

Public Comment Regarding Cannabis Ordinance and
Program Update

Received December 2023

From: [Richard R. Rudnansky](#)
To: [Crystal Acker](#); [Scott Orr](#); [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Public Informational Meeting of December 13, 2023 re Residential Enclaves
Date: Wednesday, November 29, 2023 1:14:29 PM

EXTERNAL

Crystal, Scott, and Tennis

I have reviewed the materials on "residential enclaves" that will be presented on December 13, 2023.

As you know our Bennett Ridge Neighborhood (consisting of properties on Old Bennett Ridge Road, Rollo Road, Bardy Road and Bennett Ridge Road) has previously provided both verbal and written comments indicating opposition to allowing any commercial cannabis cultivation in our neighborhood.

As I read the materials it is my understanding that staff is not recommending that our neighborhood be placed in a residential enclave. Is my understanding correct?

If so, is it staff's recommendation that there remain a prohibition on commercial cannabis cultivation in the Rural Residential Zoning District (RR) which is our neighborhood's zoning designation?

So that there is no misunderstanding, neighbors of our Bennett Ridge Neighborhood as well as the Board of the Bennett Ridge Community Association are opposed to commercial cannabis cultivation of any type in our neighborhood.

Please advise by return email as soon as possible with your responses.

Also, I ask that one of you please call me at 707-843-6712 to discuss.

Thank you.

Rich

Richard R. Rudnansky

Bennett Ridge Resident
rrudnansky@sonic.net
707-843-6712

Public Informational Meeting - December 13, 2023

Permit Sonoma will host two public informational meetings on December 13 to update the public on the development of the "residential enclaves" mapping and key program elements. The first meeting will be in person at the Board of Supervisors Chambers from 5:30 PM to 6:30 PM. The second meeting will be conducted via Zoom from 7:00 PM to 8:00 PM. The same information will be presented at both meetings. The Zoom webinar will be recorded and published approximately one week after the public informational meeting.

Documents:

- [Key Program Elements](#) (PDF: 253 KB)
- [Draft Cannabis Land Use Summary Table](#) (PDF: 134 KB)
- [Rural Residential Enclaves Discussion Paper](#) (PDF: 251 KB)
- Draft Rural Residential Enclaves Maps:
 - [First District](#) (PDF: 2.26 MB)
 - [Second District](#) (PDF: 1.64 MB)
 - [Third District](#) (PDF: 1.78 MB)

- [Fourth District](#) (PDF: 2.08 MB)
- [Fifth District](#) (PDF: 2.48 MB)

Register for the Zoom webinar [here](#).

November 29, 2023 Press Release [English](#) (PDF: 120 KB) [Spanish](#) (PDF: 121 KB)

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

From: [Alexa Wall](#)
To: [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [Jenny Chamberlain](#); [district5](#); [Leo Chyi](#); [Crystal Acker](#)
Cc: [Cannabis](#); [joanna cedar](#); [Lauren Mendelsohn](#)
Subject: Urgent Concerns About the Impact of Proposed Changes & Residential Enclaves on Farmers
Date: Monday, December 4, 2023 12:38:52 PM

EXTERNAL

Dear County Officials & Staff,

I hope you are all doing well and had a great Thanksgiving! As a cannabis business owner and a member of the Sonoma County agricultural community, I am reaching out to share my concerns about some of the recent ordinance changes proposed by the county. Our farm, Luma California, located at 2275 Roberts Road, has always strived to operate responsibly and harmoniously within our community. The news of our farm falling within a new proposed 'residential enclave' has brought a sense of uncertainty that I feel compelled to communicate.

Having dedicated millions of dollars and years of our time to building a business that meets regulatory standards, it is disheartening to find ourselves suddenly categorized within a newly proposed "sensitive use". Our relationship with our neighbors has been built on transparency and mutual respect, without a single complaint or issue raised against our operation. To now find ourselves potentially categorized as a non-conforming zone is unsettling and poses a significant challenge to the future we have envisioned for our farm. To say this is a setback is an understatement; it feels like a negation of all our efforts to establish a conscientious and sustainable operation.

The possibility of a 'sunset date' for our operation, as mentioned in the recent documents, is particularly worrisome. We understand the need for regulations and appreciate the complexity of creating policies that balance various interests. However, we hope that the county will consider the unique situations of farms like ours, which have demonstrated a strong track record of responsible operations.

Our plans for expansion, aimed at enhancing our contribution to the county's agricultural diversity and economy, are now shrouded in hesitation. Investing further in the midst of such uncertainty is a daunting prospect, and we find ourselves cautious about making decisions that were once made with confidence and optimism.

As we navigate these times of change and uncertainty, it's imperative to recognize the need for stability and support for operators like us, who are actively contributing to the county's agricultural economy. The document acknowledges various options for handling non-conforming operations, including allowing continued operation with certain restrictions. While this offers a glimpse of flexibility, it also presents an open-ended scenario that leaves us in a current state of limbo.

In the midst of our expansion and growth efforts, finding ourselves suddenly within a new sensitive zone is not just a regulatory hurdle—it's a fundamental challenge to our business's viability and future planning. What we seek from the county is not just a consideration of our past compliance and community integration, but tangible steps that can provide immediate security and assurance.

Is there a way for the County to offer interim protections or guarantees for operators like us? Such measures could include provisional approvals or statements of intent that recognize the value and legitimacy of our ongoing operations. Perhaps the Board could proactively vote now on a specific course of action for this aspect of the policy, providing immediate clarity and direction for affected operators like us. This would allow us to proceed with our expansion plans, continue providing jobs, and contribute to the local economy without the looming fear of sudden regulatory shifts.

We understand that the regulatory landscape is complex and ever-evolving, especially in an industry as dynamic as cannabis. However, the ability to operate with a degree of certainty is crucial for any business, particularly for farms that are deeply rooted in the community and have made significant investments based on existing guidelines.

We appreciate the challenges faced by the Board in balancing various interests and regulatory objectives. Nonetheless, we earnestly request that immediate steps be taken to provide clarity and stability for existing operators, ensuring that our efforts and investments are not jeopardized by prolonged uncertainty.

Thank you once again for your attention to these matters. We remain committed to positive and proactive engagement with the county, with the hope of securing a sustainable future for our farm and for the broader cannabis farming community in Sonoma County.

Sincerely,
Alexa Wall

--



Alexa Wall, Owner

512.826.0462

www.lumacalifornia.com

Sonoma County Cannabis Farm

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

From: [Brian Connell](#)
To: [Cannabis](#)
Subject: Cannabis exclusion zones
Date: Monday, December 4, 2023 7:08:45 PM

EXTERNAL

To whom it concerns:

Why is the county so adamant that commercial cultivation of marijuana must be encouraged in so much of the county area? Why do some areas get exclusion zones and others do not?

The fact is that nobody wants cannabis cultivation near their homes. We have thousands of acres of true remote farm land and rural areas away from residential sites and other communities. Why not designate those areas for cultivation sites? Away from residential areas!

Just because cannabis cultivation is legal does not mean it should be encouraged. If the county is looking for tax revenue....don't make our communities suffer over it. Locate the grow areas away from residential zones.

Brian Connell
4737 Grange Rd.
Santa Rosa, Ca 95404

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From: [Cathleen Crowley](#)
To: [Cannabis](#); cathycrowley@sbcglobal.net
Subject: Cannabis growing
Date: Monday, December 4, 2023 4:56:25 PM

EXTERNAL

To :Board of Supervisors

I am extremely concerned about where the county is going with Cannabis growing. I have been waiting to see the details of the new ordinance for cannabis and have reviewed the draft summary that will be discussed at the meetings next week. I am extremely dismayed to see that absolutely none of the concerns that people have been voiced have been listened to at all. Going from 10 acres to 5? Not real exclusion areas? Reducing the taxes that cannabis is bringing so the county is getting even less revenue and having taxpayers subsidize the cannabis industry. Why would you think us taxpayers would want to do this.

It does not seem you listened to or addressed even one concern that people have been voicing. Extremely disheartening to see that you seem to be in advocating for the corporate cannabis growers instead of the taxpayers and residents of Sonoma County.

Really, really disheartening.

Cathy Crowley
6975 Bennett Valley Road,
Santa Rosa, Ca 95404

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From: [Charles Desmarais](#)
To: [Cannabis](#)
Subject: Are there positives of cannabis growing in Sonoma?
Date: Monday, December 4, 2023 2:59:34 PM

EXTERNAL

Opponents of further expansion of cannabis cultivation in our county have made excellent points about possible negative effects. Does the county plan to present positive aspects of any new policy? Is there any compelling explanation of why we want to run such risks?

Charles Desmarais
646-785-9812

6729 Enterprise Road
Glen Ellen, CA 95442

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From: [Crystal Acker](#)
To: [Tasha Levitt](#)
Subject: FW: Letter in opposition to cannabis ordinance changes
Date: Monday, December 4, 2023 1:55:25 PM
Attachments: [Dec 4 BOS letter re cannabis ord..pdf](#)
[image002.png](#)
[image001.png](#)

Public comment

From: BOS <BOS@sonoma-county.org>
Sent: December 04, 2023 1:53 PM
To: McCall Miller <McCall.Miller@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>
Subject: FW: Letter in opposition to cannabis ordinance changes

Noelle Francis (she/her/hers)

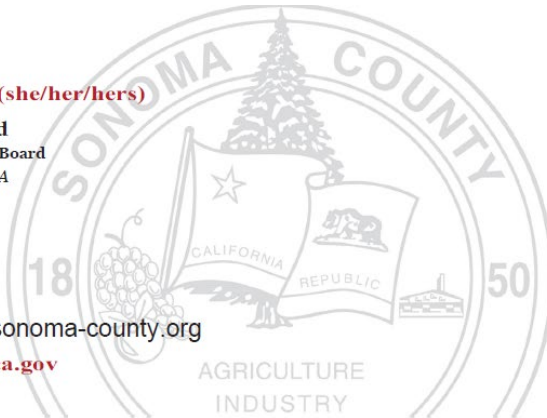
Deputy Clerk of the Board
Board of Supervisors - Clerk of the Board
575 Administration Drive Room 100A
Santa Rosa, CA. 95403-2815

p: (707) 565-1968

f: (707) 565-3778

Email: Noelle.Francis@sonoma-county.org

Website: sonomacounty.ca.gov



From: Colleen Mahoney <colleen@mahoney-architects.com>
Sent: Monday, December 4, 2023 1:27 PM
To: BOS <BOS@sonoma-county.org>
Cc: Buechley Drew <dbuechley@gmail.com>; Guion-Buechley Nathalie <nat@natguion.com>; Torrens Bev <tworocket@aol.com>; Grosser Richard <jrgrosser7@gmail.com>
Subject: Letter in opposition to cannabis ordinance changes

EXTERNAL

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Colleen Mahoney
Architect
Six C Street, Petaluma
707.765.0225
mobile 415.517.0912
www.Mahoney-Architects.com



MAHONEYARCHITECTS&INTERIORS

December 4, 2023

Sonoma County Board of Supervisors

Susan Gorin

David Rabbitt

Chris Coursey

James Gore

Lynda Hopkins

Exclusion Zones – Cannabis Ordinance

This letter is to ask you to reconsider the proposed Cannabis proposal.

Our neighborhood had a cannabis grow that has now been removed and for this we are grateful. The land was leased and the cannabis grower/tenant had no respect for zoning, for codes or any laws. The grow never met county requirements where it used exceptional amounts of water during the peak of our drought. No limits were put on water use or monitoring to measure the amount of impact on our neighborhood aquifer. In fact – we gave photographic evidence to Permit Sonoma that water was being trucked in. The grow was located close to an open livestock pond/reservoir and the upper portion of a creek that feeds all the way to the Petaluma River. This proximity caused great concern about the cannabis operator and his use of rodenticides and herbicides going into our aquifers, our waterways, and into the wildlife in our area.

The property was not maintained with abandoned vehicles, and a mobile home with no sewage disposal system. The grow was never screened with landscaping – a county requirement that was never enforced. The grower graded areas of the property without permits. Traffic increased on our road with no regard to excessive high speed use of the road with the coming and going of employees working on the cannabis grow. You already know about the impact of smell on neighbors.

Every contiguous neighbor objected to this grow in our rural neighborhood. We wanted an exclusion zone so that cannabis would not be allowed near our large and productive agricultural ranches. I believe that Sonoma County and our Board of Supervisors need to exclude cannabis where neighbors don't want it. Cannabis grows create neighborhood conflicts. It is imperative that proper notifications, maps, and documentation be required for all neighbors before a lease or land use is allowed.

