

Public Comment Regarding Cannabis Ordinance  
and Program Update

Received December 2021

**From:** [Arielle Kubu-Jones](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Moratoriums on permitting cannabis - in Oklahoma and in SONOMA COUNTY  
**Date:** Tuesday, December 7, 2021 2:59:30 PM

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**From:** Mary Plimpton <[mbplimpton@gmail.com](mailto:mbplimpton@gmail.com)>  
**Sent:** Tuesday, November 30, 2021 3:37 PM  
**To:** Chris Coursey <[Chris.Coursey@sonoma-county.org](mailto:Chris.Coursey@sonoma-county.org)>; district4 <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>; Susan Gorin <[Susan.Gorin@sonoma-county.org](mailto:Susan.Gorin@sonoma-county.org)>; Lynda Hopkins <[Lynda.Hopkins@sonoma-county.org](mailto:Lynda.Hopkins@sonoma-county.org)>; David Rabbitt <[David.Rabbitt@sonoma-county.org](mailto:David.Rabbitt@sonoma-county.org)>  
**Subject:** Moratoriums on permitting cannabis - in Oklahoma and in SONOMA COUNTY

## EXTERNAL

<https://www.agriculture.com/news/business/highs-and-lows-of-the-booming-marijuana-industry>

Begin forwarded message:

**From:** Mary Plimpton <[mbplimpton@gmail.com](mailto:mbplimpton@gmail.com)>  
**Date:** November 30, 2021 at 3:29:44 PM PST  
**To:** Mary Edith Plimpton <[mbplimpton@gmail.com](mailto:mbplimpton@gmail.com)>

# HIGHS AND LOWS OF THE BOOMING MARIJUANA INDUSTRY

By  
[The Daily Yonder](#)  
11/30/2021  
*by Jacob Flaherty*

Photo credit: USDA

The marijuana business has created a surge of money and jobs for the states that legalized it, but with the boom has come concern over the burdens growers are putting on their communities and

environment.

According to a [report](#) by the National Cannabis Industry Association, outdoor marijuana grows — which is what the industry calls a cannabis crop — are most often found in rural areas, often outside traditional agricultural centers and in more remote, rugged locales. Cannabis generally grows best in a warm climate. In more arid regions out West, the best cannabis growing season often overlaps with the driest part of the year, which strains water utilities, according to the NCIA report.

- **READ MORE:** [Budding farmer aims to normalize hemp](#)

This problem is compounded in states affected by drought. But since transporting marijuana across state lines remains a federal crime, when there is a demand for marijuana in a state, it must be grown within its borders.

“[Cannabis grows are] a form of water-intensive agriculture that are cropping up in places that never had that kind of water-intensive agriculture going on before,” said Brandon Bowman with the Oklahoma Rural Water Association. “We’re talking about pastureland, or open fields, or what once was a farmhouse.”

“We’ve seen demands of 700,000 gallons per month or more. By way of comparison, usage of a three-bedroom farm home is, at most, 8,000 gallons per month.... So what you end up with is nearby neighbors without water, or very low pressure,” Bowman said. A grow pulling its water from local streams or aquifers can quickly deplete these resources, especially in drought conditions.

A cannabis farm’s wastewater also has the potential for environmental damage “if you’re flooding fields with lots of water that’s loaded with pesticides or fertilizer or silt,” said Bowman. “If that were to wash off of the property and into the surface water, you could have a significant impact.”

When located near more traditional crops, outdoor cannabis grows can also introduce conflict between growers and other farmers.

Marijuana cultivation uses different kinds of pesticides from those used on other crops used for food consumption. This presents problems when marijuana grow operations abut traditional farms. The pesticides used on corn, for instance, can drift to a neighboring marijuana farm. “[The pesticide] gets on the marijuana plants,” said Kaitlin Urso with the Cannabis Regulator’s Association, or CANNRA. “You harvest your plants, you get them tested, and your crop fails for pesticides — you have to destroy it. Marijuana’s very strict on what pesticides you can use.”

Terpene drift can cause similar issues between farms, especially in places like California, where wine grapes are grown alongside cannabis. Terpenes are compounds that give different strains of marijuana their particular flavors and smells. Often, terpenes that create a lemony or piney flavor are preferred in marijuana.

And like pesticides or any other compounds, they can drift from farm to farm. “Now, all of a sudden, you have wine that tastes like lemons, or pine, or marijuana,” said Urso. The result is a heightened concern for liability among farmers, growers, and businesses that apply pesticides.

Besides concerns over water usage, cannabis growing operations place an extremely high demand on electric utilities.

According to the NCIA report, cannabis cultivation in the U.S. used the equivalent energy of 92,500 homes in 2018. Since then, more states have legalized growing, and the number of cultivators has exploded. According to the [November 5 licensing report](#) by the Oklahoma Medical Marijuana Authority, or OMMA, Oklahoma alone added nearly 9,000 new growers in that time.

“For an indoor grow, energy is the number one [impact],” said Urso. “And that’s tied to lighting and HVAC, [which constitute] almost 80% of the energy footprint. [Growers] are creating a synthetic indoor grow environment.”

Growers can reduce the burden they place on utilities by adopting more efficient growing methods. According to Urso, “LED lights not only have the benefit of using less energy per fixture, they have a much lower heat profile,” which means energy-hungry HVAC systems need not run as frequently. And when it comes to water use, “there’s all kinds of ways to grow medical marijuana,” said Bowman. “There are drip irrigation systems, there are systems that catch and collect rain water for an alternative source.”

In September, a group of five rural organizations representing Oklahoma ranchers, farmers, and citizens issued a [letter](#) voicing their worries to the OMMA.

“This new industry is fundamentally changing rural Oklahoma,” the letter said. “An immediate moratorium on issuing permits will give time to consider appropriate and proper actions to preserve rural Oklahoma.”

Oklahoma is not alone in considering licensing moratoriums. Oregon implemented one in 2019 which could extend through 2024. Local governments elsewhere, such as Sonoma County, California, have rolled out similar measures until they can get a handle on some of the issues they are facing.

*The Daily Yonder provides news, commentary, and analysis about and for rural America. You can see daily coverage at [dailyyonder.com](http://dailyyonder.com).*

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**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Scoping Cannabis EIR-Economic Analysis - Public Comment  
**Date:** Monday, December 13, 2021 8:54:49 AM  
**Attachments:** [SCOPING -CANNABIS EIR - ECONOMIC ANALYSIS.docx](#)

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**From:** Rachel Zierdt <rzierdt@gmail.com>  
**Sent:** December 13, 2021 8:53 AM  
**To:** Tennis Wick <Tennis.Wick@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Subject:** Scoping Cannabis EIR-Economic Analysis - Public Comment

## EXTERNAL

SCOPING – CANNABIS EIR – ECONOMIC ANALYSIS – PUBLIC COMMENT  
12/13/21

County officials,

Good morning.....below and attached find my comments re:scoping.

A baseline view of the economics of cannabis cultivation in Sonoma County must be a part of the EIR project description in the CEQA analysis.

First, an unbiased and qualified professional firm (not Robert Eyler or Terry Garrett) must be selected to complete an in-depth financial analysis and the report must be peer reviewed. The analysis must determine Sonoma County's cost/benefit from commercial cannabis cultivation. This information can be used to define the "project" to be studied in the environmental review process and the potential economic viability of commercial cannabis cultivation in Sonoma County. The result would be applied to land use designations and locations appropriate for commercial cannabis and determine the acres or square feet that can be supported in Sonoma County. A baseline analysis will include how much cannabis is currently being grown in the county, how much is being grown in the state and how much can be sold within the county and within the state since it is illegal to transport cannabis over state lines. Analysis must include an estimation of all County costs involved in the processing of commercial cannabis cultivation applications as well as follow-through on

cannabis issues such as violations and adherence to conditions of approval so a cost recovery system can be developed to cover staff efforts on behalf of cannabis applicants and rural neighborhoods. It should also include background information on how cannabis is actually grown—using plastic garbage cans, non-native chemical soils, how many grows the soil can be used, what happens to it when it cannot be used, where it comes from, what's in it, and any other environmental associated clean-up costs.

In order to write regulations it is necessary to study the entity being regulated, the processes being used and so on in order to have a complete understanding of everything about the cannabis industry both county and state wide. This includes an economic outlook and forecast. The goal would be to confidently set a target number of acres or square feet so that Sonoma County cannabis will not be overproduced resulting in lost taxes/revenue and the expense of wasted Staff time. Another goal would be to avoid growers selling into the black market. The County must set a number as to how many acres of cannabis can successfully be cultivated and marketed before setting out to determine where those properties would best be located in order to protect the environment and the rural residents. It is certainly not 65,000 acres, the figure offered by Rincon Consulting. It would be very unwise for the county to open up land and encourage more cultivation than can be legally marketed.

If cannabis is federally de-regulated and can be grown anywhere, it is possible that only cannabis with an appellation may be economically feasible for local growers. This possibility must not be ignored in the financial analysis of the future of the commercial cannabis industry in Sonoma County. It is important to ascertain how viable this industry will be in the future and an economic analysis must be a part of the project description.

At this writing (December, 2021) the industry is asking for a tax moratorium and are warning of an economic collapse.

Regards,

Rachel Zierdt

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SCOPING – CANNABIS EIR – ECONOMIC ANALYSIS – PUBLIC COMMENT  
12/13/21

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**From:** [Sarah52@modernaction.io](mailto:Sarah52@modernaction.io)  
**To:** [Cannabis](#)  
**Subject:** County Staff - Retract the current Cannabis Survey  
**Date:** Monday, December 13, 2021 5:25:14 PM

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## EXTERNAL

Dear County Staff,

We understand that Sonoma County Staff is currently attempting to write the next round of regulations for the Cannabis Industry. Unfortunately, there is clearly anti-cannabis bias behind the wheel. While the Industry is working on harvesting their plants, raising their families, and protecting their farms from fire, a small but well-funded group, of largely older retired citizens, are spilling their reefer madness into the ears of the County Staff.

This is especially clear in the last survey that the county released for community input. The questions are so biased against cannabis farmers that the affected farmers couldn't even participate in the survey. For example:

- What is the most appropriate method to mitigate offsite odor impacts: 1) Physical Barriers (growing indoor) or 2) Separation (large setbacks). How about #3) Normal agriculture has smell's and that is okay?
- Please rank the concerns: Safety, Transportation, Water, Odor. Isn't the point of an EIR, this extremely costly and time demanding study, to say yes - there is some impact. But, that's okay because the good outweighs the bad.
- In relation to setbacks, rank how they should be determined. Noise, odor, safety, visual impact. How about this option: The state has mandated setbacks that are appropriate.

The way this EIR is going, we might as well roll up the sidewalks and send the farmers back to the traditional market where they don't have to pay for taxes, protect the environment, pass pesticide testing, or care about what their nosey neighbors think. Because before these courageous, honest and hardworking farmers stepped out of the shadows, these neighbors didn't complain to any comparable degree, and there were a projected 5,000 to 8,000 of us county-wide. Those are the county's numbers, not some arbitrary made-up number we came up with. Now we can't even get 40 farmers through the pipeline, who 5yrs ago were promised a 6-9month pathway to state licensing?

This is a failed attempt to collect data, it is not a properly conducted questionnaire in any capacity. Surely not for any relevant or equitable data retrieval. With the way these questions are skewing the data, it should be retracted immediately.

Sincerely,  
Sarah Shrader

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**From:** [Bill Krawetz](#)  
**To:** [Cannabis](#); [Tennis Wick](#); [Cyrstal.Acker@sonoma-county.org](mailto:Cyrstal.Acker@sonoma-county.org); [Scott Orr](#)  
**Subject:** SCOPING - CANNABIS EIR- WATER RESOURCES - PUBLIC COMMENT  
**Date:** Tuesday, December 14, 2021 7:52:11 AM

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## EXTERNAL

December 14, 2021

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To:

[Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)

[Cyrstal.Acker@sonoma-county.org](mailto:Cyrstal.Acker@sonoma-county.org)

[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)

-

Subject: SCOPING – CANNABIS EIR- WATER RESOURCES –  
PUBLIC COMMENT”

In support of the County current work in developing the draft cannabis ordinance framework, “Neighbors of West County NOW (formerly FOG)” are providing the following recommendations on what the Water Resource Element should include in your study. In general, since there are many uses of our one water supply, it is necessary to understand cumulative impacts of all these uses to properly measure the effects of adding commercial cannabis cultivation to the mix.

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## SCOPING – WATER RESOURCES ELEMENT

### 1. Water Supply:

- a. Potter Dam: Study the various future possibilities of the loss of water capacity from Potter Valley Dam and Lake Mendocino. Include estimated flow and water supply reliability from Lake Mendocino if diversion from the Eel River is terminated or reduced and the effects on existing and any new water users in the Upper Russian River. Investigate all the various scenarios concerning water diversion capacity into the East Branch of the Russian River including PG and

E's surrender of the broken hydro power facility, the failure of the Potter Valley Project and removal of all infrastructures including Lake Pillsbury.

