

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

Public Comment Received March 3, 2022  
through March 14, 2022 at 2:30 PM

**From:** [Richard R. Rudnansky](#)  
**To:** [Crystal Acker](#); [Cannabis](#)  
**Cc:** [Susan Gorin](#)  
**Subject:** Cannabis Program Update Framework  
**Date:** Thursday, March 3, 2022 4:34:13 PM

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Ms. Acker

I saw in the paper that the Board of Supervisors will be considering a Resolution of intention and Cannabis Program Update Framework on March 15, 2022. I also understand that the industry's request for tax relief will also be considered.

Please release and post the staff report and materials on these matters as soon as possible and rather than the minimal time required under the Brown Act. Given the complexity of these issues and the previous concerns raised by the public regarding the County's cannabis program, it is important that the public have adequate time to review the materials and provide comments.

Thank you for your attention.

Richard Rudnansky

[rrudnansky@sonic.net](mailto:rrudnansky@sonic.net)

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**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)  
**Date:** Tuesday, March 8, 2022 9:16:42 AM

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**From:** Nancy and Brantly Richardson <nrchrdn@sonic.net>  
**Sent:** March 08, 2022 9:13 AM  
**To:** Susan Gorin <Susan.Gorin@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@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:** Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)

*Supervisors,*

*The Neighborhood Coalition urges you adopt #16 in the March 15th Cannabis Framework Summary Report and pursue an Economic Analysis preferably before versus concurrent with the programmatic EIR, as recommended by Staff.*

*The Neighborhood Coalition recommends that an unbiased and qualified professional firm (not cannabis advocate Robert Eyler) be selected to complete an in-depth financial analysis and that the resulting report be peer reviewed. The Neighborhood Coalition recommends selection of a reputable firm such as [HDL Companies](#) and Goldfarb & Lipman LLP, co-authors of Napa Vision economic analysis [Napa 9111](#) . The economic analysis should be conducted prior to or concurrently with the programmatic EIR so that the analysis could inform relevant policy decisions and determine Sonoma County's cost/benefit from commercial cannabis cultivation, manufacture and distribution.*

*CEQA requires that all feasible mitigation measures be adopted. A mitigation measure could prove to be infeasible based on economic implications and such a finding would need to be supported by substantial evidence, which would most reliably be in the form of an economic analysis. This information can be used to define the project to*

*be studied in the environmental review process, feasible mitigations to be proposed and the potential economic viability or impacts to public funds of commercial cannabis cultivation, manufacture and distribution in Sonoma County. The result could 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.*

*The analysis should include, but would not be limited to, an evaluation of all revenues sources including taxes, fines for violations, permit and inspection fees and any other revenue source. The analysis should also include, yet not be limited to all expenses and costs to implement the program including permitting not covered by applicant fees, compliance inspection, code enforcement costs by both Permit Sonoma and the Agriculture Department of Weights and Measures, plus any expenses incurred by the Office of the County Administrator or any other department involved in implementing the cannabis program.*

*It's important that the baseline analysis 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. The 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 impacts to public services, such as landfill costs, given information on how cannabis is actually grown—using plastic garbage cans, non-native chemical soils, disposal of fertilizer-intensive soil and hoop house plastics, and 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 and the processes being used in order to have a complete understanding of everything about the cannabis industry both in Sonoma County and state wide. This is based on an economic analysis*

*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 reduced prices and lost taxes/revenue and in the expense of wasted Staff time.*

*The EIR should not propose objectives that assume an unlimited market or propose mitigations that are economically infeasible. An analysis will help determine how many acres of cannabis can successfully be cultivated and marketed and determine where those properties would best be located in order to protect the environment and the rural residents.*

*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 programmatic EIR.*

*It is best to regulate with the knowledge acquired from an economic analysis. An economic analysis best serves the public interest.*

*Nancy and Brantly Richardson - Communications, the Neighborhood Coalition*

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**From:** [Crystal Acker](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)  
**Date:** Wednesday, March 9, 2022 10:05:14 AM

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**From:** Dick and Vi Strain <vcrstrain@yahoo.com>  
**Sent:** March 09, 2022 9:35 AM  
**To:** Susan Gorin <Susan.Gorin@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@sonoma-county.org>; Tennis Wick <Tennis.Wick@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Subject:** Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)

Tues, March 8, 2022

Supervisors,

After reviewing the March 15<sup>th</sup> Cannabis Framework Summary Report, I was heartened to find #16, the staff recommendation to “conduct an economic analysis to inform relevant policy decisions”. I support this recommendation with a caveat that the analysis would be more helpful if conducted early in the process and available to Supervisors when making policy decisions.