Our country roads are not well maintained. I invite you to travel on the west end of Middle Two Rock Road if you want to see a road in horrible shape. Increased traffic is not welcome or warranted. Please do not allow retail in rural sites and please do not allow educational tours or special events at cannabis sites. Our rural areas are not appropriate for increased traffic. There must be better consideration given to where sites are located with full environmental impact studies done for compatibility regarding water use, for road impacts, security, wildlife, parking,

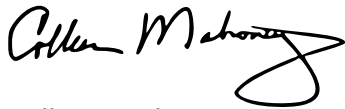
security . . . and on the list goes. Our County does not seem to be able to deal properly with violations – and you crack down on homeowners but ignore cannabis growers with slaps on the wrist, ministerial permits and worse. They get away with violation after violation with no impact.

Cannabis is not an agricultural product. It is not milk, or eggs, or beef, or vegetables or grapes that can be sold throughout grocery stores anywhere. Our Board of Supervisors should not be changing the classification of cannabis.

Rural property owners (we are 4th generation ag) beg you to reconsider expansion of cannabis without very strict management and controls and assessment. Several years ago we were told what a boon cannabis would be for Sonoma County. We were told that it would bring in significant tax benefits to the county. We were told that cannabis grows could be good neighbors. None of this has proven to be true. The “pilot” or “test” sites have proven to be very bad neighbors and they have negatively impacted neighboring property values.

I urge our Board of Supervisors to hold more open house conversations in their own rural areas for feedback. Allow your rural constituents to opening talk about the changes you are contemplating and require compatibility. If you truly want cannabis in Sonoma County – then work with rural property owners and allow us to have exclusion zones. I can safely say that my neighbors don't want cannabis ever again on Middle Two Rock Road!

Thank you for your consideration,

A handwritten signature in black ink that reads "Colleen Mahoney". The signature is fluid and cursive, with a large loop at the end of the last name.

Colleen Mahoney
2781 Middle Two Rock Road
Petaluma, CA 94952

From: [Richard Rudnansky](#)
To: [Cannabis](#); [Crystal Acker](#)
Cc: [Susan Gorin](#); [Crystal Acker](#); [Scott Orr](#); [Tennis Wick](#); [Chris Coursey](#); [David Rabbitt](#); [Lynda Hopkins](#); [district4](#)
Subject: Re: Public Informational Meeting of December 13, 2023 re Residential Enclaves / Questions and Comments
Date: Monday, December 4, 2023 4:50:02 PM

EXTERNAL

Crystal

Thank you for your response to my email. However, now that I have had more time to review the material, I have several questions and concerns as to our Bennett Ridge Neighborhood and the County in general.

Here are some of my questions and comments based on my understanding of the materials.

(1) Why was the Bennett Ridge neighborhood (properties on Old Bennett Ridge Road, Rollo Road, Bardy Road and Bennett Ridge Road) not designating a "residential enclave"? Please be specific as to the process, how the residential enclave criteria were applied to and why the Bennett Ridge neighborhood was not designated a residential enclave. Neighbors and the Board of the Bennett Ridge Community Association have previously provided numerous documents and comments showing how incompatible it would be to allow commercial cultivation of any kind in or near our neighborhood. Therefore, I reiterate our request to prohibit commercial cultivation in the Rural Residential Zoning District, designate our neighborhood a residential enclave, impose an exclusion zoning overlay and/or adopt any other legislative mechanism that would result in a ban on commercial cannabis cultivation of any kind in our neighborhood. We have previously extended, and I again extend an invitation to staff and all Supervisors to visit our neighborhood to see how nonsensical it would be to do so. As far as I know only Supervisor Gorin has taken us up on that invitation.

(2) Are any of the suggested residential enclaves either partially or completely within the Rural Residential (RR) Zoning District? If given that currently commercial cannabis cultivation is prohibited in the RR District, why was the RR Zoning District included in the model? Is consideration of opening up the RR Zoning District to commercial cultivation still on the table by the Board? If so, certain neighborhoods that are within such a zoning district could be adversely impacted if not designated "residential enclaves". Seems to me the safest, most common sense, and simplest way to protect such neighborhoods and avoid continued tension between residents and cultivators is to continue to prohibit commercial cannabis cultivation in the RR Zoning District. To do otherwise will be going backward in protecting rural residents.

(3) How and why were the criteria for neighborhood enclaves determined? If there were other considerations not included in the materials as to how the 50 minimum contiguous parcel number and the maximum parcel size of 2 acres determined, please advise? Was consideration given when determining these criteria to geography, proximity of smaller parcels (less than 50 contiguous parcels less than 2 acres) to larger parcels (5 acres or more), odor and prevailing winds, other? Since there could be (and are in some areas) are less than 50 such contiguous 2 or less acre lots, the facts on the ground would indicate that the criteria would not make sense and would be detrimental for certain neighborhoods. In other words, imposing this criterion, without consideration of other factors and facts on the ground, would have a negative impact on neighborhood compatibility for neighborhoods not designated as residential enclaves.

(4) Why is there a suggestion reduce the current 10 acres parcel minimum to 5 acres and eliminating the one-acre cap per operator and per parcel, and yet not recommending 1000-foot setbacks for all residential parcels. Again, if reducing minimum parcel sized for cultivation to 5 acres and not increasing setbacks for all parcels to 1000 feet, there could be a significant impact on neighborhood compatibility in some neighborhoods not designated as residential enclaves. While I agree that schools are "sensitive" sites, so would one's private residence where one should be able to have the full

enjoyment of one's home with family and friends free of noxious odors, carcinogens, lights, noise, etc. Therefore, personal residences on adjoining property should also be designated "sensitive" and enjoy at a minimum 1000-foot setbacks.

(5) What is the reason for eliminating the term limits and required permit renewals and allowing cannabis permit to run with the land? Why is this being proposed when given that some in the industry have disregarded and violated the County ordinances, and given the either past lack of will or resources to effectively and thoroughly enforce such violations? Seems to me there should, at the very least, be such renewal and term requirements for any operator that violates the County ordinances or are the subject of a number of complaints.

(6) Why is staff suggesting designating cannabis cultivation agriculture which would be contrary to state regulations? Although there are many reasons that cannabis cultivation is not agriculture, if so designated, what are some examples of "additional regulations" (as vaguely suggested in the materials) that would or could be imposed that would be consistent with State regulations. It should be a concern that designated cannabis as agriculture could possibly take away rights and remedies of adjoining landowners if the Right to farm laws kick in.

Please provide your responses in writing to me as soon as possible and in any event well before the December 13 meeting. I am merely trying, based on my reading and understanding of the materials, to make sure I understand the materials that are to be presented and how they may ultimately impact our Bennett Ridge neighborhood and the County in general. Hopefully you will also address these issues at the December 13th meeting as well.

Thank you for your anticipated consideration. It is appreciated.

Best Regards

Rich

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

On 2023-11-30 10:39, Cannabis wrote:

Hi Richard,

The discussion paper describes how the mathematical model was developed, what county-wide data layers were used in the model, what the model results are, and possible policy options on how enclaves could be implemented. The paper is intended to provide an update of work done to date; it is not a final proposal being brought forward for a recommendation or decision at this point in the process.

Yes, you are correct that the Key Program Elements do not include commercial cannabis land uses as allowed in any Residential Zoning District, as shown on the Cannabis Land Use Summary Table.

I agree with Supervisor Gorin's recommendation to you to attend one of the meetings on December 13 (or watch the recorded Zoom afterwards, if you'd prefer). I suspect many of your questions will be

answered there.

Thank you for your interest and participation.

crystal

Crystal Acker, M.S.

Supervising Planner

Planning Division | Project Review

sonomacounty.ca.gov/cannabis-program

[Sign up for Cannabis Program Updates](#)

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County of Sonoma

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |

Office: 707-565-1900 | Fax: 707-565-1103



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From: Susan Gorin <Susan.Gorin@sonoma-county.org>

Sent: November 29, 2023 3:57 PM

To: Richard R. Rudnansky <rrudnansky@sonic.net>; Crystal Acker <Crystal.Acker@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Cannabis <Cannabis@sonoma-county.org>

Subject: Re: Public Informational Meeting of December 13, 2023 re Residential Enclaves

Thanks Richard - and you should attend the meetings and again express your viewpoints. And I have asked the questions about why the Ridge was not designated a rural enclave. So the board will have a discussion about this for sure.

Susan Gorin | 1st District Sonoma County Supervisor

575 Administration Drive, Room 100A

Santa Rosa, CA. 95403

Office 707-565-2241 | Cell 707-321-2788

From: Richard R. Rudnansky <rrudnansky@sonic.net>

Sent: Wednesday, November 29, 2023 1:14:21 PM

To: Crystal Acker <Crystal.Acker@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Cannabis <Cannabis@sonoma-county.org>

Cc: Susan Gorin <Susan.Gorin@sonoma-county.org>

Subject: Public Informational Meeting of December 13, 2023 re Residential Enclaves

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Crystal, Scott, and Tennis

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If so, is it staff's recommendation that there remain a prohibition on commercial cannabis cultivation in the Rural Residential Zoning District (RR) which is our neighborhood's zoning designation?

So that there is no misunderstanding, neighbors of our Bennett Ridge Neighborhood as well as the Board of the Bennett Ridge Community Association are opposed to commercial cannabis cultivation of any type in our neighborhood.

Please advise by return email as soon as possible with your responses.

Also, I ask that one of you please call me at 707-843-6712 to discuss.

Thank you.

Rich

Richard R. Rudnansky

Bennett Ridge Resident

rrudnansky@sonic.net

707-843-6712

Public Informational Meeting - December 13, 2023

Permit Sonoma will host two public informational meetings on December 13 to update the public on the development of the "residential enclaves" mapping and key program elements. The first meeting will be in person at the Board of Supervisors Chambers from 5:30 PM to 6:30 PM. The second meeting will be conducted via Zoom from 7:00 PM to 8:00 PM. The same information will be presented at both meetings. The Zoom webinar will be recorded and published approximately one week after the public informational meeting.

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From: [Alexa Wall](#)
To: [Crystal Acker](#)
Cc: [McCall Miller](#); [Cannabis](#)
Subject: Re: Cannabis Operator Meeting Request
Date: Tuesday, December 5, 2023 8:54:44 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

EXTERNAL

Hey Crystal,

Thank you for your prompt and detailed response. I appreciate the clarification regarding the current stage of the enclave discussion and the intended goals of the upcoming December 13 meeting. It's reassuring to know that the meeting will focus on sharing information, addressing questions, and gathering feedback.

I understand that the enclave proposal is not yet finalized and that the discussion paper is a preliminary step in this complex process. However, I must express that, as an operator actively engaged in expanding our operation to a full-acre permit, the mention of potential sunset dates in the discussion paper has raised significant concerns for us. The possibility, even in theory, that we might have to cease operations due to new enclave policies is quite alarming, especially when considering the investments and plans currently underway.

While I recognize that it's early in the policy development process, I hope that the concerns and perspectives of existing operators like us will be carefully considered as proposals are further developed. It's crucial for our planning and future investments to have some sense of stability and predictability in the regulatory landscape.

I look forward to attending the December 13 meeting to learn more and share my thoughts. Thank you again for your understanding and for facilitating this important dialogue.

Best,
Alexa

On Tue, Dec 5, 2023 at 10:31 AM Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:

Hi Alexa,

I know it's easy to want to jump ahead in the process, but we are not yet to the point where we can discuss potential policy options related to enclaves since there is not yet a final enclave proposal.

The enclave discussion paper describes how the mathematical model was developed, what county-wide data layers were used in the model, what the model results are, and possible policy options on how enclaves could be implemented. The paper is intended to provide an

update of work done to date; it is not a final proposal being brought forward for a recommendation or decision at this point in the process.

The whole goal of the December 13 meetings is to describe the work done to date, answer questions, and listen to comments. We'll be putting out additional information after the meeting when we have a chance to consolidate all comments and identify any areas where additional discussion or explanation would be beneficial.

crystal

Crystal Acker, M.S.

Supervising Planner

Planning Division | Project Review

sonomacounty.ca.gov/cannabis-program

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www.PermitSonoma.org

County of Sonoma

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |

Office: 707-565-1900 | Fax: 707-565-1103



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From: Alexa Wall <alexa@lumacalifornia.com>
Sent: December 05, 2023 8:21 AM
To: McCall Miller <McCall.Miller@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>
Cc: Cannabis <Cannabis@sonoma-county.org>
Subject: Cannabis Operator Meeting Request

Dear McCall & Crystal,

I hope this message finds you well. I am writing to respectfully request a meeting with both of you to discuss the recent proposed changes to the cannabis ordinance, particularly those pertaining to the introduction of residential enclaves.