- b. Drought scenarios: Include a science based analysis of drought year water availability in the water element of the EIR. Areas to be considered for cultivation should be based on dry years, not average year conditions. Ascertain the historical average used and compare the historical average to drought models. Using several forecast models ascertain if the historical average is now likely inappropriate due to climate change. Scientifically establish a drought year benchmark analysis which is an important factor combined with projections of current and future water needs for all users county-wide
- c. Sustainable Groundwater Management Act: Scientifically address future sustainability in compliance with the Sustainable Groundwater Management Act. Scientifically determine and identify other aquifers in the fractured geology of Sonoma County. Note that the SGM plans did not use drought year forecasts and were heavily criticized by the public. Use a worst case scenario and hope it doesn't happen.
- d. Identify and map areas not on public water, locate and map areas in the groundwater basins. Scientifically determine where water use will not adversely impact environmental needs.
- e. Identify existing wells (40,000) and their impact on groundwater, stream flow and aquifer replenishment. Ascertain the necessity of a discretionary use permit for new wells excluding replacement wells for failed systems

## 2. Water demands:

- a. Baseline: Scientifically determine the existing baseline conditions including all cannabis permits already issued, all operators growing in the Penalty Relief Program, and all pending and reasonably foreseeable future permits. Prepare a baseline document identifying all known cannabis cultivation and processing operations: PRP operations, existing cannabis permits and applications in process by square footage of cultivation type, location, intensity, zoning code, and Groundwater Zone 1, 2, 3 or 4.
- b. Basic requirements of a site to study:
  - i. Net zero water plans. On-site water to meet all uses on a sustainable basis.
  - ii. Ground water quantity: Establish minimum production quantity standards. Establish site testing rules to assure adequate supply before allowing grow.
  - iii. Groundwater monitoring plan required to assure sustainability on an on-going basis.
  - iv. Groundwater zones 3 & 4: Since water is already scarce in these zones, study excluding any cultivation without special review.
- c. Impacted watersheds: Identify and map the already impacted watersheds. Scientifically identify if an acreage cap for cannabis cultivation be set in these watersheds. Scientifically ascertain whether cultivation should be prohibited in the impacted watersheds.
  - i. Identify and map the 43 established sub-watersheds in the Russian River region. Scientifically determine the effect of additional users in these watersheds.
- d. Diversion ponds: Scientifically identify the impacts of the construction of catchment ponds and their effect on stream flow and recharge of the aquifers. Scientifically determine how many catchment ponds could be allowed in an area without affecting replenishment and future health of the underlying aquifer and downstream flows.

e. Other users: Evaluate all constraints on the water supply by all uses and users. Sonoma County Water Agency (SCWA) supplies Marin County. A portion of Mendocino County users also draw from the same water sources.

i. Housing Growth: Analysis must include the competing water demands required to support new housing growth. Sonoma County must not only consider the growth of its population but also those regions (Marin and Mendocino) that are supported by the same water basins (Russian River and other water sources that support such region). Based on ABAG housing allocations for Sonoma and Marin Counties as well as Mendocino County areas (Ukiah +), our water supply will need to support 62K new users over the 2023-2031 period. Calculations as follows.

Sonoma County (ABAG allocation 2023-2031) a	= 14,562 housing units /~39K people)
North Marin County Water district (ABAG allocation 2023-2031) b	=5,659 housing units /~15K people)
Marin Municipal Water district (25% ABAG allocation 2023-2031) c, d	=2,187 housing units /~6K people) – likely too low!
Mendocino County supplied by RR water basin (2023-2031) e	= ~1K housing units/ ~2K people

Note a- Based on ABAG's final RHNA report. Housing units are per the report. People determined at 2.7 per housing units (per report)

Note b – Water provided by Sonoma County Water Agency

Note c – Water provided by Sonoma County Water Agency. MCWD estimates 25% of needs provided by SCWA

Note d- MMWD area has been allocated 8746 Housing units in total. Currently 75% of water needs are met by Mtn. Tam watershed. Not realistic to assume this watershed could increase supply, so likely the 2,187 units under count the true need.

Note e - Ukiah (16K population) & surround areas draw water from Lake Mendocino and RR. Assume 20K population growing 1% per year over 8 years, or ~ 2K

ii. Identify other residential, police protection, fire protection and agricultural users in the unincorporated areas and their present and future needs assessed.

f. National Marine Fisheries Service : Address NMFS concerns:

i. Develop requirements to prevent impacts to ESA-listed salmonids and their habitat.

ii. Study and understand the linkage between ground and surface water usage and its impact on wildlife.

iii. “while we understand that the current

Update applies only to cannabis cultivation, NMFS recommends the County also update their well ordinance and permitting procedures to apply this requirement (i.e., require a net zero water plan, or a hydro geologic analysis confirming streamflow depletion impacts are unlikely) to all permit applications for near-stream wells”

- g. In addition, scientifically identify all users with any water rights so they can be evaluated as a draw on our overall water "system". Scientifically and accurately reach a conclusion about how much total water is available and how much can be used for new users in the unincorporated areas. Scientifically determine how many new water uses can be allowed based on the best accounting of assumed water supply. Climate change and drought may have altered these assumptions and an analysis of the existing usages and cumulative impacts needs to be a part of the EIR.
- h. Identify and map areas where public water and sewer storm water drainage are located. Prepare an environmental or regional setting document that fully addresses existing conditions, especially as related to public utilities, groundwater, surface water, and public safety services. Identify water availability and current water allocations based on historic records as well as a continued drought scenario, and define the capacity of fire and police services to address additional commercial development in high fire severity zones and remote areas accessed by legal fire safe roads.
- i. Once these areas meeting the criteria listed above are identified and mapped, scientifically assess how much suitable land can be projected as reasonably necessary to meet current and future demand (20 years for a General Plan). Study placing a hard cap on number of growers and acreage

The General Plan last revised in 2004, is now out of date and the cannabis EIR cannot rely on the water element in it. This water

resources element must be re-visited and up-dated accordingly. A complete scientific analysis of water resources for the cannabis EIR not only provides guidance for cannabis but can also serve as an update to the General Plan.

Thanks

NOW - Neighbors of West County  
(Formerly FOG – Friends of Graton)  
Bill Krawetz

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**From:** [Scott Orr](#)  
**To:** [Cannabis](#)  
**Subject:** FW: SCOPING - CANNABIS EIR: Odor/Air Quality - Public Comment  
**Date:** Tuesday, December 14, 2021 9:21:25 AM  
**Attachments:** [Odor aqmt Aug 2021.pdf](#)

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**From:** Mary Plimpton <mbplimpton@gmail.com>  
**Sent:** Tuesday, December 14, 2021 9:21 AM  
**To:** Tennis Wick <Tennis.Wick@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>  
**Subject:** SCOPING - CANNABIS EIR: Odor/Air Quality - Public Comment

## **EXTERNAL**

**Subject: SCOPING – CANNABIS EIR- Odor/Air Quality**

In support of the County's current work in developing the draft cannabis ordinance framework, I am providing the following recommendations for an item to be included in the study of the Air Quality Element, specifically for Odor.

I ask that Sonoma County include an Odor Abatement section in the ordinance. Please consider the agreement reached in Santa Barbara County between the Growers and the SB citizen coalition. See attached copy.

In the spirit of being good neighbors, these two opposite parties came together and worked out a binding contractual agreement, beyond what their County's Ordinance requires. I ask that these or similar terms be incorporated into our revised ordinance.

The mutual goal of their agreement is simple and clearly stated on page 1 of the Contract:

*to advance their collective efforts to prevent cannabis operations from causing adverse community odor impacts, to advance the development and swift implementation of advanced and evolving best available odor control technologies (BACT) and science-based objective odor monitoring technologies, to ensure timely and effective responses to odor episodes, and to promote transparency and cooperation between cannabis operators, the public, and the Coalition.*

Sounds reasonable

The key points of the agreement

- **Best Technology:** Growers employ and update Best Available Control Technology

(BACT) both for odor control and monitoring.

- **No odor areas:** (Publicly Accessible Locations (PAL), which includes parks, businesses, day care centers, youth centers, schools, churches, and homes. Residential parcels that are within 1,000 feet measured from the property line.
  - Pursue the mutual goal that **no significant odor be detectable beyond the operation's property line.**
- **Measurable standards** and technology to enable objective measurement and data-driven control of cannabis odor. The Parties acknowledge the importance of a numerical standard of an Odor Causing Compound. The Parties believe it is feasible to define such a numerical Odor Detection Threshold.
- **Formal process** to report and correct odor problems. Set timeline to resolve.
- **Defined steps:** 4 levels of response to solve odor complain: Each level more involved to correct the problem.

The Santa Barbara agreement just went into effect August 2021, but appears a good honest attempt to address the odor issue which we also face throughout Sonoma County. As the Sonoma County EIR evolves over the next couple years, our draft ordinance can be adjusted for any lessons learned here as well as down south.

I am 6th generation in Franz Valley. Although our postal address is “Calistoga”/Napa County, we are located in Sonoma County. Franz Valley is a steep-sided box canyon, and we have serious concerns about the potential for air currents/circulation concentrating odor and polluting air quality for our approximate 100 property owners. Because of our topography, we don't know if 1,000 foot set-backs will protect property owners from cannabis order, but this seems like a reasonable place to start.

I would be proud to see Sonoma County make significant contributions to developing Best Available Technology standards in all aspects, from AIR QUALITY, to PROTECTION OF WATER RESOURCES, RIPARIAN HEALTH, and WILDLIFE HABITAT.

Thanks,  
Mary Plimpton  
8425 Franz Valley School Road  
Calistoga, CA 94515

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**Carpinteria Association for Responsible Producers (CARP) Growers &**

**Santa Barbara Coalition for Responsible Cannabis Inc**

**Contract**

**August 20, 2021**

This Contract is made and entered into by and among, on the one hand, CARP Growers, a California nonprofit mutual benefit corporation, together with its undersigned individual members (each, a “CARP Grower Member;” collectively, “CARP Growers”), and, on the other hand, the Santa Barbara Coalition for Responsible Cannabis, Incorporated, a California nonprofit public corporation, together with its undersigned individual members (collectively, “Coalition”). CARP Growers and the Coalition may hereinafter be referred to, individually, as a “Party” and, collectively, as the “Parties.”

**RECITALS**

WHEREAS, CARP Growers is a California mutual benefit corporation and an association of cannabis industry leaders who are committed to promoting best practices. The mission of CARP Growers is to foster a positive relationship with the community of Carpinteria and operate at the highest standards. CARP Growers membership includes over 20 member farms (Exhibit A, CARP Growers Membership).

WHEREAS, the Coalition is a California public benefit corporation dedicated to protecting local community interests from adverse impacts from cannabis operations countywide, and supporting a sustainable and responsible cannabis industry in Santa Barbara County. The Coalition was formed in response to its belief that the County’s regulatory regime was inadequate for cannabis and has allowed and caused various communities in Santa Barbara County to experience odor and adverse impacts from unregulated and under-regulated cannabis operations and lacks specific procedures for operators to make odor control system upgrades after permit approval. The Coalition has undertaken advocacy activities to protect community interests. The Coalition recognizes the potential benefits of collaboration with operators and leaders in the local cannabis community and is entering into this Contract for the purpose of achieving its objectives of protecting local communities by engaging with certain responsible members of the cannabis community through working relationships based on common goals of addressing and resolving cannabis’ community impact issues.

WHEREAS, CARP Growers and the Coalition are entering into this Contract to advance their collective efforts to prevent cannabis operations from causing adverse community odor impacts, to advance the development and swift implementation of advanced and evolving best available odor control technologies (BACT) and science-based objective odor monitoring technologies, to ensure timely and effective responses to odor episodes, and to promote transparency and

cooperation between cannabis operators, the public, and the Coalition. Over the course of several months, the Parties have discussed and agreed upon various goals, priorities, practices and actions to address and resolve odor impacts associated with cannabis operations in Carpinteria. This Contract formalizes legally binding & enforceable obligations of the Parties to the specific terms herein, and outlines the Parties' ongoing commitments to resolve the unresolved and future issues of concern and interest related to odor. CARP Growers Member farms commit to continuously employing the best available control technology based on BACT Analysis at specific sites and controlling odors from their facilities per this Contract.

WHEREAS, the Parties agree on the benefit of and need for developing, refining and expanding the state of science concerning various aspects of cannabis cultivation, in particular odor control. CARP Growers, the CARP Growers Odor Committee and certain CARP Grower Members have undertaken research into some of the Unresolved Issues (as defined below), including weather monitoring networks and stations, control technologies, objective Odor Detection Thresholds, odor detection technologies and the identity of specific Odor Causing Compounds, detection and monitoring technologies, and adopted a confidential Work Program (Refer to Exhibit C) with timelines for addressing and resolving certain issues and sub-issues. The Coalition strongly supports those efforts and the development of objective, measurable standards for as many elements of odor detection & control as is feasible.

WHEREAS, the Parties acknowledge that much of the data, analysis and report preparation in the advancement of the state of the science involve private, confidential, trade secret and other sensitive information. All sensitive communication, technical reports, documents, data and information prepared by CARP Growers and shared between the Parties as part of this Contract that is not otherwise public is confidential and is disallowed for use in any challenge or appeal affecting a pending or approved coastal Development Permit, CUP, DVP, other land use permit, business license, or other governmental authorization to operate.

WHEREAS, the Parties concur on the benefits of involving and educating the community concerning many technical and policy aspects of cannabis cultivation. The Parties desire to work cooperatively and at times jointly in such community education, such as through workshops, educational events, and similar functions. Whenever possible without causing harm or risk to any of the Parties or for other tangible reasons, the Parties shall strive to make information, including joint efforts and programs, research and major milestones, open to the public to review.

WHEREAS, the Parties recognize the uncertainties and challenges entailed in fully and finally resolving cannabis-related odor issues in Carpinteria. The Parties shall pursue the evolution and resolution of such issues in accordance with the Workplan contained in Exhibit C, which is incorporated herein by reference and as may be periodically updated by mutual agreement, and as otherwise detailed in this Contract. In addition to the regular communications detailed herein, the Parties shall confer and specifically discuss progress towards addressing and resolving all

Unresolved Issues on 90 day intervals. As a prerequisite to legal enforcement of this Contract, if at any point the Coalition demonstrates with objective evidence that CARP Growers is not making expeditious and good faith progress towards resolving these issues based on the Workplan and various reports, it may so inform CARP Growers in writing, identifying the feasible milestones that must be accomplished in the following 90 days. If 90 days after the initial objection is transmitted, and CARP Growers are not operating in substantial compliance with the Workplan, the Coalition may:

- a. Engage a mediator at CARP Growers' expense to facilitate a resolution of the issues between the parties;
- b. Notify County officials of lack of satisfactory progress; and
- c. Cease from supporting permits for CARP Growers Members.

