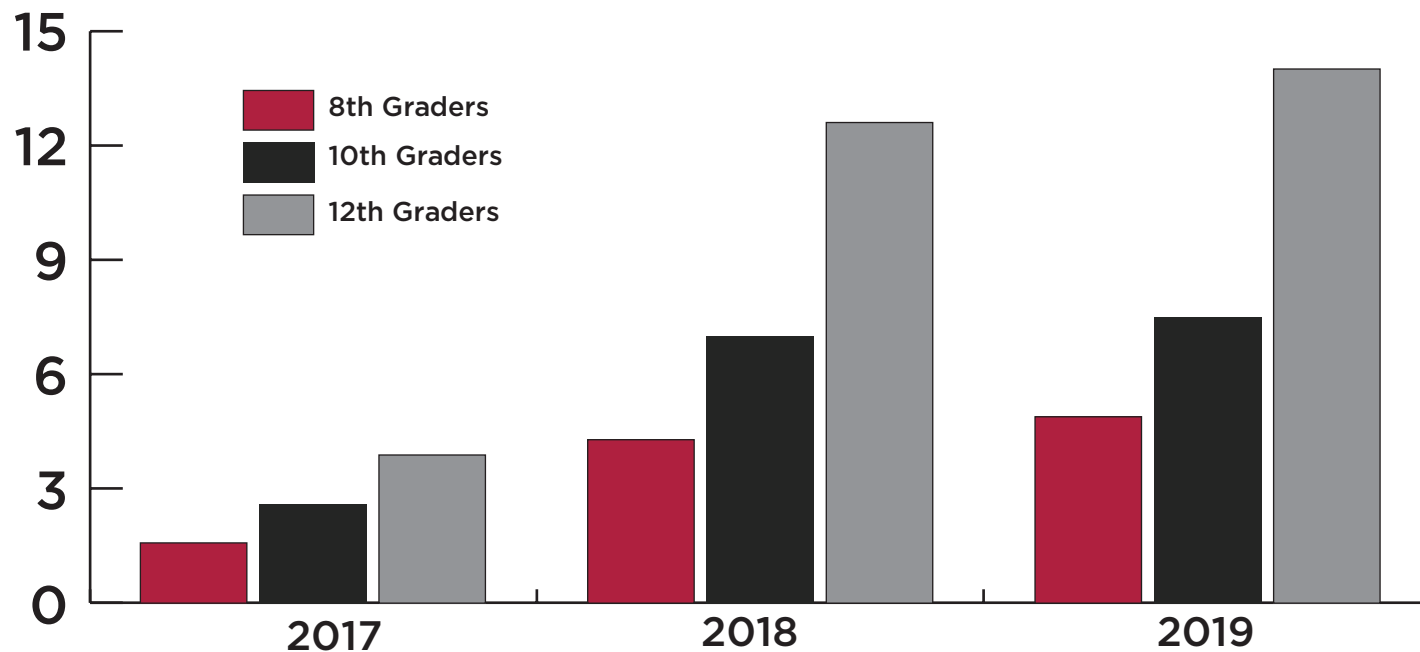


(Miech et al., 2019)

Past-year youth vaping of marijuana has increased dramatically since the MTF survey began recording data on the subject in 2017. As reported by this survey (Miech et al., 2019), lifetime, annual, and past-month marijuana vaping among 8th, 10th, and 12th graders have all dramatically increased in just one year. Past-month use among teenagers increased over 72% from 2018 to 2019. An average of 10% of teens reported past-month marijuana vaping in 2019. In 2019, MTF first recorded data on near-daily marijuana vaping and found that 2.4% of this age group vaped marijuana almost every day. That number exceeds near-daily cigarette and near-daily alcohol use among this group.

As marijuana legalization advocates have argued that youth marijuana use falls in conjunction with legalization, it is important to note trends in use in states that have legalized the drug. More young people are using marijuana in “legal” states—and they are using it more frequently. These trends are driven by the decreased perception of risk as well as the increased availability of marijuana that accompanies legalization.

YOUTH PAST MONTH MARIJUANA VAPING INCREASED DRAMATICALLY



(Monitoring the Future, 2019)

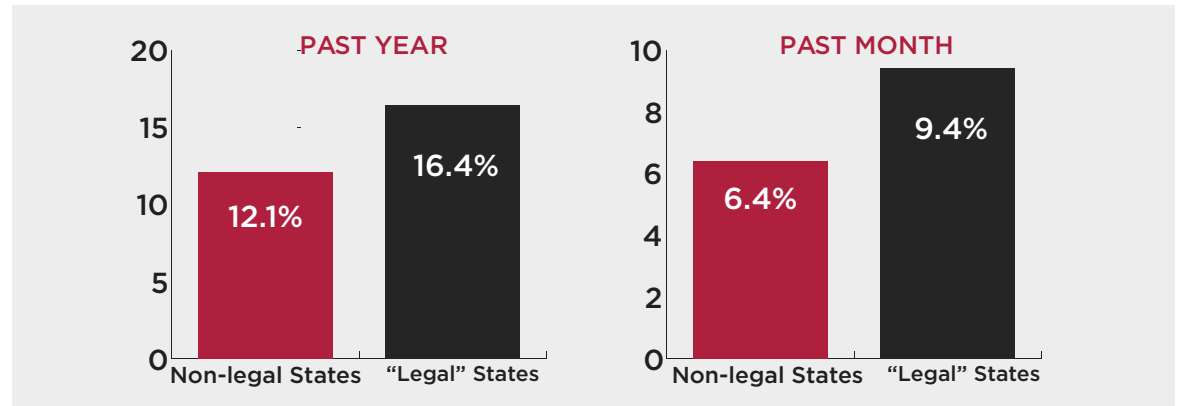
Nationally, fewer people, especially youth, perceive a risk from smoking marijuana. This downward trend is driven by the relaxed approach to marijuana in states where it's "legal."

Despite claims that adolescent use isn't up in legalization states, researchers using the Monitoring the Future study found increases in use post legalization in Washington state among 8th and 10th graders. This was confirmed by University of Washington researchers, who published in the American Journal of Preventive Medicine and found that marijuana legalization predicted a 6-fold increase of self-reported past-year marijuana use among youth when controlling birth cohort, sex, race, and parent education (Bailey et al., 2020)

from 2016/2017 to 2017/2018 (SAMHSA, 2019b) . An average of 16.4% of 12- to 17-year olds in "legal" states reported past-year use in 2017/2018, and an average of 9.4% reported past-month use. In California, Colorado, Massachusetts, and Nevada, past-month marijuana use among young people jumped over 4% in each state from 2016/2017 to 2017/2018. In Washington state, use increased even more dramatically: 9.9% of young people reported past-month marijuana use, marking a near 11% increase in past-month use from 2016/2017. An independent report in Alaska found that 22% of high schoolers in the state reported past-30-day use in 2017 (ADHSS, 2020).

These increases far exceed marijuana use rates among youth aged 12 to 17 in states where marijuana remains illegal (SAMHSA, 2019b). According to 2017/2018 NSDUH state-specific data, 12.1% of youth in non-legal states reported past-year marijuana use and 6.4% of young people in those states reported past-month use. Use rates in "marijuana-legal" states sit around three percentage points higher.

PAST MONTH AND PAST YEAR YOUTH USE IN "LEGAL" STATES OUTPACES SUCH USE IN NON-LEGAL STATES.



(NSDUH State Comparisons, 2019)

The issue of marijuana use among youth in “legal” states is further elucidated by data taken on first-use rates—the percentage of young people initiating marijuana use in the past year (SAMHSA, 2019b). The average rate of first use in “marijuana-legal” states was 7.4% in 2017/2018, up from 6.8% the previous year. In California, first-use rates have increased 10% from 2016/2017 to 2017/2018. In states where marijuana remains illegal, first-use among 12- to 17-year olds in 2017/2018 was 5.4%.

Marijuana commercialization—and the subsequent normalization of marijuana use—plays an important role in the increased marijuana use of young people. A 2017 study found that the longer duration of legalization and higher dispensary density was associated with increased use of vaping (inhaling vaporized marijuana oils) and consumption of edibles by 14- to 18-year olds (Borodovsky et al., 2017). Marijuana dispensary density has been linked to more use among youth, with 16% of 11th graders reporting marijuana use in areas with less dispensary density compared to 24.3% of the same age group reporting use in more retail-dense areas (Hatch, 2017).

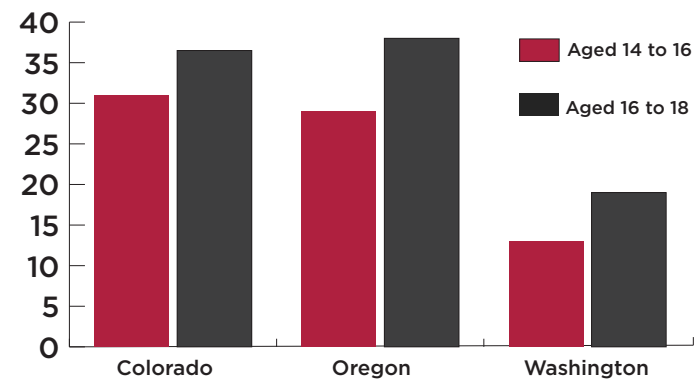
The commercialization of marijuana has also adversely impacted schools and youth academic performance. According to Joe Zawodny, director of secondary education for the Anchorage [Alaska] School District, “Because it’s legal in the community, I think, the stigma around marijuana use is decreasing. The data would seem to say there is increasing use” (Wohlforth, 2018). In Washington state, high schoolers reporting marijuana use also reported lower grades (more C’s, D’s, and F’s)

than those of their peers who did not smoke marijuana (WSHYS, 2018).

Marijuana was cited in 23% of Colorado school suspensions, the highest of all documented school offenses. Further, between 2012 and 2014, the percentage of 10- to 14-year olds who once or twice tested positive for THC increased from 19% to 23%; those who tested positive three or more times increased from 18% to 25% (Munoz et al., 2017). In Alaska, the number of youth referred for marijuana-related crimes jumped to a high of 302 (ADHSS, 2020).

Marijuana use among youth in “legal” states also coincides with marijuana misuse and substance disorder. A 2019 study (Cerdá et al., 2020) found that recreational marijuana legalization was followed by an 25% increase in adolescent cannabis use disorder (CUD).

PERCENT OF YOUTH REPORTING PAST 30-DAY USE WHO DABBED*



(Colorado Department of Public Health and Environment, 2019; Oregon Healthy Teens, 2019; Washington State Healthy Youth Survey, 2018)

* Taken from most recent data available, ages are an average based on an age range

This trend speaks to the prevalence of higher potency of marijuana products. In Washington state, a 2018 youth survey showed that 13% of 8th and 10th graders, and 19% of 12th graders reported dabbing marijuana (WSHYS, 2018). Dabbing involves heating marijuana concentrate, often of unspecified potency that can reach up to 99% THC, and inhaling the vapor. One study on dabbing found that the process may deliver significant amounts of additional toxins, such as methacrolein and benzene (Meehan-Atrash et al., 2017).

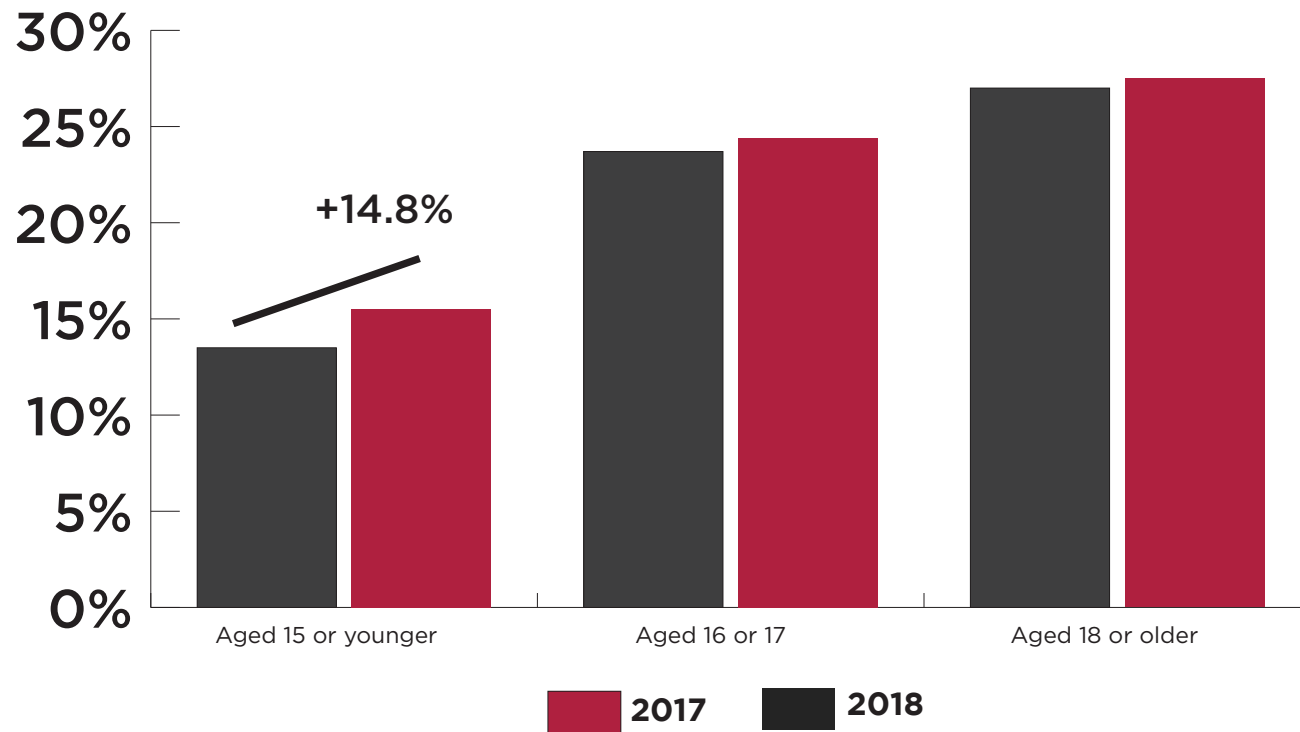
There are intense ramifications to marijuana use by youth. Young, developing brains are especially susceptible to the negative effects of marijuana use and young users have demonstrated changes in grey matter volume, indicating negative consequences for brain development (Orr et al., 2019). Young users are also at a greater risk for mental health problems, dependence on marijuana, and future substance abuse of other drugs (Coffey & Patton, 2016). Chronic adolescent marijuana use has been correlated with cognitive impairment and worsened academic or work performance (Arria et al., 2015; Meier et al., 2012; Meier et al., 2015; Salmore & Finn, 2016; Schuster et al., 2018; Silins et al., 2014).

Youth marijuana use poses a significant risk for depression and suicide (Gobbi et al., 2019; Silins et al., 2014). In Colorado, where teen suicides have become the cause of one in five adolescent deaths (Daley, 2019), youth suicide toxicology reports have demonstrated this devastating effect. In 2013, marijuana was present in 10.6% of suicide toxicology reports for young people aged 15 to 19 years; in 2017, marijuana was present in over 30%*¹ of suicide toxicology reports for young victims between the ages of 15 and 19 years (CDPHE, 2019).

The efforts to legalize marijuana are playing out with devastating effects on youth across the country while public health agencies are ill-equipped to mitigate the consequences. But youth are not the only group at risk.

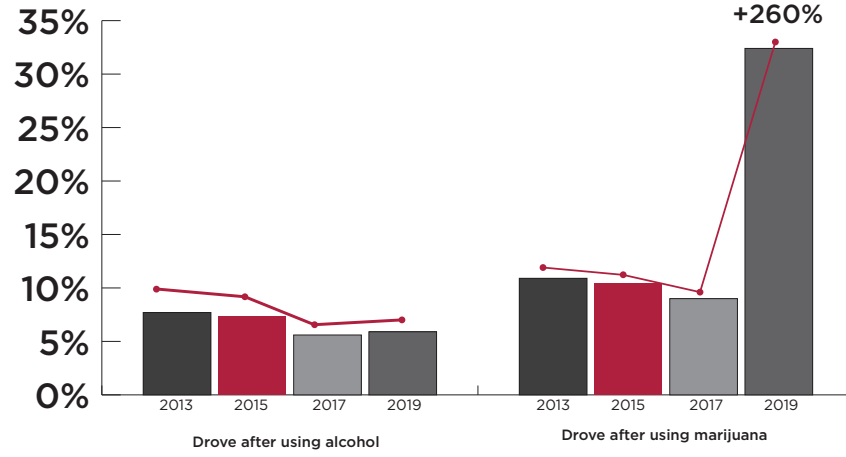
¹ Data taken from Colorado Department of Public Health and Environment's website was presented differently in several CDPHE resources. Should this conflict be resolved, this report will be updated.

CHANGES IN PAST MONTH YOUTH USE AMONG COLORADO STUDENTS



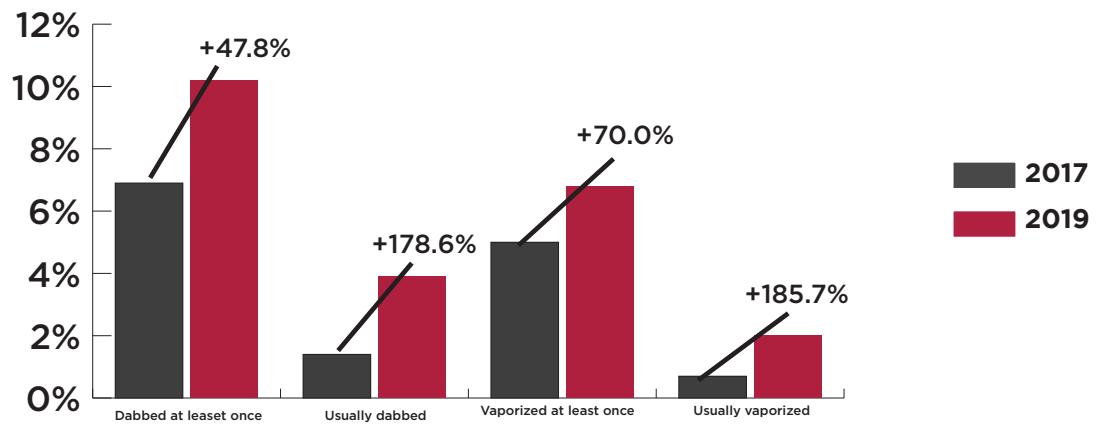
(Healthy Kids Colorado Survey, 2020)

PERCENT OF STUDENTS WHO REPORTED CURRENT ALCOHOL OR MARIJUANA USE AND WHO DROVE UNDER THE INFLUENCE OF ALCOHOL OR MARIJUANA



(Healthy Kids Colorado Survey, 2020)

MORE COLORADO STUDENTS REPORTED DABBING AND VAPING



(Healthy Kids Colorado Survey, 2020)

IMPACT ON YOUNG ADULTS

Though the legal age for marijuana consumption in “legal” states is 21, marijuana use during young adulthood carries a host of adverse effects. Marijuana has a particularly strong impact on developing brains, which continue to develop through a person’s late twenties. Unfortunately, marijuana use in this age group is higher than that of any other.

The low perception of risk associated with marijuana use, as well as the highest use rates of all age categories, make marijuana an unexamined issue for many young adults.

According to data recorded by SAMHSA’s national NSDUH survey (SAMHSA, 2019a), in 2018 young adults across the country had the lowest percentages of perception of risk associated with marijuana use. Only 12% of young adults believed that smoking marijuana once a month was risky and only 15.4% perceived a great risk from smoking marijuana once or twice a week. This is far lower than the perception of risk of people aged 12 or older: 25% perceive great risk from smoking once a month and 30.6% perceive a great risk from smoking once or twice a week.

Young adult marijuana use outpaces other age groups in the United States. Young adults aged 18 to 25 reported lifetime, past-year, and past-month use in much higher numbers compared to other age groups at 51.1%, 34.8%, and 22.1%, respectively. Use reported among people aged 12 or older sits at 45.3%, 15.9%, and 10.1%, respectively (SAMHSA, 2019a). Daily or almost daily marijuana use rates of 18 to 25-year olds reached a new high in 2019. In 2019, more than 2.5 million, or 7.5%, of

that group reported daily or almost daily marijuana use in the past year, up more than 17% over just five years (SAMHSA, 2020).

Higher instances of marijuana use disorder have been reported by people aged 18 to 25, coinciding with higher rates of marijuana use. In 2018, after years of decreases, 5.9% of people aged 18 to 25 reported marijuana use disorder, marking an 11% increase from 2017 (SAMHSA, 2019a).

These trends in use are most dramatic in states that have legalized marijuana (SAMHSA, 2019b). The percentage of young adults, aged 18 to 25, reporting past-year and past-month use have increased significantly from 2016/2017 to 2017/2018. An average of 46.3% of young adults in these states reported past-year use in 2017/2018 and 31.6% reported past-month use in 2017/2018. In Nevada, for example, past-year and past-month young adult use jumped by 18.9% and 24.1% respectively from 2016/2017 to 2017/2018.

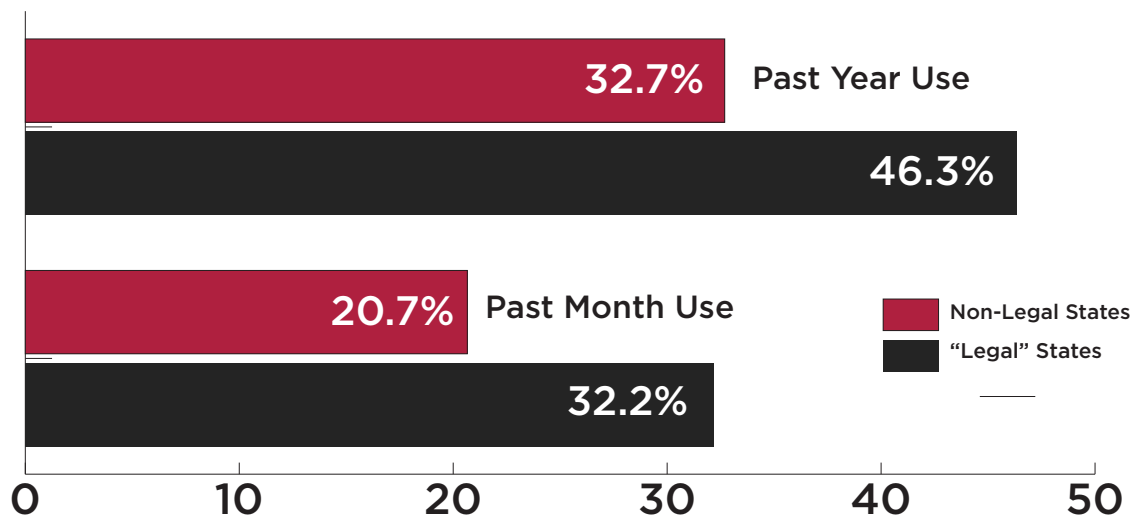
Use rates among this age group in “legal” states far exceeds those of states where marijuana is illegal (SAMHSA, 2019b), with 32.7% and 20.7% of 18- to 25-year olds reporting past-year and past-month use in not “legal” states: a difference of more than 10 percentage points compared with “legal” state-use rates. Legalization has not reduced use; it has encouraged and accelerated it.

Given what we know about marijuana’s effects on the developing brain, young adults should be discouraged from using it, but the commercialization of marijuana instead heavily promotes the use—with no warnings about the risks. The same health risks faced by teen marijuana users affect young adult users. Although commencing marijuana use during the early teen years is thought to be associated with a greater risk of psychosis than if the use begins in young adulthood (Arseneault et al., 2002), this does not mean continuing use through young adulthood is safe even for those who have not yet exhibited marijuana-induced psychosis, nor that commencing use is safe after age 20. Often, the marijuana-induced psychotic symptoms develop in young adulthood, with consolidation of those symptoms into a chronic disorder occurring over a period of 8 years or more (Niemi-Pynttari et al., 2013). Frequency of use and potency of the product have been found to be more important than age at which use began for increasing the odds of a psychotic outcome (DiForti et al., 2019), and cessation of use is protective (Gonzalez-Pinto et al., 2011; Schoeler et al., 2016).

Co-use also presents a compounded harm to young-adult users. As this age group goes off to college,

where drinking, drug use, and other kinds of experimentation are prevalent, marijuana may be used in conjunction with a host of other drugs, presenting a risk for future substance use disorder. Researchers from Oregon State University found that college students who were binge drinkers before the age of 21 saw relatively large increases in marijuana use after legalization (Kerr et al., 2017)

PAST YEAR AND PAST MONTH YOUNG ADULT (18-25 YR OLD) USE IN “LEGAL” STATES OUTPACES SUCH USE IN NON-LEGAL STATES.



(NSDUH STATE COMPARISONS, 2019)



IMPACT ON COMMUNITIES OF COLOR AND LOW-INCOME POPULATIONS

Marijuana legalization poses a significant threat to low-income and minority communities. Though industry proponents suggest that marijuana legalization will alleviate injustices against socioeconomically disadvantaged populations, disparities in use and criminal offense rates have persisted in states that legalized marijuana.

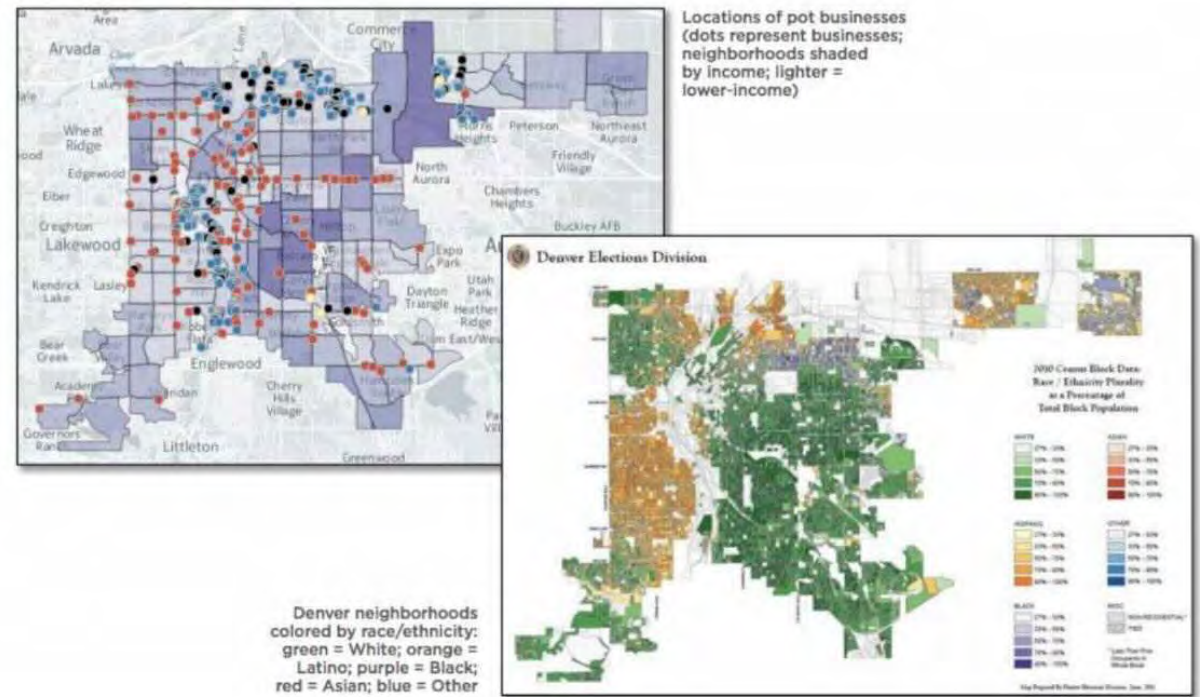
While it is important to evaluate the impact of incarceration within certain communities, it is also important to understand the impact of marijuana legalization on those same communities. It is inappropriate to suggest that only through marijuana legalization will social justice be achieved or criminal justice inequity remedied. In fact, no such effect has been demonstrated in the states where marijuana was made “legal.”