As an operator directly impacted by these proposed changes, I believe it's crucial to have a balanced perspective on this matter. While I understand and appreciate that you may have had discussions with residents in support of these enclaves, I find myself in a unique and challenging position, having recently discovered that my operation now falls within one of these proposed enclaves.

Given the significance of these changes and their potential impact on my business, I would appreciate the chance to provide context and clarity on how these changes might affect operators like myself.

I am requesting approximately 30 minutes of your time via Zoom at your earliest convenience, ideally before the upcoming meeting on December 13.

Thank you very much! I am flexible with my schedule and can adjust to a time that suits you both best.

Kindly,

Alexa

--

Alexa Wall, Owner
512.826.0462
www.lumacalifornia.com



Sonoma County Cannabis Farm

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Alexa Wall, Owner

512.826.0462

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From: janemarxdesign@sonic.net
To: [Susan Gorin](#)
Cc: [Cannabis](#)
Subject: Cannabis operations in Bennett Valley
Date: Thursday, December 7, 2023 11:02:05 AM

EXTERNAL

I am writing to oppose further commercial cannabis operations in Bennett Valley.
I am unable to attend in person or the zoom meeting about this on Dec. 13th.

Since the introduction of cannabis grows here, near my neighborhood, we experience the strong odor daily! We put an air filter in the house, but it is very unpleasant to go outdoors, or leave windows open at night. Really disturbing.
It certainly has affected our quality of life, including visual blight, which is maddening. I've lived in this area for almost 40 years, and am deeply concerned about losing the character of our cherished Bennett Valley.

In addition to this, it is insulting to know that we are working so hard to conserve water, yet these cannabis grows requiring much water are being approved.

Allowing this to continue will denigrate the character of Bennett Valley, affect our property values, and quality of life.

I urge you to stop the continuation of commercial cannabis operations, and prevent loop holes that might allow it.

Jane Marx
2944 Bardy Road
Santa Rosa, CA 95404
janemarxdesign@sonic.net

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From: [Erich Pearson](#)
To: [McCall Miller](#); [Crystal Acker](#); [Cannabis](#)
Subject: Key Program Elements Document
Date: Friday, December 8, 2023 8:09:27 AM

Hello MCall/Cystal,

I have a few questions as I review this document.

- 1) What "tasting room policies" are you referring to?
- 2) Can you please provide the language in the CA Building Code that you reference below. I can not find it online without a paywall.

"Temporary Hoop Houses. Within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), outdoor cultivation may use temporary hoop house structures for crop protection, seasonal extension, or control of flowering through light deprivation in conformance with **Chapter 13, Building Code.**"

Could you send me all the current policies, written and unwritten about hoop house construction/rules that Planning, Building, Fire, and Code Compliance may have?

- 3) If cannabis is classified as Ag, do you intend to allow the drying and storage (not processing) of cannabis in Ag-exempt buildings?
- 4) Does the below provision require an existing building, or can a building be built specific for incidental retail?
"Retail. Allow incidental retail at all cultivation sites which have a fully enclosed and secure building for the retail use."

Would the placement of "incidental retail", potentially limited to 500sf (as Section 26-88-215 required of other incidental retail) be allowed to occupy a larger building than 500sf, so long as the "incidental retail" was limited to 500 sf? Is this the case already with other Ag incidental retail?

- 5) Do you envision the incidental uses for outdoor cultivation assuming an existing use permit exists for cultivation on the site, such as retail sales, to require a use permit, amended use permit, or a simple zoning permit as in Section 26-99-215?
- 6). The document says "Regular events will not be permitted in conjunction with a land use permit for cultivation." Is this a unique prohibition specific to cannabis different from current allowances for other agricultural uses, such as wineries?

Due to the large and complex nature of event regulation in the County, I think it would be good to have a comprehensive explanation of Staff's intentions as it relates to events.

--

Erich Pearson | CEO

975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



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From: [Erich Pearson](#)
To: [McCall Miller](#); [Crystal Acker](#); [Cannabis](#)
Subject: Re: Key Program Elements Document
Date: Saturday, December 9, 2023 6:15:02 AM

EXTERNAL

A few more questions...

Is the intention to align all County definitions of cannabis activities with the State? (Such as the County's outdoor cultivation prohibition on light deprivation do to a differing definition?)

What, if any, use permit modifications are necessary in order for a farmer to add the proposed accessory uses? What permitting would be necessary?

On Fri, Dec 8, 2023 at 8:09 AM Erich Pearson <epearsonsf@gmail.com> wrote:

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Due to the large and complex nature of event regulation in the County, I think it would be good to have a comprehensive explanation of Staff's intentions as it relates to events.

--

Erich Pearson | CEO

975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



--

Erich Pearson | CEO

975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



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From: [Sherry Balletto](#)
To: [Cannabis](#)
Subject: Water
Date: Sunday, December 10, 2023 10:16:28 PM

EXTERNAL

My biggest concern for Bennett Valley. Having cannabis is the water issue. I lived there over 40 years and it's not going to get any better and if cannabis goes in, it's going to only get worse. I'm totally opposed to cannabis in Bennett Valley.

Sent from my iPad

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From: [Donna DeLaBriandais](#)
To: [Cannabis](#)
Subject: Bennett Valley
Date: Monday, December 11, 2023 12:14:06 PM

EXTERNAL

Bennett Valley is one of the most beautiful areas in Sonoma County and the most vulnerable. The beauty we embrace is part of where we live and where anyone can enjoy within a short drive from the city. It makes no sense to spoil something that has been here for centuries and will be for many more if we keep it from the ugly cannabis pipes and raping of the land. Be a Stewart of the land; have pride in what you do.

Cannabis growing cannot be compared to vineyards. We all know the beauty of the vines turning from emerald green to yellow, orange and crimson red. This is what we love and what tourism is all about. No one will come to see pipes cascading the landscape.

Use your common sense and leave the cannabis to places that will not be within the beauty of Bennett Valley and areas like Bennett Valley.

Thank you for listening with your heart.

Donna DeLaBriandais
Bennett Ridge

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From: [Erich Pearson](#)
To: [Cannabis](#); [McCall Miller](#); [Crystal Acker](#)
Cc: [Lynda Hopkins](#); [Susan Gorin](#); [district4](#); [James Gore](#); [David Rabbitt](#); [Chris Coursey](#); [Sean Hamlin](#)
Subject: BOS Cannabis Public Information Hearing: Comments on Key Program Elements
Date: Monday, December 11, 2023 1:41:00 PM
Attachments: [Copy of Key Program Elements- final 12.13.24.docx](#)

EXTERNAL

Dear County Staff and Board of Supervisors,

Please find attached my comments related to the Key Program Elements for Cannabis Land Use document.

Generally speaking, I am shocked to see the direction headed with this update to the cannabis program. The Board of Supervisors has instructed Staff to conduct a comprehensive EIR in order to treat cannabis cultivation like other agriculture - ministerially. Instead, the **plan put forth requires ALL cannabis cultivation to go through a site-specific use permit**. This proposal runs counter to the Board's request, years of conversations on how to fix the failed program, and promises made to the cannabis farming community by the County.

To put salt on the wound, the plan's new increased lot line setbacks, 300', and residential enclave setbacks, 1,000', will convert many existing legal cannabis uses to non-conforming uses. Those of us who have made it through this program to-date, should not be further hindered by a new program that is supposed to make things easier. Many of these operations near residential enclaves, such as the one that I operate near Glen Ellen, and Alexa Wall operates on Robert's Road, have the glowing support of their neighbors. Not being able to change or alter our operations in a new and fast-moving industry, is disastrous for our small businesses we have fought so hard to keep alive.

It is clear to me after reading the direction of this report, that there needs to be a more iterative process to make these new rules, as has been suggested in the past. If this initial report is so far off what the Board has instructed, then how can we be confident that the vast number of details needed to make this program work will get legislated properly? **I implore the Board to request Staff work closer with the cannabis community to better understand our needs.**

Lastly, the County has many initiatives directly focussed on making our community a more equitable place to live and work. We also have a specific cannabis program that focuses on social equity. The money that was used to hire the consultants and draft this report was paid for by money from the State. The purpose of that gift was to enhance access to permits - and this proposal is designed to do the opposite. This

will hurt social equity applicants the most. **Board, it is imperative that we redirect.**

Erich Pearson | CEO

975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



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COMMENTS TO KEY PROGRAM ELEMENTS FOR CANNABIS LAND USE

Neighborhood Enclaves and Non-Conforming Uses

While the concept of neighborhood enclaves appears to be a promising solution to address issues of neighborhood compatibility, the current staff proposal moves ahead with creating these enclaves without addressing existing cannabis operations that may be affected. Numerous cannabis operators who have navigated the challenging permitting process to date fall within or near an enclave. Staff has outlined potential scenarios to address these farms but proposes discussing them at a later date. **This discussion needs to occur concurrently with the proposed items today, as it impacts a significant number of established farmers.**

Regarding non-conforming uses, the suggested solutions are unacceptable. The best-case scenario presented, subject to further clarification at a later date, proposes reclassifying farms within a neighborhood enclave or its borders as non-conforming uses. Non-conforming uses come with stringent limitations and prohibition on expansion. Considering that farmers have persevered through a failed program and a challenging cannabis market, new regulations should not compel them to build a new farm in a different location for expansion. **Existing cannabis operations within a neighborhood enclave or its 1,000' setback should not be reclassified as non-conforming uses but should enjoy the same privileges under the new ordinance as if their parcel were outside the enclave or its setback.**

300' Setback

The ordinance permits cultivation on parcels 5 acres and larger. On a perfectly square 5-acre parcel (which is rare), accounting for a 300' setback on all sides leaves an area in the middle of approximately 28,000 sq. ft. Cultivation canopy, measured according to the ordinance, requires three times that land to farm effectively, considering aisles, vegetation space, and support areas.

Therefore, in this square 5-acre scenario, only about 9,000 sq. ft. of canopy would be feasible. A 9,000 sq. ft. garden does not contribute significantly to the legal market, making it unlikely for a farmer to pursue permitting, even ministerially.

It's not until a 20-acre square parcel that one could feasibly farm 3 acres, a reasonable amount for supplying the legal market. Given that most parcels are not square and have limitations like driveways, riparian setbacks, and structures, a parcel larger than 40 acres, on average, is likely required to farm under a 300' setback rule. **The recommended 5-acre minimum parcel size with a 300' setback is misleading and should be maintained at 100' to allow cultivation on parcels as small as 5 acres.**

The document further proposes no exception to the 300' setback. Large tracts of farmland typically consist of multiple parcels. Not allowing an exemption to a setback for commonly owned parcels discourages cultivation on large tracts of farmland, which contradicts one of the ordinance's objectives. **The ordinance should permit exemptions to setbacks on commonly owned parcels.**

300' Setback and Non-Conforming Uses

Implementing a 300' setback will render many existing farms as non-conforming uses, similar to creating residential enclaves with 1,000' buffers. Non-conforming uses cannot expand or evolve. Considering that the cannabis industry is still in its formative years, our farmers, who have persevered through the County's failed program, should not have their operations stifled by a non-conforming use designation. **Existing cannabis operations within a new setback should not be reclassified as non-conforming uses and should enjoy the same privileges under the new ordinance as if their parcel were located outside the setback.**

Temporary Hoop Houses

Considerable confusion surrounds hoop houses due to varying interpretations of the California Building Code's definition of temporary structures by Planning, Building, Fire, and Code Enforcement. **The new ordinance should provide clear guidelines on what is allowed and what isn't. Additionally, the ordinance should permit ministerial building permits for metal hoops and their coverings year-round, similar to other agricultural practices.**

Manufacturing as an Accessory Use

The proposal for manufacturing as an accessory use allows certain types of extraction on agricultural land, such as CO₂. However, it prohibits extraction using ethanol. Obtaining a building permit can address concerns about the use of ethanol. Ethanol is a primary method for extraction, with the industry rarely using CO₂ anymore. **The new ordinance should allow ethanol extraction as an accessory use to farming.**

The proposal permits manufacturing as an accessory use to outdoor cultivation. It should also allow manufacturing as an accessory use to Offsite Centralized Processing. Centralized Processing typically involves drying and sorting cannabis, with trimmings often used in an extraction process. Allowing manufacturing/extraction on the site of a processing facility creates significant efficiencies while minimizing the impact on the environment. **The new ordinance should permit manufacturing as an accessory use to Centralized Processing.**

Microbusiness Permit

The proposal allows for the vertical activities that a Microbusiness permit permits but doesn't offer this Microbusiness permit provided by State law. The microbusiness permit under State law reduces significant licensing fees for farmers, promoting economic viability. **In an industry with tight margins, the new ordinance should offer Microbusiness permits.**

Ag-Exempt Buildings

It is currently unclear whether Staff intends to propose cannabis activities in Ag-Exempt buildings. Similar to temporary structures being acceptable for sheltering cannabis from the weather, Ag-Exempt buildings should be allowed for cannabis cultivation, consistent with other allowable agricultural uses. The County presently permits Ag-Exempt structures for "products that are harvested from or utilized on a parcel of land." **The ordinance should explicitly allow the use of Ag-Exempt buildings for cannabis drying, aligning with other acceptable agricultural uses.**

Needed Information

Include maps and a list showing existing cannabis operations, along with those that would be affected by the proposed residential enclaves setback of 1,000' and 300' lot line setback.

