

Comprehensive Cannabis Program Update -
Cannabis Land Use Ordinance Framework:
Project File No. ORD21-0004

Public Comment Received after
March 14, 2022 at 2:30 PM through
March 15, 2022 at 8:30 AM

From: [Craig Harrison](#)
To: [Cannabis](#)
Subject: Fwd: March 15, 2022 Board of Supervisors Meeting, Item 22 Cannabis Framework
Date: Monday, March 14, 2022 7:06:18 PM

EXTERNAL

Sent from my iPad

Begin forwarded message:

From: craigspencerharrison@gmail.com
Date: March 14, 2022 at 12:27:53 PM PDT
To: Cannabis Complanit <CalCannabis_Enforcement@cdfa.ca.gov>
Cc: James Gore <District4@sonoma-county.org>, David Rabbitt <David.Rabbitt@sonoma-county.org>, Susan Gorin <Susan.Gorin@sonoma-county.org>, Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>, Chris Coursey <district3@sonoma-county.org>, Tennis Wick <Tennis.Wick@sonoma-county.org>
Subject: **March 15, 2022 Board of Supervisors Meeting, Item 22 Cannabis Framework**



The proposed cannabis framework is generally a reasonable approach. The following are the comments of Bennett Valley Residents for Safe Development.

Item 5. General Plan Update. The county will again consider including cannabis within the meaning of “agriculture” and “agricultural use” as used in the General Plan. The county is being increasingly criticized for its lack of transparency and should be transparent on this issue. County Counsel opined during the Planning

Commission hearings that it lacks legal authority to make this change under current California law. The supervisors will raise false expectations and waste the time and energies of residents if they devote resources to considering an illegal policy. You should clarify that you cannot implement this general plan amendment unless California law changes. If you think you can implement this policy contrary to state law, you should provide a written justification for the public to evaluate.

Item 7. Neighborhood Compatibility. We generally support the proposed approach. If properly implemented, it will reduce the angst and simmering hostility between growers and rural neighborhood residents. After five years, it is evident to all but the terminally obtuse that the needs and desires of these groups are incompatible.

Exclusion zones (technically, “combining district overlay zones”) have wide popular support—74% approved of them in PRMD’s August 2021 survey. Allowing communities to chart their own destinies is especially compelling given that commercial cannabis was legalized directly by voters. Many who voted for Proposition 64 do not want commercial cannabis activities nearby, and should decide this issue for their own communities. The Planning Commission approved the creation of exclusion zones in 2018, but the supervisors ill-advisably declined to establish them in October 2018.

There are many easily-identifiable areas where there is strong resistance to cultivation, and eliminating them from the permitting system would result in fewer complaints and fewer permit appeals. Staff has been provided a list of such areas. It is important that the EIR study not only the concept of exclusion, but also specific areas. Following the example of the vacation rental ordinance, including specific exclusion zones in the ordinance, supported by an EIR, would provide the necessary environmental review to allow designation of specific parcels in the revised ordinance without additional Board of Zoning Adjustment or board of supervisor hearings. The ordinance should also allow areas to become exclusion or inclusion zones as a zoning change by petition.

Item 8. Permit Streamlining. The county should survey other jurisdictions to ascertain the extent to which ministerial permitting exists elsewhere. We understand that this is rare, and may now occur in no other county. Devoting resources to ministerial permitting raises problems and false expectations. The Department of Cannabis Control is now the lead agency for CEQA compliance for ministerial permitting as part of its licensing process. This has implications that limit fast-track permitting that should be acknowledged and addressed.

We agree with creating inclusion zones where permitting can be expedited. This would direct cultivation projects to appropriate locations and help alleviate neighborhood compatibility issues.

Item 10. Environmental Analysis. Air quality analysis is a key issue and all policies and decisions should be based on science. Larger grows or areas where there are several grows in relatively close proximity should be analyzed with air quality modeling. This is especially important in valleys and other areas where thermal inversions are known to occur and where odors will not readily dissipate.