Businesses and individuals decide upon moving forward with development plans based on land use designations and the requirements for development. Therefore, Land use decisions are also business decisions. Public Agencies with responsibility for planning and use of resources can improve decision-making by knowing the cost/benefit of their land use designations and guide development to meet goals. A structured approach helps public and private entities by providing a clear picture on how cannabis can be integrated into land use categories.

The vagaries created through adoption of the existing cannabis ordinance are more apparent now and can be addressed in the Environmental Impact Report and proposed ordinance. All areas of the County workforce have

seemed understaffed to accommodate the introduction of cannabis to the County from processing applications to enforcement of conditions of approval and addressing violations. The cost of adequate staffing levels can be addressed in a financial analysis and provide insight in the overall impact of cannabis and where limits may be necessary. It should also include costs of the County Administrator and County Counsel, as they have been heavily involved in the past as during the proposed environmental review and commercial cannabis ordinance that was denied due to rural community activism and potential legal challenges.

Cannabis has now proliferated in many states and other counties in California. For the Supervisors to make sound decisions for Sonoma County it will require an understanding of cannabis beyond the local level to State wide and potentially further afield. An economic analysis and forecast would greatly help in navigating what is required. A worthy goal would be to set a target number of acres or square feet so local cannabis would not be overproduced resulting in reduced prices, lost tax revenue and staffing uncertainty.

Possibly the financial analysis could include the need for neighborhood compatibility to take a higher priority. Research has shown cannabis reduces a homes value by at least 8% and more depending on the type and size of cannabis operations. The current County regulations only provide a 100 ft. setback from a residential property line and 300 ft. from residential homes. This lack of a sufficient buffer between incompatible uses provides a financial benefit to growers while financially harming residential neighborhoods. Certainly for rural homeowners, it reflects negatively on the Supervisors for their lack of protecting their residential constituents investment in their home. A home is usually a family's most valuable asset and reducing a homes value by adopting insufficient setbacks from commercial cannabis operations makes the County vulnerable to a regulatory taking.

I request the Supervisors support the staff request to conduct an Economic Analysis and move the timeframe to earlier in the process. Please retain a firm experienced in Public Agency Finance and create a stand-alone analysis that can be used to inform the required Environmental Impact Report, proposed Ordinance and the provisions of other adopted County plans that must be considered in developing a comprehensive cannabis

ordinance.

Vi Strain

## #16 Excerpt from the March 15<sup>th</sup> Cannabis Framework

Economic Analysis. While an EIR does not require an economic analysis, staff recommend conducting one concurrent with the programmatic EIR, as an economic analysis could help inform relevant policy decisions. For example, CEQA requires that all feasible mitigation measures be adopted. A measure could be infeasible based on economic implications; however, such a finding would need to be supported by substantial evidence, which would most reliably be in the form of an economic analysis. The analysis could include, but would not be limited to: evaluation of cannabis tax collection revenue and method(s); staffing costs to implement the program, including permitting, compliance inspection, and code enforcement; permit and inspection fees and other applicant costs to obtain permits and run permitted operations; and civil penalties. If the Board does not wish to pursue an economic analysis, the Framework will be adopted without this tenet. If this tenet is adopted with the Framework, the economic analysis scope would be added to the EIR consultant selection process.

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**From:** [Richard R. Rudnansky](#)  
**To:** [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [district4](#); [district5](#); [Tennis Wick](#); [Scott Orr](#); [Crystal Acker](#); [Cannabis](#)  
**Cc:** [Marcie Woychik](#)  
**Subject:** RE: Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance 2022-0147 (AGENDA ITEM 22 FOR 3/15/22)  
**Date:** Thursday, March 10, 2022 7:49:09 AM  
**Attachments:** [Petition-Names.pdf](#)  
[BRCA Pettition.pdf](#)

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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

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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  
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Howard Klepper  
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Sherry Weinberg  
Bret Campoy  
Mark Bruns  
Dominic Tilker  
David Pitou  
Jeness Keller  
Eleanor Nixon