From: Alexa Wall <alexa@lumacalifornia.com>

Sent: December 12, 2023 9:04 AM

To: Susan Gorin <Susan.Gorin@sonoma-county.org>; Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Andrea Krout <Andrea.Krout@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; Sean Hamlin <Sean.Hamlin@sonoma-county.org>; district4 <district4@sonoma-county.org>; Jenny Chamberlain <jchamber@sonoma-county.org>; district5 <district5@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>; Tennis Wick <Tennis.Wick@sonoma-county.org>

Subject: Urgent Request for Data Justification and Fair Treatment in Proposed Cannabis Regulations

EXTERNAL

Dear Sonoma County Supervisors, County Officials, and County Staff,

I am compelled to write to you again regarding the substantial changes proposed in the recent cannabis cultivation regulations. My primary concern centers around the increased property line setbacks, escalating from 100 feet to 300 feet, and the introduction of Rural Residential Enclaves requiring a 1000-foot setback. These changes, if implemented, will have a profound and potentially devastating impact on my operation.

My farm, like many others, was established and has operated in compliance with the initial setback requirements. With the proposed changes, especially the drastic increase in property line setbacks, my operation is at risk of becoming noncompliant overnight. This shift from 100 feet to 300 feet does not align with the reality of my property's layout, which is a long rectangle. This configuration was perfectly adequate under the original regulations, but under the new proposal, it effectively disqualifies my entire operation.

On March 15, 2022 (and at previous meetings), both the Board and county staff agreed on the need for transitional pathways for current cannabis operators. However, the current proposals, notably lacking any grandfathering provisions, seem to disregard this agreement. The mention of potential "sunset dates" and operations ceasing in the new framework introduces a level of uncertainty that is not only daunting but directly conflicts with the county's earlier stance of not wanting to negatively impact current farmers.

As a cannabis farmer who has endured significant challenges to remain compliant and operational, the prospect of being categorized as "non-conforming" under the new regulations is alarming. Non-conforming status effectively locks us out of the ability to adapt and grow in a dynamic market, which could be the final blow for many of us still standing.

This situation raises a crucial question: why are these restrictive measures being proposed when they directly counter the earlier commitments to support existing cannabis operations? Farms like mine, which have been established based on the county's previous guidelines, deserve to be grandfathered into whatever new framework is established. To do otherwise is not only unfair but also undermines the trust and investment we have placed in the county's regulatory process.

Furthermore, the county's recent move towards recognizing cannabis as an agricultural product within the General Plan starkly contrasts with the proposed restrictive setback measures. This recognition should bring cannabis cultivation in alignment with Sonoma County's goals of promoting a competitive agricultural industry and stabilizing agricultural use, particularly at the urban fringe. However, the introduction of regulations such as increased setbacks and the establishment of Rural Residential Enclaves seems to contradict this alignment. While Sonoma County advocates for preserving and encouraging agricultural activities, the differential treatment of cannabis cultivation, despite its classification as agriculture, undermines these objectives. Operations like mine contribute significantly to the local agricultural economy and aid in preserving agricultural land. Yet, these new proposals pose a significant threat to the stability and viability of our farms. It is a perplexing situation where cannabis, poised to be officially recognized as part of Sonoma County's agricultural framework, is still being subjected to restrictive measures that could jeopardize its existence within this framework.

Additionally, the detailed seven-page "Rural Residential Enclave Discussion Paper" delineates how specific enclaves were identified, yet notably lacks the empirical data or logical reasoning to justify the necessity of these stringent new measures (aka the 'why'). Nor any data about how many current farms these proposed restrictions would affect. This omission is particularly troubling given the profound impact these changes could have on existing and compliant operations like mine. We deserve to understand the foundation upon which these proposals are built.

So here are my specific questions for the County. With mine and many other farmer's entire businesses and livelihoods on the line, we want answers!

- What specific incidents or data points led to the determination of these enclaves and setbacks? Can the county provide a list of these incidents by date & farm?
- In the context of these proposed enclaves, what specific data points demonstrate a need that outweighs the operational viability of farms like mine? Please explain.
- Are there documented complaints or County reports that clearly indicate existing cannabis operations as sources of significant neighborhood issues? Please provide.
- Are there documented police reports that clearly indicate existing licensed cannabis farms as a source of significant crime? Please provide.
- How do the frequency and severity of incidents or complaints related to cannabis cultivation compare with those related to traditional agricultural operations? Is there data that suggests cannabis operations pose a greater risk or nuisance?
- How do these proposed regulations align with the county's previous directives to consider the impact on existing operations and offer transitional pathways, when they seem to impose potential operational cessation without clear justification?
- Has the county conducted an impact analysis on how the proposed setbacks will affect the operational viability and economic sustainability of existing cannabis farms? If so, can this analysis be shared?

The lack of such data and explanation makes it challenging to comprehend the rationale behind implementing policies that could potentially upend the livelihoods of many local farmers. My farm, situated in one of the proposed enclaves, has operated without causing issues to our neighbors. We have maintained a harmonious relationship with our community and have been at the forefront of advocating for regenerative agricultural practices.

The burden of proof lies with the county to demonstrate why these changes are essential and how they will improve the community without disproportionately impacting farmers who have invested heavily in compliance and community integration. As stakeholders deeply affected by these decisions, we deserve a clear and data-driven explanation like Staff laid out for neighbors in the Residential Enclave Paper. We got data on the 'how' but what about data on the 'why'???

I urge the county to reconsider these proposals, provide detailed justification for the changes, and honor its commitment to transitional pathways by incorporating grandfathering provisions for existing operations. The current approach of potentially rendering long-standing, compliant farms non-conforming is not a reflection of the supportive and progressive agricultural policies that Sonoma County should embody.

Thank you for addressing these concerns. The future of cannabis cultivation in Sonoma County and the livelihoods of its dedicated farmers depend on a fair, transparent, and consistent regulatory framework.

Sincerely,
Alexa Wall

--



Alexa Wall, Owner
512.826.0462
www.lumacalifornia.com
Sonoma County Cannabis Farm

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From: [Gretchen Giles](#)
To: [Cannabis; BOS](#)
Subject: Cannabis Hearing
Date: Tuesday, December 12, 2023 2:05:18 PM

EXTERNAL

Dear Esteemed Members of the Sonoma County Board of Supervisors,

My note is in reference to the proposed regulations around cannabis farming in our county.

While there are some positive developments in the proposed regulations, such as permits running with the land and reducing the minimum parcel size for cultivation from 10 acres to 5 acres, there are also contradictions that need to be addressed.

For instance, the proposed 300-foot setbacks from property lines are so extensive that they would effectively make cannabis cultivation unfeasible on many parcels in the county, including those meeting the new five-acre minimum. This inconsistency in the regulations raises serious concerns about the actual intent and practical implications of these changes.

These proposed measures have the potential to not only alter the landscape of cannabis farming in Sonoma County but also to impact the wider community and our agricultural heritage. Many local cannabis farms, established and operated in compliance with existing regulations, now face the risk of being rendered noncompliant.

This situation raises a crucial question: why are these new restrictive measures being proposed? Farms which have been established based on the county's previous guidelines deserve to be grandfathered into whatever new framework is established. To do otherwise is not only unfair but also undermines the trust and investment we have placed in the county's regulatory process. We have maintained a harmonious relationship with our community and have been at the forefront of advocating for regenerative agricultural practices.

I appreciate your efforts to "get it right" when it comes to cannabis farming in Sonoma County, but the currently proposed regulations fall far short of that.

Best regards
Gretchen Giles
Santa Rosa, CA
707.570.7887
@gretchengiles
hellogretchen.com

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From: [Janice March](#)
To: [Cannabis](#)
Subject: Preserving Bennett Valley/Sonoma Mountain Road
Date: Tuesday, December 12, 2023 6:15:30 PM

EXTERNAL

To Sonoma County Supervisors,

My husband and I cannot attend the meeting tomorrow evening but wanted to submit a statement regarding pro posed plan for Cannabis Growth Sites. We have lived on Sonoma Mountain Road since 2006. One of the biggest attractions was the beautiful, tranquil views not to mention clean air. I am a frequent and avid hiker and walk my dog five days a week on Sonoma Mountain Road. Despite the near collisions with speeding vehicles on a rather consistent basis, I am grateful that we have plenty of road to share. I absolutely love to walk out my door and enjoy the fresh air and beauty that surrounds the vineyards and rolling hills. With the expansion of cannabis farms, I can only imagine the destruction of views and wildlife as well as the odor my husband and I are very familiar with.

On a personal note, my youngest son was physically addicted to cannabis for seven years. This was a real hardship for our family not to mention the damage it did to my son's health. I was devastated when cannabis became legal for recreational use. It is apparent that we have more than enough dispensaries and Cannabis Growth Sights around Sonoma County and beyond. While cannabis may provide health benefits for some and others see production and sale as a real profit, we are adamantly against more growth and production near our home.

Thank you for considering our thoughts on this very important issue.

Residents of Sonoma Mountain Road

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From: [Alex Bohn](#)
To: [BOS](#); [McCall Miller](#); [Crystal Acker](#); [Andrew Smith](#); [district5](#); [Cannabis](#); [info@scgalliance.com](#)
Subject: Major problem with setback clause in proposed cannabis ordinance revisions!!!!
Date: Wednesday, December 13, 2023 3:40:51 PM
Attachments: [Sonoma county setback analysis.xlsx](#)

EXTERNAL

Hi,

My name is Alex Bohn and I am a longtime member of Sonoma County's cannabis community, having operated a collective pre-prop64, and then a licensed small outdoor medical cultivation in west county alongside several other small independent outdoor cultivators since the penalty relief program started in 2017. My business is in the process of getting approved as a social equity operator by Sonoma County as well, as someone who has been adversely impacted by cannabis prohibition throughout my life. I attended all the workshops and meetings put on by the county in 2016 and 2017, participated actively, and worked with the guidance and assurance of county staff to secure a qualified LEA property over 10 acres for my business and my friend's businesses that could comply for us to grow, with all appropriate setbacks and requirements based on the original ordinance. We have been compliant, and poured our entire life savings into the security fencing and infrastructure at this property that we depend on for our livelihoods of several families. The cultivations on this site have collectively paid hundreds of thousands of dollars to the county in canopy taxes, as well as hundreds of thousands of dollars more supporting local businesses when sourcing our supplies from lumber to nutrients to tools to supplies to soil to services. We painted the fence a color chosen by a group of neighbors to appease them and be good neighbors.

In the years since, it has been disappointing to feel the rug being pulled out from underneath us, with the county policy being influenced by pressure from the anti coalition, instead of being steadfast in protecting our businesses and honoring the assurances they gave us. **When most growers stayed in the unregulated market and didn't comply with ordinances or pay taxes or register, the growers with permits showed the bravery and integrity as stakeholders of the community and did. It would be logical to incentivize that type of behavior by showing major support for permitted cultivators and applicants, with hopes that others do the same.** Policy that did the opposite has reduced participation, and caused more and more growers to not only not apply for permits but even to close their permits and go back to the unregulated market. It requires a great deal of trust in local government to come forward as cannabis growers and invest our life savings into a permitted grow and getting taxed more and profiting less. Policy changes like the moratorium that is forcing cultivations like ours to go through expensive and restrictive CUP process, is a prime example. However I do appreciate the county showing the respect of providing a grandfathering measure of sorts for the transition and bridging of existing licensed grows as long as we follow the path of CUP application, etc.