The environmental analysis needs to include compatibility with area plans and specific plans.

Item 16. Economic Analysis. We strongly support a **credible** economic analysis of this industry. Over and over supervisors are asked to make decisions that require knowledge of the economics of this industry. Tomorrow you will consider providing tax relief in abject ignorance of economic facts. I have been involved professionally with regulatory issues for decades, and the public interest is never well-served when decision makers are ignorant of the facts concerning the industry that they regulate. A credible economics study will likely show that most outdoor cannabis projects are uneconomic in Sonoma County. This type of information is crucial to policymakers. **But any economic study must be credible.** The analysis that the county used during the initial ordinance exemplifies the use of the phrase “the dismal science” to economics. Most inputs and outputs were outrageously incorrect.

Many of the mistakes in the cannabis program can be attributed to the extremely poor economics information that supported the ordinance.

Thank you for your consideration.

Craig S. Harrison
Bennett Valley

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From: [concerned citizens](#)
To: [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [James Gore](#); [Lynda Hopkins](#)
Cc: [Scott Orr](#); [Tennis Wick](#); [Crystal Acker](#); [Cannabis](#)
Subject: Cannabis Framework, March 15 2022 Board of Supervisors Meeting, item 22
Date: Monday, March 14, 2022 6:16:20 PM

Supervisors and Staff,

The town of Bloomfield states our agreement with the analysis done by Craig Harrison for the Bennett Valley Residents for Safe Development (BVRSD), Bill Krawetz for the Neighbors of West County (NOW) and Judith Olney's Cannabis - Input on Water Issues re the Neighborhood Coalition, Healdsburg.

We add that the use of existing permanent structures and the size of new or expanded permanent structures should also be included in you analysis as outlined below.

Existing Permanent Structures

Use of existing permanent structures for indoor cultivation in proximity to rural residential uses must not be allowed. Indoor cannabis cultivation is industrial in nature and not in keeping visually with the rural character of Sonoma County even if outside a 1000 foot setback. Industrial-scale, commercial developments adjacent to rural residential neighborhoods, permanently alters their character, creates significant visual impacts and degrades the existing visual character of rural communities. Industrial-scale operations should be located in the appropriate Industrial zone district.

In the event an existing permanent structure is in an area at least 1000 ft or more from rural residential uses, Limit the reuse to what would be the allowed building square footage on property without an existing structure. The structure(s) use should be limited to the current operator on the property and not be sublet to other outside operators. If multiple buildings exist only one can be used for processing and must meet the size limitations of the subject parcel. Any use of existing buildings must be away from existing rural residents at least 1000 ft or more if impacts from the use of the building are identified to impact rural residential areas.

Comment

Reuse of existing outdated, abandoned buildings and outbuilding of larger size and coverage than the underlying property would allow under the cannabis ordinance should not be allowed. Reuse of any such abandoned buildings should also require meeting current building codes to provide safe working conditions for employees and operators.

Limit on New or Expanded Permanent Structures

We propose new building coverage for the purpose of or in support of commercial cannabis cultivation be reduced on parcels adjacent to rural residential uses even when outside a 1000 ft or greater setback.

Comment

The building size that was proposed in the denied ordinance was far out of scale and overwhelming when located in close proximity to residentially dense areas where industrial scale impacts are incompatible with adjacent and surrounding residential use. Consider the scope of building proposed and how the size and use would impact adjacent rural residential residents in planning for setbacks and buildings size.

Bloomfield also agrees with these additional comments from Deborah A. Eppstein:

1) What is the purpose of the evaluation of whether or not to classify cannabis as agriculture? Is one purpose is to allow cannabis the protections under the Right to Farm laws? If so, this is a waste of time as the state does not classify cannabis as agriculture as confirmed by County Counsel last spring when the proposed Chapter 38 was discussed. Furthermore, we all know that cannabis can be a huge nuisance to neighbors due to many aspects including odor, noise, lights, traffic, 24/7 activities, and safety. Seeking Right to Farm protections not only violates state law, but also violates all the issues of neighborhood compatibility that are now being studied. It's putting the cart before the horse to consider a General Plan Amendment, prior to the EIR. If the EIR supports expanded uses on Ag lands, only then should amendments to the General Plan be evaluated in parallel with crafting the new cannabis ordinance to harmonize them. But such harmonization would not require that cannabis be classified as Agriculture!

