

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

Public Comment Received after
March 15, 2022 at 8:30 AM through
March 15, 2022 at 1:00 PM

From: [EsSe](#)
To: [Cannabis](#)
Subject: 3/15/22 BOS Meeting Direction
Date: Tuesday, March 15, 2022 9:31:02 AM

In [Nov. of 2017](#) the **Final Environmental Impact Report** assessing the CalCannabis Cultivation Program was certified and released to the public — this comprehensive **PEIR** informed the development of regulations pertaining to commercial cultivation and associated commercial cannabis activities.

There's no significant differences between the county's previous/future proposed cannabis ordinance(s) vs. the state's regulations, which have been certified to be in compliance with CEQA. Each premises will also need to demonstrate compliance on a site-specific project basis, prior to receiving a license from the state, so even a project that qualifies for a ministerial permit will need to prove compliance with CEQA before receiving their license from the state.

As PRC §§ 21093-21094 allow(s) for **tiering** of the impact analysis of the previously-certified **PEIR** conducted by CDFA (California Department of Food & Agriculture), Sonoma County should do everything in its power to expedite this CEQA process by tiering... especially in the face of feigned environmental concerns made by wealthy prohibitionists via so-called "neighborhood groups and concerned citizens" who constantly abuse CEQA to do everything from preventing prospective students from attending UC Berkeley, to exacerbating the housing crisis in the Bay Area while NIMBYs ironically complain about the indignity of having to look at unhoused people exist, whom they otherwise ignore... exemplified by a wealthy tech enclave located on the Peninsula which claimed that their entire town serves as mountain lion habitat, therefore building an affordable housing development would violate CEQA, to prohibitionists having the temerity to claim that a plant... A PLANT!!!... is actually bad for the environment.

Preventing licensed cannabis operations will only serve to exacerbate the devastating ecological impacts including water diversion associated with illegal trespass grows. Speaking of water, the county's proposed exclusion zones don't seem to take into consideration the variety of non-groundwater sources of water including greywater, atmospheric water generators, fog catchers, rainwater harvesting, condensate reclamation, drainage collection, runoff channeling, circulatory/recycling systems, etc. Allowances for cannabis cultivation in proposed exclusion zones shouldn't be outright rejected solely because of groundwater availability. Again, prior to licensure from the state, each proposed site/project is assessed on a site-specific basis.

Protecting water resources is codified in MAUCRSA: BPC § 26060(a)(2) and BPC § 26060.1 mandate adherence to the Water Code as part of the license application process, and is overseen by the State Water Resources Control Board and the Department of Fish and Wildlife

Water usage, quality, impacts, etc. are comprehensively addressed by 4 CCR §§ 16304 (a)(1), (2), and (5), which mandate compliance with Water Code § 13149 (as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife under BPC § 26060.1 (b)(1)).

A condition of licensure for a cannabis cultivation site requires compliance with BPC § 26060.1 (b) (3), which itself requires compliance with FGC § 1602, which serves to protect natural habitats and wildlife species, as well as BPC § 26060.1 (b)(1) which itself requires compliance with WAT §

13149, serving to protect riparian corridors.

“The Water Boards’ Cannabis Cultivation Policy protects stream flows and water quality, while minimizing the effects of cannabis cultivation on fisheries and wildlife, healthy riparian corridors, springs, wetlands, and aquatic habitat.”

The unfounded allegation of inefficient water usage by cannabis is easily disproven — not only was the un-scientific 2014 "study" which relied upon aerial photography of illegal, trespass grows, NOT applicable to licensed and compliant [commercial cultivation operations](#), ironically, the amount of water which wealthy prohibitionists claim that cannabis uses would actually kill the plant:

- a) Cannabis' roots hate "wet feet"; it makes them susceptible to root rot diseases caused by the *rhizoctonia*, *fusarium*, and *pythium* species of fungi which thrive in those conditions.
- b) Excessive watering also displaces the oxygen in the rhizosphere which is required by the roots, essentially suffocating plants.
- c) It also contributes to a hypoxic environment which will enable anaerobic bacteria to proliferate in the soil, rather than the aerobic microbiome that establish a symbiotic relationship with plant roots.
- d) Then there's the fact that the nutrients required for plant growth and development will be leached from the soil and made inaccessible to plants' roots.

Suffice to say... cannabis' supposed water problem is nothing but hot air spewed by blowhards.