In reviewing the latest ordinance revision proposal, there are some good things but one very glaring massive problem that is critical to point out. **The 300' setback proposal (changing from 100'), along with the changing of the setback to the security fenceline instead of the canopy, will eliminate a ton of existing cultivation sites as well as almost all 5-10 acre sites, and severely restrict if not prohibit even most 20 acre parcels.** It's great to see that the county is wanting to expand access to cannabis rights to parcels as small as 5 acres, but I

worry that when you actually look at the math, **the county may not be realizing that the 300' setback will effectively not only prohibit that, but actually will further restrict and prohibit many existing cultivation sites and qualifying cultivation sites from being viable compared to the current ordinance, which seems counterintuitive to the goal.** I ran some numbers as a demonstration of how this actually plays out in reality of parcels, and have attached these various examples to lay it out plain and simple for you. **Everything in orange is fully disqualified.**

As you are likely aware, many parcels in the qualifying zones are not perfect squares. **When it comes to setbacks, perfect squares are ideal, and the more long of a rectangle it is, the more restrictive it is.** In the attached spreadsheet, I illustrate the math for square 1:1 parcels, 2:1 rectangular parcels, and 3:1 rectangular parcels. Anything more long than that would be fully disqualified even at 20 acre parcel size. Under each of those categories I ran hypothetical calculations for the amount of "Premises" an operator could realistically have, and then how much actual canopy that would realistically be on most sites after factoring in areas that may not qualify for slope, riparian setbacks, trees, etc, as well as the need for aisles and walkways and paths for access, harvest storage area, materials storage, water tanks, handicap restrooms and all the other necessary infrastructure and space for both operations and compliance.

On perfect square parcels, there would not be a single 5/6/7 acre parcel that would qualify. A realistic 10 acre parcel **MIGHT** qualify for 1 small outdoor cultivation. Even a 20 acre parcel would not likely be able to get anywhere close to a 1 acre canopy, unless it is a perfect flat square parcel with no trees or riparian corridors or any other considerations which is extremely rare.

And then it gets worse from there when we get into rectangles... **on a 2:1 rectangle parcel, a 5, 10, and 15 acre parcel would not qualify for anything due to these massive setbacks.** A 20 acre parcel would be lucky to be able to cultivate a single small outdoor ag department permit of 10,000 square feet.

When you step it up to a 3:1 rectangle, **even a 20 acre parcel would not qualify for a cannabis operation, simply due to that outrageously large tripled setback from property line.**

The other major major change in this ordinance language is that it is calculating the setback to the security fence instead of the canopy, which was never part of the past ordinances. This is a huge problem as well, and further restricts the ability to actually be able to run a profitable or successful cultivation business. Fences cause shadows and block airflow onto crops, which can cause mold and mildew contamination and heavily stifle yields and plant health. We are cultivating plant medicine, and it is important that the county respect that the integrity of the medicine needs to be upheld with proper practices, and supported with ordinance language that encourages that.

If the county is heartset on adding these setback requirements, at least **please give an exemption for existing gardens that have been permitted and grown sometime these past 7 grow seasons so that the new ordinance doesn't completely destroy growers' livelihoods.** It is not ethical or fair to do that, and it will harm the economy as well as devastate our livelihoods and the trust and respect between the county and the growing community, which has already been strained by the moratorium and the restrictive regulations that have already made it tough for sonoma county growers to compete in the state market

with growers in areas with lower taxes, lower costs, and much more permissive regulations. Clearly it is the goal of the anti coalitions to destroy the viability of cannabis businesses by any means possible, but it is the duty of the county leadership to show the integrity and honor to the cannabis community who has actually done everything the county asked of us against all odds, to help preserve our ability to grow medicinal cannabis compliantly, after assuring us they would and collecting so many tax dollars from us, and having us invest in infrastructure on properties that were included in the ordinance. We cannot change the size or the shape of our parcels that were already permitted by the county long ago, and we cannot afford to relocate.

To be clear, **if that ordinance language is included as is, 4 independent businesses just from our one parcel, and the families that will depend on them, will be shuttered due to this setback language.** That is absolutely devastating and evil... we have not caused any problems and have been stewards of the land and the community to the best of our ability. **And we are not the only ones. These regulations would even further restrict the right to operate a cannabis business only to the most wealthy of wealthy, which most of us are not.** 50+ acre parcels that are flat with water and power and not slopes and no riparian corridors and no tiger salamander designation and all the things needed for a successful cannabis operation are extremely expensive, and mostly already controlled by the wine industry and large business interests and costing millions of dollars. **It just isn't an option for 99% of growers, especially social equity companies.** If the goal of this ordinance revision is supposed to be to enable 5 acre parcels to grow, as well as the existing ones, please remove this more restrictive language about setbacks and leave the setbacks where they are, or better yet **reduce them to 50' from the property line and 100' from neighboring residence which is what will realistically be necessary for most 5-6 acre parcels to have a profitable operation.**

Cannabis operators were supposed to have the ability to grow a 1 acre canopy on a 10+ acre parcel, but with these setbacks that likely wouldn't be possible on any parcels that are 10 or even 15 or 20 acres in the entire county.

Thank you so much for your time, compassion, advocacy and consideration. **We love Sonoma County and would love to see strong support from the county for the struggling cannabis community who is already under duress** trying to comply with the CUP requirements of the moratorium and compete with 50 acre megafarms in other regions run by heavily funded corps. I would be more than happy to discuss any of this in more detail if any decisionmakers would be open to doing so.

Sincerely,

Alex Bohn
707-772-6496

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AT 300' Setback Square

Parcel		Square perimeter		
Acres	Parcel SqFt	lengths	After Setbacks	
6	261,420.00	511.29	-	
10	435,700.00	660.08	60.08	
15	653,550.00	808.42	208.42	
20	871,400.00	933.49	333.49	

AT 300' Setback 2:1 Rectangle

Parcel		Short Perimeter	Long Perimeter	Short Perimeter
Acres	Parcel SqFt	Lengths	Lengths	After Setbacks
6	261,420.00	361.54	723.08	-
10	435,700.00	466.74	933.49	-
15	653,550.00	571.64	1,143.28	-
20	871,400.00	660.08	1,320.15	60.08

AT 300' Setback 3:1 Rectangle

Parcel		Short Perimeter	Long Perimeter	Short Perimeter
Acres	Parcel SqFt	Lengths	Lengths	After Setbacks
6	261,420.00	295.19	885.58	-
10	435,700.00	381.09	1,143.28	-
15	653,550.00	466.74	1,400.23	-
20	871,400.00	538.95	1,616.85	-

	Best case scenario square feet total area outside of setbacks	Divide by 2 for avg estimate of areas without slope or trees or riparian setbacks
		-
	3,609.10	1,804.55
	43,440.73	21,720.36
	111,214.30	55,607.15

Long Permitter after setbacks	Best case scenario square feet total area outside of setbacks	Divide by 2 for avg estimate of areas without slope or trees or riparian setbacks
123.08	-	-
333.49	-	-
543.28	-	-
720.15	43,263.64	21,631.82

Long Permitter after setbacks	Best case scenario square feet total area outside of setbacks	Divide by 2 for avg estimate of areas without slope or trees or riparian setbacks
285.58	-	-
543.28	-	-
800.23	-	-
1,016.85	-	-

Estimated actual canopy
within fenced area setback

-

902.27

10,860.18

27,803.58

Estimated actual canopy
within fenced area setback

-

-

-

10,815.91

Estimated actual canopy
within fenced area setback

-

-

-

-

From: [Gisela Torok](#)
To: [Cannabis](#)
Subject: Tonight's discussion on cannabis
Date: Wednesday, December 13, 2023 1:51:54 PM

EXTERNAL

I had planned to attend this evening's meeting in person, but am now unable to do so.

I wish to strongly object to any expansion of cannabis grows in the Bennett Valley area. I have lived on Sonoma Mountain Road for more than 44 years and have witnessed the decline of the enjoyment of our residential properties in the area.

Too much monoculture in the vineyards, side shows on our country roads on weekends, speeding and reckless driving on Bennett Valley Road, etc.

The last thing we need is for Sonoma County to be known as the weed destination of the US. In addition to high water use, ugly structures, increased traffic, skunk smell, addition of toxic chemicals that affect wildlife and possibly attracting undesirable people to steal the crop, we already have enough negative changes in Sonoma County.

Let's keep our valley as natural as possible while still dealing with growth.

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From: [Marsha Dupre](#)
To: [Cannabis](#)
Cc: [Tasha Levitt](#)
Subject: FW: Cannabis Program Update Meeting Confirmation Zoom
Date: Wednesday, December 13, 2023 8:08:51 PM

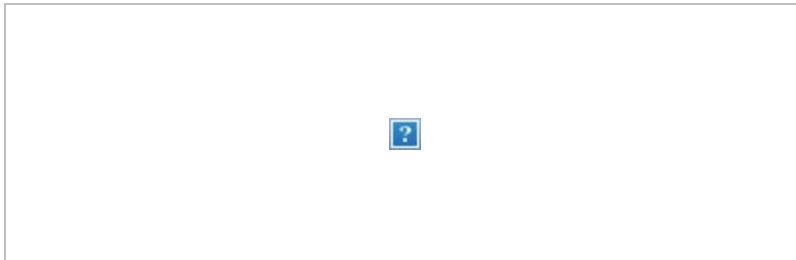
EXTERNAL

As a Past President of the League of Women Voters of Sonoma County, I am well familiar with their thorough process of studying issues and forming positions. I 100% concur with their findings that many neighborhoods have asked for "exclusion zone" status where cannabis cannot be cultivated. The League of Women Voters of Sonoma County submitted EIR scoping documents re water resources, an issue which critically should be addressed. Do we have assurance through th CEQA process that these issues will be addressed?

-
[Thank You,](#)
[Marsha](#)

Marsha Vas Dupre, Ph.D.
Former Santa Rosa City Council Vice Mayor, SRJC Trustee
3515 Ridgeview Drive
Santa Rosa, CA 95404
707-528-7146

From: Tasha Levitt [<mailto:no-reply@zoom.us>]
Sent: Tuesday, December 12, 2023 6:05 PM
To: marshad@sonic.net
Subject: Cannabis Program Update Meeting Confirmation



Hi Marsha Vas Dupre,
Thank you for registering for Cannabis Program Update Meeting. You can find information about this webinar below.

Cannabis Program Update Meeting

Date & Time	Dec 13, 2023 07:00 PM Pacific Time (US and Canada)
Webinar ID	931 9992 4380
Passcode	444095

Add to: [Outlook Calendar\(.ICS\)](#) [Yahoo Calendar](#)

To edit or cancel your registration details, click [here](#). You can cancel your registration before Dec 13, 2023 07:00 PM.

Please submit any questions to: Tasha.Levitt@sonoma-county.org

Thank you!

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From: [Ron Dodge](#)
To: [Cannabis](#); [Susan Gorin](#)
Subject: Cannabis encroachment on our community
Date: Wednesday, December 13, 2023 3:25:31 PM

EXTERNAL

Dear PRMD and my Sonoma County Supervisors,

I join my community in expressing concern with the effects of the potential increasing encroachment of the cannabis industry upon Bennett Valley . The proposed reduction in allowed acreage, reduction of taxes, and increased danger from criminal activity as well as the harmful effects and foul odor of the carcinogenic chemicals produced by marijuana cultivation justify your prohibition of cannabis cultivation. This activity violates the Bennett Valley Plan and therefore Bennett Valley should be an exclusion zone. Allowing retail activity will further compound the problems already experienced by this industry.

For the above and many other well documented reasons I insist that you represent the best interests of your community members and act decisively to restrict to the maximum degree possible further encroachment of the cannabis industry upon the well being of the residents of Sonoma County.

With optimism!

Ron Dodge
4399 Summit View Ranch Rd.
Santa Rosa, CA 95404
rondodge95@yahoo.com

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From: [Alex Bohn](#)
To: [Crystal Acker](#)
Subject: Setback proposal in new ordinance
Date: Thursday, December 14, 2023 11:54:04 AM

EXTERNAL

Hi Crystal,

This setback thing is a really big deal. Could we have a call about this?

One question I asked several times on the zoom that was not addressed is which specific county staff members are the one/s who decide what the setback is that is used for the EIR and the ordinance revisions that the BOS will be voting on?

If there is an opportunity to have a stakeholder meeting about this with the decisionmakers from staff as well as the existing taxpaying operators from the cannabis community that would be much appreciated.

Clearly some of those anti people in the comments are off their rocker and just hate cannabis and don't know the facts and data and are just trying to make any false claim they can conjure as an excuse. Water use? A fraction of the grape/wine industry. Pesticide Use? Most heavily regulated/tested out of any kind of agriculture, a fraction of the grape/wine industry. Safety/crime? Regulated cannabis provides an alternative to unregulated cannabis which is where the crime happens and people resort to self defense violence out of fear of reporting to law enforcement, and we have to accept the fact that cannabis is legal and very popular in northern california of all places in the world so people will get it from the unregulated market if denied access to regulated cannabis. And once again Sonoma County's cash crop is wine which when abused is undeniably worse for health and public safety than cannabis, drunk driving, domestic abuse, liver disease/cancer, the list goes on and on. The smell? Agriculture has smells, and there is no world where the pervasive smell of manure isn't worse or stronger than cannabis, engulfing miles and miles. If these people are really so passionate about smells, then are they advocating to ban the spreading of manure? No. They are just making up excuses for why they should be able to control what happens on other people's property that has nothing to do with them. They're literally goaling to do whatever it takes to destroy our livelihood, and it seems that whoever is responsible for how this very important detail is worded is the one with the power to either protect us or to kill our businesses. This is a really really big deal.