These Recitals are re-incorporated below by reference as operative elements of this Contract.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. Model OAP. The Parties have developed and agreed upon the terms and elements of a Model Odor Abatement Plan, including odor control technology (technology and practices), odor monitoring technology and protocols, community and neighbor engagement, and Odor Complaint Response and Corrective Actions ("Model OAP"), attached as Exhibit D. All CARP Grower Members will promptly adopt and implement the Model OAP. Adoption and implementation of the Model OAP shall be made a requirement for membership of CARP Growers. Substantially the same Model OAP will be adopted and implemented by all CARP Grower member farms. CARP Growers agree to follow the procedures in the Model OAP. (Refer to Exhibit D for Model OAP).

As part of this Contract, CARP Growers Members will promptly submit the Model OAP to the County in pending permit applications, projects under appeal and/or as permit modifications or revisions (as appropriate) to approved CDPs (collectively the "CARP Grower Projects"). The Model OAP will run with the land as an enforceable component of the County's approved permit for so long as cannabis is cultivated on the site.

As significant improvements to control technology (BACT) are identified and the applicability established, including without limitation through third party testing, CARP Growers Members each shall, subject to commercial availability and onsite power requirements, promptly update their OAPs to include & implement such new best available odor control technologies, equipment, practices and methods that may apply to each individual CARP Growers Members operation.

2. Unresolved Issues. At the time of entering into this Contract, there remain several unresolved issues that bear upon the Model OAP and future iterations of the OAP and to the cooperative working relationship among the Parties, including: a) delineation of the current and future best available control technology (BACT) for mixed light cultivation; b) correlation of property line or other identified site location (eg vent) concentrations of odor-causing compounds to odor observation at receptor sites sufficient to ensure the absence of odor episodes in publicly-accessible locations (defined below); c) the identity of specific Odor Causing Compound(s); d) definition, detection and measurement of an objective, measurable Odor Detection Threshold, the exceedance of which represents impermissible odorous air; e) methods for correlating an odor episode to a specific Grower or Growers for purposes of Corrective Action under the OAP; and f) steps to modify the County's process for revising OAPs, so as to facilitate integration of BACT upgrades and other technological changes and to substitute the improved Model OAP for an existing, approved OAP. Resolution of these issues requires the good faith cooperation of the Parties, sharing of information and discussion of issues, and the evolution of technologies and the regulatory environment. The Work Program shall be periodically updated and identify timelines for the resolution of each Unresolved Issue and specific dates for completion of analysis and final resolution of the issue.

The following are the Parties' goals concerning these Unresolved Issues and the current understanding concerning certain key issues:

BACT Definition, Revisions, and Implementation: The term best available control technology, or BACT is a term of art that is defined under air pollution control law and policy. CARP Growers will employ BACT for odor control at their operations consistent with applicable law and any applicable permits. At the time of this Contract, the Parties are encouraged by pilot studies, prototype models and preliminary testing that support the use of carbon scrubber filtration systems in cultivation areas containing flowering cannabis & all processing areas. CARP Growers and their members shall share all information, data, reports, studies and monitoring results concerning the efficacy of odor control technologies, including under Confidentiality Agreements and/or Privileges as necessary, to involve and engage the Coalition in the ongoing process to define and refine BACT over time. CARP Growers shall periodically invite and include the Coalition or their representatives to attend/participate in CARP Growers' Odor Committee, and the Parties agree to define, refine and implement BACT so long as cannabis operations continue at each CARP Growers' operation. The Parties' Goal for Odor Control, via BACT technologies, Grower practices and other strategies, is to achieve effective odor control such that no significant odors arising or emanating from a cannabis project within a CARP Grower Member's facilities' property line are detected beyond such property line. CARP Growers shall promptly share all data, reports and analysis of BACT with the Coalition as this information is prepared and notify Coalition prior to any member's submittal of documents or information to the County concerning BACT at each member's site.

Definition of Publicly-Accessible Location (“PAL”). The Parties recognize that existing technologies and knowledge precludes enforceable assurances that odors will remain on the cannabis premises. CARP Growers will, in partnership with the Coalition, establish a new and enhanced community odor inquiry program which will be accessible to all members of the community, which invites the public to submit odor inquiries, not just when they experience fugitive odors on residentially zoned areas (as defined in the County’s ordinance) but also to submit odor inquiries when the public experiences odor in “Publicly Accessible Locations.” PAL are defined as: 1) all areas that the public may freely access, including businesses, day care centers, youth centers, parks, churches, 2) residential parcels that are within 1,000 feet measured from the property line of any parcel containing an odor emitting structure, and 3) any location within 1,000 feet measured from the property line of any parcel containing an odor emitting structure. Notwithstanding these definitions, for purposes of this program and Contract, PAL shall currently be interpreted to not include roads or sidewalks that are not located in residential neighborhoods or residentially zoned areas (Non-Residential Roads and Sidewalks). Both parties agree to an annual reopener to discuss the expansion of the definition of PAL to include Non-Residential Roads and Sidewalks as a PAL as expeditiously as practicable, with the first reopener discussion to be held on January 3, 2022. Technology to consistently prevent odors from escaping to Non-Residential Roads and Sidewalks is not yet proven but the Parties expect it will successfully evolve to achieve that, and commit to taking such steps as are necessary to identify and implement the technology necessary to achieve that goal. For so long as PAL excludes Non-Residential Roads and Sidewalks, CARP Growers members that receive odor inquiries regarding odor on Non-Residential Roads and Sidewalks shall record and make available to the CARP Growers and the Coalition such odor inquiries. These records shall be used only to inform the Parties as to the magnitude of the odor issues on such Non-Residential Roads and Sidewalks.

Community Role in Odor Identification and Resolution: In the interest of responding rapidly to odor inquiries and based on the time sensitive nature of identifying and controlling the odor source, Operator invites the public to contact the Primary Odor Contact directly with any odor concerns, or to submit an inquiry to ensure prompt and conclusive action. Any odor inquiries or correspondence that is received will be continuously monitored and immediately routed to the Primary Odor Contact for a timely response. This requires reporting of the time and specific location of any offsite detection. Operator encourages community participation and commits to identifying the cause of Odor Episodes, so that Operator can continue to improve the efficacy of its odor abatement systems and operating procedures, with the long-term goal of eliminating fugitive cannabis odors.

Odor Control Goals: With the advance of science, technology and practices, the Parties intend and state as a specific, important and common goal that odor be controlled such that there will be no significant detectable odors at any PAL. CARP Growers agree to implement all available and

demonstrated effective odor control technology that is reasonably expected to achieve, or to materially advance achievement, of this goal of no significant detectable odor at any PAL.

Notification and Reporting to the Coalition: CARP Growers commits to sharing with the Coalition all relevant odor control and response information, including but not limited to the following, with confidential information transmitted under protection of a NDA:

- a) Weather Data identified in OAP Section 1;
- b) Initial Baseline Audit and any other Monitoring Data per OAP Section 3;
- c) After Episode Reports per OAP Level 1-4 Responses;
- d) Report conclusions of investigations per OAP Levels 1-4, including corrective actions;
- e) Determinations regarding the presence or absence of odors at reporting locations after corrective actions are undertaken;
- f) Reports detailing efforts taken to resolve odor complaints; and
- g) Reports regarding BACT analysis per Level 4 response.

CARP Growers will notify the Coalition if the Operator possesses evidence that the Operator is not the likely source of or a likely significantly contributing source of reported odors.

CARP Grower members will notify and offer to meet with the Coalition, as part of OAP Level 3, to share conclusions and review strategies for resolving the Unresolved Odor Episode.

Odor Causing Compound(s): the role of terpenes, thiols, other compounds, or combinations thereof as the malodorous Odor Causing Compounds creating community objections and public nuisance is under investigation. If one or more Odor Causing Compounds are identified, odor control equipment and measuring devices shall focus on those Odor Causing Compounds or on other correlated compounds that act as surrogates of Odor Causing Compounds for all such purposes.

Monitoring Odor and Odor Causing Compounds: The Parties agree that the equipment and techniques for objectively measuring and monitoring odor levels and the concentrations of Odor Causing Compounds emitted from **cannabis facilities** will be important to documenting impacts, guiding odor source(s) identification and guiding odor control, among various purposes. The Parties' Goals for Odor Monitoring is, as soon as possible, the development, refinement and implementation of odor monitoring and detection tools to identify sources of odors (particularly among several potential sources), to determine appropriate concentrations of Odor Causing Compounds **in the greenhouses and/or at greenhouse vents** that prevent detectable odor conditions, based on modeling and observations, such that detectable odor conditions will not be experienced beyond the property line, and to project the areas to which such odors are transported, to enhance control strategies, among other uses and functions. Odor monitoring may involve odor panels, analytical measurement systems, surrogates and other tools. Odor modelling may be useful in certain applications, such as where sources are combining to create

odor episodes or the individual sources of odors cannot be otherwise easily identified. As community odor detection tools and systems are advanced (such as establishing a different odor detection threshold and demonstrated reliable monitoring systems) the CARP Growers will update and revise their Odor Inquiry confirmation protocols to employ best available information, tools, standards and systems to document and quantify Odor Episodes and guide enhanced Corrective Actions.

Odor Detection Thresholds: the Parties acknowledge the importance of a numerical standard of an Odor Causing Compound or surrogate where the concentrations of Odor Causing Compounds causes objectionable types and intensities of odor. The Parties' Goal is to define an Odor Detection Threshold based on the concentration of an Odor Causing Compound or surrogate, to serve as a means to avoid odor episodes and monitoring and avoiding migration of odors offsite. Based upon the research being carried out by CARP Growers, the Parties currently believe it is feasible to define such a numerical Odor Detection Threshold.

Odor Episode Confirmation: the Parties intend to utilize the identification of select Odor Causing Compounds and empirically derived Odor Detection Threshold(s) to identify an objective numerical concentration of an Odor Causing Compound or surrogate to predict or estimate the presence or absence of objectional odor conditions.

Correlation of odors to a specific Grower or facility: the Parties agree that tools and processes for responding to persistent or repeating odor episodes where no single facility is the clear or identifiable source need to be developed and refined to allow appropriate enforcement through the isolation/identification of the source or sources of odors in PALs. The Parties share the goal of developing and implementing such tools and techniques to isolate an odor source among several sources, understanding cumulative development of odors, and strategies for resolving odor episodes. The ability to distinguish a problematic odor source among proximate greenhouses is a high priority and shall be specifically included in the Work Plan.

When no single facility is the clear or identifiable source of odor, the CARP Growers will work with the Coalition to initiate the following procedures:

- a) Convene the operators in the region in which there are ongoing and unidentifiable odor complaints;
- b) Deploy best available odor measurement device to conduct measurements of odor causing compounds in each facilities' greenhouse;
- c) Compare these results to the agreed upon Odor Detection Threshold (Greenhouse Concentration Limit) to determine which facility or facilities may be exceeding the ODT/greenhouse concentration limit, which indicates objectionable odor concentration.
- d) If a facility or facilities are identified as likely sources of objectionable odors, they shall initiate the procedures identified in Level 2, 3 and 4 of the OAP until the source of emissions is identified and mitigated.
- e) The facility or facilities that were identified as exceeding the ODT shall have 1 month to

consult with a third party odor expert, and then exhaust OAP Levels 2-4. Then the facility shall initiate another round of testing using best available methods or device, to determine if after exhausting OAP Levels 2-4, they are under the ODT. If the facility testing shows the operator is now below the ODT, the effort shall be Resolved. If the facility second round of testing shows the operator is still exceeding the ODT, the Coalition will interpret the farm as substantially out of Compliance with the Work Program and Contract, and may take additional action in opposition to the operator, as deemed appropriate by the Coalition.

The CARP Growers will include the Coalition in each of the abovementioned procedures, and consult with the Coalition as part of this process by inviting the Coalition to participate in these procedures and assessments, including timely sharing reports, data and conclusions.

County OAP and Permit revision processes: the Parties expect that OAPs will be revised periodically over time as BACT improves and other changes facilitate more effective and efficient mitigation of cannabis odor impacts. Current County practices create barriers to iterative improvements to OAPs and permit revisions. The Parties have worked and will continue efforts with the County to facilitate timely and appropriate OAP updates and, as needed, permit revisions through processes that allow swift actions to improve and enhance OAPs and appropriate processes for public involvement when appropriate.

3. Partnership to Incentivize and Facilitate Timely and Seamless County Procedure/Permit for BACT and Model OAP Upgrades: The Coalition agrees to coordinate with the CARP Growers and encourage County staff and decision makers to create a timely and efficient process and procedure for the CARP Growers to make BACT upgrades, including pathways that are non-appealable. The Coalition recognizes it is in the best interest of the community to not create procedural delays or barriers that may disincentivize growers from making timely BACT upgrades. The Coalition recognizes that the public wants timely, and ongoing actions by the industry to upgrade to more efficient and effective best available odor control technology and SOPs, via the Model OAP. The Coalition will partner with the CARP Growers members to proactively seek to facilitate swift and certain approvals for CARP Growers' member's farm's efforts to enhance their OAP and odor control technology, as this is a collective, agreed upon goal.

4. Collaborative Efforts Issues: the Parties agree that they shall engage on various collaborative efforts to facilitate community betterment and improve conditions for the cannabis community. Each Collaborative Effort shall be addressed on an ad hoc basis, with specific goals and actions, roles and responsibilities identified at the outset, such as through a written Memorandum of Understanding or similar guiding document. Examples of potential

Collaborative efforts include networked weather stations, electrical supply system upgrades and zoning ordinance revision issues.