Gerda Dinwiddie  
Linda Emis  
Gail Graser  
Barb Tassa  
Robert Forgy  
Gerda Dinwiddie  
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Robert Gleeson  
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Marilee Jensen  
Lisa Valbert  
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Duayne Emis  
Carl Fieser  
Jeff McConathy  
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Bill Hill  
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Daniel Weinberg  
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Lynne Walsh  
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Sean Walsh  
Kent Dellinger  
Debbie Crisafulli  
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Kent Sapp  
Patti Weare  
Margit Yasukawa  
Bernadet Felli  
Denis Yasukawa  
Jason Holtzinger  
Frank Tansey  
Cecilia Marania  
John De Groot  
John Mackey  
John Cecil  
Gary Markarian  
Steven Lambert  
Angela Luscombe  
Helen Sedwick  
Karen Sommer  
Brian Kukic  
Tyson Berg  
Denise Bruns  
Megan Tilker  
Kathleen Pitou  
Jan Scott  
Devon Cavanagh

**From:** [craigspencerharrison@gmail.com](mailto:craigspencerharrison@gmail.com)  
**To:** [Cannabis](#)  
**Cc:** [district4](#); [David Rabbitt](#); [Susan Gorin](#); [Lynda Hopkins](#); [district3](#)  
**Subject:** March 15 Board of Supervisors Meeting, Item 23 Cannabis Tax  
**Date:** Friday, March 11, 2022 11:02:13 AM

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As I understand the staff proposal, the supervisors are asked to reduce the current cannabis tax by 10 percent for FY 2021-22.

From attending board meetings and listening to comments, no supervisor has a firm idea of the economics of the cannabis industry. You are being asked to provide tax relief in abject ignorance of the facts. A single industry is asking you to cater to it, an industry whose entire history is one of breaking the law and telling falsehoods. The cannabis industry celebrates its outlaw past. CannaCraft sells “The Farmer and the Felon” – the same CannaCraft that paid \$300,000 to the Sonoma County District Attorney in May 2021 to settle false advertising claims.

I have been involved professionally with regulatory issues for decades, and one firm conclusion that I have drawn is that the public interest is never well-served when decision makers are ignorant of the facts concerning the industry that they regulate.

Whatever problems the cannabis industry may be experiencing (and recent independent data in the Benchmark report suggests any problems are grossly exaggerated) are the result of decisions made by individuals who voluntarily entered this business.

It is obvious that outdoor cannabis projects are uneconomic in Sonoma County. These cultivations are precisely those that stimulate angst within neighborhoods, harm to the environment, and weigh heavily on the county budget because the staff has to respond to frequent complaints.

Why subsidize this uneconomic activity with a tax cut? This industry is not paying its fair share, and any tax reduction is not going to change the fundamental economics.

While the auditor states correctly states that the Cannabis Business Tax was enacted solely for general governmental and not for specific purposes, this was



to avoid triggering the 2/3 requirement for its approval. Measure A stated the following:

**Shall an ordinance be adopted imposing a cannabis business tax in unincorporated Sonoma County on cultivation up to \$38 per square foot (annually adjusted by CPI increases) or 10% on gross receipts, and on other cannabis businesses up to 10% on gross receipts, [REDACTED] [REDACTED] [REDACTED] with funds staying local and subject to audits, generating undetermined revenue until repealed?**

The public expects that these taxes will fund essential government services. It is not clear that you even have the authority to rescind the Cannabis Business Tax, including annual CPI adjustments, without voter approval.

Every county resident is suffering some economic dislocation after two years of the Covid Era, including the worst inflation in 40 years and record high gasoline prices. These problems will not abate soon. If the county has the largesse to reduce taxes (and I doubt that it does), consider freezing real property taxes for all county landowners.

Thank you.

Craig S. Harrison

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**From:** [Francine Baldus](#)  
**To:** [Cannabis](#)  
**Cc:** [Lynda Hopkins](#)  
**Subject:** Concerns about current draft  
**Date:** Friday, March 11, 2022 7:31:45 AM

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EXTERNAL

Dear Supervisors and Staff,

I am very concerned about the current time and staffing to expand cannabis growing in our county. I was astonished that a \$1.15 million dollar grant is offered for this effort, while in contrast our local high school cannot get proper funding to maintain itself, its educational staff, and wonderful programs like the arts...for these students who are truly our future.