Instead of fixing social justice disparities in one fell swoop, legalization merely changes the nature of the arrest in lower income and minority communities. What's more, the marijuana industry has recognized an important new consumer base .

An early study of medical marijuana implementation in California found that marijuana dispensaries were disproportionately located within areas where the demand for marijuana was higher, where there were higher rates of poverty as well as a greater number of alcohol outlets (Morrison et al., 2014). In other words, when choosing where to locate dispensaries, owners followed the data to low-income communities. Further studies of Los Angeles marijuana

dispensaries found that the majority of dispensaries have opened primarily in African American communities (Thomas & Freisthler, 2017). And an overlay of socioeconomic data with the geographic location of pot shops in Denver shows marijuana stores are disproportionately located in disadvantaged neighborhoods (Hamm, 2016). In Oregon, the state conducted an analysis on the distribution of state-sanctioned dispensaries and found that sites were concentrated among low-income and historically disenfranchised communities (McVey, 2017; Smith, 2017).

As a result, the harms associated with marijuana dispensary locations (such as increased use and substance misuse, normalization, hospitalizations, etc.) are disproportionately concentrated within particularly vulnerable communities.



(Migoya, 2017)

The importance of this cannot be overstated. Historically, disadvantaged communities lack many of the resources to combat this kind of targeting by industry and also often lack adequate access to proper drug treatment facilities, thereby exposing community members to an increased likelihood of substance abuse with limited resources to combat the consequences (Kneebone & Allard, 2017). What the country has seen in the fallout of the opioid epidemic and the expansion of Big Tobacco (Truth Initiative, 2018) is being replicated by Big Marijuana.

Perceptions of risks associated with marijuana use among young people of color fall well below the national rates (SAMHSA, 2019a). Nationally, 34.9% of youth aged 12 to 17 perceived a great risk from using marijuana once or twice a week. Only 31.9% of African American youth, and 28.9% of American-Indian Alaska-Native (AIAN) youth perceive a great risk from using marijuana once or twice a week. As stated previously, frequent marijuana use among young people exacerbates the damaging health consequences associated with it.

The decreased perceptions of risk translate to increases in use. In 2018, past-year and past-month use among minority young people was higher than the average, as reported by SAMHSA (SAMHSA, 2019a) Past-month and past-year marijuana use among youth aged 12 to 17 years was more prevalent among African Americans and AIAN youth. For example, nationally, 6.7% of young people aged 12 to 17 reported past-month marijuana use, with 6.8% of Caucasian youth using in the past

month. Comparatively, 7.5% of African American youth and 9.4% of AIAN youth reported past-month marijuana use. Young people of color face enormous risks.

The decreased perception of risk associated with marijuana use during pregnancy has a particularly damaging impact on socioeconomically disadvantaged communities. A study by the American College of Obstetricians and Gynecologists reported that young, urban women from lower income levels have a 15–28% rate of marijuana use during pregnancy (American College of Obstetricians and Gynecologists, 2017). As previously stated, marijuana use during pregnancy has a host of dangerous consequences for neonates.

From an economic standpoint, advocates of the marijuana industry often argue that any detrimental effects of marijuana will be offset by the cash potential of the drug. Proponents of legalization suggest that the new industry presents previously disenfranchised groups with new economic opportunities. In reality, though some states have attempted to use legislation to protect and provide for minority marijuana business owners, the industry is largely bereft of diversity. Nationally, fewer than 2% of all marijuana businesses are owned by minorities (Schoenberg, 2018).



fewer than 2% of all marijuana businesses are owned by minorities

Massachusetts serves as a case study for this phenomenon. The state requires all “Marijuana Agents,” persons who work at marijuana businesses, to register with the state. Demographic analysis revealed that of 1,306 agents who applied in the city of Boston, 6% were Hispanic and 4% African American. This is unrepresentative of the city’s population (U.S. Census Bureau, 2019). Indeed, an exposé by the Boston Globe revealed that a handful of out-of-state marijuana corporations had locked-in almost all of the licenses through shell companies (Wallack & Adams, 2019).

In Chicago, Illinois, where not one of the 11 existing growers licensed to sell recreational marijuana was African American, the city council’s

Black Caucus pushed back. Soon after the state legislature’s legalized recreational marijuana, local African American legislators took issue with the obvious discrepancy (Koziarz, 2019). Still, Chicago Mayor Lori Lightfoot, who received \$123,000 from the marijuana industry in her contentious bid for mayor, suggested that those councilmembers take the issue up with the state legislators in Springfield. Legalization was implemented on schedule.

New Jersey state Senator Ronald Rice has been among the most vocal leaders against marijuana legalization. He wrote in an op-ed, “Seeing firsthand how drugs eviscerate urban communities—and understanding how marijuana legalization will impact the health, education, economics, business, liability, and litigation complexities of our densely-populated, metropolitan-bookended state—I fully oppose it” (Rice, 2019).

Legalization is not a blanket solution to social injustice. In fact, it may perpetuate it.

“Seeing firsthand how drugs eviscerate urban communities – and understanding how marijuana legalization will impact the health, education, economics, business, liability and litigation complexities of our densely-populated, metropolitan-bookended state – **I fully oppose it**”

New Jersey State Senator, Ronald Rice (2019)



IMPACT ON HOMELESSNESS

Though the extent to which a correlation in the increasing homeless population may have with the marijuana legalization is unclear, some trends in this area are notable.

In Colorado, the homelessness rate appears to have increased with the expansion of recreational marijuana. The U.S. Department of Housing and Urban Development reported a 13% increase in Colorado's homeless population from 2015 and 2016, while the national average decreased 3% (Burke & Acuna, 2017). Business owners and officials in Durango, Colorado, have testified that the resort town "suddenly became a haven for recreational pot users, drawing in transients, panhandlers, and a large number of homeless drug addicts" (Kolb, 2017).

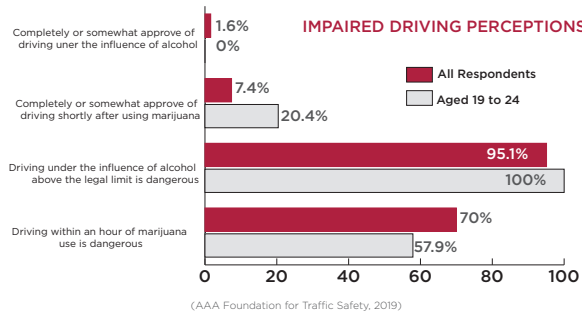
A 2018 study, conducted by the Colorado Division of Criminal Justice, surveyed seven Colorado jail populations. It yielded results that further link homelessness and marijuana use (CDCJ, 2018). The study, though small, found that 50.8% of respondents reported using marijuana 30 days prior to their time in jail. Additionally, 54.9% of respondents who were homeless prior to their jail time reported marijuana use 30 days prior to it (compared with 36.1% reporting alcohol use).

The study also found that of the respondents, 38.5% were Colorado natives and 61.5% were not. Of the non-Colorado natives surveyed, 35.1% reported marijuana as his or her reason for moving to Colorado after it was legalized in 2012 (CDCJ, 2018).

Considering the impact of homelessness on communities—and the resources required to help those impacted by it—it is worth investigating the correlation between homelessness and legalization.



IMPACT ON IMPAIRED DRIVING



Driving while under the influence of marijuana has proved an increasingly damaging phenomenon due to the legalization and normalization of marijuana in the United States. The Centers for Disease Control and Prevention found that, in 2018, 12 million U.S. residents reported driving under the influence of marijuana. This represents 4.7% of the driving population (Azofeifa et al., 2019).

In Michigan, a survey found that 51% of medical marijuana users admitted to driving while “a little high,” and one in five of those surveyed admitted to driving while very high (CBS Morning Rounds, 2019). The reduced perception of risk and the prevalence of stoned drivers on the road bear consequences for road safety and raise questions for legislators and law enforcement going forward.

Driving under the influence of marijuana is dangerous. The National Institute on Drug Abuse holds that marijuana use impairs driving in a number of ways: by slowing reaction time, decreasing coordination, and impairing judgment of time and distance. Polysubstance use—using marijuana along with alcohol or another drug—compounds the risk of a vehicle crash more than the drugs being used alone (National Institute on Drug Abuse, 2019a). Nevertheless, marijuana-impaired driving is rising while the perception of its negative consequences is decreasing.

A survey conducted by AAA found that only 70% of drivers perceived driving within an hour of using marijuana as extremely dangerous or very dangerous, compared with 95.1% who felt that driving under the influence of alcohol above the legal limit was extremely or very dangerous (AAA Foundation for Traffic Safety, 2019). 7.4% of respondents completely or somewhat approving of driving shortly after using marijuana, compared with 1.6% who completely or somewhat approved with driving under the influence of alcohol above the legal limit. The answers from younger drivers were even more alarming. Of respondents between the ages of 19 and 24, only 57.9% believed that driving under the influence of marijuana was extremely or very dangerous. Among drivers between the ages of 19 and 24, 20.4% completely or somewhat approved of driving shortly after using marijuana (AAA Foundation for Traffic Safety, 2019). The downward trend in perception of risk has coincided with an increased percentage of marijuana-impaired drivers on the road.

According to the biological results of Washington's Roadside Survey, "nearly one in five daytime drivers may be under the influence of marijuana, up from less than one in 10 drivers prior to the implementation of marijuana retail sales" (Grondel et al., 2018).

The reduced perception of risk has reached young drivers in "legal" states as well. The Washington state Healthy Youth Survey found that in 2018, 16% of 12th graders drove after using marijuana and 24% rode with a driver who was using marijuana (WSHYS, 2018). In Alaska, one in 10 high school students had driven after using marijuana (ADHSS, 2020).

In Colorado, DUIDs (driving under the influence of drugs) have risen in recent years. The percentage of drivers testing THC-only positive increased 16.1% from 2016 to 2017. Of these drivers in 2017, 39.4% were under the age of 18. What's more, the percentage of drivers testing positive for alcohol with THC increased 10.9% in a single year from 2016 to 2017 (CDCJ, 2019a).

In a 2017 report of DUID data, of all case filings where a cannabinoid screen was conducted after a driver was pulled over for demonstrating impaired driving, marijuana was detected in 3,170 of the cases. Of these positive screens, 84.4% tested positive for 1.0 to 5.0+ active THC (CDCJ, 2019a). What's more, 59% of those who tested positive for THC tested positive for extremely high levels of the drug (THC level of 5.0 or higher).

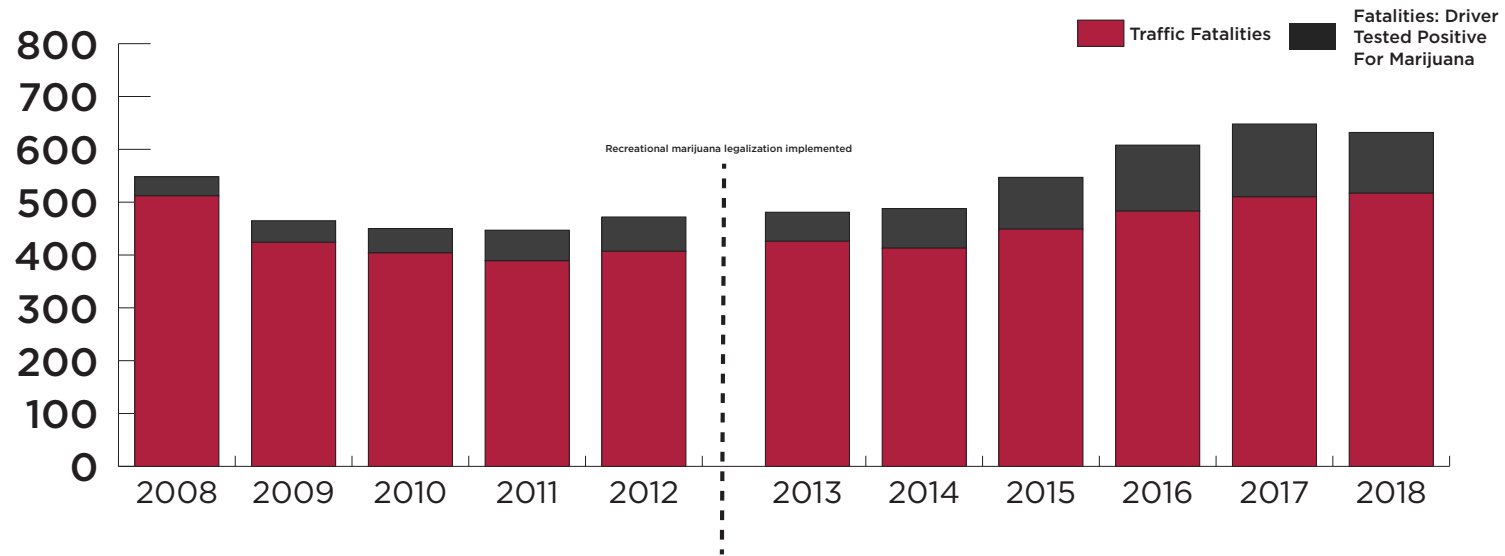
Additionally, some of these drivers found driving under the influence of marijuana (testing positive for 1.0 to 5.0+ THC) were also found to have a blood alcohol content (BAC) from 0.05 to 0.08 or higher in their system. Of the instances where THC was detected at 5.0 or higher and an alcohol screen was conducted, 47% of those tested with a BAC of 0.08 or higher (CDCJ, 2019a).



47% of Colorado drivers who tested positive for marijuana at a level of 5.0+ THC, also had a BAC of 0.08 or higher.

(Colorado Division of Criminal Justice, 2019)

COLORADO TRAFFIC FATALITIES WHERE THE DRIVER TESTED POSITIVE FOR MARIJUANA



(Colorado Department of Transportation, 2019)

Vehicle crashes and traffic fatalities have surged after the legalization of marijuana. Research by the Highway Loss Data Institute found that the legalization of recreational marijuana in Colorado, Oregon, and Washington coincided with an increase in collision claims (Highway Loss Data Institute, 2018).

In Colorado, traffic fatalities increased over 31% since 2013. The rise in statewide traffic fatalities has coincided with a rise in instances of traffic fatalities where the driver tested positive for marijuana (active THC in the bloodstream). The number of traffic fatalities involving drivers who tested positive for marijuana in Colorado rose from 55 deaths in 2013 to 115 deaths in 2018. In 2018, 18.2% of all traffic fatalities in Colorado involved a driver who tested positive for marijuana (CDOT, 2018).

A recent report released by AAA found that the number of drivers who tested positive for marijuana after a fatal crash doubled after legalization in Washington state. Researchers found that in the five years prior to legalization in the state, marijuana-impaired drivers comprised around 8.8% of all drivers implicated in traffic fatalities. In the years following, the rate jumped to around 18% (Stratton, 2020). The AAA writes, “AAA opposes the legalization of marijuana for recreational use because of its inherent traffic safety risks and because of the difficulties in writing legislation that protects the public and treats drivers fairly” (Stratton, 2020)

Compounding the risk of an increasingly stoned driving population is the difficulty posed to law enforcement officers who attempt to stop and detain marijuana-impaired drivers. The smell of marijuana in a suspected driver’s car is no longer enough to make an arrest in many states, even in states that have not yet legalized marijuana (Romo, 2019). Technology to determine THC levels is under-developed and lacks the certainty of traditional breathalyzers. The quick metabolization of THC renders it difficult to detect and tests must be administered quickly in suspected cases.

Additionally, many states have struggled to create a standard level of impairment when THC is detected (Queally & Parvini, 2018). Studies are mixed on what level of THC constitutes impairment. Recently, scientists found that drivers may still be impaired from marijuana use well after intoxication, demonstrating an increased likelihood of poor driving performance, increased accidents, and decreased rule-following (Dahlgren et al., 2020).

Many of the marijuana “legal” states failed to establish laws or guidance prior to legalizing marijuana, leaving law enforcement officers in the dark as legislators played catch-up to dangerous trends. As a result, road safety is compromised.



“AAA opposes the legalization of marijuana for recreational use

because of its inherent traffic safety risks and because of the difficulties in writing legislation that protects the public and treats drivers fairly.”

AAA Foundation for Traffic Safety (2020)

TRENDS IN CRIME SINCE LEGALIZATION

Marijuana legalization advocates have argued that legalization will reduce overall crime. However, in states that have legalized marijuana crime rates have risen at a faster rate than other states across the country.

While it is difficult to say whether crime can be causally associated with marijuana legalization, some studies shed light on a correlation. A 2019 study conducted in Denver found that the existence of both recreational and medical marijuana dispensaries in Denver neighborhoods are significantly and positively associated with increased crime (L. Hughes et al., 2019).

Researchers found that Denver neighborhoods adjacent to marijuana businesses saw 84.8 more property crimes each year than those without a marijuana shop nearby (Freisthler et al., 2017). The number of court filings charged with the Colorado Organized Crime Control Act that were linked to a marijuana charge increased 639% from 2013 to 2017 (Colorado Department of Public Safety). Further, Crimes Against Society (such as drug violations) have increased 44% since 2014 (Denver Police Department).

Colorado's crime rate in 2016 increased 11 times faster than the 30 largest cities in the nation since legalization (Mitchell, 2017). In 2018, data from the Colorado Bureau of Investigation demonstrates a 14.2% increase in property crime since 2013 (157,360 to 179,650) and a 36.5% increase in violent crime since 2013 (18,475 to 25,212).

Though arrests for marijuana offenses had declined in the years prior to legalization in Colorado, they are increasing again. In 2013, arrests for marijuana sales offenses were at a low of 337, having decreased 52.1% since 2008. From 2013 to 2018, arrests for marijuana sales offenses increased 29.4%. Additionally, prior to legalization, arrests for all drug sales offenses had declined 54.9% (from 2008 to 2013). In the years since, arrests for drug sales offenses have increased 11% (Federal Bureau of Investigation, 2018).

Overall, while increased crime has not been definitively linked to marijuana legalization, these upward trends in property crime and violent crime—as well as crimes against society—warrant further investigation.



“Domestic production and trafficking of marijuana **will likely increase** as more states adopt or change current marijuana laws to establish medical or recreational marijuana markets, allowing criminals to exploit state legality.”

Drug Enforcement Administration (2020)

A THRIVING UNDERGROUND MARKET

Commercialization advocates have long argued that legalization will reduce black market marijuana activity in “legal” states. However, the legalization and commercialization of marijuana has led to greater black-market activity than ever before. This is driven by a number of causes.

Illegal marijuana originating from “legal” states is uncovered at increasingly high rates. Between July 2015 and January 2018, 14,550 pounds of illegally trafficked Oregon marijuana, worth approximately \$48 million, was seized en route to 37 different states (Drug Enforcement Administration, 2018). In 2018, Colorado law enforcement seized 12,150 pounds (6.1 tons) of bulk marijuana. Officials recorded 25 different states to which marijuana was destined (RMHIDTA, 2019). In its 2019 National Drug Threat Assessment report, the DEA (Drug Enforcement Administration [DEA], 2020a) found that states with the highest marijuana removals came from states with major border crossings or states with medical or recreational marijuana markets. These states give cover to illegal activity; black market problems abound.

Many marijuana proponents argued that a slew of benefits would result from the legalization of marijuana. Two of these were that legal weed would drive out the black market and that taxed marijuana would provide money-dry states with much needed revenue. Both have yet to pan out. Regulated marijuana is not the revenue cash cow for states that industry advocates promised. California's projected marijuana tax revenue by July 2019 was nearly half of what was originally expected when the state permitted retail sales in 2018 (Blood, 2019; Fuller, 2019). In Colorado, marijuana tax revenue represented nine tenths of one percent of Colorado's 2018 statewide budget (Colorado Joint Budget Committee, 2018). Even still, marijuana license holders complain that "marijuana-legal" states are too regulated and that taxes on the drug are too high (Alfosni, 2019). They go as far as to say that regulation and taxes are the reason the black market continues to dominate.

That contention is ill-founded for several reasons. The regulatory and compliance systems instituted in the "legal" states were instituted with little foresight. State compliance officials are left on their heels while various regulatory and compliance issues become exposed. The Oregon Liquor Control Commission wrote in a 2018 report that, "due to the legally required rapid implementation of the recreational program, OLCC has not been able to implement robust compliance monitoring and enforcement controls and processes for the recreational marijuana program" (OLCC, 2018).

The lack of oversight also bears consequences for consumer safety. An independent investigation in San Diego found that nearly 30% of marijuana samples purchased from licensed retailers in Southern California tested positive in labs for pesticides (Grover & Corral, 2019). States are ill-equipped to handle marijuana testing and even states with the most

stringent regulatory requirements have demonstrated significant lapses, which has allowed contaminated marijuana products to reach the market (Crombie, 2017). As a result, the states themselves are blurring the lines between "legal" and illegal marijuana, by allowing "legal" operators to skirt regulation. Licensed marijuana retailers are not incentivized to comply with the law and they benefit from that leeway while continuing to point fingers at the black market when problems arise.

Illicit activity has proliferated with marijuana legalization, much of it tied to "state-legal" marijuana. Many pro-marijuana figures have suggested the black market causes problems because other states have not legalized marijuana. This is not true. The unfettered black market will always be able to undercut the "legal" market.

The unchecked proliferation of the marijuana industry has abetted some of these significant problems. The market saturation and overproduction permitted and written into law by "marijuana-legal" states have caused tremendous problems for regulators and law enforcement.



**174 ILLEGAL MARIJUANA
EXTRACTION LABS WERE
UNCOVERED IN 2018.**

(Drug Enforcement Administration, 2020)

It is well documented that Oregon's supply of marijuana far outweighs the demand for the drug in the state's legal market. According to a report from the Oregon Liquor Control Commission, the supply of marijuana is twice the level of demand. Furthermore, Oregon's overproduction issue is so vast, the state has enough marijuana to meet the current demand for at least six years. (OLCC, 2019). A 2019 audit by Oregon's Secretary of State found that the volume of marijuana produced in Oregon is nearly 7 times its local consumption (Oregon Secretary of State, 2019). Adding to this issue, the same Oregon audit found that black market marijuana fetches prices several times higher than "legal" marijuana. As the U.S. Attorney in Oregon reported in 2018, the state has "an identifiable and formidable marijuana overproduction and diversion problem" (Flaccus, 2018). Still, marijuana proponents in numerous states seek faster license approvals and more marijuana licenses (Alfosni, 2019). In California, according to recent reports, the black market outsells the "legal" marijuana market at a rate of three to one. These illicit sellers have brazenly set up shop in cities across the state, hiding in plain sight and giving way to a perpetual game of "whack-a-mole," as one law enforcement officer described it. These companies also advertise on the popular marijuana website, Weedmaps, blending in with "legal" sellers. When the state warned Weedmaps to stop permitting illegal operators to advertise, CEO Chris Beals complained that the problem was not his company's fault but rather a result of the state prohibiting more retail marijuana licenses (Romero, 2019).

In "legal" states, illegal grow operations have easily blended their production facilities with "legal" ones and have taken advantage of rural cover to hide from law enforcement. Okanogan (WA) County Chief Criminal Deputy Steve Brown told NPR reporters that prior to legalization, operations of the kind he continues to uncover were "hidden up in the hills." Now he finds some just off of roads, within sight of neighbors. Other investigations have uncovered illegal operations run by people who were licensed in other "marijuana-legal" states (Kaste, 2018).

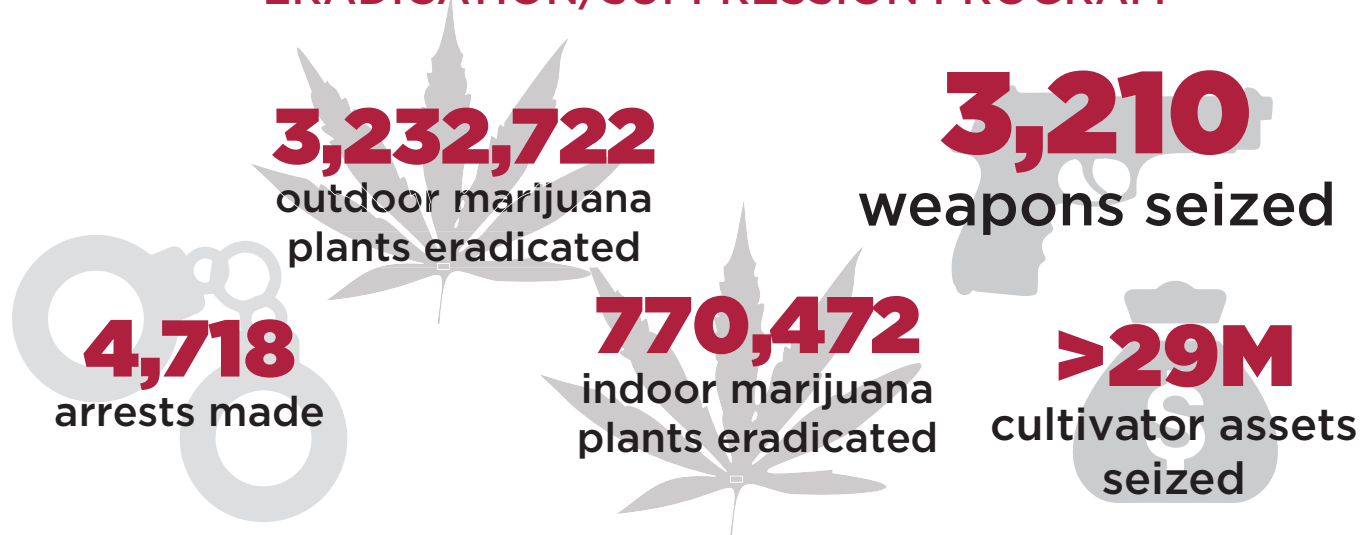
In a 60 Minutes story on marijuana in California, Sheriff Tom Allman took reporter Sharyn Alfonsi in a helicopter to survey a very obvious illegal grow site in "the emerald triangle"—an area of California known for marijuana. He was not surprised that the operation wasn't hidden. "Allman explained since Prop 64 and the legalization of marijuana, the black-market suppliers try to blend in with legal pot farmers sometimes on the same property" (Alfosni, 2019).

Another major promise of marijuana proponents was that a "legal" market would eliminate black market weed and allow law enforcement officials to focus on other things. Allman laughed at the idea and told Alfonsi that he was "looking forward to that day" (Alfosni, 2019). The very creation of the "legal" marijuana market in California has ushered a more powerful illicit market that had never existed before. What's more, Allman believes that his department lacks resources to combat the illegal operations. He estimates that it only has the capacity to handle 10% of the illegal grows.

Local illicit actors are not the only beneficiaries of “legal” marijuana. The proliferation of black-market marijuana bolsters the businesses of well-financed international cartels, which extend as far north as Alaska (Alaska State Troopers, 2016). The DEA found that Asian DTOs were operating grow facilities across the state of Washington (DEA, 2020a). Cartel presence in California has only expanded since legalization. In California, authorities suspect—based on phone records and wire transfer activity, as well as figurines commonly associated with cartels, such as those depicting Jesus Malverde—that illegal marijuana activity is tied to the Sinaloa and La Familia Michoacana cartels (Magdaleno, 2018). In 2018, the Oregon-Idaho High Intensity Drug Trafficking task force identified 58 drug trafficking organizations (DTOs) with foreign as well as domestic connections. Between January and April of 2019, the Oregon-Idaho High Intensity Drug Trafficking Area task force identified 13 new DTOs (ORIDHIDTA, 2019).

The Drug Enforcement Administration concluded in their National Drug Threat Assessment, published in early 2020: “Domestic production and trafficking of marijuana will likely increase as more states adopt or change current marijuana laws to establish medical or recreational marijuana markets, allowing criminals to exploit state legality” (DEA, 2020a). “Legal” marijuana continues to boost the black market.