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From: [Helen Sedwick](#)
To: [Susan Gorin](#); [Chris Coursey](#); [James Gore](#); [Lynda Hopkins](#); [David Rabbitt](#)
Cc: [Becky Bass](#); [Cannabis](#); [Tennis Wick](#); andrew.smoth@sonoma-county.org
Subject: The Heartache of Cannabis in Bennett Valley; Public Comment to EIR
Date: Tuesday, March 15, 2022 9:18:22 AM

Dear Supervisors:

Until October 8, 2017, we lived at 2896 Bardy Road in Bennett Ridge. Our property enjoyed a view of the hills, homes, and vineyards of Bennett Valley. We lost our home in the Nuns Fire. Since the fire, we, like many other residents, have devoted countless hours helping our communities recover from the devastation and reduce future fire risks. We had looked forward to returning to the community.

Then, a few months after the fire, we started to see industrial, white plastic hoop houses marring our view. Over the months, the structures grew and grew. Before and after images are attached. The after image does not do these structures justice. When the sun shines on them, the glare is blinding.

We feel heartbroken and betrayed.

When we purchased our property, we understood the Bennett Valley Area Plan established criteria for approving structures. Among other things, "structures shall blend with the existing landscape and vegetation to the maximum feasible extent." In effect, and certainly from a visual perspective, these hoop houses are structures and wholly inconsistent with the spirit and vision of the Bennett Valley Area Plan. None of you would want to see them and their glare from your windows.

Why have those of us who played by the rules by paying taxes and living within the restrictions of the Bennett Valley Area Plan given less consideration than growers that skirt the rules?

To call these facilities "farms" is laughable. It would be like calling a solar farm or a wind farm a true farm. These are factories that utilize structures to create a product, and they should not be considered agricultural in a traditional sense and permitted within a scenic area. They should be treated as commercial facilities and inconsistent with rural residential uses and values.

We noticed that vineyards have been taken out all through southern Bennett Valley. Fearing that the cannabis eyesores will soon take over and destroy more of our community, we are reluctant to rebuild, and we are likely to leave the area. I hope you have the good sense and commitment to your constituents to preserve Bennett Valley as a special place to live and visit.

With Regards,
Helen Sedwick

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From: [BOS](#)
Cc: [Marcie Woychik](#); [Caren Larkin](#); [Noelle Francis](#)
Subject: BOS PUBLIC COMMENT ITEM #22 FW: Cannabis
Date: Tuesday, March 15, 2022 11:06:20 AM
Attachments: [cannabis memo to BOS March 15, 2022 Meeting.docx](#)
[Petition-Names.pdf](#)
[BRCA Petition.pdf](#)

From: Susan Gorin <Susan.Gorin@sonoma-county.org>
Sent: Tuesday, March 15, 2022 9:44 AM
To: BOS <BOS@sonoma-county.org>
Subject: Fwd: Cannabis

Susan Gorin

1st District Supervisor
County of Sonoma

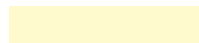
*Be #SonomaSmart – Wash hands, wear masks, keep the distance.
It's all about community.*

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: "Richard R. Rudnansky" <rrudnansky@sonic.net>
Date: March 14, 2022 at 1:54:10 PM PDT
To: Susan Gorin <Susan.Gorin@sonoma-county.org>
Cc: Hannah Whitman <Hannah.Whitman@sonoma-county.org>
Subject: Re: Cannabis



Susan

I am following up on my email below of March 4, 2022, requesting a meeting with you before the March 15, 2022, Board of Supervisors meeting. I have not heard back from you so it doesn't appear we will be able to meet before the meeting.

Attached are my comments regarding Agenda item 22 that I sent to the entire Board regarding the Cannabis Framework.

In addition, I would ask that you support a 1000-foot buffer setback between cannabis cultivation sites and the boundaries of residential properties. At the Board meeting of March 1 many people asked for this amendment to the current ordinance. Given that the Board has refused to so far entertain a moratorium on new applications this seems appropriate particularly given the tension that has arisen between cultivators and neighborhoods, and that the idea of the EIR is to analyze impacts of cannabis cultivation.

In general, I ask that you be an advocate for rural residential neighborhoods and residents. Perhaps if you and Supervisors Coursey and Rabbitt join forces, true balance and common sense can be brought to the issues.

In particular, I ask that you support and advocate for a continued prohibition on commercial cultivation in the Rural Residential Zoning District and in particular on Bennett Ridge and Bennett Valley.

Thank you.

Rich

Richard R. Rudnansky
rrudnansky@sonic.net
707-843-6712

On 2022-03-04 11:05, Richard R. Rudnansky wrote:

Susan

At the last Board meeting many residents of the County asked that the Board consider amending the current Cannabis Ordinance to add a 1000-foot set back between cannabis operations and adjacent property boundaries.