Furthermore, the county government has continued to receive community outpouring rejecting the expansion of growing areas due to (as the draft mentions) water, noise, air quality, etc., all legitimate concerns. Also the type of “growers” who are involved in this expansion — this is not an agricultural endeavor, this is a drug business often with ties to cartels. If in doubt, ask law enforcement in southern Oregon.

It is not in our county’s best interests to allow cannabis growth — while the “carrot” of tax revenue is held out, the regulation will involve at least 5 new staff positions. Staff report highlights the difficulty of finding such staff and we are all aware of the long-lasting financial costs (health care, HR staff, pension funding) of additional staff. Not mentioned is the additional law enforcement that cannabis growing necessitates. Interestingly, cannabis growers also need to hire their own armed security guards. This product brings another level of crime to our county.

Please, look at all the aspects of cannabis growing and carefully evaluate its long term effects on our beautiful county. I for one would rather we funded our educational system instead of drug culture.

Sincerely,  
Francine Baldus

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**From:** [Jim Fitzpatrick](#)  
**To:** [David Rabbitt](#); [Susan Gorin](#); [Lynda Hopkins](#); [Chris Coursey](#); [James Gore](#); [Cannabis](#)  
**Subject:** PLEASE have our backs  
**Date:** Friday, March 11, 2022 3:21:15 PM

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I am concerned with the implications of redefining cannabis as Ag; opening up non-Ag lands to cultivation (i.e.: residentially zoned AR/RR); and **water/water/water**- Cannabis is a thirsty crop and drought is the new norm.

Also, please include "Neighborhood Compatibility", a key component of a successful law!

**1000** Ft (AT LEAST)

James Fitzpatrick, Sonoma County Resident since 1961.....

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**From:** [Paul-Andre Schabracq](#)  
**To:** [David Rabbitt](#)  
**Cc:** [Susan Gorin](#); [Lynda Hopkins](#); [Chris Coursey](#); [James Gore](#); [Cannabis](#)  
**Subject:** Oppose Cannabis tax breaks & related issues.  
**Date:** Friday, March 11, 2022 4:17:28 PM

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EXTERNAL

Dear Supervisor Rabbitt,

As your constituents we strongly urge you to oppose classifying this Cannabis cultivation as an agricultural use; permitting this use in AR/RR zones; and giving tax breaks to this industry.

Sonoma County is experiencing a record-breaking drought. Cannabis cultivation is water consumptive. Permitting Cannabis cultivation in AR/RR zones would further seriously deplete our groundwater resources.

Without sufficient well water we would be forced to move and lose the equity we have built up over years in our home.

This is what is at stake here.

Please protect us from the Cannabis industry.

Cordially,  
Paul-André Schabracq  
Deborah L. S. Sweitzer  
Edmée Danan, MD  
Blucher Valley Road, Sebastopol

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**From:** [Bill Krawetz](#)  
**To:** [Cannabis](#); [David Rabbitt](#); [Susan Gorin](#); [Lynda Hopkins](#); [Chris Coursey](#); [James Gore](#)  
**Subject:** "Setting the Framework for the new Cannabis Ordinance" Item 22 on March 15th Board of Supervisors meeting  
**Date:** Sunday, March 13, 2022 9:46:19 PM

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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

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**From:** [Ms. Harriet Buckwalter](#)  
**To:** [Cannabis](#); [Crystal Acker](#); [Scott Orr](#); [Susan Gorin](#); [Lynda Hopkins](#); [David Rabbitt](#); [Chris Coursey](#); [James Gore](#)  
**Cc:** [Lynn Garric](#); [Raymond Krauss](#)  
**Subject:** FMWW Comment Letter for Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance Framework  
**Date:** Sunday, March 13, 2022 4:02:00 PM  
**Attachments:** [2022-03-13 FMWW Letter to BOS re Cannabis Update Program Framework.pdf](#)

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Hello,

Please include the attached letter in public comments for the Comprehensive Cannabis Program Update - Cannabis Land Use Ordinance Framework on Tuesday, March 15, 2022. And please confirm receipt of this document.

Thank you so very much,  
Harriet

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Harriet Buckwalter, Co-Chair - she/her  
Friends of the Mark West Watershed  
Upper Mark West Fire Safe Council  
[hbuck@sonic.net](mailto:hbuck@sonic.net)  
(707) 538-5307  
6985 Saint Helena Road  
Santa Rosa, CA 95404  
[markwestwatershed.org](http://markwestwatershed.org)



A watershed community  
dedicated to preserving, protecting,  
and restoring the Mark West Creek and its  
watershed as a natural and community  
resource.