A. Weather Stations: Accurate and timely wind and weather data can assist in investigating odor complaints and managing odor. The Parties' Goals include implementation of an integrated network of high quality weather monitoring stations capable of representing conditions throughout the Carpinteria Valley that may be used to evaluate odor conditions, and to predict and avoid odor episodes. CARP Growers will facilitate the development and implementation of a comprehensive, high quality wind and weather monitoring system and provide the Coalition continuous access to that system.

B. Electrical Supply system upgrades: Some areas of Carpinteria experience constrained electrical supply from the grid, and most if not all CARP Growers Members' operations have pending applications for Electrical Service Upgrades ("ESU") and associated County Land Use Permit and/or Building Permit applications. The Parties shall cooperate in expediting the approval and implementation of ESUs that will enable enhanced odor control. Carp Growers commit to diligently pursue such ESUs.

C. Zoning: The County's Carpinteria Agricultural Overlay District (CAOD) program and rules were adopted to designate areas for preservation of open field agricultural uses and to limit the size of new greenhouses in some areas (Area B) and support future greenhouse development in others (Area A). CAOD provisions constrain some CARP Growers Members from structural improvements and replacement structures that could lead to enhanced odor control, less impactful projects, and enable the development of solar power facilities as components of cannabis projects. The Parties shall confer together & with County officials to determine if they can mutually support Local Coastal Plan revisions to improve conditions in Carpinteria for residents and the cannabis industry.

5. SBCRC Position on Compliant CARP Growers Member's Projects:

The Coalition will not oppose or appeal the approval of CARP Grower projects that utilize the Model OAP, the Community Odor Guidelines contained in Exhibit B and have executed and are bound by this Contract.

Additionally, the Coalition will support CARP Grower projects that utilize the Model OAP, the Community Odor Guidelines and that have executed and are in full compliance with the terms of this Contract. CARP Growers will oppose Carpinteria area mixed light cannabis projects that: 1) do not utilize the Model OAP and Community Odor Guidelines or a more effective OAP and Community Odor Guidelines, and 2) that have not consummated a contract with the Coalition,

with the existence and status of said contract to be communicated by Coalition to CARP Growers. Upon CARP Growers' request and as mutually deemed appropriate, the Coalition will attempt to engage with potential community appellants of CARP Grower projects that are utilizing the Model OAP and the Community Odor Guidelines and signatories to this Contract for the purpose of promoting dialogue and understanding of the benefits of this Agreement and related actions. Neither the Coalition, nor any of its Officers or Directors, shall support, financially or otherwise, any challenge, or appeal or any other action adverse to CARP Growers Member's projects' permits and permit approvals, provided the CARP Growers members are in substantial conformance with each element of this Contract, applicable County authority, the Model OAP and the Community Odor Guidelines.

6. Waiver: the Coalition forever waives all rights, claims, and causes of action, whether administrative or at law, to oppose, challenge, and/or appeal, on grounds related to odor, all CARP Grower Member projects that are designed and being operated in substantial compliance with this Contract, the model OAP and the Community Odor Guidelines and provided that the Contract, OAP and Community Odor Guidelines are substantially effective at controlling odors. This waiver shall not apply to or affect in any way the rights of the parties to the existing litigation entitled SBCRC v Everbloom, et al., Santa Barbara County Superior Court No 20CV01124.

The Coalition acknowledges that it is assuming the risk of unknown or unanticipated claims and expressly waives the benefits of California civil code section 1542, which reads as follows:

a general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

7. Good faith: The Parties hereto agree that they shall act and work in good faith to uphold, comply with and implement this Contract and take other such actions as are appropriate to dispositively overcome odor issues.

8. Communications and Cooperation: The Parties shall maintain open and regular communications among themselves, members, Board members and representatives and strive to keep each other apprised of developments and issues of interest for the other. Disputes and conflicts should be addressed openly, and seek a constructive resolution. Facilitation may be considered if considered necessary.

The Parties recognize that conditions surrounding the cannabis industry will change, personnel within each organization will turn over, and new technologies will arise. The Parties seek to develop and sustain a working and functional relationship based on trust, respect, communication, and community.

9. Survival of Commitments: Each CARP Grower Member shall:

- A. Have the entity identified as the holder of the State cannabis cultivation license execute and bind that entity to comply with all commitments, terms and obligations in this Contract and the Model OAP for the life of its project, provided that the Coalition and each Coalition Member are not in material breach of their obligations under this Contract or the Model OAP;
- B. Provide prior written notification to any buyer, transferee, assignee or other grantee, or heir or successor of any right, title, or interest in or to the Cannabis Operation as entitled by the County and licensed by the County and State, with a copy of this Contract, the Model OAP, the Community Odor Guidelines and contact information for the Coalition and its counsel, which is as follows: Law Office of Marc Chytilo, APC, Post Office Box 92233, Santa Barbara, California 93190, and
- C. Either:
  - a) Record this Agreement to run with the land and bind any subsequent buyer, transferee, assignee or other grantee, or heir or successor of any right, title, or interest in or to the Cannabis Operation (“Transferee or New Owner”) by recording this Agreement or a summary of this Agreement in the chain of title at the Santa Barbara County Recorder’s office, or
  - b) In the event recordation described above cannot be achieved, then
    - i Use its commercially reasonable best efforts to restrict any transfer of land upon which its project is located (the “Real Property”) such that any such transferee, as a condition of such transfer, shall enter into this Contract via written assumption of all of its duties and obligations under this Contract; and
    - ii Not sell or transfer any material interest in its project’s cannabis operations for the first five (5) years after the effective date of this Contract, unless such transfer is conditioned on such transferee’s written assumption of all of its duties and obligations under this Contract;
  - c) and
- D. Notify the Coalition within ten (10) business days of any transfer of Real Property, any transfer of a material interest in its project, and prior to any change of ownership as defined by Santa Barbara Count Code § 50-23(b) to a Transferee or New Owner, and provide the Coalition with copies of any such Transferee’s and/or New Owner’s written acceptance of the enforceability of the terms of this Contract upon it, and contact information with regard to any such Transferee and/or New Owner.
- E. If the Transferee or New Owner declines to enter into this Contract and accept enforceability thereof by the Coalition, the New Owner and their cannabis operation’s membership in CARP Growers shall be immediately terminated and CARP Growers shall promptly publish in a display ad not less than ¼ page in the Coastal View and Santa Barbara Independent for 3 consecutive weeks’ notice that the New Owner has been

expelled from CARP Growers for failure to accept and agree to abide by the terms of this Contract.

10. This Contract is intended to promote and provide guidance for productive communications between the parties during cannabis permitting in Carpinteria and beyond. This is a binding document that controls the actions of each Party and their Members (CARP Growers) and Directors (Coalition). The Parties may mutually agree to revise, replace or terminate this Contract, however the goal of the Parties is to develop and maintain a productive working relationship which will minimize or eliminate the negative impacts, such as odor, which are associated with large scale cannabis operations in the Carpinteria Valley.
11. All reports and data provided or disclosed by Operator which are not otherwise publicly available shall remain the sole and exclusive property of Operator and shall only be used for purposes of addressing particular Odor Episodes (defined in OAP).
12. The Parties hereto agree that they shall act and work in good faith to uphold, comply with and implement this agreement to dispositively overcome odor issues and avoid the need for appeals.
13. This Agreement shall not be confidential, but distribution shall be managed. The Parties will coordinate public and community outreach.
14. Nothing in this Agreement shall be construed as an admission by any party or any party's affiliated or related of any wrongdoing or liability of any kind or nature.
15. Execution in Counterparts. This Agreement may be executed in counterparts, and each counterpart, when executed, shall have the efficacy of a signed original. Photographic, electronic, and facsimile copies of such signed counterparts may be used in lieu of the originals for any purpose.
16. Severability. The Parties agree and acknowledge that this Agreement shall be governed by and construed in accordance with the laws of the State of California, and that if any provision of this Agreement is determined to be illegal or unenforceable, such determination shall not affect the balance of this Agreement, which shall remain in full force and effect and such invalid provision shall be deemed severable.
17. Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon the Parties hereto and their respective legal representatives, including the Parties' successors and assigns, past and present parents, subsidiaries, affiliates, predecessors, successors, assigns, officers, directors, employees, attorneys, agents, representatives, heirs, executors, guardians ad litem and administrators, and each of them.
18. No Party Deemed Drafter. All Parties hereto acknowledge that they have been represented by independent counsel of their own choice throughout all of the negotiations that preceded the

execution of this Agreement. This Agreement shall be construed fairly as to all Parties and not in favor of or against any of the Parties, regardless of which Party actually prepared this Agreement.

19. Representation. The Parties have been represented in the negotiations for preparation of this Agreement by legal counsel of their own choosing, have been fully advised by such counsel of their rights and duties hereunder, have read this Agreement in its entirety, have had this Agreement and each of its parts fully explained to them by their counsel, and are fully aware of its contents and its legal effect. The Parties have relied only on the representations contained in and expressly set forth in this Agreement in entering this Agreement.
20. Authority. Each of the Parties represents and warrants that its respective signatory has full authority to bind each of them to the terms and conditions of this Agreement. All business entities executing this Agreement represent and warrant that their signatory's authority has been validly obtained in accordance with the applicable articles of incorporation and bylaws and the laws of the state in which the entity is incorporated, if necessary.
21. Payment of Expenses. In the event of a breach of this Agreement, the prevailing Party is entitled to obtain its reasonable attorneys' fees and costs expended in conjunction with enforcement of this Agreement only, should that become necessary.
22. Jurisdiction. The Parties request and agree that the Santa Barbara Superior Court, Anacapa Division shall retain jurisdiction over the Parties to enforce this Agreement. This Agreement shall be governed by the laws of the State of California.

Dated: August 20th, 2021

It is so agreed:

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CARP GROWERS

DocuSigned by:

*Autumn Shelton*

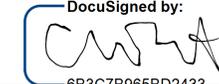
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Autumn Shelton, President

**CARP GROWERS INDIVIDUAL MEMBERS**

Entity Name	Signer Name, Title	Signature
Autumn Brands, LLC	Autumn Shelton, Member	DocuSigned by: <i>Autumn Shelton</i> 8D9F73208DF40D...
Ocean Hill Farms, LLC	Kelly Clenet, Member	DocuSigned by: <i>Kelly Clenet</i> F91CF69C7AD6423...
Blue Whale Agriculture, Inc.	Tadd McKenzie, CEO	DocuSigned by: <i>Tadd McKenzie</i> FE2403D704F4456...
CKC Farms, Inc.	Francis Brand, CEO	DocuSigned by: <i>Francis Brand</i> F807D0DAC10C41C...
JJ Agriculture, Inc.	Thomas Brand, CEO	DocuSigned by: <i>Thomas Brand</i> 2EC6913D3574405...
Life Remedy Farms, Inc.	Tadd McKenzie, CEO	DocuSigned by: <i>Tadd McKenzie</i> FE2403D704F4456...
New Generation Farms, Inc.	Thomas Brand, CEO	DocuSigned by: <i>Thomas Brand</i> 2EC6913D3574405...
New Horizon Farming, Inc.	Katarzyna Brand, CEO	DocuSigned by: <i>Katarzyna Brand</i> 7ECE7C856D5406...
Primetime Farms, Inc.	Francis Brand, CEO	DocuSigned by: <i>Francis Brand</i> F807D0DAC10C41C...
Bosim 1628 Management Company, LLC	Erin Carachilo, CEO	DocuSigned by: <i>Erin Carachilo</i> 72667749C35547B...
Ceres Farm, LLC	Alex Van Wingerden, CEO	DocuSigned by: <i>Alex Van Wingerden</i> 9F02F3362BF34E4...
Mediedibles, Inc.	Tristan Strauss, CEO	DocuSigned by: <i>Tristan Strauss</i> 55B1197EDDF042C...
CP1 Supply Systems, Inc.	Tristan Strauss, CEO	DocuSigned by: <i>Tristan Strauss</i> 55B1197EDDF042C...
Ednigma, Inc.	Eduard Van Wingerden, Owner	DocuSigned by: <i>EDUARD VAN WINGERDEN</i> 5C564F0C4AC74E4...
Flora Coast, Inc.	Kristin Van Wingerden, Owner	DocuSigned by: <i>Kristin Van Wingerden</i> 6328EC74CF8D480...

Melodious Plots, Inc.	Ivan Van Wingerden, Owner	DocuSigned by: Ivan Van Wingerden AE2E2105F8B1424...
Orbiter Blooms, Inc.	Winfred Van Wingerden, Owner	DocuSigned by:  EF0DA0CF211B417...
Saga Farms	Sofia Van Wingerden, Owner	DocuSigned by: Sofia Van Wingerden 9E8FA26AD45A4B9...
Twisted Roots, Inc	Amir-Hamsa Eskandari, Owner	DocuSigned by: Amir-Hamsa Eskandari 4D082679820B4EE...
Mission Health Associates, Inc	Graham Farrar, President	DocuSigned by: Graham Farrar 28B9F496F8A44F5...
G&K Produce, LLC	Graham Farrar, President	DocuSigned by: Graham Farrar 28B9F496F8A44F5...
SLO Cultivation Inc., dba Cresco California	Charlie Bachtell, CEO	DocuSigned by:  6B3C7B965BD2433...
Valley Crest Farms, LLC	Rick Palmer, CEO	DocuSigned by: Rick Palmer 19BD91205260409...
Vista Verde Farms, LLC	Alex Van Wingerden, CEO	DocuSigned by: Alex Van Wingerden 9F62F5662BF34E4...
Emma Wood B1, LLC	Tristan Strauss, CEO	DocuSigned by: Tristan Strauss 55B1197EDDF342C...

IN WITNESS WHEREOF, the Parties have each caused this Contract to be executed as of the date set forth herein.