Also, the BOS will consider on March 15, 2022, a Cannabis Land Use Ordinance Framework which will guide the development project description, EQA alternatives and draft ordinance for study in the EIR.

I would like to discuss these matters with you prior to the March 15th meeting.

My preference would be to meet in person but would also be open to a phone conversation.

I am currently open all next week except March 8th.

Please advise where and when will work for you.

Thank you.

Rich

--

Richard R. Rudnansky
rrudnansky@sonic.net
707-843-6712

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RE: Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)

Members of the Board of Supervisors:

Please consider the following comments regarding your consideration of the Cannabis Land Ordinance Framework. Please include these comments as part of the public record.

While I am glad that finally the necessary environmental review is being conducted, in the end it comes down to policy calls by the BOS. I am sure you are brutally aware of the tension between the growers and rural residents. What I am asking, as a rural resident, is that the Board of Supervisors listen to the concerns of rural residents and act in a way that protects our interests and the nature of Sonoma County. Simply put, do not allow commercial cannabis cultivation in areas that are close proximity to rural residential neighborhoods or visible from County roadways.

Here are my comments regarding some of the proposed Tenets

TENET #5: GENERAL PLAN AMENDMENT

In the staff report and Exhibit A staff proposes that it evaluate whether to include cannabis within the meaning of "Agriculture" and "Agricultural Use as used in the County General Plan. I submit that cannabis cultivation is not and should not be characterized as "agriculture or agricultural use. Cannabis is inconsistent with traditional agriculture and would result in a number of consequences that would have detrimental effects on, among other things, the wine industry, existing true agricultural interests, the environment and housing and may bring cannabis within the Right to Farm Act.

Why would the County consider such a change? Why is it needed or desired? What is the true objective of the change? Why does the cannabis industry want this change? If cannabis is classified as agriculture, it would prohibit or at the very least make it much more difficult for the County and residents to seek redress for nuisance. On May 18, 2018, the Board of Supervisors, apparently realizing the consequences, voted to reject a proposed General Plan Amendment. That was the correct decision then and it is the correct decision now. Please do not classify or have staff spend the time evaluating this.

TENET #7: NEIGHBORHOOD COMPATIBILITY:

As you know, "neighborhood separation" " from commercial cannabis cultivation and other activities has been a major source of tension between growers and the public. There seems to be many ways to address this issue that protects both interests. In this regard, please consider including the following in any draft ordinance:

- (A) Impose at least a 1,000-foot buffer setback between cannabis operators and residential property lines.**
- (B) Prohibit commercial cultivation in Rural Residential Zoning District**
- (C) Prohibit commercial cultivation in or near neighborhoods that have narrow roads or only one access in and out**
- (D) Do not allow commercial cultivation on properties less than 10 acres**

With respect to the idea of "rural neighborhood enclaves", I assume this is included so that no commercial cultivation would be allowed in such a designated enclave. Bennett Ridge consists of properties on Old Bennett Ridge Road, Rollo Road and Bennett Ridge Road. Bennett Ridge, that is zoned Rural Residential. It is a true neighborhood in every sense of the word. There are residents of all ages including young children. The small size of Bennett Ridge residential lots in relation to surrounding agricultural properties, the configuration of property lots and the topography result in properties and homes being in close proximity to neighboring lots and other residences. There is only one narrow road in and out of the neighborhood. I welcome and would urge all Supervisors who are not familiar with the Bennett Ridge neighborhood to visit and see just how nonsensical it would be to allow commercial cultivation of any type on Bennett Ridge.

The information above and in the attached petitions would also be a basis for designating Bennett Ridge as an "Exclusion Zone". Therefore, please place an Exclusion Zone on Bennett Ridge.

TENET #9: DEVELOPMENT STANDARDS:

Please direct staff to include the following:

Parcel Size: require that minimum parcel size is at least 10 acres

Setbacks: require a minimum 1000-foot buffer set back from cannabis operations to adjacent residential property lines and other sensitive uses (e.g. schools) or farther if odor and lighting analysis would impact adjacent properties.

Cultivation Size Limits: If the Board is truly interested in helping the small cultivators and limiting the total acreage for any one operator to a cumulative total of one acre throughout the County, then add a provision that prohibits any one operator from obtaining permits under multiple LLCs and other entities as a few larger growers did under the ministerial permit program

TENET # 11: TRANSITIONAL PATHWAY:

I ask that the Board consider the imposition of a moratorium on all NEW cannabis applications. The staff report admits that staff can't keep up with the existing applications "especially related to applications operating under the Penalty Relief Program" and are asking for more staff (two full time planners and one full time clerical support staff) with the attendant costs. Given the backlog of existing applications, the failure to date of an appropriate environmental review for the current ordinance as well as the upcoming EIR, (that presumably is to finally do such an appropriate environmental review) I simply do not understand why the Board will not impose such a moratorium on NEW applications. I have asked the rationale behind this and have never received an answer. Please email me or state publicly your reasons for not imposing such a moratorium on new applications.