Friends of the Mark West Watershed  
6985 Saint Helena Road  
Santa Rosa, CA 95404  
info@markwestwatershed.org  
Tel: 707-538-5307  
www.markwestwatershed.org

March 13, 2022

To: Sonoma County Board of Supervisors

RE: Cannabis Update Program Framework, BOS Meeting, March 15, 2022

Dear Board of Supervisors,

We are writing to you on behalf of the Friends of the Mark West Watershed (FMWW), a community of neighbors, landowners, and supporters dedicated to preserving, protecting, and restoring the Mark West Creek and its watershed as a natural and community resource. We work to engage the community in stewardship projects, offer educational opportunities, and also collaborate with several other non-profit and governmental agencies invested in the ecological health and sustainability of the Mark West Watershed. We became involved in the many public hearings about various parts of the cannabis ordinance because of concerns that ordinance language was not strong enough to protect our watershed from negative impacts.

We would like to thank staff for their work on the program framework presented at this hearing. They have done a great job of capturing a majority of the issues raised thus far. We are pleased to see several key components included as part of the proposed framework that relate directly to our previously stated concerns, including hydrology, neighborhood analyses for exclusion zones based on data, wildfire risks, and cumulative impact considerations. We look forward to learning more about these details as the EIR is developed.

It is especially heartening to see that transparency is named as one of the primary tenets of this framework. We agree strongly that transparency is an essential element for the success



of the cannabis ordinance that will eventually come out of this EIR process. To that end, we'd like to request clear criteria, standards and procedures for compliance monitoring, documentation, and reporting. How this ordinance is eventually administered and implemented is as important, if not more important, than what it contains.

Enforcement for non-compliance should be publicly transparent and consistent. The end goal should be that the permit applicant is responsible for demonstrating compliance annually, so that it does not fall on community members to complain about non-compliance and so that the county can efficiently manage compliance monitoring.

Many thanks for your time and efforts to date, and for your continued energy moving forward,

Thank you for your consideration,

Harriet Buckwalter  
FMWW Co-Chair  
[hbuck@sonic.net](mailto:hbuck@sonic.net)

Lynn Garric  
FMWW Co-Chair  
[cransac@sonic.net](mailto:cransac@sonic.net)

**From:** [Judith Olney](#)  
**To:** [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [district4](#); [district5](#)  
**Cc:** [Cannabis](#)  
**Subject:** March 15 - Cannabis - Input on Water Analyses  
**Date:** Monday, March 14, 2022 2:22:39 PM  
**Attachments:** [clip\\_image001.png](#)  
[March 10 Questions.docx](#)  
[BOSMar15 2022 Water.pdf](#)

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March 14, 2022

**To: Supervisors and Cannabis Staff**  
**From: Judith Olney, Neighborhood Coalition**  
**RE: March 15, 2022 BOS Hearing – Cannabis Framework**

**Request:** In this 3rd year of a climate-driven drought, instead of hiring new staff to expedite cannabis permitting, the County should focus on completing the required baseline analyses of existing conditions. For water availability, the Baseline should quantify current drought-related water supplies versus existing residential, industrial, and wine industry demands.

This new industry is projected to grow an unspecified amount of water-intensive product, yet current analyses rely on out-of-date water supply data and little to no groundwater analyses in the areas where cannabis is grown. CEQA requires known and expected future projects be factored in: In addition to the proposed full Cannabis Program projections for cultivation and manufacturing/distribution water demand, other known water demands include State-mandated new housing, and county-wide projected commercial/industrial growth.

**Sonoma County’s water analyses are woefully out of date and cannot be relied on:** Temperature levels, desiccating wind events and rainfall patterns over the past 7-10 years are very different from historical 1980 data, or the water availability and land use assumptions in the General Plan Environmental Impact Report (EIR) completed over 15 years ago. Even the Agency’s [Water Supply Strategies Action Plan](#), developed in 2010, with a 2018 update, does not reflect current climate-driven drought conditions. The 2023 update will be timely to data to the required baseline studies for the Cannabis Program EIR as well as water analyses required to update the General Plan.