2) Environmental Analysis:

c) Air quality. Air quality must be analyzed not only for neighbors, but across the county. Other counties and states have experienced a general stink in the air across wide swaths due to cannabis odors, with negative impacts on quality of life and tourism including for the wine industry and events. We have discussed minimum setbacks of 1000 ft from a one-acre grow, but that setback may need to be much larger if down wind or if several grows are in the vicinity, or if grows are larger than 1 acre.

e) Energy. Potential impacts on fire risk must also be evaluated from indoor and mixed light cultivation, which should never be allowed in high or very high fire risk zones.

f) Hydrology. Impacts must be studied across all water uses, not just cannabis and Ag. This includes residential in addition to agriculture, commercial and industrial, both current and projected uses and needs. And it goes without saying that these analyses need to be done under the increased drought conditions that are projected with increased frequency due to climate change. As these models are evolving, the most conservative should be followed. The 50 year 'wetter-than-normal' rainfall forecasts previously accepted by the county need to be discarded, and a detailed new analysis be conducted for all water uses county wide.

i) Wildfire. In addition to my comments under Energy and to the site considerations staff mentioned, the increased wildfire risk from more people, vehicles, and construction need to be studied. I appreciated your inclusion of the need of roads to support concurrent ingress of first responders and civilian evacuation, but this should also include at minimum a similar secondary

ingress/egress route (not farm or PG&E roads!). Evacuation planning needs to be part of these analyses, for the fast-moving wildfires that are the norm now.

3) Permit Streamlining, Inclusion and Exclusion Zones. I fully support the proposal for Inclusion Zones, with prior analysis of environmental and neighborhood factors that could lead to permit streamlining, eg for a greenhouse grow in an industrial park, with prior analysis of issues such power, water, waste management, parking, fire risk, emergency response times, proximity to sensitive uses, etc.

I also support the concept of streamlining options for discretionary permits, but this needs to be carefully thought through, only applied in certain pre-defined areas and never should be applied carte blanche.

However, ministerial permits should be discontinued. As discussed above, expedited approval could be given in Inclusion Zones for certain types of pre-analyzed operations: eg greenhouse grow under XX sq ft in a pre-approved industrial park Inclusion Zone. Otherwise, there are always discretionary issues to resolve.

Likewise, Exclusion Zones should be established, both as requested by communities as well as from analyses in the EIR of areas that are unsuitable due to issues such as wildfire risk, road access and remoteness, water availability, sensitive habitats and proximity to residences.

4) Economic Analysis. I urge you to include careful economic analysis by qualified outside experts, taking into account current as well as projected situations. Increased production in other areas and states with much lower land, water and labor costs needs to be understood, especially if interstate commerce is legal. We also need to decide if we want cannabis production to be with small local growers, or if we prefer to cater to large corporate players such as is occurring in most other counties in California as well as here. Even in Humboldt County, the original heart of small local growers, the locals are being forced out by large, out of county and out of state corporations. Thank you for your consideration, and for engaging with the community.

Best regards,

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From: [Deborah Eppstein](#)
To: [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [James Gore](#); [Lynda Hopkins](#); [Cannabis](#)
Cc: [Scott Orr](#); [Crystal Acker](#); [Tennis Wick](#)
Subject: Cannabis Framework, March 15 2022 Board of Supervisors Meeting, item 22
Date: Monday, March 14, 2022 5:04:56 PM

Dear Sonoma County Cannabis Staff and Board of Supervisors,

Thank you for providing the outline of the framework for the new Cannabis Ordinance, which reflects many of the issues raised by the public. I appreciate your pledge for continued public engagement and the opportunity to provide additional input now.