2019 DEA DOMESTIC CANNABIS ERADICATION/SUPPRESSION PROGRAM



FINAL HIGHLIGHTS

- The DEA's marijuana-dedicated task force, the Domestic Cannabis Eradication/Suppression Program (DCE/SP), eradicated over 4 million marijuana plants from illegal indoor and outdoor grow operations in 2019. The DCE/SP exclusively targets DTOs in its operations (DEA, 2020b).
- In 2018, 174 marijuana extraction labs (used to manufacture BHO) were uncovered, with 57% found in California, 26% in Oregon, and 35% of those labs listed at residential locations—posing an enormous threat to public safety (DEA, 2020a).
- In 2018 in Colorado, there were 257 completed investigations into illicit marijuana activity, up from 144 in the previous year, with 192 felony arrests made (RMHIDTA, 2019).
- The U.S. Postal Service intercepted 1,009 parcels containing marijuana mailed from Colorado to another state in 2017 alone (U.S. Postal Inspection Services, 2019).
- Around three quarters of parcels interdicted by the Oregon-Idaho task force between 2016 and 2018 were marijuana-related (Oregon Department of Justice).
- In Alaska in 2017, the DEA seized 20.2 kilograms worth of illegal marijuana. Marijuana seizures ranked second among types of drug seized by amount in kilograms (Alaska State Troopers, 2017).
- Law enforcement officers in California seized over \$1.5 billion worth of illegally grown marijuana. Raids yielded over 950,000 plants from around 350 different sites; 150 people were arrested in connection with these raids (CBS News, 2019).
- In 2019, Massachusetts authorities arrested two brothers in connection with a multistate marijuana trafficking and money laundering scheme. Officers seized five cars, 100 pounds of illegal marijuana, over \$300,000 in cash, and over \$27,000 in casino chips, prepaid gift cards, jewelry, and drug ledgers (Office of Attorney General Maura Healey, 2019).
- In California, 7,200 marijuana vape cartridges were seized in a single bust of a warehouse tied to state-licensed Kushy Brands (Peltz, 2019).
- In early 2019, federal and local authorities teamed up in Colorado to bust what U.S. Attorney Jason Dunn deemed the largest marijuana drug enforcement action in the state, with 42 search warrants served and 80,000 plants and \$2.1 million in cash seized in connection with the operation (Trimble, 2019).

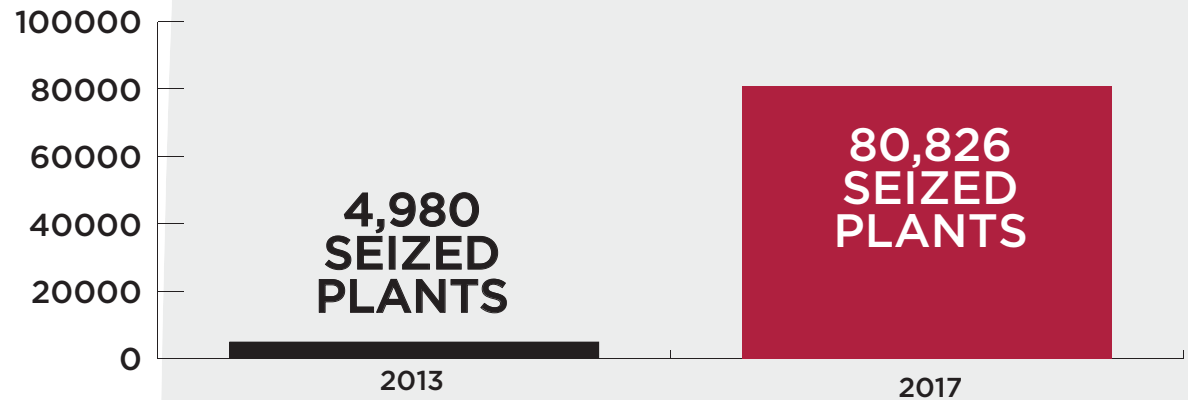
ENVIRONMENTAL IMPACT

Conversations regarding the legalization of marijuana have largely ignored the threat that the industry poses to the environment. Given the lack of data, it is difficult to predict the full extent of marijuana's impact. However, early indications point to damaging consequences.

The environment is at risk of pollution from both "legal" and illegal marijuana operations. Regulatory standards are lacking and enforcement is low. The lack of clarity in regulation has blurred the line between "legal" and illegal marijuana cultivation practices. Furthermore, limited resources have prevented law enforcement officials from investigating illegal grow sites—which are well disguised on state and federally protected land. In 2017 alone, for example, 80,826 plants were seized from Colorado public lands, compared to 4,980 plants seized in 2013 (Colorado Department of Criminal Justice).

Surrounding communities and ecosystems are at stake. Marijuana facilities on federal land in California are estimated to contain up to 731,000 pounds of solid fertilizer, 491,000 ounces of liquid fertilizer, and 200,000 pounds of toxic pesticides (Bernstein, 2017). These chemicals threaten the surrounding environment and have devastated local animal species. An illegal rodent poison has been associated with a rise in instances of death of the northern spotted owl, a threatened species native to the northwest (Franklin et al., 2018).

ILLICIT MARIJUANA PLANTS SEIZED OFF OF COLORADO PUBLIC LANDS



(US Bureau of Land Management, 2017)

In California, officials estimate that 70% of the illegal market is cultivated on public lands. According to one investigative report, nine out of every 10 illegal marijuana farms raided in 2018 contained traces of carbofuran, an extremely toxic and banned chemical. From 2012 to 2017, six times as many chemicals have been found at these operations. “These places are toxic garbage dumps. Food containers attract wildlife, and the chemicals kill the animals long after the sites are abandoned,” said Rich McIntyre, director of the Cannabis Removal on Public Lands (CROP) Project, which is dedicated to restoring lands devastated by criminal grow sites on state and federal property in California (Weber, 2019). “We think there’s a public health time bomb ticking,” 60% of California’s water comes from national forest land. The reclamation of such illegal grow sites costs an average of \$40,000 per site (Weber, 2019).

As marijuana legalization expands, so does the illicit market and the threat it poses to the environment. But illegal marijuana is not the only culprit. Marijuana cultivation uses a significant amount of power. The indoor cultivation of one kilogram of marijuana requires 5.2 megawatt hours of electricity and releases 4.5 metric tons of carbon dioxide emissions, comparable to that of a passenger car in one year (Reitz, 2015; U.S. Environmental Protection Agency, n.d.). Marijuana production is nearly four times more energy intensive than coal or oil production (Mills, 2012).

A 2015 study on the impact of marijuana cultivation on watersheds in California found that individual marijuana plants require 22.7 liters of water—daily. Production facilities range in daily water demand from 523,144 liters to 724,016 liters (Bauer et al., 2015).

Additional studies have further highlighted the need for a better understanding of the consequences of marijuana farming. A 2016 study focused on marijuana production in Humboldt County, California, found that 68% of the grow sites were less than 500 meters from developed roads, introducing a risk of landscape fragmentation; that 22% of grows were on steep slopes, posing a risk for erosion, sedimentation, and landslide; and that 5% were less than 100 meters from threatened fish habitats (Butsic & Brenner, 2016). A subsequent study found that marijuana farming has drastic impacts on its surrounding environment, an important observation as the industry seeks to expand (I. J. Wang et al., 2017).

From 2012–2016, the number of marijuana farms in Northern California increased 58% and the total area under cultivation expanded 91%. Expansion of these farms occurred in locations of extreme environmental sensitivity. However, budgetary accommodations for regulating marijuana farm expansion was relatively low compared with other regulatory programs (Butsic et al., 2018).

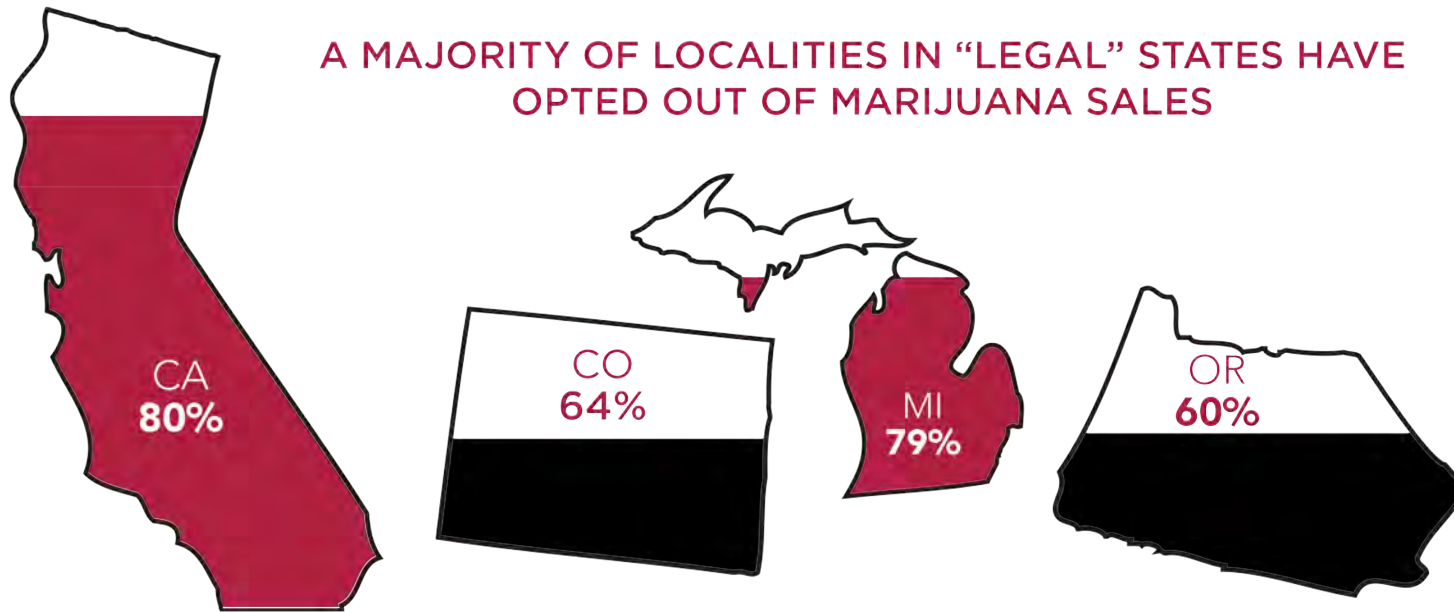
Legalization has thus far resulted in extreme environmental damage, and the consequences may not be fully understood in time to prevent worse outcomes, as the industry expands.

The indoor cultivation of one kilogram of marijuana requires **5.2 megawatt hours** of electricity and releases **4.5 metric tons** of carbon dioxide emissions



(OREGON-IDAHO HIGH INTENSITY DRUG TRAFFICKING AREA, 2018; US ENVIRONMENTAL PROTECTION AGENCY, 2015)

A MAJORITY OF LOCALITIES IN “LEGAL” STATES HAVE OPTED OUT OF MARIJUANA SALES



(Alfonsi, 2019; Colorado Department of Revenue, 2019; Walsh, 2019; Oregon Liquor Control Commission, 2019)

LOCALITIES OPT-OUT OF RETAIL MARIJUANA

Though marijuana legalization has passed through ballots in several states, the picture at the local level is very different. The perception that legalization is welcomed by the citizens of marijuana-friendly states is not accurate.

Proposition 64, the marijuana ballot measure in California, received just over 57% of the vote when it appeared on the ballot in 2016. Yet 80% of California localities have denied marijuana businesses from setting up shop (Alfosni, 2019). This means that the approximately 630 stores licensed by the state are concentrated within 20% of the towns and cities.

What's more, licensed operators have expressed frustration with the restrictive policies of the localities, prompting one legislator to craft a law that would require towns that opted out to permit at least one marijuana business for every four bars or restaurants. According to an Los Angeles Times report, that would result in nearly 2,200 new marijuana shops across the state (McGreevy, 2019). The legislation runs counter to what the citizenry was promised in the ballot initiative.

The shocking discrepancy has been replicated across the country. When it comes to ballot measures regarding marijuana, voters may think the issue is very important. The picture changes when legalization hits home. Voters choose to opt-out of marijuana in their communities in large numbers. This raises questions about the political process of legalization.

In Michigan, where recreational marijuana sales began in December of 2019, more than 1,400 of Michigan's 1,773 municipalities opted out of recreational marijuana—with 40 of 83 counties reporting none of their municipalities allowing the sale of medical marijuana (WXYZ Detroit, 2019). That amounts to around 79% of the state's municipalities opting out of marijuana. Detroit voted to extend its ban on marijuana sales through at least March 31, 2020 (Williams, 2020).

Colorado, another state known to be marijuana-friendly, 64% of jurisdictions banned both recreational and medical marijuana sales (Colorado Marijuana Enforcement Division). As a result, nearly 59% of licensed medical and recreational marijuana locations are concentrated in four counties: Denver (345), El Paso (125), Boulder (68), and Pueblo (58) (Colorado Department of Revenue, 2019).





Over 60% of municipalities and counties in Oregon have opted out of marijuana sales. Though some of those jurisdictions voted after shops set up in their cities, no new marijuana retail stores are permitted. As such, 50% of Oregon dispensaries are concentrated in three counties, with a whopping 196 of the total 666 dispensaries located in the county of Multnomah (OLCC, 2020).

In Illinois, similar debates are raging, with more community mobilization than many legislators and community organizers have ever seen, according to a report by the Chicago Tribune (McCoppin et al., 2019). The wave of anti-marijuana sentiment surprised some, since the measure passed fairly easily in the state legislature. That being said, an investigative report by Illinois-based newspapers found that—from January of 2017 to the spring of 2019—marijuana companies, executives, and lobbyists donated over \$630,000 to various politicians in the state (Grace, 2019).

While it may pay to gain the favor of legislators, localities are far less certain about “legal” marijuana taking over their hometowns.

SAM Smart Approaches to Marijuana
preventing another big tobacco

RECOMMENDATIONS

Policy makers and the public need real-time data on both the consequences of legalization and related monetary costs. Meanwhile, we should pause future legalization efforts and implement public health measures such as potency caps in places that have legalized. In addition, the industry's influence on policy should be significantly curtailed. SAM recommends research efforts and data collection focus on the following categories:

- Emergency room and hospital admissions related to marijuana.
- Marijuana potency and price trends in the “legal” and illegal markets.
- School incidents related to marijuana, including studies involving representative datasets.
- Extent of marijuana advertising toward youth and its impact.
- Marijuana-related car crashes, including THC levels even when testing positive for alcohol.
- Mental health effects of marijuana.
- Admissions to treatment and counseling intervention programs.
- Cost of implementing legalization from law enforcement to regulators.
- Cost of mental health and addiction treatment related to increased marijuana use.
- Cost of needing, but not receiving, treatment.
- Effect on the market for alcohol and other drugs.
- Cost to workplace and employers, including impact on employee productivity.
- Effect on minority communities, including arrests, placement of marijuana establishments, and quality of life indicators.
- Effect on the environment, including water and power usage.

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“While laboratory animals are an expensive way of understanding the risks of cannabis use, **North Americans come free.**”

The Economist (2019)

From: [Maira Jacobs](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: MAR17 2021 Phase II ordinance
Date: Wednesday, March 17, 2021 7:11:07 PM
Attachments: [MAR17 2021 Phase II ordinance.docx](#)
[Oct-2018-Quick-Facts.v4.pdf](#)
[Social-Justice-one-pager.pdf](#)
[2020-Impact-Report1.pdf](#)

EXTERNAL

Attn: Drug promotion dept (aka “Cannabis” Dept):

Please see my public comments attached regarding phase II marijuana ordinance and supporting documents, please include all of this in the supporting materials.

Please confirm receipt.

Thank you,
Maira Jacobs

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From: [Mare O'Connell](#)
To: [Cannabis](#)
Subject: Proposed Cannabis Ordinance
Date: Wednesday, March 17, 2021 2:40:57 PM

EXTERNAL

March 17, 2021

To the Planning Commission and the Board of Supervisors of Sonoma County

c/o McCall Miller, Department Analyst, Cannabis Program, County Administrator's Office

I am a resident of unincorporated West Sonoma County and have owned my home here since 1995. My property is zoned rural residential as is the case for several of my neighbors. Along this one lane privately maintained and unpaved road with no outlet there are also properties zoned diverse ag that meet the 10 acre minimum for commercial cultivation. The thought of allowing this activity in neighborhoods like mine (and there are many) is unacceptable and frankly outrageous.

I object to allowing commercial cannabis cultivation in areas directly abutting rural residential zoning. This activity is a threat to our safety, our property values and the reasonable expectation that the county prohibit incompatible uses. It simply should be prohibited in this setting.

My neighborhood has been subjected to two illegal commercial level cannabis grows in recent years. The noxious odors, fears of crime, increased traffic and other nuisances make me shudder when I think of a permitted use over which we will have little or no recourse.

Cannabis is not "like any other agricultural crop" as some are insisting upon. Prohibited on the federal level, it is a forced underground economy that cannot use banks or report federal income, and operates on a largely cash basis. Moreover, the cash value of the crop far exceeds any agricultural crop and requires extreme security measures as required in the ordinance. This fact alone should signal that it has no legitimate place in our neighborhoods. In short, it is a crime magnet.

I do appreciate the inclusion of environmental protection measures in the proposed ordinance, including the requirement that odors be contained on the permitted property. However, I have serious doubts about the ability to control odors in outdoor grows. How will that be enforced?

If there is a place for commercial cannabis cultivation in our county, it is far from schools, residences and parks, in a remote rural location or within an industrial zone. At a bare minimum, the proposed setbacks are inadequate and should be increased to 500 feet from a property line and 1,000 feet from a residence. This is the least that can be done to mitigate the long list of negatives that accompany commercial cannabis cultivation.

Maryann O'Connell

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Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

From: [Marie Witt](#)
To: [Cannabis](#)
Subject: Do not let the proposed cannabis ordinance pass
Date: Wednesday, March 17, 2021 3:45:58 PM

EXTERNAL

I strongly oppose the proposed changes to the cannabis ordinance, which could lead to the expansion of growing cannabis tenfold in my neighborhood. We live next to a property that has leased land to cannabis growers for the past two years. Below are the reasons I ask you now not to let this ordinance pass:

- We've had people day and night drive up our private driveway and stop along our fence line looking for a way to get to the cannabis. This is extremely unnerving.
- The smell generated by the cannabis is horrendous. We not only smell it outside the house, but it also seeps into the house.
- I'm concerned about their use of pesticides, fungicides and herbicides. If we can smell the cannabis, then we're also breathing in these poisons as well. And, I'm worried they will make their way into our well water.
- I'm also concerned about our well running out of water if more cannabis is grown here. We're already in a drought making the possibility of running out of water more worrisome.
- Our view is now of porta-potties, fencing, cars and people day and night. Lights from their cars shine into our bedroom. Sometimes they honk their car horns even at night. We used to look at beautiful grassland, cows and wildlife.

I fell so in love with Sonoma County as a child that I moved here as an adult. This ordinance will only hurt our beautiful county. Please, not now allow this ordinance to pass.

Thank you,
Marie Witt

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From: [Ned Fussell](#)
To: [David Rabbitt](#); James.Gore@sonoma-county.org; [Lynda Hopkins](#); [Andrew Smith](#); [Tennis Wick](#); [Sita Kuteira](#); [Sheryl Bratton](#); [Cannabis](#); [McCall Miller](#); [Christina Rivera](#); [Chris Coursey](#); [Scott Orr](#); [Susan Gorin](#)
Subject: Public Comment on Draft Ordinance
Date: Wednesday, March 17, 2021 6:04:36 PM
Attachments: [doc01462120210317165625.pdf](#)

EXTERNAL

To Sonoma County Leadership,

Attached is my letter for consideration. Thank you for your time and consideration.

Sincerely,
Ned Fussell

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March 2021

To Sonoma County Leadership:

Mosaic.Ag is a Sonoma County-based cannabis business working in many aspects of the cannabis industry. We have 65 year-round employees, a working nursery, and our brands such as SomaRosa Farms and others are sold in dispensaries around the state. Additionally, we have developed mutually beneficial relationships with numerous local landowners and are currently leasing dozens of acres for cannabis cultivation in agricultural and resource zoned lands in Sonoma County.

We are writing this letter in support and appreciation for the county's draft ordinance (Ch 38) that expands ministerial permitting for cannabis cultivation in agricultural and resource zoned lands in Sonoma County. We applaud the county for its general plan amendment that recognizes cannabis as agriculture and believe that the permitting of cannabis farms is appropriately placed under the authority of the Agricultural Commissioner. Mosaic Ag and our local partners are confident that these changes will dramatically reduce the time and expense associated with the permitting process and will benefit the community by further stimulating the local economy, creating jobs, and keeping agricultural lands viable.

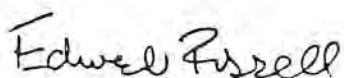
Upon review of the draft ordinance, there are several areas that have caused us concern that we believe could create insurmountable hurdles in the permitting process. In addition, there are some minor amendments and clarifications that we think would make the ordinance more workable from a business and farming perspective. The following are our requested amendments:

- 1. Protection of Historic and Cultural Resources:** We believe that requiring projects be referred to the Northwest Information Center as well as requiring that a cultural resources survey be conducted prior to ground disturbance is more than adequate to effectively protect these valuable cultural resources while meeting the county's legal obligations. Referring each and every project to local tribes for potential mitigations introduces discretion into an otherwise ministerial process and goes well beyond what is required by state law. Additionally, this requirement sets a precedent that could eventually impact other crops grown in the county. We urge the county to amend this aspect of the draft accordingly as we believe this requirement could largely undermine the county's effort to make cannabis permitting ministerial.
- 2. Water Use:** Our request is that the county refrain from adding additional water requirements beyond what is already required under the current ordinance (Ch 26). As an agricultural crop, cannabis should not be subject to any water restrictions that are not applicable to all agricultural crops. We believe it is premature to include Sustainable Groundwater Management Act (SGMA) requirements in this ordinance, and request that, to the extent possible, the county defer the management of groundwater to the agencies with primary authority. Since many farmers may be rotating from grapes or irrigated pasture to cannabis we ask that they be allowed to utilize the county established water offsets for these crops to comply with the net zero requirements without having to hire a professional to write a report.

3. **Farmland Protection:** The requirements in this section are overly restrictive, and are inconsistent with the classification of cannabis as agriculture. New or expanded structures for indoor or mixed light cultivation should not be treated any differently than similar structures used to grow other crops. While we understand that the county has to mitigate impacts in accordance with their environmental document, we would request that the language in this section remain unchanged from the current language in Ch 26.
4. **Setbacks:** We request that the county remove section 36.12.040 (C) for the purpose of clarifying that setback distance will be measured from the cultivated area to the residence or property line of any adjacent sensitive use. In addition, we request that a provision be added to this section that waives the requirement for a setback from the property line or residence on an adjacent parcel when those parcels are under the same ownership. This situation is common in agriculturally zoned land and will positively impact the use of our lands that we currently lease.
5. **Slope and Grading Limitations:** Under (C) for Ridgetop Protection, we request that an exemption to the setback be added for container grown plants as this requirement is designed to protect from erosion, or conversely that this be required only for "in ground" cultivation.
6. **Limitation on Canopy and Structures, Existing Permanent Structures:** We request the county add a pipeline provision that includes structures that have been in the permitting process prior to January 1, 2021 to be considered legally constructed, existing permanent structures. Many cultivators have already applied for permits in an effort to legalize existing structures on their property. Due to delays caused by Covid, many of these applications remain in the pipeline and should be considered legal/existing with regard to this provision.
7. **Air Quality and Odor:** We adamantly oppose the requirement for odor control plans for outdoor/hoop house cultivation. The county has not established any measurable standard to regulate offsite odor. Determination of offsite odor is highly subjective. In the absence of any objective standard or method, it is wholly inappropriate in a ministerial process to attempt to regulate offsite odors in this way. This approach invites the exercise of discretion and endangers the ministerial process that we seek to establish. Odor is best mitigated by applying measurable standards such as setbacks. With hemp a legal crop, and cannabis soon to be classified as an agricultural crop, it is inconsistent to establish different requirements when regulating odors from these crops.

We greatly appreciate the county's efforts to craft a workable ordinance and submit these comments in the spirit of that common goal. Once implemented, it will be critical to properly staff the Department of Agriculture, so that we may realize the streamlined advantages that this ministerial process represents. We stand ready to work closely with the Sonoma County Agricultural Commissioner and staff to ensure the successful implementation of this new responsibility. Thank you for your consideration of our comments.

Ned Fussell



Owner, SomaRosa Farms & Mosaic.Ag
Co-Founder, CannaCraft

From: [patricia.kampmann](#)
To: [Cannabis](#)
Date: Wednesday, March 17, 2021 7:49:17 PM

EXTERNAL

I LIVE IN A NEIGHBORHOOD OUTSIDE OF SEBASTOPOL WITH A CANNABIS OPERATION ALMOST MY NEXT DOOR NEIGHBOR. ALL OF CALIFORNIA IS IN A SERIOUS DROUGHT, MORE SEVERE THAN ANY OTHER DURING MY LONG LIFETIME. ANY ADDITIONAL COMMERCIAL CANNABIS FARMS WOULD BE DIRE THREAT TO OUR WELLS. AND COUNTYWIDE, 65.000 MORE SUCH ACRES WOULD BE A DISASTER.

ADDITIONALLY, IT WOULD BE THE UGLIFICATION OF THIS BELOVED COUNTY.

SURELY THE VOICES AND CONCERNS OF SONOMA COUNTY RESIDENTS ARE WORTHY OF YOUR SERIOUS CONSIDERATION.

PATRICIA KAMPMANN
1678 Barlow lane
SEBASTOPOL, CA 95472

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Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

From: [Paul-Andre Schabracq](#)
To: [Cannabis](#); [PlanningAgency](#); [Greg Carr](#); [Caitlin Cornwall](#); [Larry Reed](#); [Gina Belforte](#); [Jacquelyne Ocana](#); [Cameron Mauritson](#); [Pamela Davis](#)
Subject: Deny the proposed revisions to the proposed Cannabis regulations
Date: Wednesday, March 17, 2021 5:52:51 PM
Attachments: [Cannabis Proposal Response.pdf](#)

EXTERNAL

Dear Planning Commissioners,
Please find attached my objections to the County's proposed revision of its Cannabis regulations and accompanying draft SMND.

Please make these written comments part of the record.

Cordially,

Paul-André Schabracq
2175 Blucher Valley Road,
Sebastopol, CA 95472

To: Planning Commission and Permit Sonoma Cannabis@sonoma-county.org
PlanningAgency@sonoma-county.org

Greg Carr, 1st District greg.carr@sonoma-county.org

Caitlin Cornwall, 1st District caitlin.cornwall@sonoma-county.org

Larry Reed, 2nd District larry.reed@sonoma-county.org

Todd Tamura, 2nd District todd.tamura@sonoma-county.org

Gina Belforte, 3rd District gina.belforte@sonoma-county.org

Jacquelyne Ocaña, 3rd District jacquelyne.ocana@sonoma-county.org

Cameron Mauritson, 4th District cameron.mauritson@sonoma-county.org

Pamela Davis, 5th District pamela.davis@sonoma-county.org

From: Paul-André Schabracq, 2175 Blucher Valley Road, Sebastopol, CA 95472 (2nd Supervisorial District) and member of the *Gold Ridge Neighborhood Group*.

Date: March 17, 2021

Re: Proposed Draft Mitigated Negative Declaration for the Cannabis Land Use Ordinance and General Plan Amendments, and Draft Ordinance

The proposed changes to the Sonoma County's cannabis regulations do not implement the Board of Supervisor's unanimous assertion made in 2018 that 'neighborhood compatibility' was the highest priority and would be the guiding principle in the Phase 2 revisions to the Cannabis Ordinance. The *Cannabis Advisory Group* meetings were wholly dominated by Industry. No effort was made to involve the County's rural residents who would be most affected by the proposed regulatory changes.

After reviewing the proposed changes to the County's cannabis regulations, it is abundantly clear that there are no measures to ensure neighborhood compatibility while ignoring serious impacts to rural resident's health and safety from unexamined and unmitigated impacts generated by traffic; high fire risk of cannabis cultivation; depletion of groundwater; security; odor and visual/aesthetic aspects.