**Support groundwater monitoring database projected to be completed this summer:** Most cannabis cultivation currently uses groundwater resources; however, the Neighborhood Coalition (NC) supports changing the focus to more lucrative, and environmentally sound indoor grows via greenhouse production in commercial/industrial zones. The NC supports Permit Sonoma’s current work to map and update our groundwater monitoring program, with funding through GSA Prop 68 grants. The work required to make Use Permit-required groundwater monitoring data and other existing databases accessible via recording the data in the land use permitting database (Accela) will provide essential groundwater information guide land use decisions and required mitigations.

**Water Workshop leaves many questions unanswered:** As discussed at [Sonoma Water Agency March 10, 2022 Workshop](#), Sonoma County faces a historic drought emergency. Many people believe that dryer than normal conditions or the conditions described by Supervisor Rabbitt - climate driven “weather whiplash,” such as the 2019 floods followed by the 2020-22 drought have become the new normal. FEMA also forecasts increased severity of drought, flood and fire damage. There were many, many unanswered questions at the Town Hall, and their level of sophistication shows our citizenry requires better solutions than just cut back residential water use.

**Proposed aquifer and stream recharge programs revealed that both the County and State agencies know Sonoma County has a water supply problem.** Forecasts, strategies and funding by the Sonoma Water Agency (Agency), benefit the storage and distribution of drinking water to 600,000 users in the County’s urban areas as well as Marin. Given the severe drought, the Agency is rehabilitating two wells expected to provide about 3.7 million gallons of water daily, as well as considering aquifer recharge in the Russian River watershed. Although there has been significant groundwater drawdown near the Wohler collectors, Agency reps did not answer the question about the potential impact of these wells on domestic and ag wells within their zone of influence.

As shown in the Agency’s [Current Water Supply Level Chart](#), reservoir storage levels are about 60%. **Equally concerning, at the Town Hall the County officials did not address known risks to supply, such as the loss of Eel River diversions given Potter Valley FERC license requirements. Measures being taken to address the increase in demand from State-mandated housing requirements were not explicitly defined.** Unfortunately, the State rejected Permit Sonoma’s appeal to reduce or reallocate Sonoma County’s housing requirements given current zoning and water restrictions, as this appeal was supported by many community and environmental groups.

Strategy 3 of the Agency’s Water Supply Strategy document promised increased use of regional planning to provide water resiliency. **Recently, the recommended Groundwater Sustainability Area GSA reports for Santa Rosa Plain, Petaluma and Sonoma Valley were completed.** Yet, Alexander Valley and the Healdsburg Area are still categorized as “low priority” despite being hit so hard by drought conditions that the Department of Water Resources limited water right diversions.

Information on whether the County incorporated locally scaled Global-Climate Models (GCMs) into future climate projections for GSAs, as recommended by Strategy 3 would be useful. It’s generally understood that the GSAs used a 50-year precipitation data to populate modeled scenarios which tended toward moderate assumptions versus an analysis of worst-case conditions. Another concern is the Petaluma GSA assumed no cannabis cultivation, even though permits have been issued.

**Off-Stream Reservoirs and Catchment Basins:** At both the March 9 and March 10 workshops, interagency teams presented a “voluntary drought initiative” for residents and commercial uses to supplement summer flows to enhance endangered species survival rates in impaired watersheds. Presenters recommended the creation of off-stream storage reservoirs to collect winter runoff for use and to provide stream connectivity in the summer. The speakers did not address whether analyses have been completed to assess the extent to which catchment basins impede groundwater recharge and potential dewatering of Class 3 or 4 small groundwater deposits relied on by downhill users.

One concern is that the very Federal and State agencies relied on by citizens to protect the ecosystem values (water holding capacity, wildlife, soil stabilization, and oxygen etc.) of our fragile watershed areas, appear to be turning a blind eye to the damage done by County approved cannabis permits, not to mention State-sanctioned logging.

Neighbors impacted by cannabis operations in high-fire risk areas with very limited groundwater have written letter after letter requesting oversight and letters to Permit Sonoma and the Ag Commissioner from these agencies. And, when the Agency reps do submit testimony into the record, Permit Sonoma deems their input as "advisory only." If these watersheds and fishery resources are so important, then people in the Mill/Palmer Creek and Mark West Creek impaired watersheds should not have had to hire law firms to get basic water-related and environmental laws upheld.

**Conclusion:** The County's water availability studies need immediate update. It's time to define the current baselines for surface and groundwater supply and future forecast demand in both normal and worst-case multiple drought years. Expediting the issuing of new cannabis permits prior to completing water availability analyses is irresponsible.