Thanks!

Alex

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From: [Alexa Wall](#)
To: [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [Jenny Chamberlain](#); [district5](#); [Crystal Acker](#); [Tennis Wick](#); [Scott Orr](#); [McCall Miller](#); [Cannabis](#)
Subject: Post-Meeting Comments & Concerns
Date: Thursday, December 14, 2023 8:15:43 AM

EXTERNAL

Dear Sonoma County Officials and Staff, (...yes I know...me again...)

I wanted to express my gratitude for the opportunity to engage in open dialogue with county staff during last night's meeting. The effort to balance diverse viewpoints in our community, especially given the strong opposition to cannabis near residential areas, is a challenge I recognize and appreciate.

However, I must convey a sense of disappointment regarding the lack of focus on providing assurances to us, the remaining cannabis operators. We are not just participants in the Sonoma County cannabis program; we are its very foundation. The brief and ambiguous paragraph at the end of the recent document, discussing non-conforming uses and mentioning daunting concepts like 'sunset dates' and 'cessation of operations,' has understandably caused significant anxiety among us. It's challenging to trust the process when our futures hang in such a delicate balance.

While I understand that the discussions around the cannabis cultivation regulations are still in the preliminary phases, and nothing has been formally proposed, the level of detail in the documents presented creates an impression of decisions already being made. The document contrasts the current ordinance with a proposed one, laying out specifics such as the 300-foot setback increase and the meticulously identified residential enclaves. This detailed approach highlights a stark contrast when it comes to the fate of current operators, where the information is vague and open-ended. It's concerning that while specific aspects like 'no waivers or exceptions to be made to the setbacks' are clearly articulated, there's a noticeable lack of clarity and focus on what will happen to us, the existing farmers who form the backbone of this industry. If such detailed proposals are being presented for other aspects, why is there an ambiguity surrounding the most critical part – the future and security of current cannabis operations?

In my view, the document should have opened with a paragraph dedicated to current operators. Acknowledging our challenges and reaffirming the county's commitment to transitional pathways and support for those in good standing would have been a reassuring start. The cannabis farming community in Sonoma County is small, and the number of us who have navigated the regulatory pathway successfully is even smaller. A more explicit acknowledgment of our role and the assurance of continued support would not only have been appropriate but essential.

Furthermore, it's crucial that any grandfathering provision doesn't just trap us in outdated rules. If we are to be part of the evolving regulatory landscape, we must have access to the same benefits proposed for new entrants. It's imperative that we are not just preserved but allowed to thrive under the new regulations.

Lastly, in light of the emphasis during last night's meeting that the current proposals are not

final and a draft is forthcoming, I seek clarity on the process that bridges this gap. **Specifically, what are the steps from here to the release of the draft, and how can input from meetings like the one held yesterday influence potential changes?** If the 300-foot setback and transitional pathways, for example, are not set in stone, what mechanism is in place for the community's and industry's feedback to effectuate change in these proposals? Does this information return to the board first for further direction or revision? Can the board instruct staff to alter elements based on community response before the draft comes out? Understanding this process is crucial, as it will guide our efforts in advocating for reasonable and fair regulations. As stakeholders, it's imperative for us to know how our voices can be impactful in shaping the final draft and what avenues are available for us to influence these critical decisions that directly affect our livelihoods and the future of cannabis cultivation in Sonoma County.

In conclusion, I urge the county to provide clear, direct guidance on what lies ahead for operators like myself. We need more than open-ended possibilities; we require concrete direction and assurances. As we continue our operations, the uncertainty is not just a professional hurdle but a deeply personal concern for the fate of all cannabis operators. Please do not overlook the needs and contributions of the existing cannabis farmers. We hope for a thoughtful, fair, and supportive approach as we move forward.

Thank you for considering my perspective. I look forward to a future where our efforts are recognized and our place in Sonoma County's agricultural community is secured.

Sincerely,
Alexa Wall

--



Alexa Wall, Owner

512.826.0462

www.lumacalifornia.com

Sonoma County Cannabis Farm

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From: [Alexa Wall](#)
To: [Crystal Acker](#); [McCall Miller](#); [Scott Orr](#)
Cc: [BOS](#); [district4](#); [Cannabis](#)
Subject: Creative Solutions for Increasing Community Compatibility Between Cannabis Operators and Neighbors
Date: Saturday, December 16, 2023 7:45:20 AM

EXTERNAL

Dear Crystal & McCall,

Thank you very much for your time yesterday. Following our recent discussion, I've been reflecting on the concept of 'neighborhood compatibility' and the concerns raised by some residents about cannabis operations. I understand and respect the challenges involved in balancing the diverse perspectives within our community.

I believe that many of the concerns expressed by neighbors, such as odor control, visual impact, and security, are already comprehensively addressed by our current cannabis ordinance and will be addressed in this second round of updates as well. However, fostering a true sense of community and understanding goes beyond regulatory compliance. It requires creative initiatives that not only alleviate concerns but also build positive relationships and mutual benefits.

To this end, I would like to propose a series of ideas that the county might consider implementing to bridge the gap between cannabis operators and neighborhood residents:

- **Community Benefit Fund:** A certain portion of cannabis tax revenue could be allocated to a "Neighborhood Enhancement Fund." Impact zones could be determined by a, for example, 1000-foot radius around each cannabis operation, designating the areas that would benefit from the fund. This fund could finance projects like road improvements, public lighting upgrades, and beautification efforts, with residents actively participating in the decision-making process. The county should implement surveys to gather resident input within the impact zones, ensuring the fund addresses the community's most pressing needs. An online portal could also be established for ongoing suggestions and feedback. Annually publish a detailed report on the allocations and outcomes of the fund's projects, providing clear accountability and reinforcing the community impact of cannabis operations. This fund provides a chance to show that cannabis taxes are not disappearing into the ether but are being reinvested locally to enhance the quality of life for everyone in the vicinity. I believe this approach would not only address some of the infrastructural needs but also materially demonstrate the commitment of cannabis operators to the well-being of their neighborhoods. It could significantly shift the narrative and pave the way for a more collaborative and mutually beneficial relationship between cannabis operations and residential areas in Sonoma County.
- **Cannabis Education Workshops:** I believe it's the County's responsibility to help dispel cannabis myths and reefer madness. Hosted biannually by the county, these workshops would educate residents on the regulatory framework governing cannabis, the safety measures in place, and the economic benefits the industry brings to our region. Hosting these sessions would demonstrate the county's commitment to responsible cannabis management and dispel misconceptions by providing accurate, authoritative information. The inclusion of interactive elements like Q&A sessions and expert panels would encourage active community participation. By making these workshops accessible both in-person and online, the county can ensure wide-reaching engagement. Such educational initiatives are crucial for building community trust and facilitating open, informed dialogue about the cannabis industry's role in our region.
- **Transparency Tours:** Encourage cannabis operators to conduct annual tours for neighbors within a 1000-foot radius to visit and gain firsthand experience of the facility. The primary goal of these tours is to demystify cannabis operations and foster a transparent relationship between growers

and their neighbors. By opening their doors, operators can showcase the stringent safety and environmental standards they adhere to and the rigorous compliance measures they follow under county regulations. During these tours, residents would have the opportunity to ask questions, interact with the staff, and see the day-to-day running of the operations. This initiative would not only educate the public but also build a bridge of trust and understanding. It allows the community to witness the responsible practices of the cannabis industry, reinforcing the idea that these operations are a safe and valuable part of the local economy and community.

- **Cannabis Internship Programs:** Cannabis businesses in Sonoma County have a valuable opportunity to engage with and contribute to the local educational community by partnering with local schools and offering internship programs. These internships, specifically targeting students aged 21 and over, could be developed in partnership with educational institutions like Santa Rosa Junior College, particularly with their hemp program, or Sonoma State University. This partnership would provide students with hands-on, practical experience in the cannabis industry, complementing their academic learning with real-world insights. The internships would be designed to give students a comprehensive understanding of the cannabis sector, from cultivation and processing to regulatory compliance and business management. This would not only enhance their educational experience but also prepare them for future careers in this rapidly evolving field. For cannabis operators, these internships offer a chance to showcase their commitment to community development and education. It also allows them to contribute to the training of a skilled workforce that understands the specificities of the cannabis industry. This collaboration between cannabis businesses and educational institutions can foster a symbiotic relationship, where the industry plays a direct role in shaping the skillsets of future professionals, while students bring fresh perspectives and ideas to the table. A community win-win!
- **Support for Local Fire Services:** In Sonoma County, cannabis businesses are well-equipped with resources like water tanks, hoses, and irrigation systems that can be pivotal in fire prevention and emergency response. There is a valuable opportunity for these businesses to collaborate with local fire services, enhancing community-wide fire readiness. This partnership could involve training cannabis operators to efficiently use their existing equipment in fire emergencies, providing immediate and crucial support in controlling or mitigating fire spread until professional firefighters arrive. Additionally, cannabis farms could establish direct support systems with their nearest fire stations, potentially sponsoring essential equipment or contributing to community fire safety initiatives. Another aspect of this collaboration could be hosting community fire preparedness workshops, where both cannabis operators and fire service professionals educate local residents about fire safety. Through such efforts, cannabis businesses can play a significant role in bolstering fire prevention and emergency response capabilities in their communities, demonstrating their commitment to public safety and fostering stronger ties with the broader community they serve.

It is my firm belief that through initiatives like these, we can cultivate a more harmonious relationship between cannabis farms and our neighbors. These actions would demonstrate the cannabis industry's dedication to the community and its willingness to contribute positively and constructively to the county's fabric.

I urge the county to consider these suggestions as we work together to develop a regulatory framework that respects the needs and contributions of all community members.

Thank you for your time and consideration. I look forward to continuing our constructive dialogue and finding pathways forward that honor the spirit of our community.

Warm regards,
Alexa Wall

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Alexa Wall, Owner

512.826.0462

www.lumacalifornia.com

Sonoma County Cannabis Farm

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From: [Cindy Roberts](#)
To: [Cannabis](#)
Subject: I do not want cannabis in my neighborhood
Date: Monday, December 18, 2023 11:48:10 AM
Attachments: [image001.png](#)

EXTERNAL

I live in the Middle Two Rock Road and Bodega Neighborhood.

They have unequivocally demonstrated their incompatibility with our neighborhoods since the ordinance came into effect, the permitted properties have consistently engaged in deceptive practices, flagrantly misrepresenting their intentions and leaving indelible, unsightly scars on the landscape. Despite promising aesthetically pleasing gardens, the reality is a far cry, resembling more of a hillbilly trash heap with junk strewn about, loose and flapping fences, and an alarming abundance of garbage. One egregious example on Purvine Road blatantly violates the ordinance by trucking in water, a transgression that persists unabated despite numerous complaints from concerned neighbors. We implore you to reject the introduction of cannabis in and around our homes, as it not only proves incompatible but also poses significant safety concerns.

Cindy Roberts | Realtor

[Vanguard Properties](#) | 151 Petaluma Blvd #137
Petaluma, CA 94952 | DRE 00632729
Office 707.789.0400 | Mobile 707.695.3883



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From: [Brian Lamoreaux](#)
To: [Cannabis](#)
Subject: Re: Cannabis Residential enclave comment
Date: Thursday, December 21, 2023 10:39:12 PM
Attachments: [Residential Enclave Map - District 2 Nov2023.pdf](#)

EXTERNAL

Now attaching the marked up map.

Brian Lamoreaux
415-269-3610
brian.lamoreaux@mac.com

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On Dec 21, 2023, at 10:36 PM, Brian Lamoreaux <brian.lamoreaux@mac.com> wrote:

Hi,

This is a comment coming out of the December 13, 2023 public meeting on So Co Cannabis ordinance and DEIR with respect to future residential enclave exception zones.