As an urban and environmental planner it is abundantly clear to me that the proposed Cannabis regulations are internally inconsistent, do not comply with the policies of the County's General Plan, and that the Draft SMND cannot meet even the minimal standards of CEQA compliance. Several substantive issues with the proposed cannabis regulations are summarized below:

1. Chapter 26 released as part of the cannabis ordinance/MND appears not to be in conformance with the current 2/9/21 adapted zoning code update. This would render the proposed regulations invalid on its face and wholly incomprehensible to the public.
2. The proposed revisions attempt to revise the definition of cannabis as an agricultural crop with the effect that it will fall under the County's Right to Farm regulations. This would effectively void any nuisance mitigations requested by surrounding property owners. Moreover this reclassification violates the State of California laws adopted pursuant to Proposition 64, which *declared cannabis a product – not an agricultural crop*.
3. The Draft SMND does not consider the project's cumulative impacts on groundwater resources since there is no substantive examination of the cumulative impacts of cannabis cultivation on groundwater. This represents a significant problem since we are currently experiencing a record-breaking drought.
4. The combination of elimination of the Health and Safety Clause, the proposed 5-year permits for cannabis and approval by the Ag Commissioner by ministerial vs. discretionary approval as an agricultural crop completely eliminates any possibility of ensuring 'neighborhood compatibility' as directed by the Board of Supervisors in 2018.

Recommendation:

It is recommended the Planning Commission deny the proposed Cannabis Land Use Ordinance and General Plan Amendments, related Zoning Ordinance revisions and the accompanying Draft SMND. Ample findings of fact to support denial can be found in the many written substantive objections to this proposed project received to date by the Planning Commission.

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To: Planning Commission and Permit Sonoma Cannabis@sonoma-county.org
PlanningAgency@sonoma-county.org
Greg Carr, 1st District greg.carr@sonoma-county.org
Caitlin Cornwall, 1st District caitlin.cornwall@sonoma-county.org
Larry Reed, 2nd District larry.reed@sonoma-county.org
Todd Tamura, 2nd District todd.tamura@sonoma-county.org
Gina Belforte, 3rd District gina.belforte@sonoma-county.org
Jacquelynn Ocaña, 3rd District jacquelynn.ocana@sonoma-county.org
Cameron Mauritsen, 4th District cameron.mauritsen@sonoma-county.org
Pamela Davis, 5th District pamela.davis@sonoma-county.org

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Recommendation:

It is recommended the Planning Commission deny the proposed Cannabis Land Use Ordinance and General Plan Amendments, related Zoning Ordinance revisions and the accompanying Draft SMND. Ample findings of fact to support denial can be found in the many written substantive objections to this proposed project received to date by the Planning Commission.

From: [Robert Guthrie](#)
To: [Cannabis](#)
Subject: Public feedback - cannabis ordinance revisions 2021-March
Date: Wednesday, March 17, 2021 2:16:09 PM
Attachments: [PC 2021-03 cannabis setbacks odor.pdf](#)

EXTERNAL

Dear Planning Commissioners,

I have direct knowledge of what it's like to live next to a large commercial cannabis cultivation outside Sebastopol.

No one can 'mitigate' cannabis odors from outdoor cultivation -- nobody. Longer setbacks are the only way to do this. I explain this in my attached document.

Thank you so much for reading.

Much regards,
Robert Guthrie
Sebastopol

Attached:
Comments on Draft Cannabis Ordinance Chapter 38, Chapter 26, Subsequent Mitigated Negative Declaration
"PC 2021-03 cannabis setbacks odor.PDF"

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Comments on Draft Cannabis Ordinance Chapter 38, Chapter 26, Subsequent Mitigated Negative Declaration

March 18, 2021, Robert Guthrie
Neighbor to a 1-acre commercial cannabis cultivation business

Cannabis cultivation

should occur in appropriate places.

Not 100 feet from neighbors.

This document outlines how Sonoma County deliberately fails to address neighborhood compatibility through a false narrative about cannabis odor and odor mitigation.

Sonoma County's False Narrative About Cannabis Odor

Sonoma County maintains a comprehensive false story about cannabis odor and odor mitigation to avoid setting effective cannabis cultivation setbacks in neighborhoods

For over three years, neighborhoods have complained to Sonoma County about the cannabis ordinance's inadequate setbacks to cannabis cultivation, and were promised that "neighborhood compatibility" would be addressed in this new proposed ordinance. It was not. In fact, Sonoma County introduced more ways to avoid addressing it, and still **claims cannabis odor has been mitigated**. The County's success in refusing to review and change setbacks to residential uses stems from their refusal to conduct program-level environment impact reviews (PEIR) or project-specific California Environmental Quality Act (CEQA) studies.

The proper studies would reveal data and facts that Sonoma County would rather not admit or share (let alone adequately evaluate) -- **setbacks of at least 1,000 feet from commercial cannabis cultivation significantly mitigates cannabis odor nuisance and health impacts**. However, Sonoma County maintains the position that 100-foot setbacks between thousands of outdoor cannabis plants and a neighbor's swing set, patio, BBQ, for example, are adequate.

Other jurisdictions have required research and acted upon the results.

Yolo County. The Planning Commissioners recently agreed with recommendations from Trinity Consultants to include 1,000-foot buffers of 1-acre cultivation for all identified sensitive uses, including residences in any zone. Yolo County hired Trinity Consultants (an environmental, health and safety agency) to conduct a comprehensive EIR, including odor analysis and modelling, after rural residents complained about inadequate setbacks and pungent odor from cannabis cultivation sites. All volumes of the Yolo County EIR are available online at the following [Link](#)

Napa County. Napa County commissioned an independent analysis about the impacts of an initiative to support commercial cannabis cultivation and concluded: *"Unlike the County's existing rules for personal cannabis cultivation, the Initiative does not address the potential issue of odors or other nuisances from cannabis cultivation and processing. According to the Community Character Element of the County's General Plan, although odors are to be expected in agricultural areas like rural Napa County, they should be minimized and "unacceptable odors" should be avoided. The potential for adverse impacts is particularly acute for lodging facilities, resorts, wineries, restaurants, and other commercial uses which are not subject to any setbacks in the Initiative. In addition, the proposed 500-foot setback from private residences and 1000-foot setback from certain schools may not suffice to avoid adverse odors and nuisance issues".* Napa 9111 Study [Link](#)

But not Sonoma County...

The False Narrative

Sonoma County chose a path not based on science or substantive evidence from technical experts or input from neighborhoods.

Sonoma County instead creates a false narrative about cannabis odor and mitigation to justify keeping the setbacks unchanged which promotes commercial cannabis cultivation close to residences.

Here's how they do it:

Step 1: Admit that sensitive receptors are negatively impacted by cannabis odor:

1. "Cannabis cultivation sites could potentially generate odors that adversely affect a substantial number of people" ⁽¹⁾
2. "Cannabis projects would generate criteria air pollutants including NOx and particulate matter" ⁽¹⁾

Step 2: Use "Mitigation Measures" to form a false narrative about cannabis odor and odor mitigation, supported by the following themes:

1. Vegetation windbreaks and chemical-based vapor systems are expected to adequately mitigate outdoor cultivation odor in neighborhoods
2. Cannabis odor lasts for only a short time
3. Wind blows cannabis odor up into the atmosphere before the odor crosses the property line
4. Cannabis parcels are large which means not many people are impacted
5. Ag parcels are expected to emit odors

Their Mitigation Measures (like "AIR-3") are deliberately ambiguous without an enforcement criteria, so they're designed to 'never fail'.

Step 3: Use the Mitigating Measures to form a conclusion:

"With implementation of Mitigation Measure AIR-3, the impact of cannabis odors would be reduced to a less than significant level." ⁽¹⁾

Then Sonoma County says "Mitigated!" and approves a commercial cannabis cultivation inside a neighborhood, and obstructs residents from filing complaints about the negative impacts of living near it.

The remaining pages explain in detail how Sonoma County exercises these steps.

Sonoma County's misleading theories of "vegetation windbreak" odor mitigation

"Windbreaks designed according to NRCS standards are considered to be at a fully functional height at 20 years.
...can be functioning within as little as 5-10 years"⁽¹⁾

Sonoma County hand-selected parts of different studies suitable to fabricate misleading conclusions about cannabis odor mitigation, and inserts them in their ordinance and cannabis permit reports. Below is actual text from Sonoma County's permits and/or the proposed 2021 ordinance updates.

1. "The buffer/windbreak strategy is most effective when parcels are large (at least 10 acres) and land uses are far apart, maximizing the distance for odor dissipation"⁽²⁾

FALSE / NOT SCIENCE BASED: That is not stated in any of the studies the County used; the County fabricated it.

2. "Vegetative buffers **deflect** the odor plume above the vegetation layer, where the odor is then diffused **into the atmosphere.**"⁽²⁾

FALSE / NOT SCIENCE BASED: the studies did not investigate or measure odor deflection into the atmosphere; they studied and measured head-on odor absorption or diffusal.

3. "...landforms and vegetation provide buffers or windbreaks that can successfully reduce odors generated by agricultural activities including poultry and swine operations"⁽³⁾

MISLEADING: This fallaciously tries to convince you that the windbreaks used in the studies also works with cannabis terpenes.

4. "The applicant proposes to install a hedgerow buffer/windbreak that **would serve** to disperse and deflect the odor molecules released by the outdoor mature plants upwards where they will more readily dissipate and be **carried into the atmosphere**"⁽⁴⁾

MISLEADING: This conclusion is 100% speculation by Sonoma County.

5. "cannabis odors will be present during the hottest months of the year, when natural air convection is highest, further enhancing the odor management potential of **planted windbreaks to deflect air and odors upwards, above residences**, to be mixed with prevailing winds and diluted further away"⁽²⁾

FALSE / NOT SCIENCE BASED: This absurd speculation by Sonoma County infers neighborhoods are not impacted by cannabis odor during the hottest (defined as when?) time of the year.

1 [Illinois NRCS - Windbreaks and Odor Management, Oct 2007](#)

2 Sonoma County ORD20-0005 Draft Subsequent Mitigated Negative Declaration (2/16/2021), p.34

Sonoma County UPC18-0001 Misty Mountain Services Summary Report, p.12

Sonoma County UPC18-0001 PROPOSED MITIGATED NEGATIVE DECLARATION / INITIAL STUDY, p.22

[Sonoma County UPC17-0020-Attachment-8-Mitigated-Negative-Declaration-March-11-2019-amended-April-11-2019, p.22](#)

3 Sonoma County UPC18-0001 Misty Mountain Services Summary Report p.12

Sonoma County UPC18-0001 PROPOSED MITIGATED NEGATIVE DECLARATION / INITIAL STUDY, p.22

[Sonoma County UPC17-0020-Attachment-8-Mitigated-Negative-Declaration-March-11-2019-amended-April-11-2019, p.22](#)

4 [Sonoma County UPC18-0001 Misty Mountain Services Summary Report, p.12](#)

Sonoma County's ambiguous, unenforceable implementation of their "vegetation windbreaks" theory

Sonoma County requires the cannabis business to create a **self-designed vegetation windbreak** to mitigate odor from impacting neighbors. They delegate the **entire design and implementation** to the cannabis businesses to build at their leisure.

Failure to provide requirements

Sonoma County fails to define a single requirement for the vegetation windbreak, such as:

1. Success metrics
2. Vegetation density and porosity requirements
3. Timeline to create and build the vegetation windbreaks
4. Maintenance requirements during the lifecycle should a section of the windbreak die-off or needs replacement
5. A design specification
6. A list of required species of trees known to absorb cannabis terpenes (if they exist)

Deliberately hiding the facts

Sonoma County plucks certain sentences from reports that help them justify their claims, but they deliberately hide these facts from those same reports:

1. The studies are about **absorption of ammonia**, not about an ability to deflect anything into the atmosphere⁽¹⁾
2. The **windbreak absorbed only 46%** of the animal ammonia particles; 53% passed through the vegetation windbreak⁽¹⁾
3. NRCS and others **researched indoor facilities** with directional exhaust fans, not an open-air cannabis field⁽¹⁾
4. A **windbreak takes 20 years** to become fully functional⁽²⁾
5. A windbreak can be functioning within **as little as 5-10 years**⁽²⁾
6. The **windbreaks studied are on flat plains**, not in hills, valleys, and microclimates contained within Sonoma County⁽¹⁾⁽²⁾
7. The amount of water required to grow a tall, thick vegetation windbreak around an acre of cannabis cultivation

1 USDA NRCS 2007

2 Illinois NRCS - Windbreaks and Odor Management, Oct 2007

Failure to enforce compliance

Sonoma County **cannot enforce** their vegetation windbreak ordinance clauses **because they don't supply any requirements** about it.

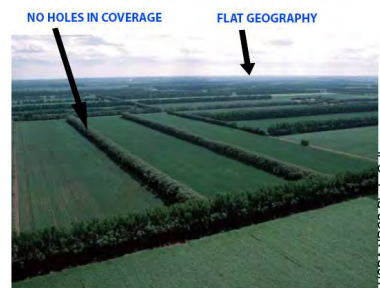
Sonoma County doesn't even know which tree and bush species might absorb cannabis odors, if any species actually exist. Sonoma County will permanently obstruct an impacted neighbor's rights to enjoy their property and the ability to legally file complaints about cannabis odor nuisance **while the vegetation windbreaks grow over the 5-20 years**.

The studies occurred on flat plains with massive hedges that look like this:

Illinois NRCS - Windbreaks and Odor Management



Illinois NRCS - Windbreaks and Odor Management



Not in hills or valleys like those in West County or many other parts of Sonoma County.

Vapor-Phase Systems -- another blocker to extending setbacks to residences

Vapor-Phase Systems throw chemicals into the air with the intent they bind to odor. These systems are specifically installed near exhaust ports on indoor/greenhouse cannabis structures, so Sonoma County *guessed* the system works for a sprawling open-air **outdoor** cannabis field.




**Sonoma County is now inserting guesses into their ordinance
to avoid extending the cannabis setbacks to neighbors.
Before it was ambiguity. Now it's guesses.**

Sonoma County's Section AIR-3 (p35) states:

“Permit Sonoma staff shall ...[determine] whether the outdoor cultivation operation is creating objectionable odors affecting **at least several [how many?]** people. If this is the case, Permit Sonoma staff shall require that the project go back to the Board of Zoning Adjustments **for review of additional measures to reduce outdoor odor generation**, including use of engineered solutions such as **Vapor-Phase Systems (Fog Systems).**”

Why not just extend setbacks to neighbors instead?

What does a Vapor-Phase System look like?

		
<p>Vapor-Phase Systems are installed on structures.</p> <p>Not installed throughout outdoor canopies where such vapors could risk landing on the cannabis plants.</p>		<ol style="list-style-type: none"> 1. Is this pump machine loud? 2. How many machines are needed? 3. What's the kWh consumption 24x7 to properly mitigate odor?

Vapor-Phase System is not an effective option for outdoor odor nuisance mitigation

Let's extend setbacks to neighbors' properties to at least 1,000 ft.

Sonoma County has decided *WHEN* cannabis odor occurs: only when it's strong

Sonoma County decided *they* define the period when cannabis odor is a nuisance for neighborhoods. By self-defining this as a "limited duration" once a year, Sonoma County attempts to claim cannabis odor doesn't classify as a public nuisance.

But in reality, because the setbacks are inadequate, **outdoor cannabis cultivation odor lasts from JUNE to NOVEMBER**, but Sonoma County refuses to accept this.

Instead, Sonoma County presents a spectrum of opinions about odor, including:

"Outdoor cannabis cultivation generates the strongest odors in **September and October**, during the last [4] to [8] weeks of the growing season prior to harvest. This would restrict the timing of the **most adverse cannabis odors to no more than two months per year.**"⁽¹⁾

"Cannabis plants start to emit odors generally starting in **early September and continuing until harvest in October**. Duration of smell would range from approximately 4-6 weeks (8-11%) of the year."⁽²⁾

"Outdoor cannabis cultivation will typically start to emit odors about 3-5 weeks into the flowering period, generally starting in **August or September** and continuing until harvest in **October.**"⁽²⁾

By deciding that cannabis odor incrementally reaches an arbitrary measurement of "**most adverse**" and for "**no more than two months of the year,**" Sonoma County attempts to self-justify keeping cannabis cultivation setbacks unchanged. Sonoma County must acknowledge and treat cannabis odor nuisance per reality.

2018											
Jan 1	Feb 1	Mar 1	Apr 1	May 1	Jun 1	Jul 1	Aug 1	Sep 1	Oct 1	Nov 1	Dec 1
Jan 2	Feb 2	Mar 2	Apr 2	May 2	Jun 2	Jul 2	Aug 2	Sep 2	Oct 2	Nov 2	Dec 2
Jan 3	Feb 3	Mar 3	Apr 3	May 3	Jun 3	Jul 3	Aug 3	Sep 3	Oct 3	Nov 3	Dec 3
Jan 4	Feb 4	Mar 4	Apr 4	May 4	Jun 4	Jul 4	Aug 4	Sep 4	Oct 4	Nov 4	Dec 4
Jan 5	Feb 5	Mar 5	Apr 5	May 5	Jun 5	Jul 5	Aug 5	Sep 5	Oct 5	Nov 5	Dec 5
Jan 6	Feb 6	Mar 6	Apr 6	May 6	Jun 6	Jul 6	Aug 6	Sep 6	Oct 6	Nov 6	Dec 6
Jan 7	Feb 7	Mar 7	Apr 7	May 7	Jun 7	Jul 7	Aug 7	Sep 7	Oct 7	Nov 7	Dec 7
Jan 8	Feb 8	Mar 8	Apr 8	May 8	Jun 8	Jul 8	Aug 8	Sep 8	Oct 8	Nov 8	Dec 8
Jan 9	Feb 9	Mar 9	Apr 9	May 9	Jun 9	Jul 9	Aug 9	Sep 9	Oct 9	Nov 9	Dec 9
Jan 10	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10
Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Jul 11	Aug 11	Sep 11	Oct 11	Nov 11	Dec 11
Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12
Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13
Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14
Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15
Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16
Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17
Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18
Jan 19	Feb 19	Mar 19	Apr 19	May 19	Jun 19	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19
Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	Jul 20	Aug 20	Sep 20	Oct 20	Nov 20	Dec 20
Jan 21	Feb 21	Mar 21	Apr 21	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21
Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22
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Jan 26	Feb 26	Mar 26	Apr 26	May 26	Jun 26	Jul 26	Aug 26	Sep 26	Oct 26	Nov 26	Dec 26
Jan 27	Feb 27	Mar 27	Apr 27	May 27	Jun 27	Jul 27	Aug 27	Sep 27	Oct 27	Nov 27	Dec 27
Jan 28	Feb 28	Mar 28	Apr 28	May 28	Jun 28	Jul 28	Aug 28	Sep 28	Oct 28	Nov 28	Dec 28
Jan 29		Mar 29	Apr 29	May 29	Jun 29	Jul 29	Aug 29	Sep 29	Oct 29	Nov 29	Dec 29
Jan 30		Mar 30	Apr 30	May 30	Jun 30	Jul 30	Aug 30	Sep 30	Oct 30	Nov 30	Dec 30
Jan 31		Mar 31		May 31		Jul 31	Aug 31		Oct 31		Dec 31

Reality

When cannabis odor is a nuisance

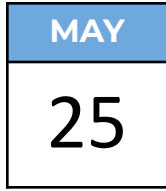
Red:
Days we experienced odor nuisance from our neighbor's commercial cannabis business.

Gray:
The Camp Fire blanketed our neighborhood with fire smoke from Nov 8-19, so we couldn't detect cannabis odor. But cannabis odor reappeared once the smoke subsided, just before Thanksgiving, 2018.

1 Sonoma County ORD20-0005 DRAFT SMND.pdf p.34

2 Sonoma County UPC18-0001 Misty Mountain Services Summary Report (10,12)

When did Sonoma County smell cannabis odor at our house?



Supervisor Lynda Hopkins

Smelled "pungent odor" from our kitchen door on May 25, 2018



Tennis Wick

Code enforcement director.
Visited our house and smelled the odor on July 5, 2017.



Tim Ricard

Then the cannabis program director for the county.
He also smelled the odor while walking on our property on
September 7, 2018.

Supervisor Lynda Hopkins:

“Some folks feel they’re being deprived of the use of their property due to overwhelming odor,” she said. On a visit to a site near Sebastopol whose owners have applied for an outdoor cultivation permit, Hopkins said she was surprised by “how pungent” the plants were.”

[Press Democrat Poll finds sharp division in Sonoma County over cannabis cultivation](#), The Press Democrat, June 3, 2018 by Guy Kovner

When you live 100 feet from
4,000 to 10,000 cannabis plants,
the odor is a nuisance from
June to November.

Sonoma County's non-scientists fabricate wind and atmospheric stories

Wind:

“...deflect the cannabis odor plumes upward to diffuse into the atmosphere
above the residences.” (1)

Sonoma County's **outdoor cannabis setback is 100 feet to a neighbor's property**, and Sonoma County refuses to change it to match the same setback to schools and parks (minimum 1,000 ft).

Outdoor cannabis does not diffuse and bounce into the atmosphere within 100 feet. The proposed 2021 ordinance will allow 3,000, 10,000, 20,000, 40,000 cannabis plants to be 100 feet from neighbors' backyards if the cannabis parcel is big enough.

Sonoma County **intentionally keeps setbacks unchanged** because they claim “fencing and landscaping is expected to deflect odor plumes upward to diffuse into the atmosphere”. (2)

Sonoma County's cannabis **ordinance gives the County the power to fabricate their own story about weather** patterns and atmospheric conditions for each cannabis cultivation site, without any evidence, in order to approve their cannabis permits inside neighborhoods.

Below is actual text from a cannabis permit summary to justify its approval inside a neighborhood:

1. “Western Weather has an industrial grade meteorological monitoring system located approximately **1 mile north of the proposed project** at Poplar Way and Mill Station Road. The monitoring system calculated average wind direction between the months of June 1, 2019 and November 1, 2019. Wind came from the southwest direction 16.4% of the time, south-southwest 15.6% of the time, south 8.9% of the time, southeast 10.2% of the time and east-southeast 18.9% of the time. “ (1)

MISLEADING: Sonoma County uses 1 weather station 1 mile away to assume how wind blows cannabis in our neighborhood and then assumes people are not impacted.

Western Weather has 4 weather stations around this cannabis operator. Why did Sonoma County use only 1 in their report?

Sonoma County uses deceptive conclusions by someone not qualified to make such conclusions, and who used these conclusions to recommend approving a cannabis permit.

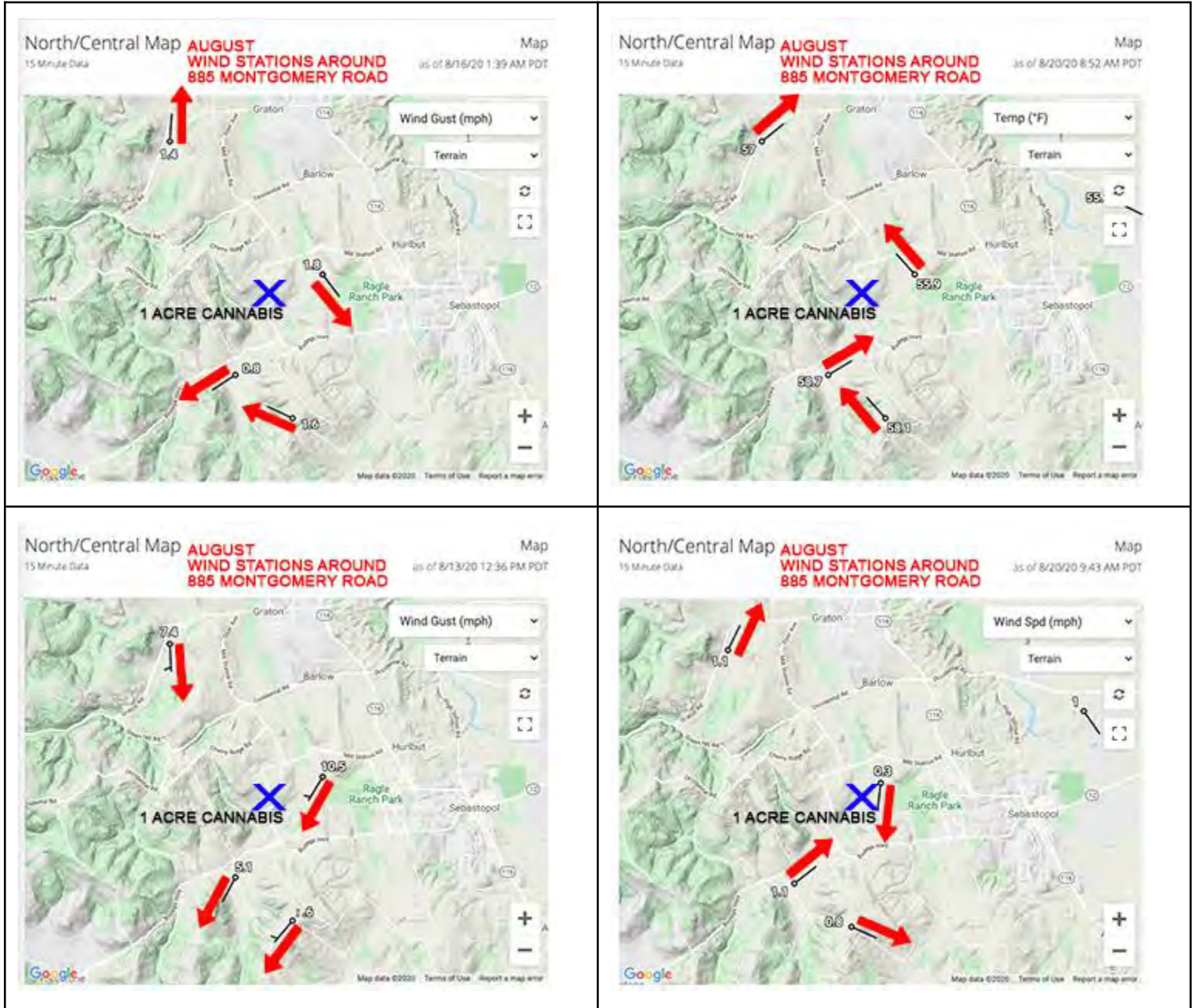
1 UPC18-0001 Misty Mountain Services Summary Report, p.12

2 Purvine-20190930-UPC17-0020-Attachment-8-Mitigated-Negative-Declaration-March-11-2019-amended-April-11-2019, p.27

This is what Sonoma County used to recommend approving a cannabis permit

Below shows you that wind cannot be predicted from behind a desk using 1 data point because Sonoma County has hills and valleys with microclimates. Wind swirls in all directions throughout the day, so cannabis odor is always in someone's backyard.

Red arrows = wind direction. Sometimes they point in 4 different directions. These are all within 1.6 miles of the cannabis cultivation site, the X.



Sonoma County's flat refusal to conduct program-level environment impact reviews (PEIR) or project-specific California Environmental Quality Act (CEQA) studies lead them to fabricate any story they feel is suitable to approve a cannabis permit inside a neighborhood.

Disclaimer: This table is intended only to demonstrate that wind in the hills and valleys of West County don't always flow in one direction. I don't intend to make claims here other than to disprove Sonoma County's absurd assessment about wind and plumes, and how odor is somehow not a nuisance because wind blows cannabis odor from the residences. Or that hot air carries the odor straight up into the atmosphere.

Source: Western Weather

Sonoma County claims cannabis is only in rural, less populated areas

Sonoma County's ordinance lacks any enforceable language that protects the neighborhood environment from the negative impacts of cannabis odor.

ORD20-0005 DRAFT SMND (proposed 2021 cannabis ordinance update) states:

"... most outdoor cannabis cultivation would occur in areas with a **limited number of nearby sensitive receptors such as residences**, and the odors would dilute across space before reaching sensitive receptors."