TENET #14: JURISDICTIONAL COMPARISON:

When the Board initially adopted the cannabis ordinance it did so without any historical perspective of the problems that other jurisdictions were experiencing. Therefore, it is important at this time to do so and not repeat such decisions that have led to such problems. I would urge the staff and the Board to look at other counties to avoid problems they have encountered.

TENET #16: ECONOMIC ANALYSIS:

I urge the BOS authorize such an analysis to determine the true and total costs of this industry to the County which should include all staff time for processing applications, inspections, enforcement of ordinance and state law as well as all costs related to the EIR and process leading to final adoption of a revised ordinance) compared to any taxes received or penalties, fines and fees assessed and actually collected to fully understand the economics of the industry and before any final decision to relieve the industry of cannabis taxes.

One of the selling points and rationalization for the legalization of cannabis in California under Prop 64 and the Board's passage of the cannabis ordinance was the tax windfall that was supposed to result. If you go back and read the ballot material for Prop 64 you will see that state taxes and the ability of local government to tax was a key argument for its passage. The County's impartial analysis of measure County Measure A stated that cannabis taxes would be a general tax that "could be used to pay for general County operations and programs such as addressing industry impacts, code enforcement, public safety, fire health, housing , road and environmental protection". Whether or not the economics of the industry are and will in the future meet these promises should be considered. Taxpayers of the County should not be required to subsidize this industry.

CONCLUSION:

Please find attached a petition from residents of Bennett Ridge and a petition from the Bennett Ridge Community Association requesting that the Board prohibit commercial cannabis cultivation on Bennett Ridge and Bennett Valley either by prohibiting such activity in the Rural Residential Zoning Districts, placing an Exclusion Combining District on Bennett Ridge and Bennett Valley or by adopting any other legislative mechanism which would result in a prohibition on commercial cannabis cultivation in these areas . These petitions also provide information evidencing just how incompatible commercial cannabis cultivation is on Bennett Ridge and in Bennett Valley and inconsistent with the County General Plan, County Zoning Ordinance, the Bennett Valley Area Plan and the Bennett Ridge CC&Rs.

Thank you in advance for your anticipated consideration and hopefully action consistent with these requests.

Richard R. Rudnansky

Bennett Ridge Resident

Subject **No to Commercial Cannabis Cultivation on Bennett Ridge**
From Kent Dellinger <kdell58@hotmail.com>
To Susan.Gorin@sonoma-county.org <Susan.Gorin@sonoma-county.org>, David.rabbitt@sonoma-county.org <David.rabbitt@sonoma-county.org>, Chris.coursey@sonoma-county.org <Chris.coursey@sonoma-county.org>, district4@sonoma-county.org <district4@sonoma-county.org>, Lynda.hopkins@sonoma-county.org <Lynda.hopkins@sonoma-county.org>, marcie.woychik@sonoma-county.org <marcie.woychik@sonoma-county.org>, cannabis@sonoma-county.org <cannabis@sonoma-county.org>
Date 2021-10-07 14:44

The Bennett Ridge Community Association (BRCA) strongly opposes any action and legislation by the Board of Supervisors to allow any commercial cannabis cultivation in the Bennett Ridge neighborhood and adjacent properties in Bennett Valley.

The BRCA is a not-for profit organization that works to maintain the quality of life on Bennett Ridge. Bennett Ridge is a residential neighborhood consisting of 136 homes and properties on Old Bennett Ridge Road, Bardy Road, Rollo Road, and Bennett Ridge Road. Bennett Ridge is a true neighborhood in every sense of the word. We have residents of all ages including young children. Commercial Cannabis Cultivation simply is not appropriate in or compatible with our neighborhood and would have significant adverse impacts on resources and our quality of life for a number of reasons including, but not limited to:

- (1) Visual and Aesthetics: the configuration, size and topography of lots results in homes being in close proximity to neighboring lots and other residences and therefore cannabis structures and any attendant lighting would be in violation of the Bennett Ridge Architectural Review Committee guidelines and would have significant visual and aesthetic impacts on residents.
- (2) Water: our water is from a mutual water company with two wells for the entire neighborhood. Any non-residential use and pesticides would have a significant impact on the quantity and quality of our residential water supply
- (3) Odor: given the configuration and the proximity of lots and homes if commercial cannabis cultivation with its odor was allowed in the Bennett Ridge neighborhood it would adversely impact the quality of our life and the enjoyment of our properties.
- (4) Zoning, Area Plan, CC&Rs: would be contrary to the purpose of the Rural Residential zoning district, the Bennett Ridge CC&Rs and the Bennett Valley Area Plan of which the Ridge is a part. Further, the Bennett Ridge CC&Rs prohibit conducting any type of business in the neighborhood.
- (5) Safety: Bennett Ridge (a) has only one narrow and winding road in and out (b) is in a high fire risk area (c) abuts Annadel State Park with hiking trails open to the public in close proximity to homes (d) has a Sheriff response time of over 30 minutes

We invite any member of the Board of Supervisors to visit the Bennett Ridge neighborhood to see for yourself how clearly incompatible commercial cannabis cultivation is with our neighborhood.

Therefore the BRCA, on behalf of the Bennett Ridge residents, strongly urge the Board of Supervisors prohibit commercial cannabis cultivation on Bennett Ridge either by prohibiting such activity in the Rural Residential Zoning Districts, placing an Exclusion Combining District on the Ridge, or by any other legislative mechanism.

We ask that you include these comments in the official record for this issue.

Respectfully Submitted:
Bennett Ridge Community Association
Board members:
Les De La Briandais
Kent Dellinger
Marilee Jensen
George Mangan

Kathie Schmid
David Southwick, M.D.
George von Haunalter

Bennett Ridge Consensus Opinion Regarding Commercial Cannabis Cultivation in Sonoma County

We, the undersigned residents of the Bennett Ridge neighborhood:

1. Are in favor of an immediate moratorium on the acceptance of any new permit applications for commercial cannabis cultivation in Sonoma County until the Environmental Impact Review (EIR) process is complete, and a new ordinance has been adopted. We are also in favor of a thorough review of existing operations with regard to their compliance with current county codes and record of violations and complaints from nearby properties.
2. Are in favor of prohibiting commercial cannabis cultivation operations in Rural Residential zoning districts throughout Sonoma County, including the Bennett Ridge neighborhood. We believe that Rural Residential zoning districts should be excluded from commercial cannabis cultivation to preserve their rural character and reduce the risk of potential nuisances to other residents. If Rural Residential zoning districts in general are not excluded from commercial cannabis cultivation in Sonoma County, then we are in favor of a Cannabis Exclusion Combining District on Bennett Ridge.
3. Are in favor of prohibiting commercial cannabis cultivation in Bennett Valley as a whole to preserve its scenic beauty and protect its water supply, as well as to minimize other nuisances (such as undesirable odors, increased traffic, potential harm to wildlife habitat, and possible increase in crime) to area residents.
4. Are in favor of limiting ministerial permitting of commercial cannabis cultivation due to the associated loss of transparency and opportunity for public input.
5. Are in favor of prohibiting the piecemealing of multiple small cannabis applications on a single property to avoid environmental review and the conditional use permit process; we support the staff recommendation for an immediate moratorium on such applications.
6. Are in favor of prohibiting on-site cannabis consumption and other visitor-serving activities at facilities outside of urbanized areas.
7. Are in favor of increased enforcement efforts to ensure compliance with existing regulations and to process complaints against operations in a timely manner.

September, 2021

Richard R. Rudnansky
Brian Gibson
Katherine Meyers
Michael Sullivan
Paul Johnson
Lani Muelrath
Ann Wendecker
Colleen Cotton
David Trezise
Ken Brush

Pete Parkinson
Gil Moreno
Jane Marx
Linda Rudnansky
Liz Gawson
David Taggart
Kathie Schmid
Marry Ann Sullivan
Marilyn Stocks
Stephen T. Olson

Rebecca Bass
James Stocks
David Dammuller
Susan Strange
David Bass
David Southwick
Brad Hunter
Catherine Mangan
Jerry Moreno
Cecilia Parkinson

CONTINUED ON NEXT PAGE

Greg Muelrath
Les DelaBraindais
Theo Vermont
Eric Dinwiddie
Tracye Lerdahl
Lynn P. Olson
Mike Walsh
Donna DelaBraindais
Lucy McLintic
Gene Graser
Isabelle Walters
Jay Werth
Sally Weare
Suzanne Guyton
Heidi Sapp
Patrick Rafferty
Cathy Crowley
Dianne Felli
Jenna Holtzinger
Nancy Watson
Kara Fieser
Karen De Groot
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Jason Dedmore
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James Keller
Mike Scott

Lynne Walsh
Kelly Dellinger
Matt Walters
Brian Johnson
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