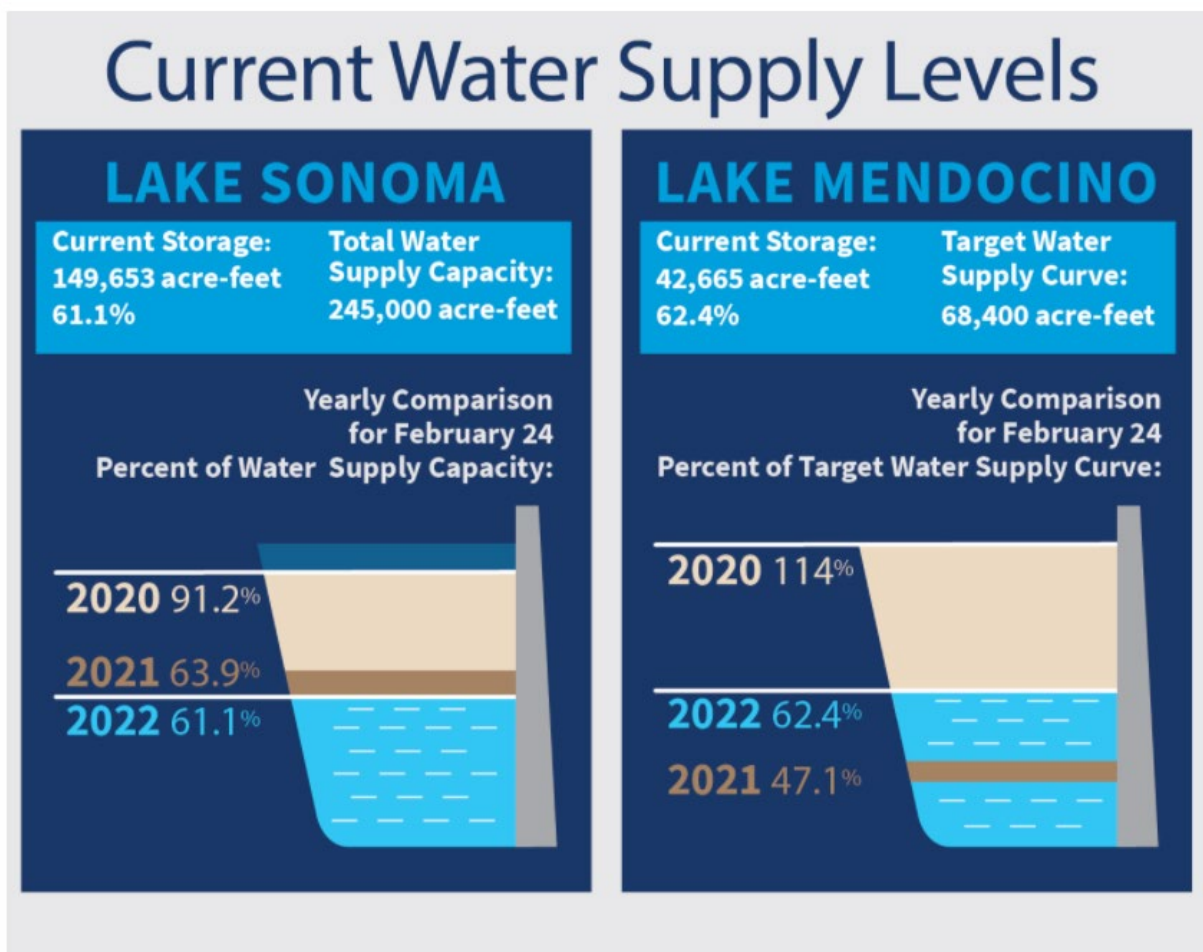
Judith Olney, Neighborhood Coalition, Healdsburg CA

**Addendum:**

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### Current Water Supply Levels



March 10, 2022 Town Hall Salient Questions relative to the intersection of land use permitting and water supply planning:

**Q: I would like to hear more about how Sonoma County Supervisors (in planning and development) are coordinating their development permits with So Co water resources and sustainability. And more specifically, what is the “sustainable “number of people + agriculture + natural flora and fauna can County water resources handle? At what numbers do we max out? Are we working with an estimate?**

Q: With all the new housing planned how can we be assured that there will be enough water?

Q: What about the PG&E Potter Valley hydroelectric facility and County plans for addressing Eel River diversions once the FERC license expires?