As a result, Sonoma County self-defines the number of people impacted by cannabis odor. For example, these opinions were used by Sonoma County to recommend approving a cannabis permit:

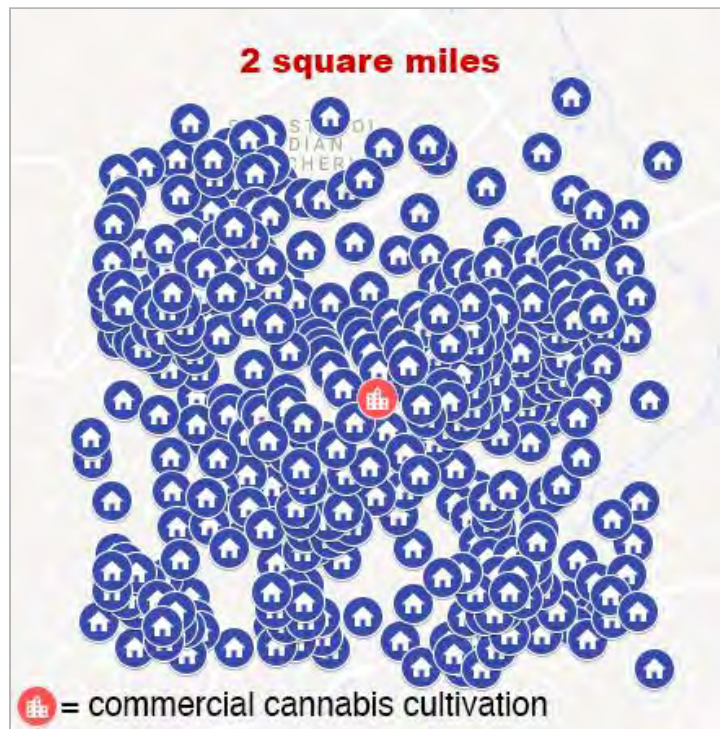
"The [cannabis cultivation] project is located in an area **that is largely rural**" ⁽¹⁾

"**the overall parcels within a 2-mile radius are rather large (10-50 acres)**". ⁽¹⁾

FALSE:

Only 38 of 399 parcels are actually 10-50 acres.⁽²⁾

The image below illustrates 399 parcels within 2 sq miles of that cannabis cultivation site.



Parcels: 399 | Under 10 acres: 361 | Over 10 acres: 38

Median parcel size = 2.0 acres

1 UPC18-0001 CEQA MND 2020-06-19

2 Sonoma County [GIS](#)

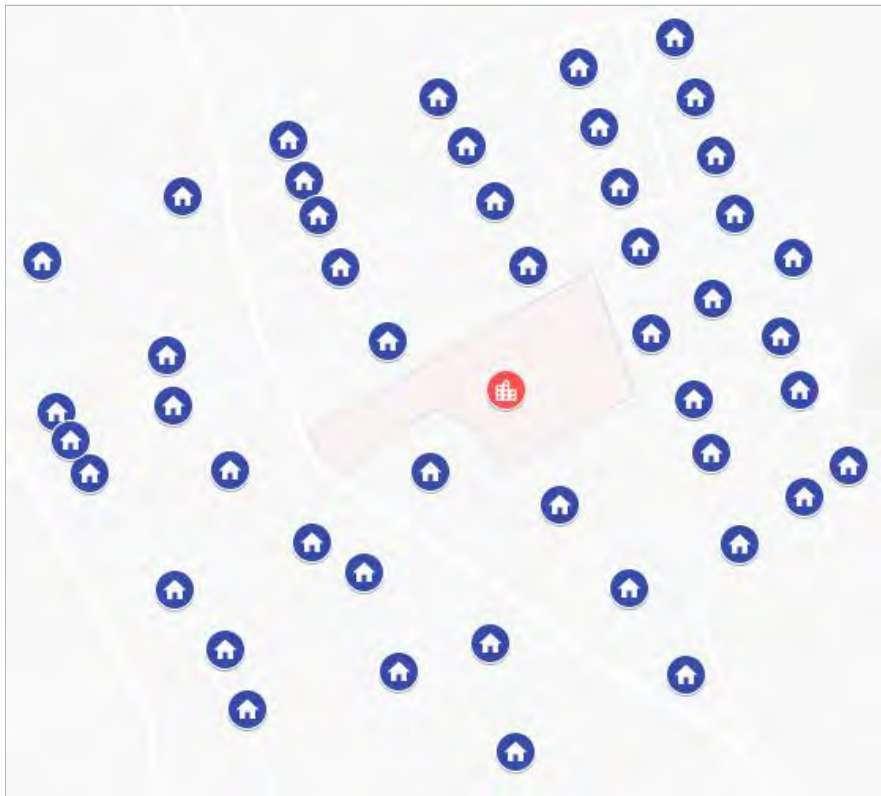
The cumulative impacts of Sonoma County’s false narrative about odor

Permits get approved by leveraging the flawed cannabis ordinance.

“Staff recommends approval of the project because...”

1. “The cannabis cultivation site would meet the required **setbacks** from residential neighbors”
 2. “The outdoor grow area is **separated from surrounding homes by distance, topography, and vegetation** that combine to allow **odors to dissipate**”
-

Meanwhile, this is the location described above as adequate for 1 acre of cannabis cultivation (red dot).



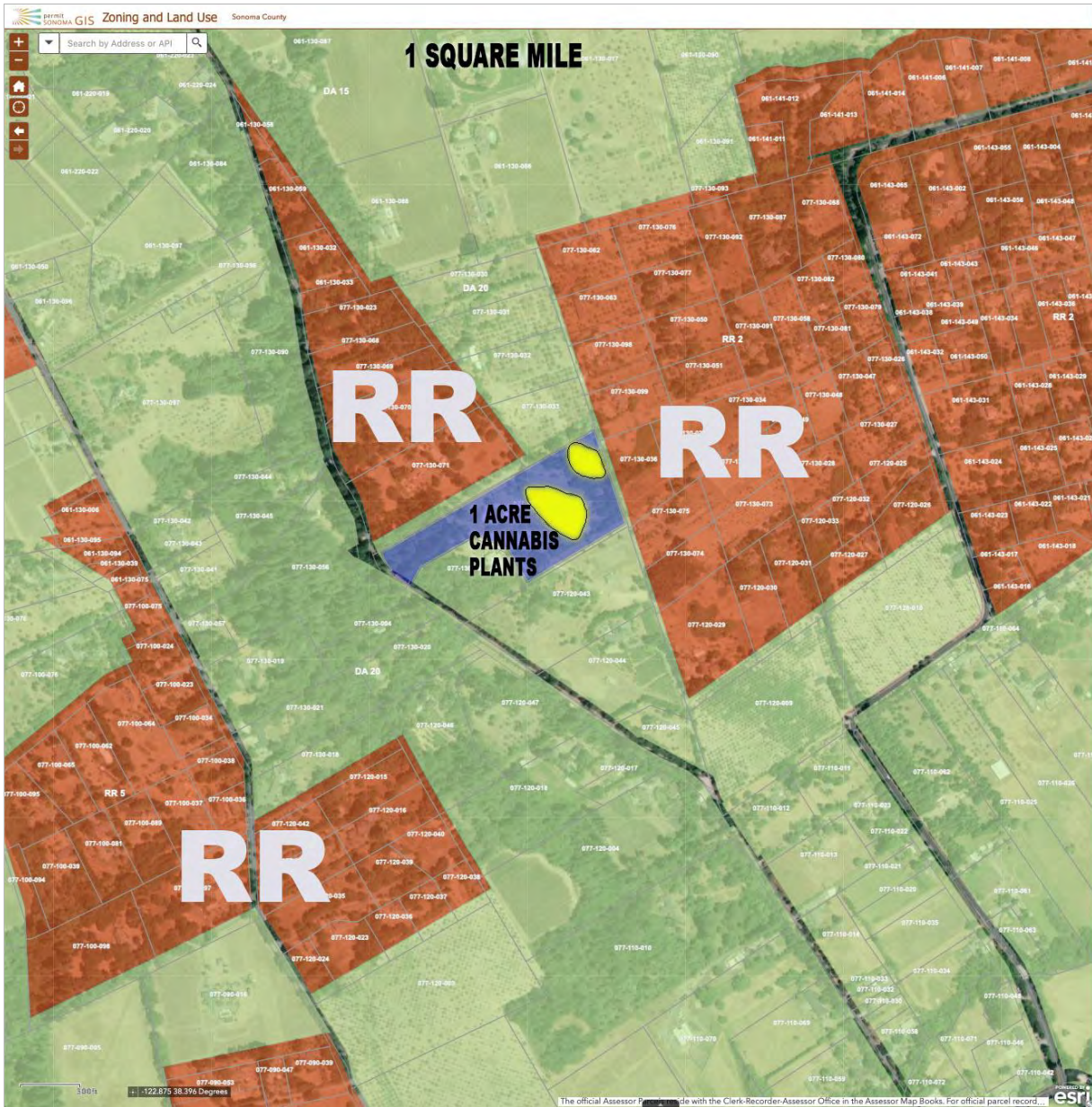
1,000 ft radius | 47 parcels | median parcel size = 2.5 acres

UPC18-0001 Misty Mountain Services Summary Report
Data source: Sonoma County GIS

Sonoma County cannabis ordinance allows commercial cannabis to border small Rural Residential (RR) zoned properties

Sonoma County's cannabis ordinance fails to acknowledge that many of the small-acre properties that surround a cannabis cultivation could be zoned **Rural Residential (RR)**, as well as small DA-zone properties.

Sonoma County must take into consideration the impact of a commercial cannabis cultivation, tourism events, hemp, and other cannabis-related activities which are adjacent to small-acre RR-zone properties. Properties with small acres do not have an escape from the noise and odor impacts from commercial cannabis businesses.

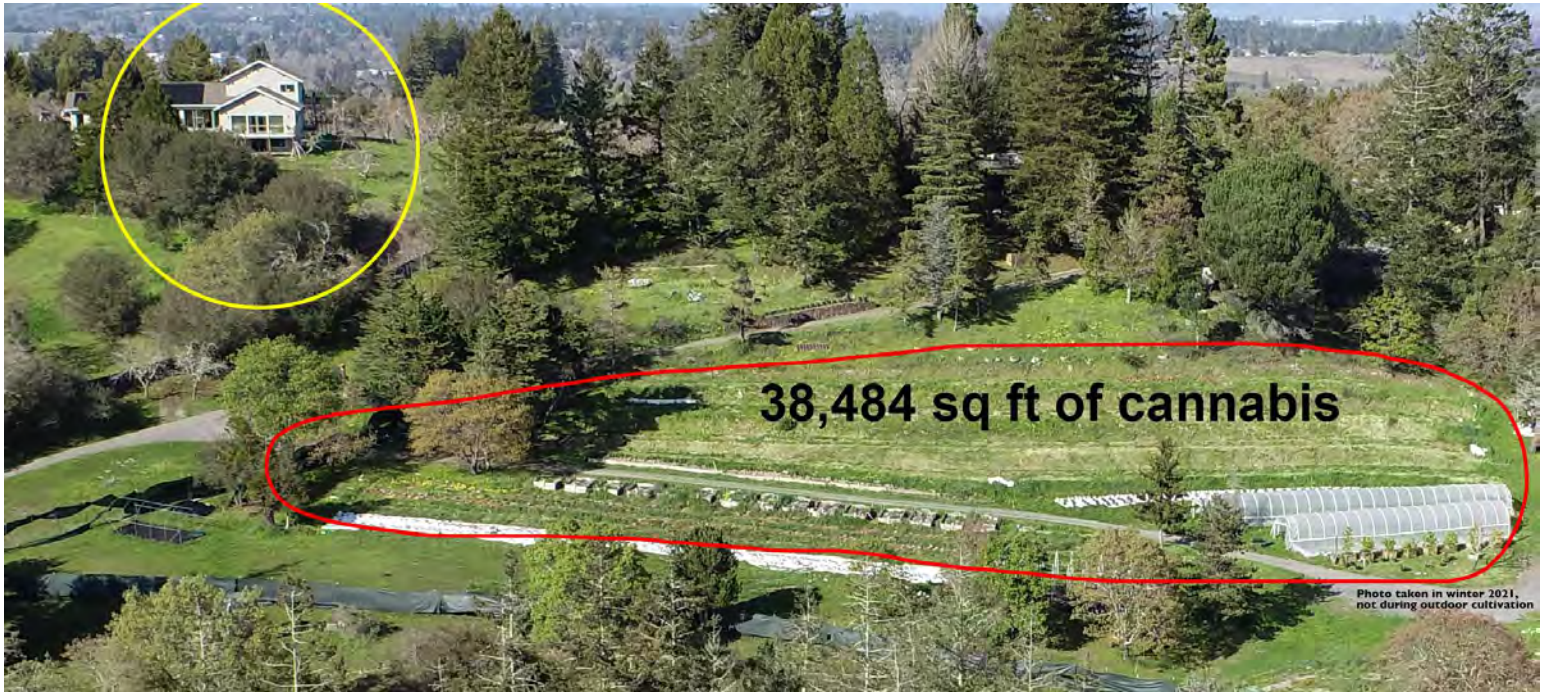


A 1 square mile view of parcels surrounding a commercial cannabis cultivation outside Sebastopol

Setbacks to residence are too short, but permits are approved anyway

“Staff recommends approval:” of the commercial cannabis business shown below, because:

1. It **“complies with all development criteria of the Sonoma County Cannabis Ordinance and would meet all operating standards as conditioned.”**
2. **“The cannabis cultivation sites would meet the required setbacks from residential neighbors.”**



Both photos are of the same place. The one above was taken in the winter.

< The one on the right was taken during the grow season.

From Sonoma County UPC18-0001 Misty Mountain Services Summary Report

Below lists more ordinance language which was applied to recommend approving the commercial cannabis business shown below.

From the ORD20-0005 DRAFT SMND:

1. "These zones typically have large parcel sizes and few, dispersed sensitive receptors."
2. "**Vegetative screening** would further buffer sensitive receptors from cannabis odors."
3. "...outdoor cannabis cultivation would occur in areas with a limited number of nearby sensitive receptors such as residences, **and the odors would dilute across space before reaching sensitive receptors.**"



Sonoma County's AIR-3 odor mitigation measures consider these windbreaks to be equally effective

Illinois NRCS - Windbreaks and Odor Management

NO HOLES IN COVERAGE

FLAT GEOGRAPHY

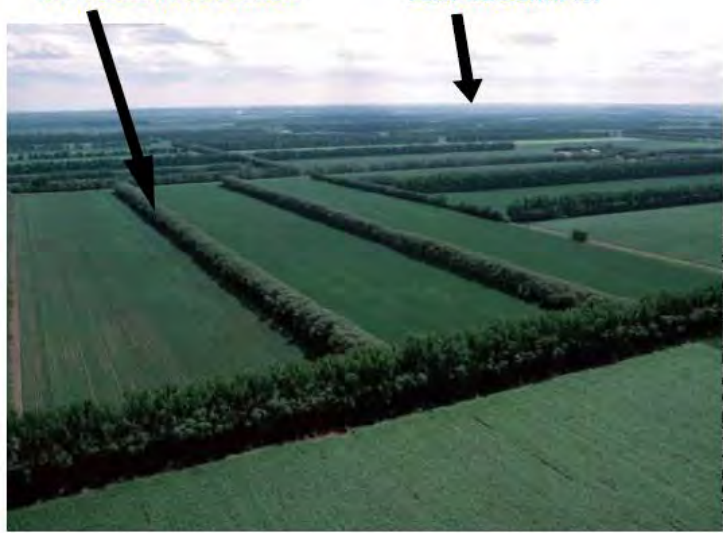


Photo taken in winter 2021, not during outdoor cultivation

I added arrows to guide you to the so-called windbreak Sonoma County says adequately difuses cannabis odor from that 38,000 sf ft of cannabis plant hill, so they can claim Mitigation Measure AIR-3 is mitigated.



If you think RR parcels should “expect odors” from adjacent DA parcels

It’s the most famous soundbite. “You live near DA, you should expect odors.” But does one Ag parcel supersede the property rights of all other parcels around it?

“It is normal for agricultural land uses, especially animal feeding operations and farms that apply manure as a fertilizer, **to generate odors.**”

Sonoma County ORD20-0005 DRAFT SMND (proposed 2021 cannabis ordinance update)

“...the outdoor cannabis cultivation generates odor ...**consistent with odors that would be expected within an agricultural area.**”

Sonoma County UPC18-0001 CEQA MND 2020-06-19

Let’s assess that misconception:

A DA parcel may have livestock	A DA parcel may have cannabis
<p>Restricted to only one of the following options:</p> <ul style="list-style-type: none"> ● 5 hogs/pigs, ● Or 1 horse, mule, cow or steer, ● Or 5 goats, sheep, or similar animals, ● Or 50 chickens or similar fowl, ● Or 50 ducks or geese or 100 rabbits or similar animals <p>Per 20,000 of area</p>	<p>Unlimited number of plants</p> <ul style="list-style-type: none"> ● 3,000 cannabis plants ● 5,000 cannabis plants ● 10,000 or more cannabis <p>Per 1 acre of of area (or more if the 2021 ordinance passes)</p>
<p>Required setback to an adjacent RR parcel</p> <p style="text-align: center;">500 feet</p> <p style="text-align: center;">for enclosed odorous operations</p>	<p>Required setback to an adjacent RR parcel</p> <p style="text-align: center;">100 feet</p> <p style="text-align: center;">to wide-open air cannabis plants</p>
<p style="text-align: center;">That 500 ft livestock setback exists for a reason. Why is cannabis only 100 feet?</p>	

10 pigs or 2 cows that are **500 feet away** (as mandated next to RR)
can’t possibly match or exceed the odor from
5,000 cannabis plants **just 100 feet** from a backyard

Cannabis odor must not “be expected within an agricultural area” when a DA parcel is surrounded by RR parcels

Section 26-08-010 in Chapter 26 of the Zoning Code states: “In the event that the confined animal use is proposed within five hundred feet (500’) of a nonagricultural land use category, it shall require prior approval of a use permit.”

What it's like to live next door to a Sonoma County commercial cannabis business?

Labor Day Weekend, 2018. Out-of-town family visited us for the holiday weekend.

FRI Sep 1

- We kept our windows closed all day
- **12:30pm.** We tried to eat lunch outside. The cannabis odor drove us back inside at 12:45pm.
- **6pm.** We BBQ'd dinner on the front yard sidewalk to escape the cannabis odors in our backyard. We still had to tolerate the smell even in the front yard.

SAT Sep 2

- We kept our windows closed all day
- **9:30am** We started to eat breakfast outside and had to go inside from the cannabis odor
- **3pm.** We spent time at our pool in the backyard. Two of us got a headache from inhaling cannabis odor for 30min
- We BBQ'd dinner again on the front yard sidewalk while the cannabis odor swirled around the house

SUN Sep 3

- We kept our windows closed all day
- **1:30am to 4am** Since someone left a bathroom window open, our hallways and our room filled with cannabis odor. The smell woke me up and I closed the window. **Didn't sleep until ~4am out of anxiety and anger from our life's situation**
- **1pm.** My family **no longer tolerated the cannabis odor** and our constant avoidance tactics, nor our constant bitching about it. They returned home, a day earlier than planned

MON Sep 4

I decided to wear a respirator in the garage while cleaning it; the cannabis odor trapped and lingered in the garage even with all doors open. The 3M P100 particulate respirator blocked the odor perfectly. So we started to wear them while outdoors.

The respirator blocked me from inhaling cannabis odor.





It's time to make the change

Residences, schools, and parks must have the same setbacks to cannabis cultivation.

Nothing adequately mitigates outdoor cannabis odor within 100 feet.

We've been waiting for neighborhood compatibility for

3 years

when the Board of Supervisors asked Staff to work on it on April 10, 2018

From: [Robert Lipske](#)
To: [Cannabis](#)
Cc: [district5](#)
Subject: Do NOT allow expanded ministerial permitting for commercial cannabis cultivation
Date: Wednesday, March 17, 2021 10:21:50 PM

Please do not make it easier for Cannabis growing in Sonoma County especially near residences.

The odor is nauseating to me. It physically makes me sick. Should be illegal! That is reason enough that you should create larger setbacks (1000ft or more) not smaller ones.

Other reasons for our county to not embrace Cannabis in general.
We Sonoma county residents want to support Farming but we are converting farms from fruit trees, produce, animal and dairy farms to Alcohol and Marijuana.
From rural farming towns in Sonoma County to Drug capital complete with Casinos. No thanks. Don't ruin our County.

Thank you,
Robert Lipske
I have Lived and Worked in Sonoma county since 1976.

Cc: Lynda Hopkins

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From: [Robert Lipske](#)
To: [Cannabis](#)
Cc: [district5](#)
Subject: Do NOT amend the general plan to include cannabis within the meaning of agriculture
Date: Wednesday, March 17, 2021 10:24:23 PM

Please do not make it easier for Cannabis growing in Sonoma County especially near residences.

The odor is nauseating to me. It physically makes me sick. Should be illegal! That is reason enough that you should create larger setbacks (1000ft or more) not smaller ones.

Other reasons for our county to not embrace Cannabis in general.
We Sonoma county residents want to support Farming but we are converting farms from fruit trees, produce, animal and dairy farms to Alcohol and Marijuana.
From rural farming towns in Sonoma County to Drug capital complete with Casinos. No thanks. Don't ruin our County any further.

Thank you,
Robert Lipske
I have Lived and Worked in Sonoma county since 1976.

Cc: Lynda Hopkins

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From: [Robert A. Nellessen](#)
To: [Cannabis](#)
Subject: Cannabis?????????????????
Date: Wednesday, March 17, 2021 2:30:56 PM

EXTERNAL

What is proposed and to occur when?

What community input have you solicited?

--

Robert A. Nellessen
Law Offices of Robert A. Nellessen
P.O. Box 409
Santa Rosa, California 95402-0409
Telephone: (707) 578-1200
Facsimile: (707) 578-5100

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From: [Robert A. Nellessen, Esq.](#)
To: [Cannabis](#)
Subject: Cannabis hearing March 18, 2021
Date: Wednesday, March 17, 2021 3:01:14 PM
Attachments: [20210317_BoS Planning Comm.pdf](#)

EXTERNAL

Please see the attached regarding the March 18, 2021 Cannabis hearing.

Thank you,

--
Lori J. Paul, AACP
Paralegal to Robert A. Nellessen

Law Offices of Robert A. Nellessen
P.O. Box 409
Santa Rosa, California 95402-0409
Telephone: (707) 578-1200
Facsimile: (707) 578-5100

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ROBERT A. NELLESSEN

P O Box 409
Santa Rosa, CA 95402
ranlawscan@gmail.com

Telephone
(707) 578-1200

Facsimile
(707) 578-5100

March 17, 2021

EMAIL ONLY:

Cannabis@sonoma-county.org

Sonoma County Board of Supervisors and Sonoma County Planning Commission

Re: Cannabis Rules

Dear Board of Supervisors and Sonoma County Planning Commission.:

As a 37 year resident of Sonoma County, 22 year operator of an organic agricultural business in West County and 40 years as a customer service Profession in Santa Rosa, I am highly involved and committed to the long term survival of Sonoma County.

Yesterday I learned for the first time of your intention, with minimal citizen input, to allow cannabis operations to further infiltrate the County.

First, I expect your full disclosure and widespread Sonoma County resident input. You have certainly failed to widely communicate any proposed changes to Cannabis rules.

Second, I believe you need to assess the environmental and social consequences, from the massively expanded electrical consumption (power lines, etc.) for indoor grows and adverse health consequences of outdoor grows, and the attendant crime inherent in both.

Third, affect our lives and property values as you propose and anticipate losing your jobs.

Fourth, how will encouraging more cannabis growing and use, make Sonoma County a better place to live and nurture families?

Anticipate more before your next hearing.

Very truly yours,



Robert A. Nellessen

RAN/ljp
cc: Viviane, Linda Zaich

From: roberta.teller
To: planningagency@sonoma-county.org; [Cannabis](#)
Subject: Proposed Cannabis Ordinance is a disaster for our county
Date: Wednesday, March 17, 2021 5:21:33 PM

EXTERNAL

To Whom It May Concern,

I am emailing you today to voice my opposition to the proposed Cannabis Ordinance that is being considered at this time. As a resident of the incorporated area of Sonoma I have already seen the negative impact of the cannabis industry in our community and this new ordinance further threatens our quality and way of life.

Permitting over 65,733 acres of outdoor cultivation permits on agricultural and RRD parcels 10 acres or more is outrageous and increases the acreage currently cultivated (50 acres) by a factor of 1,300.

Issuing permits in an over-the-counter, backroom “ministerial” process without public knowledge or participation lacks transparency and openness and undermines trust in our government.

Increasing the size of outdoor cultivation on each parcel from 1 acre to either 10 acres or 10% of the size of the parcel will negatively impact neighbors and community living.

Allowing up to 1 acre of greenhouse cultivation in new structures (over 8,000 acres), with no limit on indoor cultivation in existing structures and allowing individual large greenhouse operations with 100-200 employees year-round, adding 400-800 daily trips will bring more traffic, noise, pollution and crime to our community.

Allowing greenhouses that resemble self-storage units and [white hoop houses](#) will be a blight on our scenic vistas.

The stink and stench from marijuana terpenes for 4-6 months a year is not acceptable to human living.

It seems to me that the county is rushing through this ordinance with inadequate environmental and human impact studies.

It seems that there has been inadequate health, safety, and nuisance protections

for neighbors who will have little recourse for violations and threats.

I am requesting that you NOT approve this project, listen to the community and find another less invasive path for cannabis growing.

Thank you,

Roberta Teller
Bing Tree Way
Sebastopol, 95472

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From: [Tess](#)
To: [Cannabis](#)
Subject: Cannabis
Date: Wednesday, March 17, 2021 8:39:51 PM

EXTERNAL

Hello,

I am very concerned about the amount of water use for growing cannabis and what it will do to wells in our neighborhood, especially since we are experiencing ongoing serious drought conditions.

I am very concerned about the odor of cannabis permeating the neighborhood for months.

I am very concerned about the increased traffic on our minimally maintained country lane as well as wear and tear on our gravel road.

I am very concerned about the noise of trucks coming and going and loud fans on the crops.

I am very concerned about the ugly plastic greenhouses dotting the landscape.

I am very concerned about the chemical use in growing the cannabis.

Stephanie Danaher

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From: [Tess](#)
To: [Cannabis](#)
Subject: Cannabis
Date: Wednesday, March 17, 2021 8:40:40 PM

EXTERNAL

Hello,

I am very concerned about the amount of water use for growing cannabis and what it will do to wells in our neighborhood, especially since we are experiencing ongoing serious drought conditions.

I am very concerned about the odor of cannabis permeating the neighborhood for months.

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Stephanie Danaher
1680 Barlow Lane
Sebastopol 95472

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From: [Shane Ellis](#)
To: [Cannabis](#)
Subject: Sonoma Cannabis
Date: Wednesday, March 17, 2021 1:11:56 PM

EXTERNAL

Greetings Sonoma Planning Commission,

I am a Sonoma County resident who supports legal cannabis and the proposed amendments to the county's cannabis ordinance. The proposed changes will streamline the permitting process, making it easier for smaller-scale cultivators. Those are the kinds of businesses I hoped to see in my community when I voted for Proposition 64. The recommended changes treat cannabis like other crops. That just makes sense. The changes also bring our local regulations in line with those at the state level.

Cannabis is a legal crop in Sonoma County and California. Legal businesses should not bear an undue burden that stems from stigma or misinformation. I know that some community members do not approve of cannabis use, just like others do not approve of alcohol use. We do not let reservations about alcohol use by a few residents prevent wineries from serving our community, creating jobs, and generating tax revenue.

Please support the recommended changes and ask the Board of Supervisors to do the same.

Thank you for time,

Shane Ellis

[Sent from Yahoo Mail on Android](#)

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From: [Sandy Leonard](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#); [David Rabbitt](#)
Subject: Proposed Cannabis Ordinance
Date: Wednesday, March 17, 2021 10:41:24 PM

EXTERNAL

Dear Department Analyst, McCall Miller,

My husband and I, our two daughters, and visiting relatives of all ages, live on Slattery Road in Glen Ellen. We learned today about a new Cannabis Ordinance that is being considered tomorrow. We are extremely disturbed by this possibility, and we do not understand why there has not been more information readily available and publicized about this new ordinance.