I support the detailed comments provided by Craig Harrison for Bennett Valley Residents for Safe Development, by Bill Krawetz for Neighbors of West County (NOW) and by Judith Olney (Neighborhood Coalition).

Additional comments include:

1) What is the purpose of the evaluation of whether or not to classify cannabis as agriculture? Is one purpose is to allow cannabis the protections under the Right to Farm laws? If so, this is a waste of time as the state does not classify cannabis as agriculture as confirmed by County Counsel last spring when the proposed Chapter 38 was discussed. Furthermore, we all know that cannabis can be a huge nuisance to neighbors due to many aspects including odor, noise, lights, traffic, 24/7 activities, and safety. Seeking Right to Farm protections not only violates state law, but also violates all the issues of neighborhood compatibility that are now being studied. It's putting the cart before the horse to consider a General Plan Amendment, prior to the EIR. If the EIR supports expanded uses on Ag lands, only then should amendments to the General Plan be evaluated in parallel with crafting the new cannabis ordinance to harmonize them. But such harmonization would not require that cannabis be classified as Agriculture!

2) Environmental Analysis:

c) Air quality. Air quality must be analyzed not only for neighbors, but across the county. Other counties and states have experienced a general stink in the air across wide swaths due to cannabis odors, with negative impacts on quality of life and tourism including for the wine industry and events. We have discussed minimum setbacks of 1000 ft from a one-acre grow, but that setback may need to be much larger if down wind or if several grows are in the vicinity, or if grows are larger than 1 acre.

e) Energy. Potential impacts on fire risk must also be evaluated from indoor and mixed light cultivation, which should never be allowed in high or very high fire risk zones.

f) Hydrology. Impacts must be studied across all water uses, not just cannabis and Ag. This includes residential in addition to agriculture, commercial and industrial, both current and projected uses and needs. And it goes without saying that these analyses need to be done under the increased drought conditions that are projected with increased frequency due to climate change. As these models are evolving, the most conservative should be followed. The 50 year 'wetter-than-normal' rainfall forecasts previously accepted by the county need to be discarded, and a detailed new analysis be conducted for all water uses county wide.

i) Wildfire. In addition to my comments under Energy and to the site considerations staff mentioned, the increased wildfire risk from more people, vehicles, and construction need to be studied. I appreciated your inclusion of the need of roads to support concurrent ingress of first responders and civilian evacuation, but this should also include at minimum a similar secondary ingress/egress route (not farm or PG&E roads!). Evacuation planning needs to be part of these analyses, for the fast-moving wildfires that are the norm now.

3) Permit Streamlining, Inclusion and Exclusion Zones. I fully support the proposal for Inclusion Zones, with prior analysis of environmental and neighborhood factors that could lead to permit streamlining, eg for a greenhouse grow in an industrial park, with prior analysis of issues such power, water, waste management, parking, fire risk, emergency response times, proximity to sensitive uses, etc.

I also support the concept of streamlining options for discretionary permits, but this needs to be carefully thought through, only applied in certain pre-defined areas and never should be applied carte blanche.

However, ministerial permits should be discontinued. As discussed above, expedited approval could be given in Inclusion Zones for certain types of pre-analyzed operations: eg greenhouse grow under XX sq ft in a pre-approved industrial park Inclusion Zone. Otherwise, there are always discretionary issues to resolve.

Likewise, Exclusion Zones should be established, both as requested by communities as well as from analyses in the EIR of areas that are unsuitable due to issues such as wildfire risk, road access and remoteness, water availability, sensitive habitats and proximity to residences.

4) Economic Analysis. I urge you to include careful economic analysis by qualified outside experts, taking into account current as well as projected situations. Increased production in other areas and states with much lower land, water and labor costs needs to be understood, especially if interstate commerce is legal. We also need to decide if we want cannabis production to be with small local growers, or if we prefer to cater to large corporate players such as is occurring in most other counties in California as well as here. Even in Humboldt County, the original heart of small local growers, the locals are being forced out by large, out of county and out of state corporations.