First, I would like to ask about the comment review process that has come into the definition of residential enclaves. I am confused and worried that this process, getting us to where we currently are, at the end of 2023, with draft criteria already initialized and presented to the public, has not had a public enough input to this point. Can someone from the county please point me to where specifically you asked previously for public comment/ input on the current Residential Enclave criteria definition? I would like to know specifically where this input was gotten from, from who, when, how and if the County put out advanced notifications about the opportunity for public input before December 13, 2023. To me it looks like the County came up with this (2 acre max size, 50 contiguous parcels, etc) on their own without any input. I am on ALL the email lists and I got nothing that I can find where any public input was asked for. For the County to claim where we currently are resulted from any public comment process seems dubious and, possibly illegal for them to frame it this way, and to have gotten here. It also seems late to me to be requesting feedback with criteria already drafted, and that any possible feedback would have a much more limited impact than if you heard from us earlier and understood how many rural residents are concerned and terrified about cannabis impacting their neighborhoods.

Second, and foremost, I would like to see the residential enclave criteria be revised to have a larger minimum parcel size - at least 3 acres minimum, and fewer contiguous parcels to constitute an exclusion zone. We need to include more residential land excluded from potential cannabis operations. Most cannabis operators want to grow with as little regulation and taxation as possible. Most residents, rural, suburban or urban do not want cannabis near their homes - they want them elsewhere either in industrial districts or out on rural large parcels where there few homes, children, schools and traffic nearby. It serves both stakeholders to move cannabis to locations with lower

exposure to people - they will face fewer resistance, fewer complaints and less friction and Sonoma County will deal with less upset constituents and fewer lawsuits this way.

I live on Pepper Lane in Liberty Valley and it's more residential than ag but we're bordering ag lands to the west and the north. I have talked with a lot of neighbors since the issue has come to our attention and I've not found a SINGLE person living in our community who is okay with, let alone happy about the idea of commercial/industrial cannabis possibly coming to the immediate area. We have schools nearby. We walk our children down our rural roads and we are scared the very reason we choose to live here will be taken away from us - safety, rural character, beauty, neighborliness.

The cannabis operator who wants to set up shop here is from Oakland, and has lied to each of my neighbors about their plans, and intentions. We have seen on their instagram page images of people with guns standing in front of marijuana harvests and piles of cash. From our road down to King Rd. and Jewett and Liberty all the way down to Skillman Rd., the entire zone is residential homes with small amounts of acreage. Some homes have horses, or there may be a nearby chicken farm sprinkled here or there but the area is rural residential. Only on the ranches of >10 acres is there truly ag operations where the purpose of the land is financially supported by agriculture and where cannabis could be considered. However this entire area I've circled on the map (1 of 3) is not considered an enclave - and this makes no sense to me. These circled areas are in every way look, feel and are characterized by residential. Any cannabis in this area will disturb thousands of people.

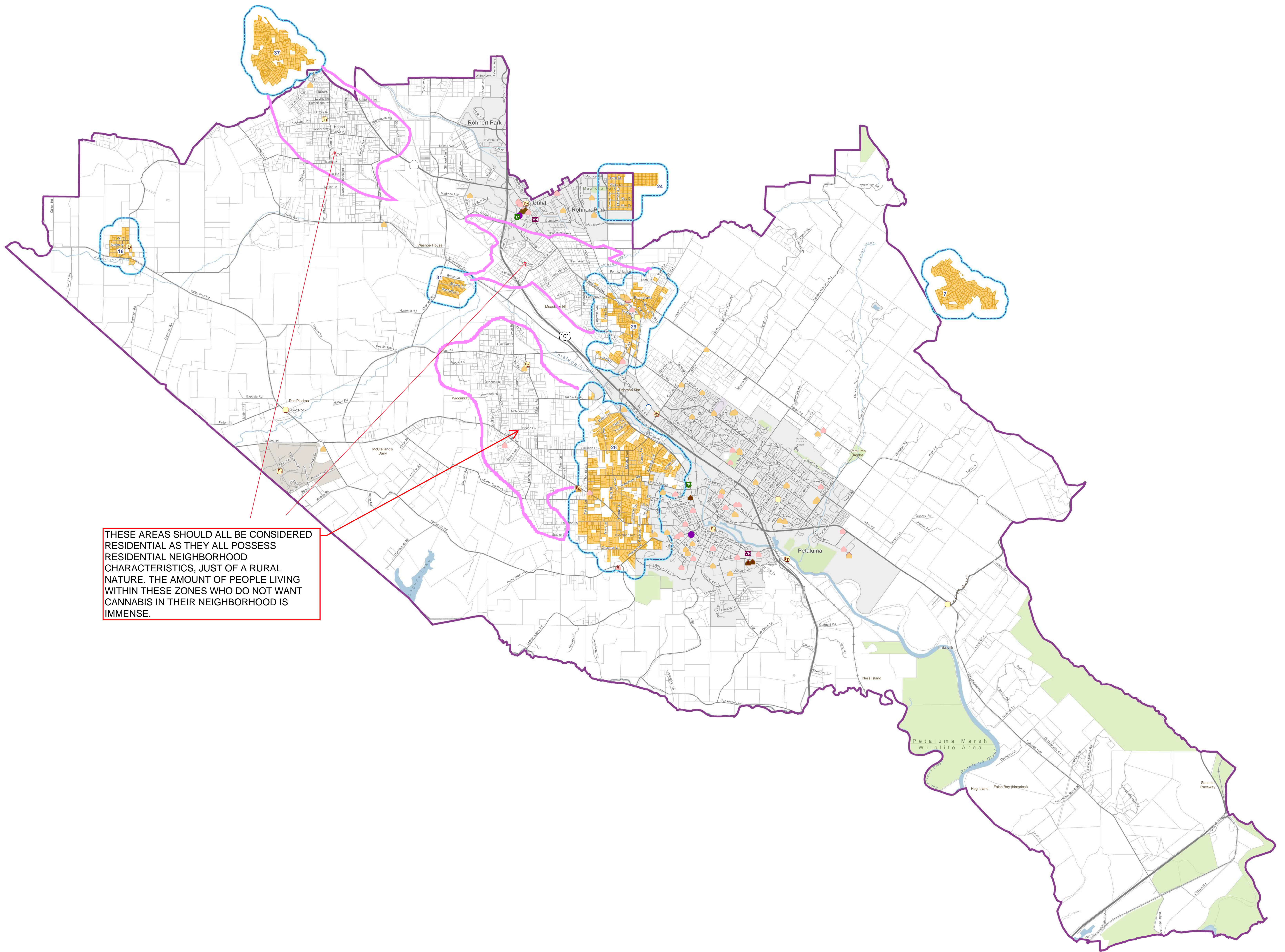
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I have a friend who lives closer to town in Petaluma and two years ago their neighbors house was invaded and raided at gunpoint by some out of state criminals who had targeted the home as a possible indoor cannabis grow - when it was in fact a home to a family with children - they were all held at gunpoint, here in Petaluma. The only reason they came was to hopefully steal cash from the alleged growers but they got it wrong. Cannabis and crime is real. Safety concern is real. To get from the possible cannabis grow in our neighborhood to Hwy 101, it takes someone 2 minutes - there is no way a sheriff could arrive in time to dissuade a thief. Having armed guards on duty in our neighborhood and barbed wire fencing with screens will totally and drastically change the character of our street and neighborhood. Cannabis should not be on our road, it should be several miles away where there are only farms and few homes around. There is ample land in the county to support this and be respectful and considerate of the health and safety and concerns of county constituents.

Lastly, what was said during the meeting about the process, and the planning terms, instruments etc was confusing to the everyday person. I felt like I had to be a professional who spends most of my time on this in order to follow and understand the terms and processes. For example, what was said during the meeting about Ag residential zoning was confusing. It sounded like it was a very common zone occurring in the county, to have rural housing, but not to have it included in the enclave criteria seems very confusing and questionable. Please elaborate this and make it easier for the general public to understand.

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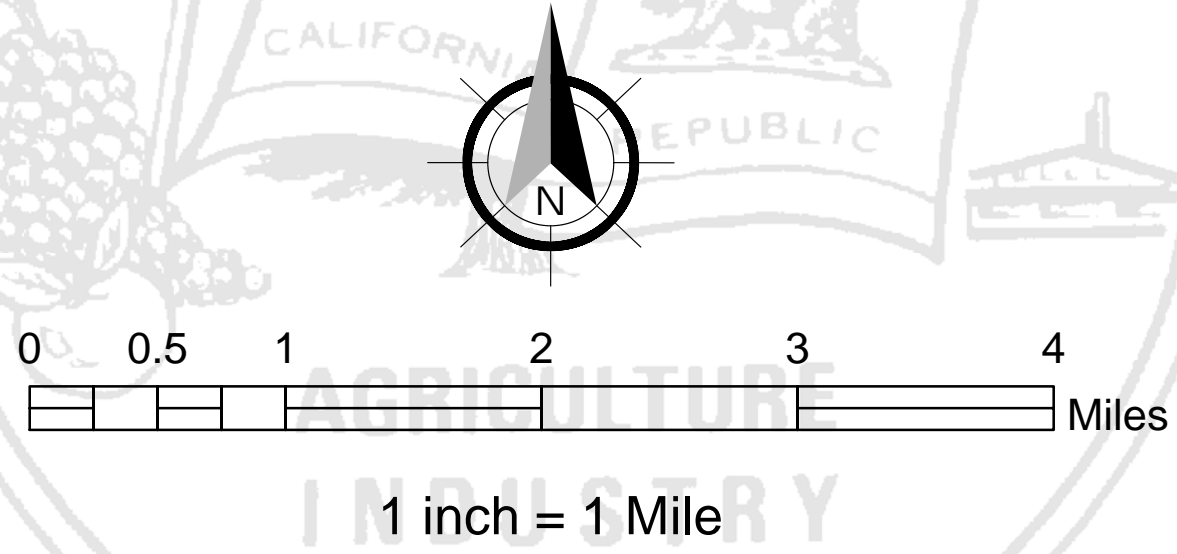
Brian Lamoreaux
415-269-3610
brian.lamoreaux@mac.com



THESE AREAS SHOULD ALL BE CONSIDERED RESIDENTIAL AS THEY ALL POSSESS RESIDENTIAL NEIGHBORHOOD CHARACTERISTICS, JUST OF A RURAL NATURE. THE AMOUNT OF PEOPLE LIVING WITHIN THESE ZONES WHO DO NOT WANT CANNABIS IN THEIR NEIGHBORHOOD IS IMMENSE.

Supervisorial District 2 Cannabis Ordinance Update | Residential Enclave Clustering

- | | | |
|--------------------------------|------------------|----------------|
| Enclave Cluster 1k Foot Buffer | City Hall | Private School |
| Enclave Cluster Parcel | Fire Station | Public School |
| Supervisorial District | Health Clinic | Veterans Hall |
| Park | Hospital | |
| Airport | Municipal Police | |



From: [Brian Lamoreaux](#)
To: [Cannabis](#)
Subject: Cannabis Residential enclave comment
Date: Thursday, December 21, 2023 10:36:32 PM

EXTERNAL

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Thank you,

Brian Lamoreaux
415-269-3610
brian.lamoreaux@mac.com

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From: [Valorie Dallas](#)
To: [Cannabis](#); [David Rabbitt](#); [Scott Orr](#); [Crystal Acker](#)
Subject: Neighborhood Enclaves and EIR
Date: Friday, December 22, 2023 10:57:00 AM

EXTERNAL

Dec 22, 2023

Dear Sonoma County Cannabis Board:

Thank you for your proposed addition of neighborhood enclaves to the cannabis ordinance! Please consider my comments regarding neighborhood enclaves and the EIR.

Additional variants to consider with NEIGHBORHOOD ENCLAVES:

Population, house locations, and number of houses per parcel seems like additional considerations in neighborhood enclaves. Existing ADU's on parcels can increase population by 100% in areas. People living on a 5 acre parcel can actually end up closer to a cannabis grow than someone on a 2 acre parcel, depending on the locations.

Qualifications for a 1000 foot buffer are too limited. A registered day care could have less children in it than a neighborhood. A park has a buffer, but public places such as a town's cemetery do not.

What is the difference in determining the 1000 foot buffer for children living in their homes or the yards where they play versus children in schools or designated parks?

All houses need a minimum 3000 foot buffer from the house itself. Just this alone would protect families and neighborhoods.

EIR - Asthma and air quality:

What are the effects of cannabis farms and asthma? What is the distance of this effect. In other words, if you can smell it, does it affect you?

EIR - Driving High and Tasting Rooms:

When will there be a way to determine when someone is driving under the influence of cannabis and should tasting rooms be located on small country roads until that time?

GENERAL COMMENT: How many cannabis grows presently exist where both growers and residents are successfully working as neighbors? I have only seen animosity between the two. If they exist, please show us. If they don't exist, the new ordinance needs to be careful not to continue this problem. And how will the county enforce their requirements?