We are writing because we have some personal experience with this issue. We live in a neighborhood with 20-acre zoning, with some properties at closer to 4 acres. At the beginning of 2017 a neighbor decided to erect 9,000 square feet of un-permitted, industrial greenhouse space for growing cannabis. They built the two greenhouses the farthest away from their home, and as close as possible to our joining fence line, which was only a few hundred feet from our home. The greenhouses had giant fans and the sounds of workers carried directly into our home. This was prior to any production. When we discussed this with our neighbor they said that no permitting was required. As a result we had to go thru an agonizing, stressful and very sad/draining year of working with a lawyer at great expense, meeting with neighbors, numerous calls with the Sonoma Permitting Department, never mind countless hours of research and trying to work this thru with our neighbor. It was horrible. Eventually the greenhouses were taken down.

During that year we learned through a multitude of sources, how a commercial cannabis grow can deeply impact the quality of life and health of all neighbors in a neighborhood, never mind the water ways, wild life, environment, and ecosystems,

1. **NOISE POLLUTION:** Industrial fans, workers, machinery, commercial scale diesel generators running 24/7, and all other production sounds including heavy vehicle traffic. We live in a bucolic neighborhood where neighbors from all around Warm Springs walk on our quiet dead-end street. The commercial grows would destroy that critical quality of living.

2. **SECURITY:** This cannot be stressed enough. When we spoke to our neighbor about this issue, along with other actual cannabis farmers, they all said that they hire individuals to be there 24/7 with guns and pit bulls. Our property was the most likely access for anyone who wanted to steal cannabis from our neighbor's grow site. Our neighbor agreed that there is a security issue and he said that his father (an ex-sheriff) would be there with a gun to guard against any marauders. We then wondered who would be guarding our property, our driveway and our quiet private road, Slattery Road. Our physical safety, and the physical safety of our daughters and their friends, our friends, frequent visiting relatives of all ages,... were at risk

3. **POLLUTION and WATER USE:** Our neighbor also wanted to do an outdoor grow amounting to about 8 acres +/- . That can amount to up to 5,500 plants per acre, or 44,000 plants. The amount of water use is six times that of grapes, thereby depleting an already

dwindling resource, never mind our personal well water. In addition, the chemicals, pesticides, herbicides and production/grow related toxins would be polluting the land, water/aquifers, and air. In the case of our neighbor, all the refuse would flow directly through our organic property, given the topography, and into Sonoma Creek. Our organic fruit trees, vegetable grows, beehives, birds, bobcats, mountain lions would also be significantly impacted by these pollutants. In fact, we learned the hard way that cannabis is lethal if ingested by animals. Fortunately, our dog survived because she was a large Irish Wolfhound. I wonder what Fish and Wildlife's view would be.

4. ODOR: The odor is actually noxious for some people. I am allergic to it. I get headaches and it negatively impacts my immune system. It is hard to believe I need to be writing about this. The skunk smell is unlivable.

5. PROPERTY VALUE: We would have to move. Our property value would certainly be adversely impacted, if not almost unsellable, except to maybe a cannabis grower. Certainly families would in no way be interested. Our home is valued at around four million. I hope the county is ready for this.

Below are two articles I copied that stem from the time we were researching the impact of commercial cannabis grows. I hope you take the time to read them.

The enjoyment, health and safety of our lives in Sonoma County would be profoundly impacted by this thoughtless, industry driven ordinance. Cannabis is an industrial production with significant environmental, quality of life, health and safety consequences. It belongs in an industrial park or out in the middle of nowhere. It does not belong in our children's back yard, in our already depleted water tables and fragile ecosystem. Would you want it next to your home?

Sincerely,
Sandy Leonard
10412 Slattery Road

<http://registerguard.com/rg/opinion/36109717-78/living-near-marijuana-grow-can-be-unhealthy-experience.html.csp>

Living near marijuana grow can be unhealthy experience

By Richard Sedlock and Jerry Settlemeyer For The Register-Guard Nov. 3, 2017

Opinion

Home

Are the neighbors of large cannabis operations just collateral damage? Here's what it's like to live next to the industrial-scale marijuana operation on Cedar Park Road, our mostly residential street just outside Cottage Grove.

Classified by the state as an “agricultural” crop, cannabis can be grown and processed in Lane County on lots surrounded by rural residential properties — with many undesirable but not really unexpected effects. Our neighborhood's core concern is not the legalization of recreational marijuana, but rather the permitted size and proximity to residential neighborhoods of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge (six to 10 times) increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks on this once-safe dead-end street. The facility emits a constant rattle of commercial-scale diesel generators running all day, every day.

The stench: We have experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench prevented us from opening our windows and doors to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted

by the cannabis operations triggered severe headaches, asthma episodes and other respiratory problems in several households on our street. We are greatly concerned about the effects of such chemicals on infants and people with weakened immune systems — and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operations.

For months, the stench forced us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor projects) and play (patios, porches, outdoor dinners, swimming pools, etc.).

Water: Cannabis requires irrigation water. State law prohibits pumping groundwater for irrigating recreational marijuana unless the property has irrigation water rights. Nevertheless, groundwater gets pumped for large-scale marijuana irrigation without such water rights, drawing down the local water table and affecting water levels in surrounding wells.

Physical safety: Cannabis may be classified as an agricultural crop, but the security concerns attached to it produce a cartel-like atmosphere with drones, security cameras and armed guards with high-powered rifles with ranges of more than two miles. What the heck is this kind of facility doing in a residential area? Hundreds of people live within two miles of it.

Intimidation: In addition to these impacts, which are likely to be experienced by neighbors of any large-scale marijuana operation, our neighborhood has been subjected to intimidation, threatened violence, profanity and arrogant bullying.

Examples include sexual threats to young women; drone flights over neighbors, including children and an 80-year-old stroke victim mowing his lawn; frequent discharge of firearms, typically after a confrontation with a neighbor; neighbors stalked by employees with sidearms strapped to their waist; explosive outbursts of profanity; and verbal demands to get off of our own street.

While this may not be typical of large-scale marijuana operations, the current Wild West-like atmosphere of light state and local regulation and insufficient staffing in regulatory agencies invites exploitation by greedy opportunists.

Our neighborhood's cannabis presence has forced itself to the forefront of our everyday lives and introduced a persistent fear for our health, sanity and physical safety. Many neighbors are so distraught and intimidated that they are planning to move away, leaving behind invested time and resources, memories and plans, and their attachment to a place — to their homes — with the dimly perceived goal of somehow starting all over in a place like our street used to be.

Several actions could be taken at the county and state levels to limit the impacts of large-scale cannabis operations on adjacent neighborhoods.

Significantly reduce the permitted size of individual grows near residences.

Limit large-scale operations to sites distant from residences.

Significantly increase the required setback from property lines.

Reclassify cannabis as something other than an “agricultural” crop.

Enforce the water laws.

We believe that such measures could help protect residential neighborhoods from the impacts we've described, would minimize local water-supply issues arising from surreptitious pumping of groundwater, and would slow the influx of exploitative industrial-scale operations.

We know that other neighborhoods are experiencing impacts like those we have described here, and anyone living within a mile of a property zoned F1, F2, or EFU currently is at risk of doing so. If you wish to share your experiences or concerns, email us at the address below.

Richard Sedlock, a retired professor, and Jerry Settlemeyer, a retired educator and school board member, live on Cedar Park Road near Cottage Grove. They can be reached at cedarparkroad@gmail.com.

More [Guest Viewpoint](#) articles »

<http://projects.registerguard.com/rg/news/local/34040437-75/as-oregon-pot-grows-proliferate-so-do-complaints-about-plants-odor.html.csp>

Pot's pungent odor causing quite the stink

Lane County residents are complaining about the smell, but neither local nor state law can provide much recourse

Thursday, Feb. 25, 2016,

More Lane County residents are complaining that nearby commercial or private marijuana grows are fouling the air with their pungent smell.

But as Oregon's legal recreational marijuana program unfolds, and more growers set up operation, homeowners find they have little recourse against the stench emitted by pot plants.

Most recently, in a Jan. 26 meeting, members of the Lane Regional Air Protection Agency's Citizens Advisory Committee mulled over a complaint brought earlier to the agency by homeowner Judith Cain, who lives on rural property off Gimpl Hill Road west of Eugene.

In November, Cain gave an emotional speech to the air agency's board, saying her family was unable to escape the "toxic fumes" of a next-door neighbor's recreational and medical marijuana grow operation. Cain complained that the neighbor had three large pot greenhouses with fans venting the smelly air toward Cain's house.

Most marijuana plants emit a "skunky" undertone. The smell of cannabis plants is determined by chemicals called terpenes, shared by hops, and terpenoids, found in most living things. The combination of the two chemicals produces the pot plant's distinctive odor. Depending on the strain, the smell is more or less pungent. And the bigger the grow, the bigger the potential stink.

Cain, who has lived on her property for 30 years, said the growers moved in three years ago. Cain told LRAPA the smell gave her family headaches and triggered her husband's and

son's asthma.

Cain is not the only one who has complained to LRAPA — although if any of the complainants hope LRAPA will take action, they're misguided.

In 2015, four people in Lane County submitted complaints about marijuana plant odors to LRAPA, and as of Feb. 9, another individual stepped up with concerns, LRAPA spokeswoman Jo Niehaus said.

“Unfortunately we don't have any clear regulations thus far” for pot plant odors, Niehaus said. Niehaus acknowledged LRAPA has a rule against nuisance odors, but the agency interprets that pot-plant odors do not fall in that category, she said.

Under state law, up to four recreational pot plants can be grown on a single property at any one time; the state is currently taking applications from people who want to set up commercial recreational pot growing operations, which could entail hundreds of plants per site. Under Oregon's medical marijuana program, meanwhile, the number of plants at a site is determined by how many consumers the grower is cultivating for. The plants can number in the scores or more.

Lacking authority

Pot-plant odor complaints have swept across Colorado since pot legalization there in 2012. Many cities have been swamped with complaints, according to published reports. USA Today reported that in Denver, more than 30 percent of odor complaints are about pot.

In the Jan. 26 LRAPA advisory group meeting, LRAPA

Director Merlyn Hough asserted that the Oregon Liquor and Control Commission, which is in charge of rulemaking for Oregon's recreational marijuana rollout, would be considering rules on whether marijuana's smell could be deemed a nuisance.

But OLCC spokesman Mark Pettinger said that's not the case.

"We don't have anything in our temporary rules regulating marijuana odors," Pettinger said, adding it's unlikely that will change. "We don't have the enforcement authority," Pettinger said.

Not a health concern

The Oregon Department of Environmental Quality, meanwhile, has the authority to regulate odors from commercial marijuana grows, but DEQ senior policy analyst Tom Roick said his agency doesn't feel comfortable doing that, because the fumes aren't a health hazard.

"The odors can be a nuisance, but they're not a toxic or health concern," Roick said, adding the DEQ does not plan on regulating marijuana-specific odors. Residents have called the agency to complain about the smell of pot grows, Roick said.

The wording of Measure 91, the ballot measure which legalized recreational marijuana in Oregon, makes it tricky to regulate odors from marijuana grows. Section 59 of the measure allows cities and counties to regulate the nuisance aspects of marijuana establishments. But the measure also stipulates that in order to impose such rules, any city or county "makes specific findings that the establishment would cause adverse effects to occur." So the local government would have to

determine exactly what the adverse effects of pot-plant odors are.

Another avenue for unhappy residents could be through the courts.

Many commercial and private pot grows are in rural areas. Rural land zoned for exclusive farm use is protected under Oregon law from nuisance lawsuits over odors, dust or other similar emissions.

Eugene land use attorney Bill Kloos said homeowners, by living near such property, wouldn't have much of a legal leg to stand on if they complained about pot odors.

However, many rural properties — including those of Cain and her neighbor — are zoned rural residential, and such properties are not protected from lawsuits alleging odor nuisance.

Local ordinances

Many local governments have anti-nuisance ordinances, and these could be used to combat pot-grow odors, said Scott Winkels, an intergovernmental relations associate with the League of Oregon Cities.

Such ordinances are designed to ensure that “you can't interfere with your neighbor's quality of life,” Winkels said.

A local government would deal with a stinky marijuana grow as it would with any other nuisance complaint. But odors can be tricky. One person's odor may be another person's perfume. The local government would have to determine that the pot smell was a nuisance.

In Eugene, a section of the city code stipulates that “no person responsible shall cause or permit a nuisance on public or private property,” including “premises which are in such a state or condition as to cause an offensive odor.”

The Lane County code, meanwhile, does not appear to address odors as a nuisance, although it does address eyesores and health hazards such trash and junk cars.

Giving it some time

Lane County resident Randy Hledik, a member of LRAPA’s citizen advisory board and of the Lane County Planning Commission, says he doesn’t expect cities or counties to try to clamp down on marijuana plant odors.

Hledik said that when the Lane County Board of Commissioners, as part of the statewide rollout of legal pot, had the chance to put restrictions on marijuana grows, the county did not consider anything beyond the rules the state was setting in place.

“A couple months ago the county took the marijuana law and plugged state law into county land use ordinances,” Hledik said.

Hledik has heard from several local residents who are concerned about concentrated odors from pot grows.

“What has to happen to be fair about it is to go through a crop rotation, and see what the odors are like,” Hledik said.

Doing more to help

In the case of homeowner Cain, Lane County Commissioner

Jay Bozeivich — who is also an LRAPA board member — advocated on Cain’s behalf after she voiced concerns in November. He said he spoke with a sheriff’s deputy and a nuisance control officer. Bozeivich said he was notified by Cain that the neighbor eventually responded to the complaints by moving the greenhouses that were next to Cain’s home, and redirecting the vented odor.

Cain did not respond to a request for comment from The Register-Guard.

Bozeivich says more needs to be done to make sure the odors of pot grows don’t interfere with Lane County homeowners’ quality of living.

“This high impact and sometimes dangerous commercial activity needs to be limited in residential settings,” Bozeivich said, adding that he wants to limit how much recreational marijuana production and processing takes place on rural-residential-zoned properties.

Follow Junnelle on Twitter [@JunnelleH](#) . Email junnelle.hogen@registerguard.com .

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From: [Susan Stover](#)
To: [Pamela Davis](#)
Cc: [Greg Carr](#); [Cameron Mauritsen](#); [Larry Reed](#); [Gina Belforte](#); [PlanningAgency](#); [Cannabis](#); [district4](#); [David Rabbitt](#); [district5](#); [Susan Gorin](#); [Chris Coursey](#); [Tennis Wick](#)
Subject: Extend the public review on the cannabis industry
Date: Wednesday, March 17, 2021 8:25:10 PM

EXTERNAL

County Planning Commissioners,

My request is that you extend the time for public review on the cannabis industry. This is the most sensible opportunity to take on such a sensitive issue as commercial cannabis operations in the county.

There are many reasons. I feel that Sonoma County is in a give away to the cannabis industry over the rights of residents and to the detriment of the overall county. Is the county looking for a projected short-term economic windfall? With certainty, this will backfire on the county as individuals' property values are reduced and the cachet of Sonoma County cannabis becomes overshadowed by the expanding global supply. There is concern of deep pocket investors coming into Sonoma county buying large acreage for commercial cannabis operations, without concern for our resources and preservation of the county. As an example, family-owned wineries are now the exception in Sonoma County, with the majority of wineries owned by outside monied investors and corporations. Why would commercial cannabis operators differ from this model? What is their interest in preserving the resources and character of Sonoma County besides cashing in on the cachet of Sonoma grown cannabis?

Property set-backs need to be regulated for the benefit of residential property owners. No one wants a commercial cannabis operation next to their property line, within 300 feet of their house! There is the potential of security fencing, 24 hour lights and activity and bad odor. This is not compatible or appropriate to neighborhoods and will reduce property values.

We're experiencing global climate crisis and water in the county is scarce. Our properties with well-water as their only water source are already being asked to monitor their usage. What is the recourse for a land-owner if their well water is drained away (or contaminated) as a commercial cannabis operation moves into a residential neighborhood?

Allowing commercial cannabis operations on parcels on 10 acres opens up more than 65,000 acres, but you know that. A workable solution may be to Increase the parcel size to keep commercial cannabis operations out of neighborhoods.

Cannabis is a processed product and not an agricultural crop, so including it under the Right to Farm Act only serves the commercial operations and limits residents' rights to appeal its irregularities. It's laughable that commercial operations are moving into Sonoma County to grow cannabis as hemp, to make rope, at \$100,000 and more per acre land cost in Sonoma County.

We need sensible regulations in this county that benefit and preserve our rights. We're invested in the county as tax-payers, as voters, as long-time residents. We look to the planning commission and the Board of Supervisors to act on our behalf.

Sincerely,
Susan Stover

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From: [Joanna Cedar](#)
To: [PlanningAgency](#); [Greg Carr](#); [Larry Reed](#); [Gina Belforte](#); [Cameron Mauritson](#); [Pamela Davis](#)
Cc: [board](#); [Cannabis](#); [Tennis Wick](#); [Andrew Smith](#); [David Rabbitt](#); [Lynda Hopkins](#); [Chris Coursey](#); [Susan Gorin](#); [Susan Gorin](#); [James Gore](#); [district4](#); [McCall Miller](#); [Sita Kuteira](#)
Subject: Sonoma County Growers Alliance / Cannabis Ordinance Update Response
Date: Wednesday, March 17, 2021 8:16:04 PM
Attachments: [SCGA Ordinance Update Response.pdf](#)

EXTERNAL

Planning Commissioners and County Staff,

Attached, please find SCGA's response to the proposed ordinance updates.

Best regards,

Joanna

Joanna Cedar
Principal Consultant
The Cedar Group
joanna@cedargroup.org
(707) 953-5829

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March 17, 2021

Sonoma County Planning Commission
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CC: cannabis@sonoma-county.org
CC: Andrew Smith, andrew.smith@sonoma-county.org
CC: Christina Rivera, christina.rivera@sonoma-county.org

Re: Comments from Sonoma County Growers Alliance on Proposed Cannabis Policy Updates

Dear Honorable Planning Commissioners and County Staff,

The Sonoma County Growers Alliance (SCGA), a trade association representing local cannabis industry operators, favors the adoption of progressive cannabis and hemp policies that allow our essential industry to thrive by creating jobs and stimulating the economy. SCGA hereby submits the following comments in response to the proposed updates to Sonoma County's cannabis policies.

General Program Comments

1. We implore the Planning Commission and the Board of Supervisors to prioritize the hiring of a dedicated program administrator and institutionalizing a more formal process for community engagement, problem solving and communication than has been the case with the Board of Supervisors' Cannabis *ad hoc* committee.

Sonoma County Growers Alliance
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2. SCGA is thrilled that Sonoma County has been awarded \$75,000 for local equity programs. We look forward to working with the county government to determine the best use of these funds to right the wrongs of the past.
3. It is imperative that those legacy farmers who have been engaged in the county's process be prioritized. As a group, they have endured long delays, changing goal posts and financial uncertainty; many have been forced to drop out of the county's program. County government has, thus far, failed this group of constituents; it is time for county government to rectify the mistakes of the past. Chapter 38 should contain a method for people who have applied for or received a permit under Chapter 26 to transfer their application or permit over to the new pathway if they qualify. Consider adding the following language:
 - Section _____. *Transition to Chapter 38 Pathway.*
 - *An applicant who, as of the date of the adoption of this ordinance, has applied for a commercial cannabis cultivation permit under Chapter 26 and who would also qualify to submit an application pursuant to this Chapter 38 may request for their project to be reviewed under this Chapter instead (an "application track transition"). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern application track transitions, which shall include, at a minimum: (i) a description of the process and any required forms; (ii) a method for prioritizing application track transitions above new applications; and (iii) a waiver or reduction of the normal application fees to reflect the fees that have already been paid to process the original application.*
 - *A holder of a commercial cannabis cultivation permit under Chapter 26 who would also qualify for a permit under Chapter 38 shall, prior to renewal of their permit, have the option to continue with their Chapter 26 permit or to submit a request to transfer their project to be regulated according to Chapter 38 (a "compliance track transition"). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern compliance track transitions, which shall include, at a minimum: (i) a description of the process and any required forms and (ii) a method for allowing permitted operators to continue their operations while their request is considered.*
4. A clear distinction must be made between personal cultivation (for medical or adult use) and commercial cultivation. Personal cultivation involves growing cannabis for one's self or for someone whom one is a caregiver for, without selling it to anyone. Commercial cultivation

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involves growing cannabis that will be sold on the marketplace, be it the legal or illicit market. The county's enforcement practices suggest a misunderstanding of this concept by some staff members, resulting in some patients and adult users being penalized as though they are unlicensed commercial operators without any evidence of commercial activity.

Cannabis is Agriculture

SCGA is pleased to see this change to recognize cannabis as agriculture and begin the process to treat cannabis in the same manner as any other agricultural crop. Significant changes to international law will affect national and state laws in ways yet unknown; Sonoma County is wise to begin the alignment of hemp and cannabis policy; recognizing them as the same plant with the same environmental impacts. *In the terms of local land use decision making and environmental stewardship, cannabis is just hemp with a fence.* That being said, we request a clear explanation of the consequences of changing this definition in the General Plan but not the Zoning Code.

The language defining cannabis as agriculture needs to be consistent between the zoning code and the General Plan. SCGA asks that the county assure that that language recognizing cannabis as agriculture be sufficient to satisfy the requirements to be exempt from the class 4 road requirements in the Board of Forestry regulations.

We support allowing a cultivator to self-transport with the appropriate state license.

Participation in the Regulated System

It remains unclear how many projects may be eligible to be moved over to the ministerial process. It also remains unclear whether CEQA analyses within the confines of a ministerial process can be adequate support for an annual state license. (See CEQA section)

The removal of the one acre limitation per operator and allowing cultivation canopy of up to 10% of the parcel size, if regarded in isolation, should be a logical and appropriate step forward to aligning cannabis and hemp as agriculture and in preparation for the availability of Type 5 licenses in 2023. Yet, these policies allowing expansion for a limited few in the absence of a realistic pathway to a county permit for small cottage farmers and those currently abandoned in the use permit process and subjected to onerous restrictions and cost-prohibitive levels of discretionary review fails the legacy farming community and continues to decimate the robust cannabis community of small farmers that had been a vital part of Sonoma County's community and economy for decades. Enforcement without opportunity is

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a failed paradigm; these farmers need robust equity programs and small farmer protections in ALL rural zones.

The County must prioritize the farmers that have been stuck in the permitting process for YEARS whether they are eligible for ministerial processing through the Department of Ag, Weights and Measures or not. SCGA advocates for a clear and easy transition of eligible permits from Permit Sonoma to the Ag Department. (see proposed language in General Program Comments above) It is an ethical imperative. Unfortunately, adding Chapter 38 does nothing to solve the ongoing problems and delays processing Chapter 26 applications.

The best way to actually achieve the stated goal of SoCo's cannabis program of transitioning the cultivation community to the regulated market would be to return to the 2016 recommendations put forth by county staff, supported by the Mitigated Negative Declaration, and the Sonoma County Planning Commission. **These include a 5 acre minimum parcel size and opportunities for cottage permitting on RR and AR parcels.**

At the very least, Sonoma County should institute a variance process for RR and AR parcels, those LIA, LEA, RRD and DA parcels under 10 acres that otherwise meet the criteria for permitting and the grandfathering of past applicants who have been regulated out of participation. Time cannot negate the real effects of eradicating thousands of small businesses in Sonoma County through overregulation, bias and neglect but we can begin to rectify the mistakes in Chapter 26 now.

CEQA

We are concerned that a Chapter 38 cultivation permit from the Agriculture Department will not be sufficient to meet the CEQA conditions for an annual state cultivation license. Should mitigations be required to meet CEQA standards, an applicant could find themselves in a regulatory conundrum; unable to move forward with CDFA/DCC and unable to prove compliance with a ministerial permit. We are told that the Ag Department has reached agreement with CDFA and can help guide an applicant but CEQA is complicated and this process remains unproven. Layer in the regional water board and CDFW and the level of complexity rises exponentially. We implore the Sonoma County Planning Commission and subsequent bodies to communicate expeditiously, clearly, and thoroughly with applicants and openly with state agencies the intended pathway to best affect positive outcomes.

This may mean that in addition to adopting some of the changes that are suggested in the Chapter 26 updates and Chapter 38, that the county prepare to complete whatever processes are necessary to fully

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recognize cannabis as agriculture. This would include amending the General Plan, the Zoning Code, the cannabis ordinances and land use tables, and environmental support documentation.

Consolidation Consistency

- State cultivation licenses are issued by the Department of Food & Agriculture, not the Bureau of Cannabis Control. Soon, they will be issued by an entirely new agency, the Department of Cannabis Control. Therefore, the definition of “Licensed Premises” in Proposed Chapter 38 (§38.18.020) needs to be amended.
 - CURRENT: “Licensed Premises” means the structure or structures and land covered by an active commercial cannabis license issued by the State of California Bureau of Cannabis Control.
 - SUGGESTION: “Licensed Premises” means the structure or structures and land covered by an active commercial cannabis license issued by the Department of Food and Agriculture or other State agency with authority to issue commercial cannabis licenses.

Setbacks

- We support the revised measurement technique for sensitive use setbacks (from the parcel line of the sensitive use to the land use activity).
- Please align setbacks with state law at 600 ft. from sensitive receptors.
 - Business & Professions Code §26054(b): A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
- We do not support the addition of Class 1 Bikeways as a sensitive receptor. There are many existing and proposed Class 1 Bikeways in the county, including on major roads.¹ As far as we know, no other jurisdiction in the state considers bikeways to be a sensitive use. The county’s

¹ Bikeway map available at: [Bikeways Map](#) | [Bicycle and Pedestrian Plan](#) | [Long-Range Plans](#) | [Permit Sonoma](#)



requirements for cultivators, including its rules regarding sensitive receptors, are already much more stringent than state law.

- Please delete the language in Sec. 38.12.040. C to make it consistent with A.2 (measurement should be from the cultivated area to the property line of the sensitive receptor.)
 - A. 2. Sensitive uses. For a cultivation site with outdoor or hoop house cultivation, the **cultivated area must be set back a minimum of 1,000 feet from the property line of a parcel** with a school providing education to K-12 grades, a public park, Class I Bikeway, a day care center, or an alcohol or drug treatment facility.
 - C. For purposes of this chapter, **distance shall be measured from the nearest point of the property line of the parcel that contains the proposed or permitted commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement.** A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this chapter.
- A reduction in setbacks from parks, trails and bikeways should be allowed through a variance process or with a use permit which is currently the rule for applications under Chapter 26.

Land and Permit Management

- SCGA supports the 5 year permit length for permits issued under Chapter 38, which would be in line with the term of permits under Chapter 26. SCGA also supports eliminating the 5 year permit for CUPs so long as the operator is in good standing with the county and maintains state licensing thus allowing the permit to run with the land indefinitely.
- To avoid confusion, please clarify and align the definition of “ridge top” to be congruent with state law. The Board of Forestry defines “ridge line” but not “ridge top.”
- Allow farm stays to be regulated in Chapter 38.

Specific Items Related to Cultivation

- Please edit section 38.14.020(d) to reflect the elimination of the 25% cap regarding allowable propagation area for outdoor cultivation permits as outlined in the staff report. We trust the discrepancy is merely an oversight as this change would align the county regulations with those of the state.
- Align slope regulations with the state regulations.

Air Quality, Odor & Power

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- Odor mitigation should not be required for outdoor cultivation. Hemp is legal, it smells the same. It is impossible to keep smells out of open air. Agriculture produces odor from time to time.
- Generators should be allowed if an emergency exists on a property w/o waiting for it to be declared a county/state/federal disaster. There are countless examples of intermittent PG&E service that could have been existential if not for emergency power. Instead of creating draconian restrictions, develop a process for communication between the operator and the county regarding generator use.