Thank you for your consideration, and for engaging with the community.

Best regards,

Deborah A. Eppstein

Neighborhood Coalition

Sonoma County

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From: [Nancy and Brantly Richardson](#)
To: [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [district4](#); [district5](#)
Cc: [Cannabis](#)
Subject: Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (3/15/22)
Date: Monday, March 14, 2022 2:30:36 PM
Attachments: [BVRSD - Framework](#)
[NEIGHBORS OF WEST COUNTY - FRAMEWORK.docx](#)

Supervisors, we wish to state our agreement with the analysis done by the Bennett Valley Residents for Safe Development (BVRSD) and the Neighbors of West County (NOW) -both attached- which you have already received. We would like to particularly comment on NOW's item # 6 copied below:

6. [REDACTED]: Page 5 of the Staff presentation (PowerPoint) includes the Sept 28, 2021 discussion to included AR/RR parcels in the updated ordinance. Like the many growers who voiced concern over opening back up the AR/RR parcels, I share their concerns. This created the [REDACTED] that has dogged this ordinance. There is plenty of land zoned Ag to accommodate our cannabis needs.

It is a mistake to reopen zones RR and AR for cultivation. It will only stir up a hornet's nest. We remember quite well the "mass public outcry" that the leader of NOW refers to. If there are neighborhoods in RR and AR that welcome cultivation they could easily petition to become Inclusion Zones which we support. The BVRSD critique points out (item # 8 Streamlining) the advisability of including such zoning designations where permitting could be expedited.

We agree with creating [REDACTED] where permitting can be expedited. This would direct cultivation projects to appropriate locations and help alleviate neighborhood compatibility issues.

Please remove RR and AR as a policy option for consideration. Focus on Inclusion Zones within RR and AR.

Thank you,

Nancy and Brantly Richardson, Bennett Valley residents

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From: Bill Krawetz [<mailto:billkrawetz@comcast.net>]

Sent: Sunday, March 13, 2022 9:46 PM

To: 'Cannabis@sonoma-county.org'; 'David.Rabbitt@sonoma-county.org'; 'Susan.Gorin@sonoma-county.org'; 'lynda.hopkins@sonoma-county.org'; 'Chris.Coursey@sonoma-county.org'; 'James.Gore@sonoma-county.org'

Subject: "Setting the Framework for the new Cannabis Ordinance" Item 22 on March 15th Board of Supervisors meeting

Dear Sonoma County Cannabis staff and Board of Supervisors,

First thanks for preparing the draft framework. The staff has done a very nice job of capturing and incorporating the many comments, concerns and suggestions of the many diverse parties in their 16 point framework proposal (Exhibit A). There are points that I like very much and others that I'm not so sure of, so maybe that's a sign of a good balanced approach. The following are my comments and suggestions on the Framework:

1. Item 7 Neighborhood Compatibility: Great criteria to be incorporated into the final ordinance! If we get this right, the program will be successful for the growers, county administrators, and the public.
2. Item 9 Development Standards: A must criteria to get right (e.g., parcel size, setback distances, cultivation size limits). The text states "... informed by factual analyses informed by EIR". This wording should be expanded to also incorporate a "quality of life" standard, consistent with criteria number 7. A 1,000 ft. setback should be studied.
3. Item 10 Environmental Analysis: covers the elements required of CEQA/EIR. A couple suggested adds:
 - a. Item 10c. Air quality analysis: Should be expanded to require mitigation, and incorporate the terms of the Santa Barbara Odor Agreement signed by both cultivators and neighbors. Both sides found it workable
 - b. Item 10e. Energy analysis: This should require net zero carbon, net zero GHG. This is a County-wide goal
 - c. Item 10 f. Hydrology analysis – Great that the wording requires studying drought level conditions, our new normal. This must include all the water needs of our region, not just cannabis. The new home building requirements must be incorporated, as well as all Ag needs, and the biotic water needs spelled out by the NMFS and DFWS letters. Finally no net water depletion should be allowed.
- Item 5. General Plan Amendment to redefine cannabis as "agricultural". This is problematic for a couple reasons. First, County Council looked at this issue before and concluded the County didn't have such authority. Second, it must be acknowledge that the economic profile of Cannabis is unlike Ag products, so special rules are required. Cannabis, which can gross \$1-2m per acre, far exceeds any Ag product (grapes being the highest at \$20/30K per acre), and accordingly will have much more significant impacts that must be specifically addressed. Third, any effort to reclassify cannabis as some type of an Ag product must include provisions that protects a neighbors the right to defend and enjoy their property from the impacts caused by a nearby operator.
4. Item 4. Allowed Activities: this sections talk at a very high level of defining a range of activities that would be allowed or disallowed by "zoning district". First, Sonoma County's current parcel zoning doesn't necessarily represent the current uses on the ground. There are many areas zoned Ag, which are primarily residential homes and would make no sense to