**SANTA BARBARA COALITION FOR RESPONSIBLE CANNABIS, INCORPORATED**

**DIRECTORS**

<b>Director</b>	<b>Title</b>	<b>Signature</b>
Blair Pence	President & Director	<small>DocuSigned by:</small> <i>Blair Pence</i> <small>93B990A01D4A475...</small>
Evan Turpin	Treasurer & Director	<small>DocuSigned by:</small> <i>Evan Turpin</i> <small>47028420BEF744C...</small>
Rob Salomon	Director	<small>DocuSigned by:</small> <i>robert salomon</i> <small>1B04D015205F40B...</small>
Lionel Neff	Director	<small>DocuSigned by:</small> <i>Lionel B. Neff</i> <small>492BE490C3514C4...</small>

**EXHIBIT A****CARP GROWERS INDIVIDUAL MEMBERS**

<b>Business Entity Name (Operator/Business License/State License Holder)</b>	<b>Landowner Name</b>	<b>Project Name</b>	<b>Address</b>
Autumn Brands, LLC	Brand Partnership LLC	Autumn Brands, LLC, Ocean Hill Farms, LLC	3615 Foothill Road, Carpinteria, CA 93013
Ocean Hill Farms, LLC	Brand Partnership LLC	Autumn Brands, LLC, Ocean Hill Farms, LLC	3615 Foothill Road, Carpinteria, CA 93013
Blue Whale Agriculture, Inc.	Rincon Point Farms, LLC	Rincon Point Farms, LLC	5775 Casitas Pass Road, Carpinteria, CA 93013
CKC Farms, Inc.	Carpinteria Peak Land, LLC	Carpinteria Peak Land, LLC	5138 Foothill Road, Carpinteria, CA 93013
JJ Agriculture, Inc.	Johannes Persoon, Persoon Family Trust	Johannes Persoon, Persoon Family Trust	4532 Foothill Road, Carpinteria, CA 93013
Life Remedy Farms, Inc.	Carpinteria Peak Land, LLC	Carpinteria Peak Land, LLC	5138 Foothill Road, Carpinteria, CA 93013
New Generation Farms, Inc.	Rincon Point Farms, LLC	Rincon Point Farms, LLC	5775 Casitas Pass Road, Carpinteria, CA 93013
New Horizon Farming, Inc.	Johannes Persoon, Persoon Family Trust	Johannes Persoon, Persoon Family Trust	4532 Foothill Road, Carpinteria, CA 93013

Primetime Farms, Inc.	Casitas Farms, LLC	Casitas Farms, LLC	5554 Casitas Pass Rd, Carpinteria, CA 93013
Bosim 1628 Management Company, LLC	HM Holdings, Limited Partnership	Bosim 1628 Management Company, LLC	1628 Cravens Lane, Carpinteria, CA 93013
Ceres Farm, LLC	Van Wingerden Family Trust dated May 13, 1999	Ceres Farm LLC.	6030 Casitas Pass Road, Carpinteria, CA 93013
Mediedibles, Inc.	WILBERT PERSOON, Surviving Trustee, and JOHANNES A.P. PERSOON, Successor Trustee, U/D/T dated October 7, 1993, F/O/B the Person Family Trust	Mediedibles, Inc.	4994 Foothill Road, Carpinteria, CA 93013
CP1 Supply Systems, Inc.	John Van Wingerden and Walter Van Wingerden	CP1 Supply Systems, Inc.	4505 Foothill Road, Carpinteria, CA 93013
Emmawood B1, LLC	Barbara M. Kono, Trustee of Trust A-Surviving Trustor's Trust under Yoshio Kono and Barbara M. Kono Revocable Trust under Trust Agreement dated September 13, 1980	Emmawood B1, LLC	5888 Via Real, Carpinteria, CA 93013
Ednigma, Inc.	The Van Wingerden Family Trust U/D/T March 21, 1989, Eduard Nadia Van	Ednigma, Inc., Melodious Plots, Inc.	4701 Foothill Road, Carpinteria, CA 93013 "Everbloom"

	Wingerden, Trustees		
Ednigma, Inc	Creek Property, LLC	Ednigma, Inc	3684 Via Real, Carpinteria, CA 93013 "Roadside"
Flora Coast, Inc.	VWV, LLC	Twisted Roots, Inc, Flora Coast, Inc.	3508 Via Real, Carpinteria, CA 93013 "Creekside"
Melodious Plots, Inc.	The Van Wingerden Family Trust U/D/T March 21, 1989, Eduard Nadia Van Wingerden, Trustees	Ednigma, Inc., Melodious Plots, Inc.	4701 Foothill Road, Carpinteria, CA 93013 "Everbloom"
Orbiter Blooms, Inc.	The Winfred B. Van Wingerden Exempt Trust and Winfred B. Van Wingerden 2015 Trust, Winfred B Van Wingerden, Trustee	Orbiter Blooms, Inc., Saga Farms, Inc.	4555 Foothill Road, Carpinteria, CA 93013 "Maximum"
Saga Farms	The Winfred B. Van Wingerden Exempt Trust and Winfred B. Van Wingerden 2015 Trust, Winfred B Van Wingerden, Trustee	Orbiter Blooms, Inc., Saga Farms, Inc.	4555 Foothill Road, Carpinteria, CA 93013 "Maximum"
Twisted Roots, Inc	VWV, LLC	Twisted Roots, Inc, Flora Coast, Inc.	3508 Via Real, Carpinteria, CA 93013 "Creekside"
Twisted Roosts, Inc	Coastal Blooms Nursery, LLC	Twisted Roosts, Inc	3798 Via Real, Carpinteria, CA 93013 "Dryery"

Mission Health Associates, Inc	Glass House Farm LLC	Mission Health	5601 Casitas Pass Road, Carpinteria, CA 93013
G&K Produce, LLC	Magu Farm LLC	G&K Farm/K&G Flower	3480 Via Real, Carpinteria, CA 93013 (Previous -3561 Foothill Road, Carpinteria, CA 93013)
K&G Flowers, LLC	Magu Farm LLC	G&K Farm/K&G Flower	3480 Via Real, Carpinteria, CA 93013 (Previous -3561 Foothill Road, Carpinteria, CA 93013)
SLO Cultivation Inc., dba Cresco California	R. & J. VAN WINGERDEN FAMILY TRUST	Cresco Cannabis Cultivation and Processing	3889 Foothill Road, Carpinteria, CA 93013
Valley Crest Farms, LLC	Van Wingerden Family Trust dated May 13, 1999	Valley Crest Farms, LLC	5980 Casitas Pass Road, Carpinteria, CA 93013
Vista Verde Farms, LLC	G&S Real Estate, LLC.	Vista Verde Farms, LLC.	3450 Via Real, Carpinteria, CA 93013
Vista Verde Farms, LLC	Van Wingerden Family Trust dated May 13, 1999	Vista Verde Farms, LLC.	4385 Foothill Road, Carpinteria, CA 93013

## **Exhibit B**

### **Community Odor Guidelines**

The purpose of these guidelines is to supplement the required odor control plan required by the County of Santa Barbara. These are voluntary guidelines that are agreed to by the grower and the Coalition for the purpose of expanding odor control tools, addressing odor concerns expressed by the community and minimizing odors in the Carpinteria Valley. These guidelines are not enforceable by the County of Santa Barbara but are enforceable by the Coalition pursuant to a separate Agreement.

#### **1. Community Participation and Outreach**

The (insert name of operator) shall maintain its own list of interested parties referred to as the “Community Outreach List” (“COL”) consisting of individuals and organizations that request inclusion. The Operator shall provide periodic notifications as described herein, and semi-annual written or emailed odor updates to the COL with the goal of fostering productive communications, reviewing the effectiveness of odor control efforts and facilitating efforts to accurately identify the source of, and ultimately mitigate, any fugitive cannabis odors believed to be emanating from the subject Property. Operator shall request community participation and feedback in this process, and shall address and respond to community comments and concerns related to odor.

#### **2. Community Communication**

In the interest of responding rapidly to odor inquiries and based on the time sensitive nature of identifying and controlling the odor source, Operator invites the public to contact the Primary Odor Contact directly with any odor concerns, or to submit an inquiry to ensure prompt and conclusive action. The interested party can and should also work through the County’s process under the enforcement of the required OAP. The Operator will continuously monitor for receipt of any odor inquiries or complaints by phone at \_\_\_\_\_ and will immediately route inquiries and complaints to the Primary Odor Contact for a timely response. The Operator may utilize analytical tools and measurement systems to evaluate odor inquiries and assess odor conditions, as well as for routine monitoring of horticultural conditions, and to advance the long-term goal of eliminating fugitive cannabis odors.

Additionally, the CARP Growers Association (“Association”) shall maintain its own list of interested parties referred to as the “Community Outreach List” (“COL”) for each Association property/member property with cannabis operations or licenses, consisting of individuals and organizations that request inclusion via Association’s website [[www.carpgrowers.org](http://www.carpgrowers.org)] or via direct contact with the Primary Odor Contact at the source of the odor.

The Association shall provide periodic notifications as described herein, and bi-annual written or emailed odor updates to the COL with the goal of fostering productive communications, reviewing the effectiveness of odor control efforts and facilitating efforts to accurately identify the source of, and ultimately mitigate, any fugitive cannabis odors believed to be emanating from the subject Property. Operator shall also request community feedback and participation in this process on the

Association's website and make good faith efforts to address and respond to reasonable community comments and concerns related to odor. All reports and data provided or disclosed by Operator which are not otherwise publicly available shall remain the sole and exclusive property of Operator and shall only be used for the purposes of addressing particular Odor Episodes (defined below).

### **3. Enhanced Odor Response Protocol**

In the interest of responding rapidly to odor inquiries and based on the time sensitive nature of identifying and controlling the odor source, Operator invites the public to contact the Primary Odor Contact directly with any odor concerns, or to submit an inquiry at Association's website to ensure prompt and conclusive action in addition to utilizing the County's Odor Complaint Process. Any odor inquiries or correspondence that is received through the Association website will be continuously monitored and immediately routed to the appropriate subject property/member for a timely response. Effective enhanced response requires reporting the time and specific location (e.g., address or community landmark) of any cannabis-related odors and the known or suspected Operator that is the source of the odors. Operator encourages community participation and commits to identifying the cause of Odor Episodes, defined as fugitive cannabis odors experienced within residentially occupied parcels within one thousand (1,000) feet measured from the property line of any parcel containing an odor emitting structure or any Publicly Accessible Place within one thousand (1,000) feet measured from the property line of any parcel containing an odor emitting structure, so that Operator can continue to improve the efficacy of its odor abatement systems and operating procedures, with the long-term goal of controlling all odors at the Operator's property line. Publicly Accessible Places are defined as all areas that the public may freely access, including businesses, day care centers, youth centers, schools, parks, churches, and residential parcels. For purposes of this Odor Plan, "publicly accessible places" shall currently be interpreted to not include roads or sidewalks that are not located in residential neighborhoods or residentially zoned areas, but may be expanded to include these areas in the future.

### **4. Data, Reports and Communications with Coalition**

Operator shall provide to Coalition copies of all data, reports and communications that are provided to County concerning Odor complaints and otherwise relating to odor, such as, including but not limited to: access to weather monitoring networks, odor monitoring data, initial baseline and follow-up odor testing data, results of any investigations undertaken in response to odor complaints, corrective actions, any determinations regarding the presence or absence of odors at reporting locations after corrective actions are undertaken, and any and all reports detailing efforts taken to resolve odor complaints.

### **5. Additional Steps in Response to Odor Complaints**

In Level 2 Response to Odor complaint, after identifying the cause of an odor complaint and undertaking of corrective actions, the Operator shall inspect the reporting location or, if the reporting location is not known, at the locations in the direction where the Operator would expect odor to migrate based on the meteorological conditions present at the time of the Odor Inquiry (hereafter the "known, suspected or projected reporting location") to determine if odor is no longer present. If odor is still present, the Operator shall undertake a Level 3 Response.

## **6. Multiple Sources of Odor**

For a reported Odor Episode where the Operator is or may not be the source of the odor, or may be a contributing source but not the sole source of the odor, the Operator shall:

- a. Notify and engage the Operators of any other potential source(s) of the odors, (including through any trade association or organization of other Operators if any other Operators are members or participants in such association or organization), to identify the potential source(s) of the odors;
- b. Develop and implement a voluntary, cooperative Protocol among cooperating Operators, which may include:
  - i. implementing specific Corrective Actions among the potential source(s) to attempt to eliminate the odors beyond those required by the County of Santa Barbara as part of the required OAP, and/or
  - ii. implementing an analytical sampling and/or monitoring protocol beyond the protocols that are required to be followed by the County of Santa Barbara's OAPs to identify the source(s) of the odors
- c. The Operators shall implement voluntary measures and conduct further analytical sampling and/or monitoring as needed to either conclusively identify the source(s) of the odors or to eliminate the odors.

**Exhibit D  
Model OAP**

**Odor Complaint Response and Corrective Actions**

In the event of an odor complaint at \_\_\_ (insert address here) (the "Property"), please contact \_\_\_ (insert operator name here) ("Operator") Primary Odor Contact, as well as the Planning & Development Department ("Department") at (805) 568-2057 or online at [https://www.surveymonkey.com/r/cannabis\\_complaints](https://www.surveymonkey.com/r/cannabis_complaints)

[Primary Odor Contact]

**1. Weather Monitoring**

- A. Operator shall install and maintain continuous weather monitoring equipment in accordance with direction of a meteorological monitoring network plan provided by a qualified third-party professional so as to continuously record and transmit weather data, including wind speed, direction (including low speed wind direction capabilities), temperature and barometric pressure for as long as it engages in cannabis cultivation at this Property.
- B. This weather data will be maintained electronically and made available upon request (for at least one year) to the Department.
- C. Operator will use weather data to identify the variables and conditions that can cause, contribute to and affect Odor Episodes (defined below) and to better understand the transport and fate of odor emissions from cannabis operations in Carpinteria.
- D. In the event that a regional meteorological network is created by the Department or other entity, data from Operator's weather monitoring equipment shall be made available in real time to such network.