Q: Looking at the climate pattern over time, is there any reason to believe that this is a temporary situation and that continuing to expand our population in areas that already have insufficient water is a wise decision?

Q: With all the drought concerns & conservation efforts, what position does Sonoma Water take with the proposed Casino Resort along E. Shiloh Road - with a 400-room hotel, 6 restaurants, convention center, spa and potentially the largest casino in CA. Based on the Graton Casino in Rohnert Park, the Shiloh casino could expect upwards of 20,000 to 50,000 visitors a day. The conservative use of water for the proposed Casino Resort on E. Shiloh Road could easily exceed 280,504,320 gallons a year. How can such a project be allowed?

Q: What about new home building AND marijuana cultivation/grows? Both very water intensive. How are agencies working with marijuana cultivators to reduce current water usage?

Q: Tell us more about the Climate Adaptation Plan - how is Sonoma Water planning for water given climate change?

Q: How will the Water Agency's new wells impact local residents on wells?

Q: Why does the 2020 Sonoma UWMP predict 30% growth in water hookups, when the state Demographics Research Unit only predicts 4% growth, and the actual last decade growth in Sonoma was 1%?

Q: Why is the Groundwater Sustainability Agency 50-year precipitation model not include two dry years equal to or worse compared to the last two years? Is it too optimistic?

Q: Five or so years ago a state law was passed that required residents to reach 55 gal per day per person average personal water use by about now and 50 gal per day a few years in the future. Local water agencies were to set a water budget and allocate water for non-personal use, landscape watering, etc... What has happened to this law and the idea of water budgets.

Q: It is essential to not over commit on new water users- new housing, new agriculture, new cannabis. I honestly don't understand how we can foster any growth when we don't have sufficient water for existing residents and businesses. What about a moratorium on all new businesses and home construction? This has been done elsewhere in California. What control can we have over the tribal land development (casinos, hotels, etc)?

Q: Why not also show the FEMA data from their national risk assessment on Sonoma County that states almost double the risk of drought compared to fire or flooding.

Q: Would it be reasonable to consider that our area is starting the process of desertification and that we need to seriously consider whether it makes sense to continue to damage the water cycle by increasing population and allowing trees and plants to die?

Q: Why is there no study of water issues in an area before new vineyard permits are granted? Permits are being issued in areas where wells are failing both because of low flow or impaired quality - too much iron and manganese to be filtered.

Q: According to the City of Healdsburg, it may take several years to straighten out the pending updates to our water rights. They cited staffing shortages with the Water Board and the Water Board projected 2-5 years to make a decision. What can be done to expedite this?

Q: Where is chart that shows water allocations needed to support aquatic species including endangered salmonoids?

Q: Could you kindly provide more information about the wineries and the river? Is it possible to put stronger regulations on vineyards tapping into the groundwater?

Q: How does the North Bay drought compared to the water supply conditions for other parts of California?

Q: What impact do these "water harvesting" projects have on Sonoma County's natural environment, flora, and fauna? I would like to hear about estimates and potential unintended consequences.

Q: Thank you for working to ensure that the non-urban area water needs are being considered. Wells have dried up in many locations. The supervisors should look very carefully at the water needs of new agriculture, particularly any approvals for new applications for marijuana facilities as others have pointed out.

Q: Is it true that agriculture uses 80% of the available water? What effort is involved re: water conservation with that industry? It seems there's a big effort educating and urging residents about methods to conserve but we hear nothing about conservation in agriculture.

Q: Is it true there are no regulations regarding well drilling? Also is it correct there are 40,000 wells in Sonoma County?

Q: Residents in Rincon Valley observed illegal water hauling from a city fire hydrant and reported it to both the city and the County but got nowhere. Residents observed the truck was headed to a cannabis grow on Los Alamos Road and followed it to its destination. County said it had to see it actually being used to water the plants. Illegal water hauling needs to be stopped! When residents observe this, the city/county needs to make sure it stops! This has not happened, as the city/county wants private residents to illegally enter private property to further document this.

Q: Our county needs to be realistic in understanding water availability in the 'new normal' of much less water, and thus needs to use less water across the board- existing and new residential commercial, industrial.

March 14, 2022

**To: Supervisors and Cannabis Staff**  
**From: Judith Olney, Neighborhood Coalition**  
**RE: March 15, 2022 BOS Hearing – Cannabis Framework**

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**Addendum:**