Water

In principle, we advocate for water policies that are equal among all agricultural activities. Cannabis and hemp crops are akin to corn in terms of their water needs. If trucked water is allowed for vineyards it should be allowed for cannabis as well. Nonetheless, water is finite and proper consideration should be given to longer term solutions. Incentivize and subsidize water catchment systems, give the agricultural community an opportunity to adapt and then transition over a tiered timeline. Ideally, we'd develop the infrastructure for wastewater recycling for agricultural use with water storage sites and electric water delivery trucks in any Ag prevalent areas. Duplicative reporting requirements are unnecessary. Water use for cannabis cultivation is already measured and reported to the Water Board. We reject the 500 ft setback from a blue line stream to a well. Please align with the state water board regulations.

Issues that Require More Amendment to Chapter 26

Align with state law and allow more license types in both agricultural and industrial zoning classifications.

- Allow distribution in Ag zones with an MUP.
- Allow on-farm light manufacturing with a MUP.
- Develop regulations that allow for Type-7 manufacturing with a CUP.
- Allow delivery-only retail with a MUP.
- Allow consumption lounges with a MUP.
- Allow uses that currently require a CUP to obtain a MUP instead if processed by Permit Sonoma.
- Allow farm stands and direct-to-consumer sales on a property where a cannabis permit has been issued provided that the applicable state licenses have been obtained.

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- Develop trigger language that will allow issuance of a permit or other authorization for cannabis direct to consumer sales so one can submit a state license application once the state develops regulatory language for their licensure.

The Sonoma County cannabis program holds great promise for diversified agriculture and economic growth. As SCGA remains committed to advocacy, education and environmental stewardship, members of our board are available for discussion. We thank the Planning Commission and county administrative staff, Permit Sonoma staff and the Ag department for their hard work developing Chapter 38 and changes to Chapter 26. We look forward to robust discussion, responsible decision making and creative solutions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joanna Cedar".

Joanna Cedar

On behalf of the Sonoma County Growers Alliance Board of Directors

From: [Tamara Boulton](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Cannabis ordinance hearing before Planning Commission 3/18/2021
Date: Wednesday, March 17, 2021 6:01:50 PM

EXTERNAL

Dear Commissioners,

I admittedly have not read the entire ordinance and supplemental information re: the proposed cannabis ordinance. However I have reviewed quite a bit of it and have the following comments which I hope you will consider.

In general, besides the legitimate concerns of smell/odor, water draw down, light pollution, traffic, neighborhood compatibility, insufficient minimum setback requirements, health and safety, events and more, the county needs to be concerned about the tremendous visual impact potential of large or many multiple grows on our historically protected scenic quality. The General Plan as well as numerous Specific/Area Plans have long noted that the scenic quality of our area landscapes, etc. is to be protected. This is another, and a very important, area which stands to be threatened and greatly impacted by the allowances for the cultivation of cannabis under the proposed ordinance you are studying on March 18, 2021. Once lost, this important attribute of Sonoma County can never be regained.

I am also concerned about removing the process from the Planning Department to the Agriculture Department and foregoing the neighborhood input process that has served the county and public well over the years. This newly allowed industry needs to be carefully and thoroughly handled. It is unlike other agricultural enterprises in its scope, impacts and liabilities. To hand it over to an "over the counter" process without due diligence and public input would be, in my opinion, a mistake and a violation of the county's responsibility to the public and county residents/landowners. It does not appear that the Agricultural Department has the expanded capability, understanding of General Plan scope, or personnel versed in the content and context of multiple planning resources to oversee, implement and enforce fairly this proposal.

It is also my understanding that there were several important issues which have been omitted from this proposal.

I find it hard to understand why Sonoma County would want to encourage large scale production here when other counties such as Napa have determined that (via members of their Board of Supervisors) their world class wines work well without interference (from cannabis) while an owner of several wineries said that they had wineries in other places that allowed for cannabis cultivation and it has not been a good experience.

Thank you for the opportunity to provide input.

Sincerely,

Tamara Boulton

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From: [Anthony Sadoti](#)
To: [Pamela Davis](#)
Cc: [Greg Carr](#); [Cameron Mauritsen](#); [Larry Reed](#); [Gina Belforte](#); [PlanningAgency](#); [Cannabis](#); [district4](#); [David Rabbitt](#); [district5](#); [Susan Gorin](#); [Chris Coursey](#); [Tennis Wick](#)
Subject: Extend the public review on the cannabis industry
Date: Wednesday, March 17, 2021 7:49:20 PM

EXTERNAL

County Planning Commissioners,

As a citizen of this county for 37 years, my main concern and opposition to large scale commercial cannabis operations is the excessive draw on the water table as our climate becomes drier. Which will add to the possible contamination of our water resources.

Another concern is the influence of outside monied interests and roaming investors who are attracted to this industry. These types of investors are by their nature interested mainly in the bottom line and not in the future or character of our beautiful county and its resources. If the wine industry is an example, we have seen larger and larger consolidation of what was once family-owned businesses. The investors of commercial cannabis operations are not our local mom and pop farmers. This is certain to affect our politics on a host of issues and I fear not in a positive way.

At the least, the planning commission must extend the review period for public comment and input and consider long-term how this will affect Sonoma County.

Sincerely,
Tony Sadoti

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From: [Viviane](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance - Chapter 38
Date: Wednesday, March 17, 2021 1:15:57 PM

EXTERNAL

To the planning commission and to all the members of the Board of Supervisors,

Do you know what it's like to live near an outdoor cannabis farm? Unfortunately for us, my family and our neighbors do.

There is an illegal outdoor cannabis farm in our neighborhood. PRMD finally fined them in January (please refer to PRMD Case #VMC20-1119). The inspector determined that it was a medium-size operation with approximately 80 in-ground plants on less than an acre. From July 2020 through November 2020, the smell coming from this operation was overwhelming and constant. We live down-wind from that property. Our house is about 600 feet from their property line, and even with that distance the smell was so strong that we could not open any doors or windows for months; and had to have a HEPA filter running full-time so the odors would not permeate inside our home. I had to wear a mask if I wanted to work in my garden. If I did not, I would feel sick and nauseous by the end of the day. Our neighbor to the north of us, whose house is at least 1,000 ft from this illegal cannabis growth, suffered from the horrid odors too.

If this ordinance passes and the operation decides to go legal, they would be allowed to grow far more than 80 plants. This is simply unacceptable!

We live in a typical West County neighborhood, with a mixture of residential (RR) and diverse agricultural (DA) lots. We have about 16 properties on our street and 4 of those are above 10 acres. If all 4 of those properties decide to grow cannabis, life as we know it would end for us all.

I understand that the ordinance stipulates that for all outdoor operations, there will be no odors outside the property line. The problem is: this will be impossible to achieve! We know that well. In our case, the wind patterns alone will guarantee to carry the odor all the way to our house.

We, your constituents, have elected you to look after our interests. Therefore, it is your responsibility to make sure that the quality of life and the property values of our residences are not completely destroyed by allowing the cannabis industry to operate in mixed (RR and DA) residential neighborhoods.

Aside from the horrid odors there are many other issues the cannabis industry would bring to our neighborhoods:

- Loss of property values
- Security issues
- Excessive wear-and-tear on our private roads (many of them single-lane gravel roads)
- Excessive water usage

At the very least, you should consider making all cannabis production indoors and increase the lot size from 10 acres to 20 acres or more. But my wish is for you to say "no" to the cannabis industry. That industry does not belong in West County.

You should not sell your constituents to an industry that would drastically change the life we all cherish.

Respectfully,

Viviane Bauquet Farre

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From: [Wendy Lipske](#)
To: [Cannabis](#)
Cc: [district5](#)
Subject: Against Ministerial Treatment of Cannabis and AGAINST Right-to-Farm Treatment of Cannabis
Date: Wednesday, March 17, 2021 10:20:56 PM

EXTERNAL

Dear Sonoma County,

1. I strongly object to Sonoma County making commercial cannabis application mostly ministerial.
2. I also strongly object to Sonoma County considering cannabis as a crop (within the meaning of agriculture) and subject to right-to-farm law when it is a product with such unusual impacts. This is not enough to address impacts and violates State law. (In addition, I demand a 1,000 feet setback to my and other property lines, regardless of zoning and would actually prefer 3,000 feet due to the objectionable odor of cannabis and hemp.)

It is wrong for the County to try to satisfy CEQA requirements without environmental study or Negative Study.

We in Sonoma County are already facing water shortages and groundwater shortage in wells due to climate change and vineyards. Cannabis can use 6 times more than grapes and ministerial application for that can not be condoned.

In addition, cannabis and hemp produce strongly objectionable odors.

Lastly, the potential noise impact of grow house and hoop house fans and other sources is of great concern.

I demand a use permit process to reduce impacts of cannabis cultivation so we can all live in harmony. Permit authority belongs with the County Planning Department at Permit Sonoma and NOT at the Agricultural Commissioner's Office.

Cease all consideration of cannabis as an agricultural crop like apples or grapes. Security alone removes it from that consideration, let alone odor, noise and artificial lights.

Let Sonoma County stop being the example of what can go wrong!

Sincerely,
Wendy Lipske
Sebastopol, California (55 Year Sonoma County Resident
Cc: Lynda Hopkins - Sonoma County District 5 Supervisor

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From: [SaintPineapple](#)
To: [Cannabis](#)
Cc: [Shane](#)
Subject: Cannabis Ordinance Vote
Date: Wednesday, March 17, 2021 3:31:37 PM

EXTERNAL

My name is Zachary Good and I am a cannabis employee who lives in Sonoma County. I count on the industry for my livelihood and am proud of the work I do. I am writing to ask you to support the staff recommendations to streamline the permitting process for cannabis businesses. This industry is important to employees and the county. One day, it may be as significant to our economy as grapes and wineries are today.

My employer provides good local jobs that pay more than other agricultural work. My co-workers and I are fortunate to be on the ground level of this field. We expect continued growth and opportunities that might not otherwise be available to farmworkers. I also know that the company generates a lot of cannabis tax revenue for the state and county. Streamlining the permitting process will remove a considerable hurdle for my company and the local industry. The economic benefits will be good for everyone.

Please recommend that the Board of Supervisors adopt the changes to the cannabis ordinance so that this industry can reach its full potential in our community.

Thank you,

Zachary Good

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From: [Scott Orr](#)
To: [Cannabis](#)
Subject: FW: Cannabis comment
Date: Thursday, March 18, 2021 8:07:26 AM

From: Susan Gorin <Susan.Gorin@sonoma-county.org>
Sent: Wednesday, March 17, 2021 9:57 PM
To: Chris Galapp <eyeart@chrisgalapp.com>
Cc: Scott Orr <Scott.Orr@sonoma-county.org>; Marcie Woychik <Marcie.Woychik@sonoma-county.org>
Subject: Re: Cannabis comment

Thank you Chris. I appreciate hearing from you.

Susan Gorin

1st District Supervisor
County of Sonoma

*Be #SonomaSmart – Wash hands, wear masks, keep the distance.
It's all about community.*

575 Administration Drive, Room 100A
Santa Rosa, CA 95403
www.sonoma-county.org
susan.gorin@sonoma-county.org
Direct 707-565-2982
Cell 707-321-2788

On Mar 17, 2021, at 7:14 PM, Chris Galapp <eyeart@chrisgalapp.com> wrote:



I urge the Sonoma County Board of Supervisors to put the brakes on the Cannabis Ordinance. Please read my attached letter to the Planning Commissioners.

In addition to what I have stated in my letter, you must recall that there are in-place regulations in place that must be adhered to. The **California Environmental Quality Act** and **Bennett Valley Area Plan** are both longstanding regulatory statutes that require Environmental Impact Reports and normal land-use planning a case-by case basis before such enterprises can be entered into.

Do not ram this ordinance through. I know you have a lot of pressure from the cannabis farmers and the processors, and that they continually insist that there is no difference between grape growing and pot farming, but there certainly is, and it is not the wholesome agricultural pursuit the proponents claim it is.

Please adhere to the CEQA regulations, and go through proper well-established legal channels.

Respectfully submitted,

Chris Galapp and Family
Bennett Valley

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<March 10 2021 letter to Planning Commission.docx>

From: [Scott Orr](#)
To: [PlanningAgency; Cannabis](#)
Subject: FW: Setbacks in Cannabis Ordinance of at least 1000"
Date: Thursday, March 18, 2021 8:04:30 AM

From: Chris Stover & Lorraine Bazan <trilby@att.net>
Sent: Wednesday, March 17, 2021 4:45 PM
To: Greg Carr; Larry Reed; Gina Belforte; Cameron Mauritson; Pamela Davis
Subject: Setbacks in Cannabis Ordinance of at least 1000'

EXTERNAL

Dear Planning Commission members,

We are highly concerned that the current cannabis ordinance must have adequate setbacks and not some minimum amount that is detrimental to neighborhoods and schools. It is essential that there are setbacks to property lines of 1000' for residents, schools, and parks. Odors and security concerns can seriously impact quality of life and cause a decline in property values. This is unacceptable and should not be allowed to happen through inadequate county regulations.

While the cannabis industry wants minimal and lax setbacks that make it easy and convenient for it to operate, it is your responsibility as planning commissioners to insure that the ordinance has adequate protection for citizens. This means at least a 1000' setback to the property line.

Sincerely,

Chris Stover
Lorraine Bazan
1357 Ferguson Road
Sebastopol, CA 95472

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From: [Bob Burns](#)
To: [Cannabis](#)
Subject: Commercial Cannabis Cultivation
Date: Thursday, March 18, 2021 8:00:29 AM

EXTERNAL

Board of Supervisors,

I am writing to express my opinion that this will not be good for Sonoma County! Sixty five thousand acres is more than Sonoma County has in vineyards. Too many acres for obvious reasons.

My husband and I are asking you to represent our interests and vote against this ordinance.

Dawn and Bob Burns

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From: [Geoff Leonard](#)
To: [Cannabis](#)
Subject: Proposed Cannabis Ordinance
Date: Thursday, March 18, 2021 9:25:14 AM

EXTERNAL

I am a resident of Glen Ellen and I oppose the proposed cannabis ordinance for the reasons outlined by VOTMA.

Regards,

Geoff Leonard

Sent from my iPad

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From: [Teri Shore](#)
To: [Cannabis](#)
Subject: Re: Cannabis Ordinance - PC Public Hearing - March 18 - No Grows in CS, EIR needed
Date: Thursday, March 18, 2021 9:17:04 AM
Attachments: [image001.png](#)

EXTERNAL

Hi McCall,

Thank you, must have missed it in the thousands of pages!

Teri

On Thu, Mar 18, 2021 at 7:07 AM Cannabis <Cannabis@sonoma-county.org> wrote:

Good morning Teri,

Thank you for following up. Your email dated 3/16/2021 is included in Attachment F Addendum 2, page 42.

McCall Miller

Sonoma County Cannabis Program

County Administrator's Office

Cannabis@sonoma-county.org

From: Teri Shore <tshore@greenbelt.org>

Sent: Wednesday, March 17, 2021 5:06 PM

To: PlanningAgency <PlanningAgency@sonoma-county.org>; Cannabis <Cannabis@sonoma-county.org>

Subject: Fwd: Cannabis Ordinance - PC Public Hearing - March 18 - No Grows in CS, EIR needed

Resubmitting as I don't see my comments in the public comment letters posted for tomorrow's meeting. Or maybe I just couldn't find them.

----- Forwarded message -----

From: **Teri Shore** <tshore@greenbelt.org>

Date: Tue, Mar 16, 2021 at 11:32 AM

Subject: Cannabis Ordinance - PC Public Hearing - March 18 - No Grows in CS, EIR needed

To: <PlanningAgency@sonoma-county.org>, <cannabis@sonoma-county.org>, <SonomaAg@sonoma-county.org>



March 16, 2021

Sonoma County Planning Commission

c/o Permit Sonoma

2550 Ventura Avenue

Santa Rosa, CA 95403-2859

VIA Email _____

RE: Cannabis Ordinance Amendments, General Plan Amendment and Mitigated Neg Dec ORD20-0005 - Disallow Cannabis Grows in Community Separators to be consistent with General Plan and Measure K; Require full EIR

Dear Sonoma County Planning Commission and Permit Sonoma,

Greenbelt Alliance urges the Planning Commission and Permit Sonoma to revise the proposed amendments to the Cannabis Ordinance and General Plan to specifically *disallow* cannabis grows in community separators, and/or to conduct a full environmental impact report to analyze and mitigate the impacts to voter-protected community separator lands and across the county. The 53,000 acres of lands designated in community separators are protected in General Plan policies and by the 83 percent of voters who supported Measure K from intensification of development without a vote of the people.

Cannabis grows in community separators were never considered, mentioned, or analyzed in the countywide General Plan, its Environmental Report (draft version 2006, FEIR not on record) or in Measure K. The Mitigated Negative Declaration does not analyze the impacts to community separators or even mention them. Changing the status of cannabis to an agricultural crop, rather than a product, with ministerial permits would open up community separators to a totally new, more intensive use of the lands and without any public notice, review or input.

Of significant concern is that community separators are the closest county lands to cities and towns and therefore neighborhoods, by design, to protect rural character and hold back sprawl. This elevates the potential negative environmental impacts to people living next to community separators compared to other lands. For example, the Buzzard's Gulch property next to the Cloverleaf Ranch for youth is RRD and located inside the Windsor-Larkfield-Santa Rosa Community Separator. In addition to a youth camp, the neighbors include a senior living center and a cancer treatment facility. The proposed ordinance would potentially allow a grow there with a ministerial permit and zero public notice. Voters vehemently objected to a proposed development there in 2020.

Most community separator lands are designated Resource and Rural Development or one of the various agricultural land use designations (LIA, LEA, DA, etc.). Existing agriculture uses were considered generally consistent with the purpose of community separators. However, cannabis grows are significantly different and a more intense use of the land given the typical use and need for permanent greenhouses, hoop houses with artificial lighting capability, 8' solid security fencing, night and other lighting, structures with an industrial appearance, events, and potentially armed security around the clock.

Given these realities, Greenbelt Alliance urges the Planning Commission to disallow cannabis grows in community separator lands. We also urge you to require a full Environmental Impact Report to consider the negative environmental impacts of cannabis grows in community separators and lands across the county before moving forward on the Cannabis Ordinance and General Plan amendments.

Please refer to detailed letters from Sonia E. Taylor and Preserve Rural Sonoma County that provide additional comments and rationale for requiring a full EIR under CEQA. Greenbelt Alliance supports their comments and proposed actions.

Sincerely yours,

A handwritten signature in cursive script that reads "Teri Shore".

Teri Shore, Advocacy Director

tshore@greenbelt.org, 707 934 7081

cc: Sonoma County Board of Supervisors

--

Teri Shore

Advocacy Director

Greenbelt Alliance

1 (707) 934-7081 cell | tshore@greenbelt.org

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--

Teri Shore

Advocacy Director

Greenbelt Alliance

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Teri Shore
Advocacy Director

Greenbelt Alliance

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: cannabis ordinance opposition stinks of hypocrisy
Date: Thursday, March 18, 2021 9:19:15 AM

From: henry ford <henryfordlutherburbank@yahoo.com>
Sent: March 17, 2021 9:50 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: cannabis ordinance opposition stinks of hypocrisy

EXTERNAL

PUBLIC COMMENT:

to whom it may concern, Ag Dept, PRMD, BOS

Thanks for taking on this process. We appreciate you standing up for sonoma county family farmers. The minority is extremely vocal and aggressive. But, the local county farmers are in the vast majority who support cannabis and support local cannabis farmers. Since starting the transition to a licensed industry almost all the legacy and heritage cannabis farmers have been driven out of business and out of the county where they once flourished and contributed to the vibrant culture of the county and the local economy. The local cannabis farmers have endured the vocal minority and the rocky transition through PRMD long enough. we need to be able to use our land to farm to feed our families. we need to be able to plan our businesses without a vocal minority bullying and threatening us all the time. we need to be treated with compassion for what we have already endured. we need to be treated fairly like any other county farmer. please remove the platform for hateful spiteful neighbors to make up every reason in the book to hold back the cannabis industry. they will not compromise. they only want to bully their neighbors.

property value has been on a rocket to the sun since 2016 when the county started allowing cannabis farming, manufacturing, and dispensaries. any minority opinion cannabis hater who says that cannabis is harming property values has shown themselves as illogical. they will never be satisfied. I read that someone couldn't sell their house in Santa Barbara for two years. In this housing market I have a very hard time believing that for one moment. my gut would call that an outright lie. cannabis haters make up facts and stories as scare tactics. This is what a bully does to manipulate people to get their way.

i have read the public comments and emails that are on the record and i saw that kim roberts-gutzman sent a number of emails talking about the intolerable smell of cannabis. she moved into our neighborhood and dumps her horse crap (sorry) in her back yard mixed will fill to do an unpermitted land fill. it smells like the worse horse crap (sorry again) ever and there is now a horsefly infestation in the neighborhood. these aggressive horseflies havent ever been on my property before they moved in and started dumping horse crap in their back yard. its is utterly ironic and ridiculous that kim roberts-gutzman say anything about an undesirebale smell. her property stinks with horse and donkey crap piles land fill litterally all over her back yard. she

moved to the property approximately 2 years ago and thinks she owns the place. she is a cannabis hater and just wants to bully her neighbors. this is typical of the very vocal minority on this issue. by the way if i am not mistaken kim roberts-gutzman's family are the local family that own and operate Kringle's Corner and Punky's Pumpkin Patch on the 101 next to the luther burbank center. i know i will be Cancelling Kringle's Corner and my family will spread the word how much these sonoma county business people are against the local sonoma county cannabis farmer. ms roberts-gutzman is a hypocrit and if you are around her property all you will smell is crap. she could never smell cannabis. using lies to manipulate and bully is what cannabis haters do. we are all good to remember that they are a very vocal MINORITY. people like ms roberts-gutzman should not be allowed to harm sonoma county cannabis farmers anymore. please stand up for us and recognize that these dishonest hateful manipulators should not be given a platform anymore.

There are always winners and losers. The law should not cater to the vocal minority when that penalizes licensed farmers and families trying to farm and live their lives. the county should stick to the closest interpretation of the state law for cannabis. the county should treat cannabis like any other agriculture crop like it always has been. This is the only fair way to treat this issue. you must minimize the minority influence in this process to be fair to the majority.

local farms and landowners have rights to farm without being tormented by hateful bullies and enforcement officers that treat cannabis farmers like hardened criminals.

Johnathon Silva is an ex-cop and an enforcement agent for the CDFA cannabis enforcement office. go ahead and do a google search of Mr. Silva and you will see videos of him beating the crap out of an old man with a heart condition and brutally beating a man in a library who wouldn't answer his question in an acceptable way. There are two videos of this "gentleman" totally flipping out and violently beating two helpless men. Why is it that an ex-cop with a record like this is doing enforcement for cannabis in Sonoma county? do our local officials have the ability to ensure our family's safety when people like this are given the right to do zero-day raids at 8am that they call inspections. are the local cannabis farmers agriculture farmers or are we hardened criminals who should live in fear of however many "inspections" these agencies demand. we should be treated with compassion and like human beings. why do we give up our rights to privacy and safety when we choose to be a licensed cannabis farmer? we contribute and help the community in many ways. we do not deserve to be treated like this. did you watch the Jonathan Silva videos yet? The locals didn't want him on their police force but now local sonoma county family farms must let this guy on their properties. be careful to answer his questions the right way.

the only reason the cannabis haters are going for a 20 acre parcel minimum is that they want all cannabis farms to be ineligible and that is their first step. this started at less than 5 acres and some heritage farmers like Jamie Ballacino started PRP at that time. it is unfair to him and many others that the parcel minimum was raised to 10 acres. that was wrong. it absolutely should NOT be done again. people have planned their futures from the 10 acre minimum and changing that would crush most of the remaining legacy farmers in the county. parcel size shouldnt matter for indoors. and for outdoor the restrictions are already too damaging.

for outdoor farming 300 feet from a house is unfair for cannabis farmers. that is treating cannabis unfairly and giving bully neighbors (who are in the minority) too much. anyone who says they want 500 feet will want 1000 feet next. they will never be happy. please stand up to these bullies for the local family cannabis farmers. legally this setback should be the same as

any other crop. anything more restrictive is unfair to owners of agriculture land and cannabis farmers.

smell. it is a personal opinion and should be able to be used by these bullies in the minority opinion about cannabis. i don't like the smell of horse crap. Does anyone care? some don't like the smell of all kinds of things. The law and the policy should not give any thought to the smell of what a farmer grows. that is his business on his land. God gives him the right to farm and feed his family.

The county seal says "agriculture, industry, recreation". This county has a great opportunity to take the restraints away from the cannabis industry and allow them to bring this county back to what it used to be. the wine industry is fading or at least passed its recent prime. cannabis is the next generations' wine. the culture should be embraced. please try to save the endangered sonoma county heritage "OG" farmers. There were some great pioneers and beautiful families that were crushed by allowing the vocal minority to have their way for so long. it's time to understand that nothing will ever satisfy them. Sonoma county should not allow a vocal minority disrupt the legal and licensed cannabis agriculture, industry and tourism.

I agree with most of the proposed changes and enjoyed the process of the webinars and moderators. they were very professional and provided for a great chance to air things out a bit. The SOS and other anti-cannabis (this is the MINORITY viewpoint) used scare tactics and dishonesty to achieve their selfish goals to impose their viewpoint on everyone else or make them suffer. we need to agree to disagree and let these people think whatever they want. but we should not let these bullies reverse the laws and harm the quiet majority of Sonoma county residents who are pro-cannabis.

hoop houses should not be limited to 180 days. that is a huge waste of labor, time, money, energy, and other valuable resources. The fire permit should be edited to allow for year-round hoops houses. or there should be some help from the ag dept to allow for this. hoop houses hide the crop from neighbors and mitigate any potential odor problem if you really must talk about smells (how ridiculous for a farmer to deal with this issue). hoop houses preserve water so this should make the cannabis haters happy but you will find that they really don't care at all about water use. they only want to bully their neighbors. hoops should be able to have permitted electric for fans and other needs. This would maximize the taxable canopy by minimizing mold. Hoops should be able to use electricity for artificial light as long as they are tarped and there is no light leak.

the state law defines outdoor cultivation as "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." did you see that second sentence? it was omitted from the county definition of outdoor cultivation under the current ordinance 6245. This sentence must be included in the county definition if the county is trying to be consistent with state law. outdoor cultivators need to have a defined immature plant area where they may use artificial light to keep their immature plants from flowering in a non canopy area. to restrict outdoor farmers from this is keeping them from their rights to farm outdoor cannabis as the state law defines. This light is what farmers need to prepare immature plants for their crops. Why was the second sentence of the state definition removed? was it to satisfy someone in the minority opinion who was very very vocal? This is harming local outdoor farmers and should be corrected. farmers can propagate and use artificial light to keep plants from flowering. it is totally unreasonable to not understand this.

light will never need to be seen by any bully neighbors because farmers will gladly use blackout tarps to prevent any possible light leak if given the freedom to farm as the state law intended.

i may have missed this in the proposed changes but i would like to recommend an adjustment to the agricultural housing rights of agriculture zoned parcels above 10 acres. there are housing rights such as "caretaker unit", "seasonal farmworker housing", "temporary farmworker camps", and "year-round and extended seasonal farmworker housing". These rights should be allowed for cannabis farms as well. There are criteria that explain the requirements for different types of farms. cannabis should be fairly added to this list.

cannabis tourism is going to be a big thing here. it's the combination of the beautiful county, the cannabis, the food, the arts, and the wine. We need to allow this generation of hard working farmers to do what they will to make this county flourish and thrive into the future.

jamie ballacino has been working to get through this crazy industry transition for a long time. he has been through a lot. and he has trusted the county to help him and his farm. i hope that the county thinks about permitting jamie once and for all. there are so many like jamie who didn't make it this long. they are gone and no one will ever know their story. did anyone think that legalization would extinct the heritage growers like jamie and myself? was that what we voted for? once we are all gone the culture will never be the same in many parts of the county. trying to satisfy neighbors who feel the need to impose their beliefs on everyone else for one reason or another is not the answer. those people aren't going to help this county's economy and culture. they don't speak for sonoma county residents. ever poll and every vote show massive support for cannabis. why does the county keep allowing these folks to bully everyone else?

the proposed changes are a good step in the right direction. ignore the haters. stand up for hard working family farmers and the average sonoma county citizens.

don't forget to CANCEL KRINGLE'S CORNER and PUNKY'S PUMPKIN PATCH because kim roberts-gutzman is working against the local sonoma county farmers.

thanks for your consideration,
Hank Ford

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From: [Sam De La Paz](#)
To: [Greg Carr](#); [Caitlin Cornwall](#); [Larry Reed](#); [Scott Orr](#); [Todd Tamura](#); [Gina Belforte](#); [Cameron Mauritson](#); [Pamela Davis](#)
Cc: [BOS](#); [Cannabis](#)
Subject: Draft Ordinance Response
Date: Thursday, March 18, 2021 12:15:35 AM
Attachments: [Hessel Farmers Grange - Ordinance Memo.pdf](#)

EXTERNAL

Dear Sonoma County Staff,

Please see our draft ordinance response attached.