**2. Odor Technology**

The facility shall follow all methods for controlling and reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies (BACT) or methods as necessary to control odor at the facility, as determined by the Department. Any BACT to be employed by an Operator at a future date may require additional permits or changes to existing permits as determined by the Department.

**3. Initial Audit and Continuing Monitoring Obligations**

The Operator shall develop a testing program to deploy continuously over a 7-day period the best available proven odor monitoring device/method to measure cannabis odor causing emissions from the property during the first week of permitted operations, if other equivalent baseline odor testing has not already been conducted. The applicant shall maintain all odor monitoring data for 3 years and shall provide odor monitoring data to the Department upon request.

#### **4. Community Participation and Outreach**

Prior to the commencement of operations, the Operator shall provide to property owners and residents located within 1,000 feet of the Property the contact information for the Primary Odor Contact, who shall be available by telephone on a 24 hour/day basis to receive and respond to calls regarding any odor complaints (Santa Barbara County Article II Coastal Zoning Ordinance (CZO) §35-144U.C.6.f.1.). The Operator shall immediately notify the Department, property owners and residents located within 1,000 feet of any changes to the local contact (CZO §35-144U.C.6.f.2.).

#### **5. Odor Response Protocol**

The Operator will continuously monitor odor complaints and will immediately route complaints to the Primary Odor Contact for a timely response. The Operator may utilize analytical tools and measurement systems to evaluate odor inquiries and assess odor conditions, as well as for routine monitoring of horticultural conditions, for the long-term goal of eliminating fugitive cannabis odors.

The Operator shall notify the Department of any complaints the Operator receives within 24 hours of receiving the complaint (CZO §35-144U.C.6.f.3). **The Operator shall respond to an initial complaint within one hour and if needed, take corrective action to address any violation of CZO §35-144U.C.6 within two hours (CZO §35-144U.C.6.f.4).** The Operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant (if the complainant is willing to provide), as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years (CZO §35-144U.C.6.f.5).

**If the Department receives three verified complaints regarding odor events in any 365-day period, the Operator shall implement corrective actions to comply with the odor abatement requirements of County Code Section §35-144U.C.**

##### **a. **Level 1 Response - Initial Assessment and Corrective Actions****

For any instance in the Odor Response Protocol below where the Operator can determine that an odor complaint is "resolved" or "unresolved", the determination by the Operator does not preclude the Department from taking further actions, including enforcement actions pursuant to Section 35-185 (Enforcement and Penalties), of the Coastal Zoning Ordinance, which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s) pursuant to Section 35-169.8 (Coastal Development Permits) of the Coastal Zoning Ordinance.

Once an odor complaint is received by the Operator, the Operator shall within one hour after the odor complaint is received, perform an onsite visual inspection to ensure the function and integrity of the following:

1. The odor abatement equipment is working as intended and that there are no visible breaks or blockages in any odor abatement equipment; and
2. If being used, all carbon scrubbers or other odor abatement equipment are working properly and filters are clear of any debris; and
3. All doors are closed, sealed and secured, including greenhouse entry and exit points, internal processing rooms and processing entry and exit points, pursuant to Operator's Standard Operating Procedures ("SOPs"); and
4. A walk of the perimeter of the cannabis facilities, inspecting the integrity of the walls and structure and examining if a physically apparent source of odor can be detected.

If a cause for the reported odor episode was discovered during the inspection, the Operator shall take corrective action to address any violation of CZO §35-144U.C.6 within two hours of the complaint.

After taking corrective action, the Operator shall complete a site inspection at the reported odor complaint location to determine whether the odor complaint has abated. If odor is no longer detectable at the reporting location identified in the complaint or at locations in the direction where the Operator would expect odor to migrate based on the meteorological conditions present at the time of the odor complaint, then the odor complaint may be deemed resolved.

If no cause for the reported odor complaint was ascertained during the inspection and if odor is not detectible at the reporting location identified in the complaint, the odor complaint shall be deemed resolved.

**b. Level 2 Response -- Diagnostic Assessment and Corrective Actions**

If, after the Level 1 Response is complete, the Operator continues to observe fugitive odors, receives further odor complaints indicating that the odor is persisting or recurring periodically during the following 8-24 hour period, the Operator shall:

1. Conduct a weather assessment (wind speed, direction and any shifts, anecdotal weather information collected from interested parties, time and duration of odor complaint) of the conditions that were occurring at and in the two hours before the time of the odor complaint;
2. Perform a comprehensive diagnostic review of the odor abatement system;
3. Interview staff members that were on site during and in the two hours before the time of the odor complaint and determine if they performed or observed any actions or circumstances that may have caused or contributed to the reported odor complaint and evaluate if the operation adhered to the Operator's SOPs for odor abatement;

4. Repair or correct any conditions discovered that may cause or contribute to the odor complaint.

If a cause for the reported odor complaint is identified, the Operator shall take corrective actions, revise its SOPs, and/or adjust the odor control systems as necessary to address the condition(s) that caused the odor complaint. The Operator shall obtain any applicable permits related to project changes resulting from corrective actions before implementing any new odor abatement equipment that is not identified in the OAP. The Operator shall report the conclusions of its investigations (excluding any bona-fide proprietary or trade secret information) to the Department. Once these steps are completed, the odor complaint shall be deemed resolved..

If no cause for the reported odor complaint was ascertained during diagnostic assessment, and if the known reporting location is confirmed to be odor-free, the Operator shall prepare a written report (excluding any bona-fide proprietary or trade secret information) summarizing the Level 2 Response and submit it to the Department.

c. **Level 3 Response -- Analytical Assessment and Corrective Actions**

If, after the Level 2 Response is complete, the Operator continues to observe fugitive odors and/or receives further odor complaints during the following 8-24 hour period, or the reporting party responds that odor is persisting or recurring periodically during the following 8-24 hour period, the Operator shall implement further corrective actions as follows:

1. Commission a Professional Engineer (PE) or a Certified Industrial Hygienist (CIH) to perform an on-site evaluation of odor levels to analyze whether the Operator is the source of the reported odor complaint. The Operator's PE or CIH will use the Operator's and any other available meteorological data and the Operator's knowledge of operational activities at the time specified in the odor complaint to investigate the odor complaint, as feasible.
2. If no further conclusions are found from the analysis, and the Operator is unable to identify the potential cause of the odor complaint, the odor complaint is unresolved.
3. In the event that an odor complaint is unresolved and is recurring or continuing, as evidenced by repeated odor complaints from the property, the Operator shall:
  - i. Commission a Professional Engineer or a Certified Industrial Hygienist to implement a testing protocol to measure odor or an odor-causing constituent using the best, currently available objective, odor measurement device, technology or methods.
  - ii. Undertake corrective actions identified by the PE or a CH including, but not limited to:
    1. Revise its SOPs.
    2. Adjust or improve the function of the existing odor control systems (e.g., adjust dispersal of neutralizers, replace spent carbon media, install self-closing doors).
    3. Install supplemental or replacement odor control technologies, such as but not limited to internal greenhouse scrubbing systems. Such technology

could potentially include installation of 5-15 Regenerative Carbon Scrubbing units per acre of adult-flowering cultivation (exact system design to be defined on a Project specific basis as determined by a qualified professional). Depending on the scope and nature of the supplemental or replacement odor control technologies, additional permitting may be required by the Department and, if required, must be obtained before installing the technology.

If a cause for the reported odor complaint is identified, the Operator shall take corrective actions as recommended by the PE or CIH as necessary to address the condition(s) that resulted in the odor complaint. The Operator shall obtain any applicable permits related to project changes resulting from corrective actions before implementing any new odor abatement equipment that is not identified above in the OAP. The Operator shall report the conclusions of its investigations (excluding any bona-fide proprietary or trade secret information) to the Department. Once these steps are completed, and the odor is not detectable at the reporting location, the odor complaint shall be deemed resolved.

If no cause for the reported odor complaint was ascertained during diagnostic assessment, and if the odor is not detectable at the reporting location, the Operator shall prepare a written report (excluding any bona-fide proprietary or trade secret information) summarizing the Level 3 Response and submit it to the Department.

If after the PE or CIH Analysis has been completed, the Operator believes it is not the sole or a contributing source of the reported odor complaint, the Operator shall notify the Department of its conclusion, within three (3) calendar days of reaching such conclusion. The Department will consider this information in determining whether corrective actions are necessary to comply with the odor abatement requirements of Section 35-144U.C, but the Department is not bound by the Operator's conclusion. If the Department verifies that the Operator is not a contributing source of the reported odor complaint, the complaint shall be deemed resolved.

#### **d. Level 4 Response -- Comprehensive BACT Analysis and Corrective Actions**

If, after the Level 3 Response is complete, the Operator continues to observe fugitive odors and/or receives further odor complaints, or the reporting party responds that odor is persisting or recurring periodically during the following 8-24 hour period, the Operator shall implement further corrective actions as follows:

- a. Commission a comprehensive Best Available Control Technology (BACT) analysis and submit to the Department a written report prepared by a Professional Engineer or a Certified Industrial Hygienist that includes:
  1. The likely or potential source of the odor complaint;
  2. Additional adaptive management techniques, including operational modifications and curtailment that are recommended to eliminate odor complaints;

3. Recommendations for new or revised odor abatement technologies; and
4. Installation of current best available analytical tools to monitor, identify and quantify the emissions causing or contributing to odor complaints.

If the BACT analysis concludes that a more effective odor control system is available that will resolve or materially reduce the severity of the odor causing the complaint the Operator shall take all necessary steps to install the more effective odor control system as expeditiously as practicable.

The Operator shall obtain any applicable permits related to project changes resulting from corrective actions before implementing any new odor abatement equipment that is not identified in the OAP. The Operator shall report the conclusions of its investigations (excluding any bona-fide proprietary or trade secret information) to the Department. Once these steps are completed, and the odor is not detectable at the reporting location, the odor complaint shall be deemed resolved.

If no cause for the reported odor complaint was ascertained during diagnostic PE or CIH assessment, and if odor is not detectable at the reporting location, , the Operator shall prepare a written report (excluding any bona-fide proprietary or trade secret information) summarizing the Level 4 Response and submit it to the Department. If after the BACT Analysis, the Operator believes it is not the sole or a contributing source of the reported odor complaint, the Operator shall notify the Department of its conclusion, within three (3) calendar days of reaching such conclusion. The Department will consider this information in determining whether corrective actions are necessary to comply with the odor abatement requirements of Section 35-144U.C, but the Department is not bound by the Operator's conclusion.

**e. For all Odor Episodes – Reporting and Corrective Actions:**

The Operator shall make available to the Department and any reporting party, upon request, a report detailing all efforts taken to resolve odor complaints.

**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Scoping- Wildfire Issues- Cannabis EIR  
**Date:** Thursday, December 16, 2021 10:10:32 AM  
**Attachments:** [Scoping- Cannabis EIR, wildfire safety issues 12-16-21.docx](#)

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**From:** Deborah Eppstein <deppstein@gmail.com>  
**Sent:** December 16, 2021 9:45 AM  
**To:** Tennis Wick <Tennis.Wick@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>;  
Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Subject:** Scoping- Wildfire Issues- Cannabis EIR

## EXTERNAL

I have attached a summary for points that need to be considered concerning wildfire risk in the Cannabis EIR scoping.

Thanks,  
Debby

Deborah Eppstein  
801-556-5004

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**Warning:** If you don't know this email sender or the email is unexpected,  
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Scoping- Wildfire Safety Issues for Cannabis EIR  
December 16, 2021

Two major areas that need to be analytically studied for risk and safety from wildfires include Evacuation Risk and Increased Risk of Wildfire.

#### EVACUATION

Current evacuation routes and evacuation times and bottlenecks need to be fully analyzed for all areas in the County where cannabis might be cultivated. Fire risk designations are a moving target, with many homes destroyed in areas classified as low or moderate fire risk, and with many residents under mandatory evacuation in areas of low and moderate fire risk, in addition to areas of high and very high fire risk. For many of these areas on dead-end roads, there is only one way out, with roads then feeding into larger roadways that themselves have proven to become clogged for hours (eg Highway 12 in Sonoma Valley). Many wildfires are very fast moving with minimal advance warning.

Evacuation models for determining evacuation time vs road conditions and number of vehicles evacuating have been developed (see Tom Cova, University of Utah, report available) and such scientific methodology needs to be employed.

If such scientific studies determine that existing evacuation times are already dangerous, no new development should be added to such areas until additional evacuation routes are created. For example, stating that a proposed development would increase number of vehicles by only an insignificant percent is defying safety if evacuation times are already unsafe before the new development is included.

#### WILDFIRE RISK

Increased wildfire risk from added development must also be analyzed. It is well documented that construction, energy infrastructure, vehicles and people increase wildfire risk. The location of the proposed development relative to areas of high fire risk must be analyzed, including wind patterns during high wind events as Sonoma County and neighboring counties have experienced, topography, wildfire fuel, including added risks from previous wildfires that have increased fuel due to dry standing and fallen timber and/or excess under growth.

Studies should not diminish added risk because a high level of existing risk already exists. Added fire risk from vehicle trips and human activities must be analyzed relative to location on a road; ie location in remote areas may increase risk significantly more than the same activities in less remote areas. Residents of high fire risk areas likely are much more careful than are outside workers (eg, throwing cigarettes from a car window, driving older vehicles prone to backfiring). Such activities have been observed by residents.

Added fire risk from cannatourism must be evaluated. This would include added vehicle miles, increased numbers of people, and added risk due to people being impaired.

Scoping- Wildfire Safety Issues for Cannabis EIR  
December 16, 2021

Energy use and infrastructure requirements must be closely evaluated. Indoor and/or mixed light cultivation require high levels of energy. If these are allowed in high fire prone areas, the added fire risk may be significant.