allow a commercial cannabis operation there. Second, the wording is at a very high theoretically level, such that no one could really understand the implications. Staff would need to provide concrete examples for all parties to properly evaluate.

5. Item 8 Permit Streamlining:
 - a. Item A discusses ministerial permitting. This is inconsistent with California State practices. No other county allows ministerial permitting
 - b. Item C discusses development of a CEQA streamlining checklist for discretionary permits. A checklist makes sense to assure all impacts are covered, but there must be sufficient review of each specific site to assure all their unique factors are considered.
6. AR/RR parcels: Page 5 of the Staff presentation (PowerPoint) includes the Sept 28, 2021 discussion to include AR/RR parcels in the updated ordinance. Like the many growers who voiced concern over opening back up the AR/RR parcels, I share their concerns. This created the mass public outcry that has dogged this ordinance. There is plenty of land zoned Ag to accommodate our cannabis needs.

Thanks
NOW Neighbors of West County
Bill Krawetz

From: [nfleig](#)
To: [David Rabbitt](#); [Susan Gorin](#); [Lynda Hopkins](#); [Chris Coursey](#); [James Gore](#); [Cannabis](#)
Subject: March 15 Supervisor"s Meeting- Cannabis Ordinance
Date: Monday, March 14, 2022 2:55:11 PM

EXTERNAL

Dear Supervisors,

Thank you for seriously considering matters related to a Cannabis Ordinance for our county. I appreciate your incorporating Neighborhood Compatibility as a criteria.

My ongoing concerns are the following:

1. Defining cannabis as an agricultural crop and opening up residentially zoned AR/RR to cannabis cultivation.
2. There needs to be a 1,000 foot setback between cannabis cultivation and the surrounding neighborhoods.
3. The DROUGHT!!! And the water cannabis cultivation will take from our aquifers.

Thank you for your time and consideration,

Nyla Fleig & Lisa Mathiesen
Graton residents

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From: [Susan Gorin](#)
To: [BOS](#)
Subject: Fwd: Framework
Date: Tuesday, March 15, 2022 6:55:14 AM

Susan Gorin

1st District Supervisor
County of Sonoma

*Be #SonomaSmart – Wash hands, wear masks, keep the distance.
It's all about community.*

575 Administration Drive, Room 100A
Santa Rosa, CA 95403
www.sonoma-county.org
susan.gorin@sonoma-county.org
Direct 707-565-2982
Cell 707-321-2788



Begin forwarded message:

From: Rachel Zierdt <rzierdt@gmail.com>
Date: March 14, 2022 at 3:00:33 PM PDT
To: Susan Gorin <Susan.Gorin@sonoma-county.org>
Subject: Framework

In looking over the framework that will be presented tomorrow I just don't understand why the county is revisiting AA and AR as allowable places to grow cannabis. does one not recall the angst and the outcry that came before you voted not to include that before? Why are we treading the same ground again? Do you actually think that the response from the neighborhoods will be different this time? Rachel Zierdt

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