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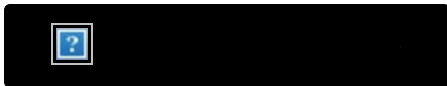


Sam De La Paz Vice President, Hessel Farmers Grange

707.827.3045 | 707.354.3884 | VP@hesselfarmersgrange.com

5400 Blank Rd
Sebastopol Ca, 95472

www.hesselfarmersgrange.com



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Hessel Farmers Grangers
5400 Blank Rd
Sebastopol, Ca
95472

March 17th, 2021

Dear County Staff,

We are writing to you on behalf of our 75 member Hessel Farmers Grange. We are a collective voice of legacy (pre-existing to 2017) small Cannabis & Hemp farmers in Sonoma County. Most of the applicants in the "Priority-Permit" process are our members. Please unshackle our farmers. The Cannabis permit process, which has drawn out far too long and has been way too cost-prohibitive. Has been structured such that many legacy farmers could not enter and many will not survive if things do not drastically change. We sincerely encourage you to make the process easier for farmers going forward, so that we can keep a vibrant agricultural sector in Sonoma County. This ordinance was written without the input of Cannabis Industry stakeholders. As stakeholders with an understanding of this agricultural farming industry, we are here to help you save time and resources in the development of these ordinances.

We hope this finds you healthy and safe. We appreciate your attention to the below amendments to the Sonoma County Cannabis Ordinance Draft.

You released a draft copy of the zoning regulations and an amendment of the general plan, but they contradict each other.

- In the zoning regulations under the definition of "crop production" please remove "except cannabis" to match the General Plan amendment.
- We support and appreciate the change in the General Plan to classify cannabis as agriculture.

After reviewing the Chapter 38 draft ordinance, I have the following comments:

- 1. Please align the Sonoma Cannabis Ordinance where applicable to state laws.**

2. **As state laws continue to evolve, the Sonoma County ordinance should change with it.**
3. **Please clarify that the new ordinance removes the sqft. cap on nurseries**
4. **Please create an advisory committee** for cannabis or agriculture in general. There must be more transparency between county staff and the industry.
5. **Please create a pipeline for the original applicants that have been stuck in line at PRMD. Give priority to them without additional fees. They were supposed to have a head start and get priority processing, but are stuck in queue. Now you are allowing 10% canopy without getting them permits first.**
6. **We support 5-year permits and the allowance of ministerial permits in LIA and RRD.**
7. **We would like to see RR and AR added back**, as a right to farm in Sonoma County. (Small farming is essential in our agricultural county.)
8. **Please release the site-specific environmental documents that will be used to satisfy CEQA at the state level.**
9. **The state already has strict enough restrictions for water use.** Please remove the new water restrictions you have added and treat us like other agriculture commodities.
10. **Please don't put caps on propagation.** If it is used on-site, it should not be limited by square footage. Plants grow very quickly and must be held until they are used. We have strain banks and Mother Stock that must be kept alive. This requires extra space.
11. **Regarding the language around forests in 2016, please allow an exception for areas deforested via wildfires.** These areas no longer have living trees on them and should not be disqualified.
12. **Please link interactive maps for the "Important Farmlands" and "Critical Watersheds"** so those areas are known and easily referenced in the Sonoma County Code.
13. **Please remove the requirements for plant screening of Cannabis farms.** (Other crops are not subjected to this) They draw attention to the fact that there is a cannabis farm behind a fence as opposed to a horse or dog, they cost extra money, and they use extra water.
14. **Please remove the requirement of carbon/air filters for indoor, greenhouse and nurseries on ag and resource properties.** These smells are already mitigated by large parcel sizes. Also, many if not all of these properties will be eligible for outdoor growing making the filters a moot point. They are expensive and a waste of carbon and energy resources. Lastly, hemp is now allowed and also smells the same as cannabis, because they are essentially the exact same plant.
15. **Please remove the requirement for an emergency to be government declared** (Example: There may be a power outage on a single parcel that will still create an emergency for that farmer. They must be able to pump water or turn on lights to save their crop.)
16. **Please treat us like other ag and don't threaten us with misdemeanors.**
17. **Don't give "Stop Work" orders unless there is due process.** This may allow a whole year's worth of crop to be lost over a misunderstanding. This should only occur during the most serious offense and after arbitration.
18. **We should be allowed to truck in recycled water to reduce pressure on groundwater.** It should actually be encouraged.

19. Water catchment systems should also be incentivized.

20. Please remove the plant count (25 Plants) for cottage outdoor permits. - Align with the state which has removed the plant count.

21. How will the county deal with the Board of Forestry's new Fire Safe Ordinance?
Will farms be required to have 20 foot wide roads? Will that only be required if there is new construction? Or are you changing the zoning code to classify us as an agricultural crop?

22. Will Self-Transport be allowed for Nursery Operators?

23. How will renewals be handled?

Further, we affirm the positions and written submittals of the following groups:

SCGA: leading from the heart, thoughtfully, they always stay true to supporting the small craft farmers while protecting the environment. They engage neighbors, regulators, and do their homework!

421 Group: a Sonoma County based consultancy that offers strategic business development and operational support services to help California cannabis businesses succeed.

CBASC; an effective business organization that shows how cannabis industry leaders are ready to work with the county to follow state law and make a process that works.

Sonoma County Chapter of Americans for Safe Access: Keeping it real that we started a movement in California in 1996 with passage of 215, the Compassionate Use Act. A movement that has spread worldwide. After all, cannabis is a safe, therapeutic substance that helps bring relief.

Thank you for the considerable staff time it took to organize and edit these documents. We look forward to continuing to advocate for the cannabis industry.

Sincerely,

**Hessel Grange Membership
Hessel Grange Cannabis & Hemp Committee**

President - *Vincent Scholten*
(Ag Chair of the California State Grange)
Vice-President - *Sam De la Paz*

From: [Jeffery Matthews](#)
To: [Cannabis](#)
Subject: Bloomfield Cannabis Grow
Date: Thursday, March 18, 2021 8:13:35 AM

EXTERNAL

3/16/21

Dear Sonoma County Representatives:

I've read most of the comments from the contributors to the recent March 8th & 12th Town Hall Meetings and was struck by what was not probed. The Cannabis proponents want shorter buffer zones in the Bloomfield Grow Site and insist that they are simply an agricultural product and should be governed as are other agricultural operations.

They are wrong!

In the event of a wildland fire or a fire generated within the cannabis operation, this site becomes a Hazardous Materials fire, not a simple vegetation fire.

If they are rendering cannabis oils and other product's they will also have a large cache of highly volatile and toxic chemicals on site!

Our regular prevailing winds here are west to east which will send the resulting smoke directly into our community. The only access to this grow site is from the east meaning Emergency Services would have to drive into the down-wind plume. Our North Bay Fire Volunteer Fire Departments do train for, but do not fight hazardous materials fires. They take positions to control access to the scene dangers until qualified and resourced Hazmat Teams can take control of the situation.

100' & 300' buffer zones are wholly inadequate for the safety and protection of our community.

Residents would have only seconds to gather themselves, children and animals for evacuation once they are aware of the hazardous event. What about our bed ridden elder neighbors and large animals?

Responding Fire Departments would have to stage far enough away that even with portable breathing apparatus would have a difficult time assuring everyone in the affected area had been evacuated to a safe space. Ambulance and Sheriff's Departments have no such equipment or

training.

While neighborhood compatibility has been promoted as a priority in this proposal, it has never been seriously addressed.

The buffer zone for these Cannabis Grows needs to be 5000' from heavily populated Rural Residential Communities in the unincorporated areas of Sonoma County to allow time for residents to self-evacuate, hazardous smoke to dissipate and Emergency Services to arrive on scene.

Please plan and prepare for the worst outcomes and pray for the best!

Respectfully,

Jeffery Matthews

Retired Chief, Bloomfield Volunteer Fire Department

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Public Comment: Proposed Cannabis Ordinance
Date: Thursday, March 18, 2021 9:05:24 AM
Attachments: [Cannabis Ordinance Comments_KL_03172021.pdf](#)

From: Julie Mercer-Ingram <julie@kindlaw.net>
Sent: March 17, 2021 4:20 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: Public Comment: Proposed Cannabis Ordinance

EXTERNAL

Planning Commissioners:

Please find the attached public comment for the proposed cannabis ordinance.

Thank you,

Julie

--

Julie Mercer-Ingram, Partner
Kind Law LLP
1011 2nd Street, #202
Santa Rosa, CA 95404
Phone: (707) 757-9445
Mobile: (707) 800-9154

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March 17, 2021

Sonoma County Planning Commission

Dear Planning Commissioners:

This letter is submitted in support of the proposed cannabis cultivation ordinance.

Kind Law LLP is a Santa Rosa based firm that represents many Sonoma County cannabis operators. For two years, I served as the Co-Chair of the Sonoma County Cannabis Advisory Board. The past four years of cannabis cultivation permitting has been difficult for applicants and county staff. The proposed ordinance represents a positive step for supporting local operators. Hopefully, this regulation will reboot cannabis cultivation in Sonoma County and generate much needed tax revenue to support economic recovery after the pandemic.

Overall, I support the revisions and urge the Planning Commission to treat cannabis as agriculture. Specifically, I strongly support the elimination of per person cultivation caps and allowance for cultivation on up to 10% of a parcel. This ordinance should continue to align with state law.

While there are aspects of the proposed ordinance that I support, parts of this regulation need to be removed, clarified, or improved.

Pending Applications and Nonconforming Permits

ISSUE: The ordinance revision does not provide sufficient guidance or protections for pending cultivation permit applicants and existing permit holders.

RECOMENDATION: Provide a pathway for both pending applicants and permit holders whose projects do not conform to the new ordinance. Suggested language is as follows:

- 1. An applicant who, as of the date of the adoption of this ordinance, has applied for a commercial cannabis cultivation permit under Chapter 26 and who would also qualify to submit an application pursuant to this Chapter 38 may request for their project to be reviewed under this Chapter instead (an “application track*

transition”). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern application track transitions, which shall include, at a minimum: (i) a description of the process and any required forms; (ii) a method for prioritizing application track transitions above new applications; and (iii) a waiver or reduction of the normal application fees to reflect the fees that have already been paid to process the original application.

2. *A holder of a commercial cannabis cultivation permit under Chapter 26 who would also qualify for a permit under Chapter 38 shall, prior to renewal of their permit, have the option to continue with their Chapter 26 permit or to submit a request to transfer their project to be regulated according to Chapter 38 (a “compliance track transition”). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern compliance track transitions, which shall include, at a minimum: (i) a description of the process and any required forms and (ii) a method for allowing permitted operators to continue their operations while their request is considered.*

Sec. 38.10.030. – Time limit, Renewal, and Expiration

B. Renewal

ISSUE: The five-year permit term is onerous for county staff and applicants, and it is not necessary given the state licensing requirements and county inspections. State licenses require annual review and renewal. Per Section 38.10.050, cultivation permits are subject to inspections by the Agricultural Commissioner. Currently, the Agricultural Commissioner conducts crop verification inspections annually. Additionally, Sonoma County requires cultivation tax payments quarterly, which provides ongoing financial requirements for operators. Given the state licensing, inspections and ongoing tax obligations, the permits do not need a time limit.

RECOMMENDATION: Remove the five-year permit limit. Allow continued operations so long as the operator is in good standing with the county and maintains state licensing.

Sec. 38.12.020. – Parcel Requirements

C. Split zoning

ISSUE: This section prohibits cultivation permits on parcels with split zoning, unless all zoning designations allow cultivation. If the parcel has a zone that allows cultivation, landowners should be allowed to cultivate on that part of the property. This will allow property owners to maximize the value of their parcels while the other protective measures of the ordinance, like setbacks, ensure neighborhood compatibility.

RECOMMENDATION: Revise the language to allow cultivation on the portion of the property that is zoned for cannabis cultivation. Below is suggested revision:

Cannabis cultivation is ~~not~~ permitted on a single legal parcel with split zoning, ~~unless only on all the portion of zoning designations for the split zoned parcel that~~ are listed in subsection B. of Section 38.12.020.

Sec. 38.12.040. – Setbacks

ISSUE: This section appears to have a construction error that could result in confusion for applicants and county staff. Subsections A (1) & (2) measure setbacks from cultivation site to the property line whereas Subsection C requires setbacks to be measured property line to property line.

In the original cannabis ordinance, measuring setbacks property line to property line created issues that were corrected in the subsequent revisions. For example, setbacks from parks became problematic when a large parcel allows for the cultivation site to be setback more than 1,000 feet, but when the measurement is property to property line the cultivation site would not be allowed.

RECOMMENDATION: Measure all setbacks from the nearest point of the cultivation area to the property line of any adjacent sensitive use.

A. (3) Sensitive Uses

ISSUE: Adding a setback for cultivation sites to be 1,000 feet from a Class I Bikeway is overly burdensome and does not align with state cannabis rules. Cultivation sites do not need to be setback from roads or sidewalks, so why are we adding bike lanes as a sensitive use. If the intent is to treat cannabis as agriculture, then adding setbacks from bikeways is contrary to that goal.

RECOMMENDATION: Remove Class 1 Bikeways from sensitive use setbacks.

Section 38.12.050 – Protection of Historic and Cultural Resources

C. Cultural Resource Survey

ISSUE: This requirement is onerous and will cause unnecessary delays for applicants. A cultural study is not required for any other agricultural crop. If any project requires a building permit, CEQA will determine if the project requires a cultural study. This process is better handled by Permit Sonoma than by Ag Weights and Measures.

RECOMMENDATION: Delete this regulation.

Sec. 38.12.060. - Tree, Timberland, and Farmland Protection

A. Tree Protection

ISSUE: Cannabis permits should be required to comply with same rules for tree removal as other agriculture. Alternatively, if the Commission retains this section, there should be an allowance for cultivation on properties destroyed by wildfires after 2016. The proposed ordinance does not allow

for cultivation on property that was forested as of December 20, 2016. Since 2017, Sonoma County has experienced devastating wildfires that destroyed previously forested property. As written, the ordinance would prohibit the development of cannabis cultivation in areas that were impacted by wildfires. Cannabis crops are living plants that can help create a fire break.

RECOMMENDATION: Remove this regulation, or alternatively revise it as follows:

Non-Forested Area Required. Cannabis cultivation and associated development must be located on a site that was non-forested as of December 20, 2016, unless *the forested area or trees were destroyed due to wildfires* or the applicant complies with subsections 2 and 3, below, for proposed tree removal.

B. Farmland Protection

ISSUE: This section does not regulate cannabis like agriculture. If cannabis is intended to be treated as agriculture, then an offset should not be required.

RECOMMENDATION: Remove the 1:1 offset and regulate cannabis like other agricultural crops.

Sec. 38.12.080. – Fire Protection and Hazardous Materials

ISSUE: Agriculture does not require fire prevention plans, and no such plan should be required for cannabis. This requirement does not align with state law, which does not require a fire plan or permit. Therefore, Sonoma County rules should align with state cannabis rules and only require compliance with county fire codes. Additionally, the County is currently working with the State Board of Forestry on fire safety ordinances that might be contrary to this proposed regulation. This could create confusion and differences in regulatory interpretation among the Agricultural Commissioner's office and other agencies.

RECOMMENDATION: Remove this section.

Sec. 38.12.090. – Slope and Grading Limitations

ISSUE: The current cultivation ordinance does not have any restrictions on ridgetops and restricts cultivation to slopes of 15% or less. This restriction is sufficient to protect runoff, which is addressed in Section 38.12.130. State law allows for cultivation on ridgetops so long as the slope is 15% or less.

RECOMMENDATION: Align with state law by removing the subsection on ridgetops and retaining the requirement for cultivation to be on slopes of 15% or less.

Sec. 38.12.110. - Air Quality, Odor, Noise, Occupational Safety

B. Filtration and Ventilation

ISSUE: This requires odor filtration and ventilation systems on all permanent structures containing cannabis, including greenhouses. In Sonoma County, many existing greenhouses are not sophisticated enough to allow for odor and ventilation systems. If a cultivator uses an existing greenhouse for light deprivation cultivation, the crop is grown more like an outdoor grow than an indoor facility. Installing odor and ventilation systems is costly and onerous requirement for greenhouses.

RECOMMENDATION: Only require odor filtration and ventilation systems for indoor cultivation.

Sec. 38.12.140. Water Use

ISSUE: According to a [recent study by New Frontier](#), cannabis cultivation uses less water than most other agriculture. Cannabis water use should be regulated like other agriculture. As proposed, this section is overly complicated and onerous for applicants. The past several years of cannabis permits have been overly difficult, with many permits taking years to review. This section will create a backlog for staff and is difficult for operators to satisfy. This section fails to regulate cannabis like agriculture. Additionally, state law and state agencies closely monitor water use for cannabis licensees.

RECOMMENDATION: Rely on other state regulatory agencies to manage water use. Regulate cannabis like agriculture and remove this section.

38.14.020. Activities Allowed with a Ministerial Permit

ISSUE: Section 38.14.020(A) conflicts with (B). In subsection (A), outdoor processing hours are restricted, and in subsection (B), outdoor processing is prohibited. Currently, operators are allowed to process outdoors.

RECOMMENDATION: Remove the restriction on subsection (B) to allow for outdoor processing.

Planning Commissioners, thank you for considering these comments your review of Sonoma County cannabis cultivation policy.

With the impacts of COVID-19 on the economy, the cannabis industry's ability to employ a diverse labor pool and pay local taxes could have an important impact in the economic recovery.

Sincerely,

Julie Mercer-Ingram

From: [Maira Jacobs](#)
To: [Cannabis](#)
Subject: Re: MAR17 2021 Phase II ordinance - PLEASE USE THIS SUBMISSION
Date: Thursday, March 18, 2021 8:16:21 AM

EXTERNAL

Thank you,

On Mar 18, 2021, at 7:19 AM, Cannabis <Cannabis@sonoma-county.org> wrote:

Good morning Moira,
Your comments have been received. Per your request, this email and attachments will replace your email received at 7:11 PM 3/17/2021.

McCall Miller

Sonoma County Cannabis Program
County Administrator's Office
Cannabis@sonoma-county.org

From: Moira Jacobs <moiraajacobs@comcast.net>
Sent: Wednesday, March 17, 2021 7:17 PM
To: Cannabis <Cannabis@sonoma-county.org>
Cc: Susan Gorin <Susan.Gorin@sonoma-county.org>
Subject: MAR17 2021 Phase II ordinance - PLEASE USE THIS SUBMISSION

EXTERNAL

Please replace my earlier submission with this updated one.

Thank you,
Moira Jacobs

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From: [Susan Kirks](#)
To: [Cannabis](#)
Subject: Comment by Madrone Audubon for Today's Planning Commission Review-Cannabis Ordinance
Date: Thursday, March 18, 2021 6:33:18 AM
Attachments: [Madrone Audubon - Sonoma Co Planning Commission - Cannabis 03 17 2021.doc](#)

EXTERNAL

Hello,

Please add this written comment for today's review of the Cannabis ordinance.

Susan Kirks, President
Madrone Audubon Society
707-241-5548

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Madrone Audubon Society

INCORPORATED

Submitted by email March 18, 2021

March 17, 2021

Sonoma County Planning Commission
Attention: McCall Miller, Department Analyst
Cannabis Program, County Administrator's Office

Re: Amendments to the County Code, Chapter 26, and new Chapter 38, to allow expanded ministerial permitting for commercial cannabis cultivation in agricultural and resource zoned areas

Dear Mr. Miller:

I am writing on behalf of Madrone Audubon Society, conservation nonprofit organization with approximately 3000 members, and the Sonoma County Chapter of National Audubon.

Commercial cannabis operations are accompanied by high water use, added lighting in normally natural and unlighted areas, location in grassland that would be transformed from natural areas of open space, including scenic vistas, as well as adjacent to other sustainable or longstanding agricultural uses, the potential for pesticides and impacts from pesticides, soil erosion and excessive runoff, and removing habitat from natural areas with negative impacts to exceptional bird, wildlife and plant species in Sonoma County.

Our organization is opposed to new or expanding commercial cannabis operations here in Sonoma County. If such operations are considered, strict discretionary use permit requirements should be mandatory.

Environmental reviews should include impacts and potential impacts to special status and listed species as well as all relevant environmental and cumulative impacts. Location of commercial cannabis operations should be prohibited from grassland areas near residential areas and neighborhoods, and restricted from visibility along scenic highways and rural neighborhoods or communities. Careful active monitoring for compliance would be essential for any permitted operation.

Madrone Audubon Society is qualified as an organization recognized under Section 501(c)(3) of the Internal Revenue Code. Contributions are deductible by the donor under Section 170. Federal Tax I.D. 94-6172986

P. O. BOX 1911 • SANTA ROSA, CALIFORNIA 95402
<http://madroneaudubon.org>

Thank you for the opportunity to provide our initial comment.

Sincerely,

Susan Kirks

Susan Kirks, President
Madrone Audubon Society

susankirks@sbcglobal.net

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<http://madroneaudubon.org>

From: [Arielle Kubu-Jones](mailto:Arielle.Kubu-Jones)
To: [Cannabis](#)
Subject: FW: Request to include language in upcoming Cannabis ordinance
Date: Thursday, March 18, 2021 9:42:40 AM

From: Richard Sondgroth <richard@lrteam.org>
Sent: Thursday, March 18, 2021 9:30 AM
To: Susan Gorin <Susan.Gorin@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>
Subject: Request to include language in upcoming Cannabis ordinance

EXTERNAL

Dear Sonoma County Officials:

As a voting citizen of Sonoma County, I am urging our Agriculture Department and Board of Supervisors to please draft and add language to the current draft Sonoma County Cannabis Ordinance that provides a clear pipeline and pathway for our Sonoma County Legacy Cultivators to comply with the Ordinance.

In addition, I ask that our Board of Supervisors please adopt language that aligns our county's cannabis regulations with the state's cannabis regulations in the interest of clarity and simplicity for current and future cannabis entities.

Respectfully submitted,
Rich

--

Richard J. Sondgroth
Chief Financial Officer
Labor Resource Management, Inc.

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From: [Valorie Dallas](#)
To: [David Rabbitt](#); [Cannabis](#); [Andrew Smith](#); [Andrea Krout](#)
Subject: Cannabis Ordinance Comments
Date: Thursday, March 18, 2021 9:05:02 AM
Attachments: [March18Letter.docx](#)

EXTERNAL

March 18,2021

Dear Planning Commission:

After participating in one of the public comment zooms and reading the hundreds of comments and letters regarding the proposed changes in the Cannabis Ordinance to create only ministerial permitting for commercial cannabis, I was taken aback by the hostility between the cannabis growers and the residents, and the desperation long time Sonoma County residents felt about losing their way of life. I could see this "war" going on for a long time unless the proposed Ordinances and Codes are changed and clarified and a full CEQA study is done to adequately determine environmental impact.

After reading a letter from a past planner, Ray Krauss, I wanted to suggest you read it too. The main idea is to identify the sites that are suitable for commercial cannabis growing based on a set of planning criteria such as:

- areas free of important wildlife habitat and corridors
- areas remote from public and private, parks, children's camps, trails, etc.
- areas easily secured and accessible by law enforcement
- areas where roads are adequate
- areas free of extreme wildfire danger

The sites that are problems and have environmental issues would be eliminated before any purchase by a grower. This would streamline the permit process since the land would already be more or less permitted beforehand. It would eliminate residents having to "fight" the cannabis industry to protect their backyards.

The next best thing would be to include 1000-foot setbacks from all residential properties, parks, school, walking paths, and other public and private places where people live, along with a full CEQA to determine the environmental impact. Many of the public concerns would be mitigated by moving the grows away from where people live, rest, play, raise their children, and heal and the environmental impacts would be taken into consideration.

You can fix this. Please help eliminate the many years of stress, lawsuits, grower's financial losses and anger by both the growers and the long-time voters, taxpayers, and lovers of Sonoma County that are ahead of us.

Thank you,
Valorie Dallas and Family
Bloomfield, CA

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Thank you,

Valorie Dallas and Family

Bloomfield, CA

From: [Kathy Pons](#)
To: [PlanningAgency](#); [Cannabis](#); [Scott Orr](#); [Tennis Wick](#)
Cc: [VOTMA Board](#); [Susan Gorin](#)
Subject: Commercial Cannabis Cultivation Ordinance
Date: Thursday, March 18, 2021 8:17:24 AM

EXTERNAL

Dear Planning Commissioners,

The Valley of The Moon Alliance would like you to consider setting aside the Chapter 38 ministerial permitting process, the deficient SMND and certain revisions to Chapter 26 of the Zoning Code.

Below are some of the reasons:

1. The Commercial Cannabis Cultivation Ordinance and SMND do not comply with State licensing, water resources and environmental regulations. A program EIR is needed to evaluate the impacts if implemented.
2. The proposal to amend the current General Plan to include cannabis as "agriculture" is counter to the State determination of cannabis as a "product". This change would open cannabis to the privileges of current agriculture including visitor-serving uses meaning tours and promotional events. Also conferring protections of the "Right to Farm" law has the potential of removing a neighbor's right to a nuisance lawsuit if their well goes dry, or if their business revenue/property values are degraded from pungent smells/terpenes or 24/7 operations.
3. The State clearly requires project specific CEQA review and Chapter 38 section 12 falls short of this standard. The ministerial process has few numerical standards and relies on unenforceable "Best Management Practices" (BMP) or future mitigations not allowed under CEQA.
4. The ministerial process allows the Ag Commissioner to change and rescind standards and or all BMPs; the public has no assurance that future cannabis cultivation will require sufficient protection plans or regulatory oversight.
5. There has been no cumulative water demand analyses. There is no cap on the number of permits or acres of potential cannabis cultivation. Growing cannabis is said to take 6 times as much water as growing grapes. The water source is usually groundwater. The effects of this water drain needs to be considered by the Groundwater Sustainability Agencies charged with sustaining groundwater in three different basins in Sonoma County.
6. It's not clear how monitoring and enforcement will work regarding groundwater, or any of the parameters in this expanded scope/scale of cannabis cultivation. No bonds are required; When the cannabis operations go elsewhere, who will clean up the mess? We need to avoid privatizing profit while socializing risk, burden, and cost.
7. Ministerial permits, once for cottage grows, will now allow 10% parcel coverage for large projects. A 100 acre parcel, in our RRD watersheds or dairy belt may have 10 acres of cultivation, with 2.5 acres in hoop houses or greenhouse structures. Hoop houses are now allowed lighting and plumbing to glow at night. Square footage limitations on mixed light and indoor cultivation utilizing existing structures have been removed.
8. Measurement techniques for sensitive setbacks need to be to the property lines. Noise, smells and other impacts to neighbors need to stay on the cultivation parcel. Setbacks of 1000' would not be too much.

Fix Sonoma County's 2018 Ordinance instead. It meets state licensing requirements for project-specific CEQA review via the Conditional Use Permit process. Please regain the public's trust by first determining the least impactful locations for this new industry and then developing regulations respectful of both the applicant's and neighboring property owner's rights.

VOTMA appreciates your serious consideration with the sweeping changes that are being proposed. Thank you.

Kathy Pons
Valley of The Moon Alliance

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