Analyze cumulative energy use, including use in greenhouses, hoop houses, and vehicle miles traveled. CEQA guideline § 15126.2(b) treats “wasteful, inefficient, or unnecessary” energy consumption as a significant environmental impact. This pertains to mixed light and indoor cultivation, and processing.

Identify any relocation, construction, or upgrade of electric distribution lines and wildfire ignition risk.

The EIR should also evaluate added fire risk from accidents including from faulty wiring. Previous fires in Sonoma County have been caused by cannabis operations due to faulty or illegal installed wiring. Just because a permit requires that all wiring be done legally does not make it happen. Code enforcement and inspection resources need to be taken into consideration.

**Wildfire Risk and the General Plan**

- Objective LU-4.1 in the General Plan (p. LU-35) (Assure that development occurs only where physical public services and infrastructure, including school and park facilities, **public safety**, access and response times, water and wastewater management systems, drainage, and roads are planned to be available in time to serve the projected development.)
- Policy LU-7d in the General Plan (p. LU-44) (**Avoid** new commercial, industrial, and residential land use designations in areas subject to **"high" or "very high" fire hazards**, as identified in the Public Safety Element).

**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Scoping- Cannabis EIR- Exclusion Zone- Bloomfield-Public Comment-12/17/21  
**Date:** Friday, December 17, 2021 9:57:31 AM  
**Attachments:** [page2image58321472.png](#)  
[page3image60509184.png](#)  
[Scoping- Cannabis EIR- Exclusion Zone- Bloomfield 12-2021.pdf](#)

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**From:** concerned citizens <ccobloomfield@gmail.com>  
**Sent:** December 17, 2021 9:28 AM  
**To:** Tennis Wick <Tennis.Wick@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>  
**Cc:** David Rabbitt <David.Rabbitt@sonoma-county.org>; Andrea Krout <Andrea.Krout@sonoma-county.org>  
**Subject:** Scoping- Cannabis EIR- Exclusion Zone- Bloomfield-Public Comment-12/17/21

## EXTERNAL

### Subject: SCOPING – Cannabis EIR- Exclusion Zone - Bloomfield-Public Comment

In support of the County's current work in developing the draft cannabis ordinance framework, Concerned Citizens of Bloomfield are providing the following recommendations for your study. In general, since there would be multiple impacts to our community, it is necessary to understand cumulative impacts of all these uses to properly measure the effects of adding commercial cannabis cultivation directly adjacent to a residential enclave. We feel that the setbacks should be of a minimum of 1000 ft to protect the existing character and quality of life in our community.

The subjects that can be covered under an EIR are as follow:

Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation / Traffic, Tribal Resources, Utilities and Service Systems & Wildfire.

1. We advocate for only Conditional Use Permits – discretionary permits that require public hearing and environmental review, No more ministerial permits that can be approved without notice and environmental review in AG or RRD zones, especially those near residential enclaves.

2. Issues of concern:

**a. Setbacks of sufficient size and able to be implemented to buffer residential enclaves from Odor, noise, night lighting, safety of potential criminal incursion onto private property and inadequate Sheriff response time to our rural area,**

waste stream impacts from excess wastewater & environmental impacts of plastic hoop houses, endangered species or sensitive species-we have substantial wildlife activity including badger, wildlife corridors, wetlands, historic and cultural resources such as our cemetery, impairment of scenic vistas, water availability, including groundwater overdraft and reduced recharge impacting our wells-we have over 400 people in town and ranch families on the outskirts, County lack of enforcement on illegal grows without constant effort of neighbors and implementing conditions of approval on applications.

b. Study the impacts on processing plants located in close proximity to residences. We believe processing plants should be located in Commercial/Industrial zone districts due to their substantial negative impacts of: operating 24 hours, 7 days a week, deliveries on site from 8-5, commercial traffic on community substandard non-fire safe streets where two vehicles cannot pass concurrently, security fencing, and/or motion sensor night lights, audible alarms, security guards, significantly increased waste use endangering adjoining residential water source, chemical drift to residential uses, including agricultural chemicals and Fog odor neutralizing aerosols that contain oxidizing agents that have not been subject to long-term studies, increased noise at night when residents are home and sleeping at night, impacting residents enjoyment of night skies and significantly impacting wildlife, the 300 foot setback from residents homes using private property to buffer an industrial use and impact a homeowners use of private property without homeowner consent. Do not want to see cannabis tasting on site in a neighborhood setting and impaired drivers after evens on neighborhood street from events and parties

3. Studies we want to see to address environmental impacts

a. Air quality – technical studies, Comprehensive Water Availability Analysis, Adequate Analysis of environmental setting-by watershed, any environmental issues through which the **EIR technical analyses will develop siting criteria, setbacks and performance standards.**

**4. Designate Exclusion and Inclusion zones as a means to achieve mitigation of Issues of concern above.**

We are proposing a minimum 1000' buffer from the RR zoning around the town of Bloomfield (as shown in the maps below). From its inception in the 1850's Bloomfield had a core of smaller lots created in a typical grid pattern. The lots varied from .5 acres to 1.5 to 10 acres as a buffer to the adjacent larger agricultural site. The initial plan included a school site, community park and cemetery, which all exist today. When Sonoma County created zoning it respected this development pattern with RR zoning.

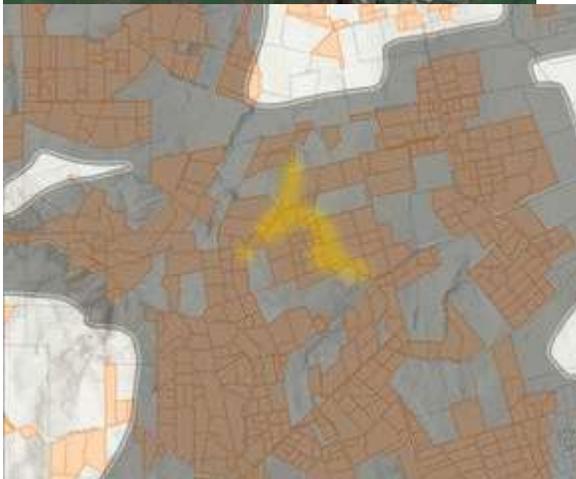
All lots were assumed to be large enough for residences and some smaller agricultural activity.

We are requesting a minimum 1000' buffer to limit the impact of commercial cannabis on the adjoining residential community. Given the potential for larger scale grows in the future with hoop houses, 24hour security, commercial operations and the state requirements of closed fencing, the buffer would limit these impacts on our residents. The current dairy activities area have located their "intensive" operations in the center of their larger sites, naturally creating a buffer to the smaller residential uses. We

would like this development pattern to continue.

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## Scoping- Cannabis EIR- Exclusion Zone- Bloomfield-12/17/21

The subjects that can be covered under an EIR are as follow:

Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation / Traffic, Tribal Resources, Utilities and Service Systems & Wildfire.

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**a. Setbacks of sufficient size and able to be implemented to buffer residential enclaves from Odor, noise, night lighting, safety of potential criminal incursion onto private property and inadequate Sheriff response time to our rural area, waste stream impacts from excess wastewater & environmental impacts of plastic hoop houses, endangered species or sensitive species-we have substantial wildlife activity including badger, wildlife corridors, wetlands, historic and cultural resources such as our cemetery, impairment of scenic vistas, water availability, including groundwater overdraft and reduced recharge impacting our wells-we have over 400 people in town and ranch families on the outskirts, County lack of enforcement on illegal grows without constant effort of neighbors and implementing conditions of approval on applications.**

**b. Study the impacts on processing plants located in close proximity to residences. We believe processing plants should be located in Commercial/Industrial zone districts due to their substantial negative impacts of: operating 24 hours, 7 days a week, deliveries on site from 8-5, commercial traffic on community substandard non-fire safe streets where two vehicles cannot pass concurrently, security fencing, and/or motion sensor night lights, audible alarms, security guards, significantly increased waste use endangering adjoining residential water source, chemical drift to residential uses, including agricultural chemicals and Fog odor neutralizing aerosols that contain oxidizing agents that have not been subject to long-term studies, increased noise at night when residents are home and sleeping at night, impacting residents enjoyment of night skies and significantly impacting wildlife, the 300 foot setback from residents homes using private property to buffer an industrial use and impact a homeowners use of private property without homeowner consent. Do not want to see cannabis tasting on site in a neighborhood setting and impaired drivers after events on neighborhood street from events and parties**

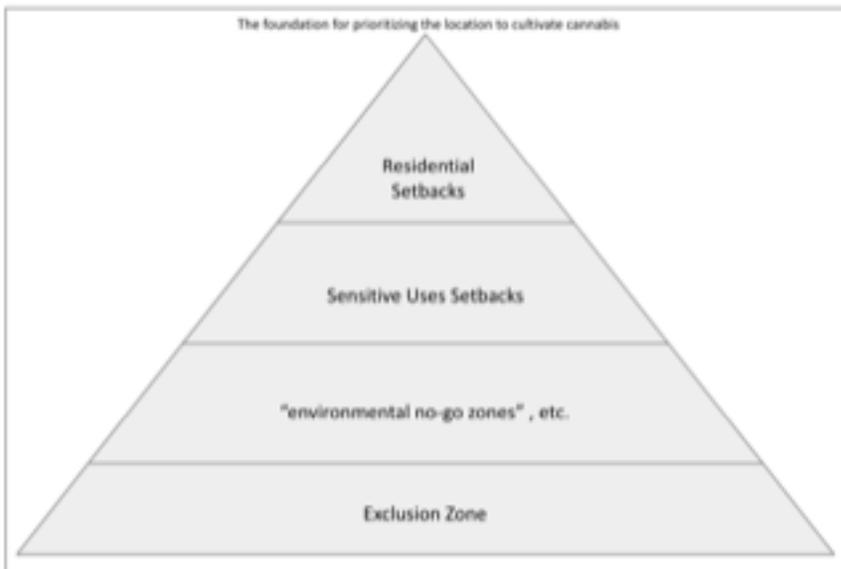
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We are proposing a minimum 1000' buffer from the RR zoning around the town of Bloomfield (as shown in the maps below). From its inception in the 1850's Bloomfield had a core of smaller lots created in a typical grid pattern. The lots varied from .5 acres to 1.5 to 10 acres as a buffer to the adjacent larger agricultural site. The initial plan included a school site, community park and cemetery, which all exist today. When Sonoma County created zoning it respected this development pattern with RR zoning.

All lots were assumed to be large enough for residences and some smaller agricultural activity. We are requesting a minimum 1000' buffer to limit the impact of commercial cannabis on the adjoining residential community. Given the potential for larger scale grows in the future with hoop houses, 24hour security, commercial operations and the state requirements of closed fencing, the buffer would limit these impacts on our residents. The current dairy activities area have located their "intensive" operations in the center of their larger sites, naturally creating a buffer to the smaller residential uses. We would like this development pattern to continue.



**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Attn Sonoma County BoS: Oregon's experiences 7 years after legalizing cultivation of cannabis  
**Date:** Friday, December 17, 2021 8:52:10 AM

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**From:** Mary Plimpton <mbplimpton@gmail.com>  
**Sent:** December 16, 2021 4:10 PM  
**To:** Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>  
**Cc:** Tennis Wick <Tennis.Wick@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Subject:** Attn Sonoma County BoS: Oregon's experiences 7 years after legalizing cultivation of cannabis

### EXTERNAL

You probably see many reports on the experiences involved in the cultivation of cannabis in other locales, so perhaps you've see this, but in case not....

<https://www.msn.com/en-us/news/us/awash-in-illegal-pot-farms-oregon-plans-millions-for-relief/ar-AART8vP?rt=1&ocid=Win10NewsApp&referrerID=InAppShare>

## Awash in illegal pot farms, Oregon plans millions for relief

By ANDREW SELSKY, Associated Press 4 hrs ago

Like 2 Comments

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[FDA says abortion pills can be sent by mail](#)



[DHS secretary 'extraordinarily concerned' about latest...](#)

SALEM, Ore. (AP) — [Theft of water during](#) a drought. Exploitation of immigrant laborers. Intimidation of residents by armed criminals.



© Provided by Associated Press A marijuana grow is seen on Sept. 2, 2021, in an aerial photo taken by the Deschutes County Sheriff's Office in the community of Alfalfa, Ore. After hearing testimony this week about the proliferation of illegal marijuana farms in Oregon and their negative impacts, the Oregon Legislature dedicated \$25 million to combatting them. (Deschutes County Sheriff via AP)

A Democratic state senator from southern Oregon said his region, awash in illegal marijuana farms that are protected by gunmen, is starting to look more like a failed state.

After hearing him and others testify this week, the Oregon Legislature dedicated \$25 million to help police, sheriff's offices and community organizations pay for the ballooning costs of

cracking down on the thousands of industrial-scale, illegal pot farms. Residents said the assistance is welcome but not enough.



© Provided by Associated Press FILE - A marijuana bud is seen before harvest near Corvallis, Ore. on Sept. 30, 2016. Seven years after Oregon voters passed a ballot measure legalizing the recreational use of marijuana and its regulated cultivation and sale, the state is grappling with an explosion of illegal marijuana farms, and after hearing testimony during the week of Dec. 13, 2021, the Oregon Legislature dedicated \$25 million to combatting them. (AP Photo/Andrew Selsky, File)

Seven years after Oregon voters passed a ballot measure legalizing the recreational use of marijuana and its regulated cultivation and sale, the state is grappling with an explosion of illegal marijuana farms that have brazenly cropped up, primarily in Josephine and Jackson counties in the south. Hoop houses — cheaply built greenhouses — have been erected along highways and within city limits, with many growers claiming to be legal hemp farmers but cultivating plants with illegal amounts of THC, the

component that creates the “high.”

The illicit industry is generating billions of dollars in profits and is financed by well-heeled foreign criminal gangs and drug cartels, law enforcement officials said.

Jackson County Sheriff Nathan Sickler told lawmakers the cartels “have a business model: Put up more cannabis illegal grows than law enforcement can ever get. They know we’re going to get some, but they know we can’t get it all.”

A farmer in southern Oregon — who used a creek for irrigating his crops before it ran dry because an illegal pot farm siphoned off the water, all while the West deals with a climate-change-fueled drought — blames the state for not having enough inspectors to determine which cannabis farms claiming to be hemp really are growing hemp. He spoke on condition he not be identified because he worries the cartels could retaliate against him. The farmer also blames landowners for selling or leasing property to bad actors.

“If somebody walks onto your property with a suitcase with \$100,000 in \$20 bills, you kind of know they’re not on the up and up. And if you take that money and allow them to do something on your land, you should probably anticipate that they’re there to break the law,” he said.

Sen. Jeff Golden, a Democrat from the southern town of Ashland, said

some rural areas are “military-weapons zones, like the ones we usually associate with failed states.”

“Illegal cannabis operations in southern Oregon have been using our limited water supply, abusing local workers, threatening neighbors and negatively impacting businesses run by legal marijuana growers,” said Golden, who pushed to get the measure and related funding on the agenda for the one-day special session.

Golden and two other lawmakers from southern Oregon, Rep. Pam Marsh, D-Ashland, and Rep. Lily Morgan, R-Grants Pass, previously said in [a letter](#) to Gov. Kate Brown that workers on the illegal farms are subjected to “conditions approaching slavery.”

Some are also being deprived of their promised wages.

A 27-year-old Argentinian man said in an interview Wednesday that he

learned last August through a WhatsApp message group that workers were needed on a pot farm in southern Oregon. At the time, he was working on a pot farm in Humboldt County, California. He then went to the location near Cave Junction, Oregon, expecting to be paid \$2,500 for three weeks of work.

He did 12-hour shifts under the hot sun tending the plants and slept in a tent. When three weeks were up, he and other workers went to the farm manager to get paid.

"He didn't even look at us. He got in his pickup truck and left," the worker, who is in the U.S. on a tourist visa, said. He spoke on condition he not be named because of federal immigration laws.

When he called the manager, there was no answer. Another worker went to the farm for the wages but had a gun aimed at him.

"The truth is, I'm very disappointed and I don't understand why they were that way with me when I was respectful and I worked all the hours they asked of me," the man said over the phone from Florida, where he was trying to find temporary work before flying home for Christmas.

The [bill](#) passed by the Legislature Monday and signed by the governor on Tuesday establishes the "Illegal Marijuana Market Enforcement Grant Program" to assist cities and counties with costs incurred by local law enforcement in addressing illegal pot farms. It will be administered by the Oregon Criminal Justice Commission.

"It will help," said Josephine County Sheriff Dave Daniel. "But the issue is metastasizing statewide."

Sheriff's offices and other law enforcement that apply for the grants will have to work with community-based organizations to deal with the labor trafficking, said Morgan, the lawmaker. Of the \$25 million, \$5 million is dedicated to enforcing water rights.

Several bills coming in the 2022 legislative session will address further needs, she said.

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Follow Andrew Selsky on Twitter at <https://twitter.com/andrewselsky>

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**From:** [Bill Krawetz](#)  
**To:** [Tennis Wick](#); [Cyrstal.Acker@sonoma-county.org](mailto:Cyrstal.Acker@sonoma-county.org); [Scott Orr](#); [Cannabis](#)  
**Cc:** "[Bill Krawetz](#)"  
**Subject:** SCOPING - CANNABIS EIR- Neighborhood Compatibility- PUBLIC COMMENT"  
**Date:** Monday, December 20, 2021 2:19:58 PM

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## EXTERNAL

To:

[Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)  
[Cyrstal.Acker@sonoma-county.org](mailto:Cyrstal.Acker@sonoma-county.org)  
[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)

Subject: SCOPING – CANNABIS EIR- Neighborhood Compatibility–  
PUBLIC COMMENT”

In support of the County's current work in developing the draft cannabis ordinance framework, Neighbors of West County/NOW (formerly Friends of Graton/FOG) is providing the following recommendations for study in the EIR and incorporation into the final Cannabis Ordinance. As we know the topic of Neighbor Compatibility (NC) has been a difficult topic for all parties - Growers, residents, and County staff. The inability to successfully address this issue is likely one of the main reasons for the EIR.

Although “Neighbor Compatibility” is not specifically called out as an element in the CEQA environmental elements or in the General Plan, it is covered within many of these elements, so needs to be addressed and resolved.

CEQA Environmental factors of Aesthetics, Air Quality, Water, Land Use & Planning, all are applicable to NC. The Health and Safety Section of a General Plan would also encompass NC. These factors have significant irreversible repercussions for rural communities if not properly addressed. Much of Sonoma County is widely recognized for its rural character, country living and small-town charm. Permanently altering these characteristics in the name for cannabis cultivation, will negatively impact the many to benefit the few. This commercial industrial type land uses is not consistent with rural residential

neighborhoods of predominately family homes with a few hobby farmers. Nothing in the scale, value, or activity of a commercial cannabis operation resembles our rural life. It can permanently change the character of neighborhoods. It will negatively impact property values.

**Aesthetics:** Cannabis hoop houses appear out of touch with surrounding community features and are unsightly if located in rural environments. These indisputably have significant visual impacts and degrade the existing visual character of rural communities.

**Air Quality:** Cannabis odor can be detected at least 1000 ft. from the source. Since it can be grown nearly year around, a neighborhood's air quality can be negatively impact much of the year.

**Water:** Cannabis is one of the thirstiest crops (3 to 6 times more than grapes depending on the study). Most rural residences are on wells with minimal water use compared to cannabis. We can't afford large users with the resources to drill deeper wells adjacent to residential wells.

**Health and Safety:** It is recognized by all parties, County staff, growers and neighbors that cannabis's value is incomparable to any crop we've seen. At \$500K - \$2m acre compared to the next highest value, crop-grapes at \$30K acre, it is a game changer for safety. The current County Ordinance acknowledges such by imposing security requirements. It should be noted the intent is to increase security on cultivation sites, but this does nothing to protect the safety of the surrounding community. This is not a hypothetical scare, many neighbors have been impacted. Criminals have gone to the wrong address. The County Sheriff acknowledges such risks and that they can't likely respond quickly to a rural incident, and suggests neighbors arm themselves. It seems impossible to think a highly valued cash crop could be compatible in a rural residential neighborhood. Below is the Health and Safety clause from Yolo County which tries to address some of these concerns. Although the criteria are qualitative not quantitative, I feel all parties would know when a site is appropriate.

**Yolo County Health and Safety Clause:** The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.

- a. The population in the area has been taken into consideration.
- b. The crime rate in the area has been taken into consideration.
- c. The record of nuisance abatement in area has been taken into consideration.
- d. Community character has been taken into consideration.
- e. Community support has been taken into consideration.

## Land Use & Planning:

One tool to help solve the compatibility issue is distance provided by setbacks and buffers. A 1000 ft. setback seems to be common distance in various county ordinances.

1. Yolo has 1000 ft. setbacks for new permits. Measured from the closest point of the residential boundary to the closest point of any structure or outdoor area containing cannabis. These buffers increase to 1500 ft. from residential zone properties.
2. Santa Barbara Odor agreement between the growers and citizens defines “No odor areas: (Publicly Accessible Locations - PAL), which includes parks, businesses, day care centers, youth centers, schools, churches, and homes. Residential parcels that are within 1,000 feet measured from the property line”.
3. Sonoma County Ordinance has 1000-foot setbacks from schools, parks, etc. Further it states “... children are sensitive populations”. Given the fact that children spend a larger percentage of their time at home than they do at school, it makes sense to have the same 1000-foot setbacks at home (currently 100 ft.) implemented (from the property line).

**Zoning: Ag land and residential zoned lands:** In response to the turmoil around the original 2017 ordinance, the County and BOS removed non Ag parcels (zoned AA and AR) and increase the parcel size to 10 acres. The AA & AR areas are primarily residential now and as such seem very incompatible. The 10 acre minimum was a start at providing the necessary separation between the growers and families. There is no good reason to change this as that would only set us all back.

Another set of criteria to include or exclude a grow site would be to see what’s currently on the land. For example one goal would be

“Residential character is to be preserved (no grow)”:

- a. current land use is residential
- b. neighborhood is clearly defined
- c. currently little or no commercial ag operations
- d. adjacent to residential area

I provide another example from Yolo County, which specifically states “Ensure neighborhood compatibility” as one of its primary goals: Yolo County Ordinance: Summary: Sec. 8-2.1402 Purpose

The adoption of this article is necessary and desirable to accomplish and balance the following:

- A. Protect the public health, safety, and welfare.
- B. Protect environmental resources and minimize environmental impact.
- .
- D. Ensure safe access to medical cannabis for patients.
- E. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
- F. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
- G. Recognize competing and evolving community values and interests related to the cannabis industry.
- H. Avoid establishing undesirable precedents for other agricultural sectors.
- I. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground.
- J. Allow for adaptation to changing market, cultural, and regulatory considerations over time
- K. Acknowledge the will of the voters in passing Proposition 64, The Control, Regulate and Tax Audit Use of Marijuana, in 2016

Finally as the CAG, which was comprised mainly of growers, pointed out in their March 2018 report to the BOS: “Many rural landowners are upset with the influx of cannabis operations and permit applications in

their neighborhoods. They are upset for a variety of reasons: environmental concerns, access concerns, concerns about odor, crime, aesthetics, and the onset of commercial activity in a serene rural residential setting.....The residential character of the area would be significantly compromised by the installation of a commercial cannabis cultivation operation....” Considering the acknowledgement on the Adjacency issue by all, we loudly encourage the County to put this as a top goal in the draft ordinance and CEQA review.

Thank you

Neighbors of West County/NOW (formerly Friends of Graton/FOG)

Bill Krawetz

Sebastopol

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**From:** [Alison Hodgkin](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Exclusion Zones  
**Date:** Wednesday, December 22, 2021 11:56:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hi there,

This is a comment from a member of the public responding to my file no. UPC21-0005 however, she has larger comments that are applicable to the overall Cannabis Program Update & EIR.

Thank you,  
Alison

**Alison Hodgkin**

Planner II

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-1926 | Office: 707-565-1900

Fax: 707-565-1103



Due to the Public Health Orders, online tools remain the best way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [PermitSonoma.org](http://PermitSonoma.org).

The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 8:00 AM – 4:00 PM; Wednesday, 10:30 AM – 4:00 PM.

Thank you for your patience as we work to keep staff and the community safe.

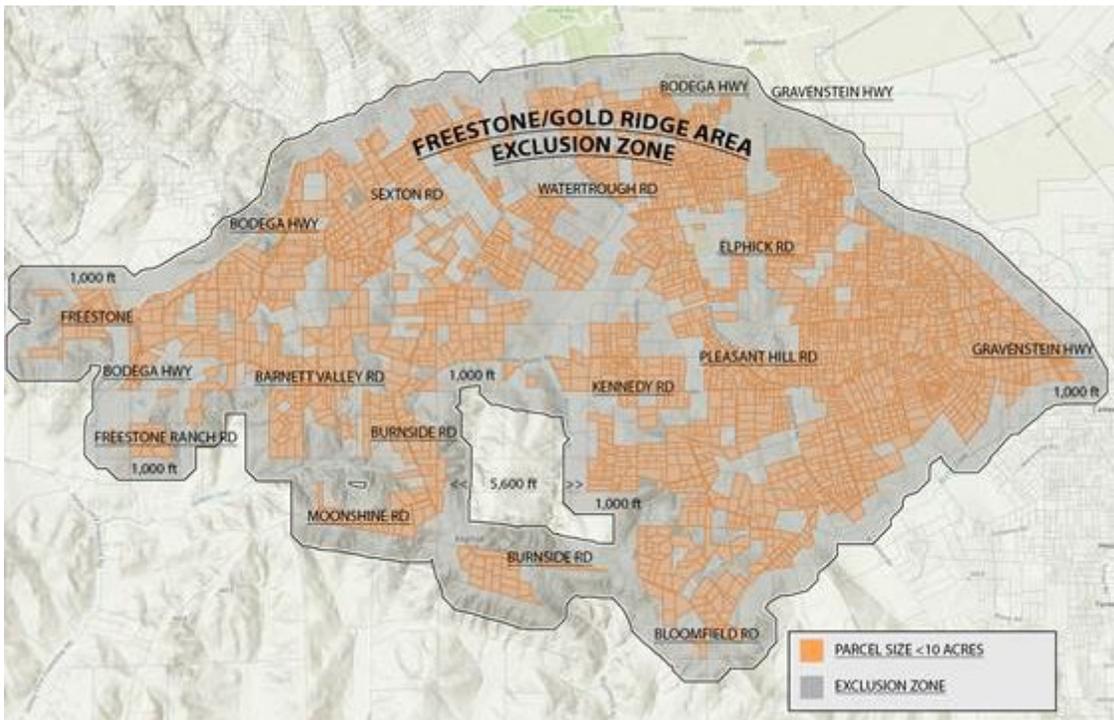
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**From:** Pam Tichy <fatichy@comcast.net>  
**Sent:** Monday, December 20, 2021 9:50 AM  
**To:** Alison Hodgkin <Alison.Hodgkin@sonoma-county.org>  
**Subject:** Exclusion Zones

**EXTERNAL**

Dear Alison,  
I received this map from a citizens advisory group.  
We are asking that the County consider exclusion zones as part of the scoping exercise for the EIR.  
Thank You.

Pam



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**From:** [Lynda Burch](#)  
**To:** [Cannabis](#)  
**Subject:** No growing  
**Date:** Friday, December 31, 2021 8:38:32 AM

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EXTERNAL

I would Like to stop all growing of marijuana in Bennett Valley and all other areas of Sonoma County.  
They do not need a tax break we need better roads and fire protection in our county.  
Thank you for your work with this issue.  
Lynda Burch  
Sent from my iPad

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