I interviewed a person who has 2 (each 1 acre) cannabis grows bordering their property. They have lived in their home long enough to raise their kids there and hoped to live out their life there. These were some of the issues that have been going on for years and not resolved by

the county:

They have an easement on a shared road and they must pass both cannabis farms to get to their house. The farms have bright lights and two locked gates with combos changing where sometimes they get locked out.

There are people living in temporary housing in containers, campers, trailers, etc. on the parcels growing cannabis, especially near harvest and cleaning.

The guard dogs for the cannabis have gotten on to their property and threatened them.

They have stopped having people over because of the difficulty getting to their house with the gates and dogs.

Their property value to them has changed because probably the only possible use if they sold would be another cannabis grower.

The smell is so bad they stopped going outside for months of the year.

The locked gates, hostility and fear has had them stop entertaining at their home.

Since they aren't in a neighborhood enclave it is just too bad for them.

I hope the EIR continues to help protect waterways, homes, areas of fire danger, areas of limited water, etc

Thank you,

Valorie Dallas - 32 year Sonoma County resident, taxpayer, and lover of our county

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From: [john dean](#)
To: [Cannabis](#)
Subject: Comments on December 13, 2023 Meeting on Cannabis Program Update
Date: Tuesday, December 26, 2023 4:56:40 PM
Attachments: [can5document.pdf](#)

EXTERNAL

John P Dean
1722 Barlow Lane
Sebastopol, CA 95472
johnpdean@gmail.com

December 26, 2023

Permit Sonoma
Attn: Cannabis Ordinance Update
2550 Ventura Avenue
Santa Rosa, CA 95403
cannabis@sonoma-county.org

To Whom It May Concern:

Attached is a file containing my comments on the December 13, 2023 meeting concerning the Comprehensive Cannabis Program Update. This file is in PDF format. If for any reason you cannot open the attached file, please notify the sender by email immediately.

Please acknowledge receipt of these comments by return email to johnpdean@gmail.com and include them in the CEQA Record for further reference.

Thank you,
/s/John P Dean

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John P Dean
1722 Barlow Lane
Sebastopol, CA 95472

December 26, 2023

Permit Sonoma

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2550 Ventura Avenue
Santa Rosa, CA 95403
cannabis@sonoma-county.org

To Whom It May Concern:

Comments on December 13, 2023 meeting concerning Comprehensive Cannabis Program Update.

Permit Sonoma hosted a live Comprehensive Cannabis Program Update meetings on December 13th 2023 at 5:30 PM to update the public on key program elements. The meeting was attended by this correspondent who briefly spoke. At the meeting, written comments were invited to be submitted. Each speaker was allotted 3 minutes to express concerns over proposed action by Sonoma County. The undersigned speaker addressed the following four major concerns which are explained in more detail in this comment.

1. Preliminary concepts should not be discussed before the EIR is published

The purpose of an EIR is to guide the development of a project to make sure environmental effects are mitigated. By suggesting policy without EIR guidance, the whole procedure is undermined and may lock-in policies without EIR guidance.

Among others, four Cannabis Program elements have been suggested by Planning Department staff: 1) minimum lot size of 5 acres, 2) 300 ft setback from property line to cannabis premises, 3) retaining the 1000 ft setback from sensitive uses including city boundaries, residential enclaves, schools, public parks and certain bike paths but not including residential structures as sensitive uses, 4) deferring consideration of nonconforming uses to later in the process.

The California Environmental Quality Act. (CEQA) requires an EIR when significant environmental effects will be caused by a project that cannot be mitigated by a Negative Declaration. The EIR identifies and sets forth possible mitigation to these effects that must be

imposed unless overriding considerations exist for the project to proceed. Significant environmental effects are not limited to effects on plants and animals but equally apply to effects on humans.

The Board of Supervisors has determined that an EIR be prepared for the proposed new Cannabis Ordinance. One predominant negative environmental effect repeatedly identified by numerous members of the public as the most significant effect is the odor produced by cultivated cannabis.

Cannabis especially when budding and flowering creates a miasma of odor affecting neighboring property within hundreds to thousands of feet from a cannabis grow site. Cannabis odor is a significant environmental effect affecting occupants of nearby residences causing headaches, breathing problems, inability to exercise outdoors, necessity of keeping windows and doors closed, reduction in the enjoyment of property, loss of property value, stress caused by a reoccurring urge to sell out and move away, feelings of being victimized and many more.

The only effective mitigation in outdoor cultivation is distance from the cannabis grow site. The proper determination of this safe distance is absolutely crucial to effective mitigation. Sonoma county planning staff has proposed a 300 ft setback from grow site to neighboring property lines as the proper degree of separation. This has been done without a stated scientific basis from an EIR or other source. It may be an arbitrary figure to satisfy some unstated policy goal. The proper CEQA procedure is to wait for publication of the EIR before making preliminary determinations. Otherwise, there is danger of preliminary determinations locking in certain distances as the appropriate mitigation without regard to a scientifically determined minimum distance as set forth in the EIR.

2. Cannabis cultivation on small parcels create many environmental and practical problems

Allowing smaller parcels for cannabis grow sites combined with a minimum set back distance of 300 ft to adjoining property lines will not work in practice. A 300 ft setback requires a minimum parcel width of 600 ft plus the size of the cultivation area. If the parcel width is less than these amounts, a 300 ft setback cannot be achieved.

The current minimum parcel size for cannabis cultivation is 10 acres. A square 10 acre parcel is 660 ft by 660 ft. Assuming a maximum 10 percent cultivation area of 1 acre which is 208.7 ft X 208.7 wide, the setback is 225.7 ft to the property line. To achieve the 300 ft. setback, the largest possible cultivation canopy would be 60 ft by 60 ft. This is not big enough to be commercially viable. A rectangular or irregular 10 acre parcel would have to be 600 ft wide plus the width of the grow canopy to have a 300 ft setback to the property line. Most 10 acre parcels are either rectangular or irregular and will not meet these requirements. This demonstrates that most 10 acre parcels are incompatible with a 300 ft setback and a reasonably sized grow canopy.

Reducing the minimum parcel size for cannabis cultivation to 5 acres as proposed, significantly reduces the mathematical possible setback. A 5 acre square parcel is 466.7 ft. by 466.7 ft. Assuming a 10 percent (1/2 acre) cultivation area which is 147.6 ft. X 147.6 ft. in size, the resulting setback to the property lines is 159.6 ft. This setback distance is far less than the proposed 300 ft setback and would significantly reduce odor mitigation and not meet the required odor mitigation distance determined by the EIR. Even if the cultivation area is reduced, there is no way for a 5 acre parcel to have a 300 ft setback because no parcel is wide enough.

This demonstrates the environmental effects of 5 acre cannabis cultivation parcels cannot be mitigated as required by CEQA. I own and live on a 5 acre parcel and if cannabis was grown on my parcel, the odor would adversely affect at least five nearby residences located near my property lines and affect an additional adjoining 3 acre building site. This would be patently unreasonable to my neighbors.

There is another reason cannabis cultivation should not be allowed on small parcels. Small scale cannabis propagation is not profitable and unlikely to become profitable. Small parcel owners will not be able to make a living growing cannabis. The economics of cannabis cultivation has changed. Cannabis was a lucrative crop when it was illegal because law enforcement reduced the supply through extensive arrests and eradication efforts. This drastically increased prices due to a steady supply of customers who would buy cannabis even if illegal. With legalization the supply is now essentially unlimited due to widespread interest in growing cannabis for its assumed profitability.

Demand for cannabis has not and will not increase for many reasons. Cannabis potency has increased, reducing the amount of cannabis needed for effect. Cannabis consumption is limited due to the negative effect of cannabis on employment, vehicle driving and social intercourse. Your friends are likely to avoid you if you are always high. A person can only consume so much cannabis. This means as the supply of cannabis increases and demand remains the same, the price of cannabis will decline. This makes growing cannabis increasingly unprofitable.

There is a final factor making small cannabis sites unprofitable. The best cannabis is grown indoors where growing conditions such as temperature, light duration, humidity, and other factors can be rigorously controlled. This is not the case for outdoor cultivation where cross pollination, temperature extremes, windblown diseases and other factors make for an inferior product. An inferior product will always cost less than a superior product, further reducing profitability.

Accordingly, small parcel size reduces environmentally necessary setbacks from property lines which create unmitigated environmental effects to adjoining residential property and adds to the current economic problems of cannabis cultivation by increasing supply in an environmentally irresponsible manner.

3. **Proper mitigation for the odor produced by cultivated marijuana should be 1000 feet.**

The board of supervisors has previously determined that 1,000 ft is the proper setback of cannabis cultivation from sensitive uses including city boundaries, residential enclaves, schools, public parks and certain bike paths, parks, schools and many trails. If 1,000 ft is appropriate protection zone, residences should receive the same protection. It makes no sense to protect children and park users for a few hours a day and then subject them to the adverse effects of cannabis grow operations while they are at home during the remainder of the day. 1000 ft setback from grow sites to residences should be imposed to avoid these significant adverse environmental effects.

4. **Allowing nonconforming cannabis cultivation sites to continue under the new cannabis ordinance would be improper and constitute a significant negative environmental effect on surrounding residences which must be reviewed in the EIR with appropriate mitigation.**

The current cannabis ordinance allows cannabis cultivation on properties where cultivation may not be allowed under the new ordinance. This raises the question of whether such existing cultivation sites should be allowed to continue as a non-conforming use on a grandfathering basis. The cultivators claim severe economic loss if they are not allowed to recoup their investment and continue their attempted profits by cultivating cannabis the denial of which would be unfair and illegal because of their vested interest in continued cannabis production.

Cannabis cultivators took a knowing risk in investing in hoop houses and other cultivation necessities in residential areas where neighbors were opposing such cannabis intrusion. This is not the case where an existing use of property was surrounded by ever increasing residential use which is the usual justification for grandfathering. Rather, residential use of property was the pre-existing and predominant use until the cannabis cultivators arrived. The houses were built first, then came the cannabis. Cannabis grow permits were issued against vigorous protests of surrounding property owners with no adequate environmental review. Only after continuing public outcry was the decision made to require an EIR and enact a new ordinance.

To now make changes to the cannabis ordinance and then deny this benefit to adjoining property owners would be a classic pyrrhic victory tantamount to defeat. The residential property owners would continue to live under the miasma of cannabis stink knowing that the failure to stop issuing cannabis permits until completion of the EIR caused their misery. The cannabis cultivators are few compared to the multitude of the residences affected by cannabis odor. The equities lie with the homeowners and others living on the premises.

Action to confer non-conforming use status to cannabis cultivation would also be illegal under CEQA. Part of the project of the Cannabis Cultivation Ordinance is whether to impose

non-conforming use status on existing operations. This would be an adverse environmental affect which can be mitigated by not imposing such grandfathering. Because the effect can be mitigated, the only way to not impose the mitigation is to find compelling overriding considerations.

Finding compelling overriding considerations for cannabis cultivation would be difficult. There is little social good in cannabis production because of the negative effects of cannabis on the human brain. Wikipedia on Cannabis states the final net effects of cannabis cannot reliably be foreseen. Acute negative effects can include euphoria, anxiety and altered state of consciousness, paranoia, panic attacks, distortions in perception of time, auditory and or visual illusions, acute psychosis, depersonalization, derealization and psychiatric symptoms. Further, cannabis can be a gateway to use of more powerful and illegal drugs and is especially dangerous to children.

Of course, these negative effects do not occur to all cannabis users, but they do occur to some and are a compelling reason that cannabis consumption should not be encouraged. The fact that cannabis has been legalized does not mean it is harmless or good for our community. Tobacco is legal but well known to be harmful. For these reasons, finding a compelling overriding consideration for increasing the supply of cannabis would be unreasonable,

Conclusions

The County should not suggest preliminary policy on where cannabis cultivation will occur without the strict guidance of the developing EIR especially concerning necessary distance between cultivation sites and nearby residences. Small parcel cultivation of cannabis will create negative environmental effects that cannot be mitigated nor compelling overriding considerations found. The separation distance between grow sites and nearby residences should be 1,000 feet. Existing cannabis cultivation sites should not be continued when in violation of the new cannabis ordinance.

Thank you for considering these comments,

/s/John P Dean



December 28, 2023

Tennis Wick, Director (Tennis.Wick@sonoma-county.org)
Scott Orr, Assistant Director (scott.Orr@sonoma-county.org)
Crystal Acker, Supervising Planner (crystal.acker@sonoma-county.org)

Re: Comments on Comprehensive Cannabis Program Update – Outdoor Cultivation Issues

Dear Scott and Crystal:

The Neighborhood Coalition advocates for sustainable, environmentally sound, and neighborhood-compatible cannabis policies in Sonoma County. This submission on outdoor cultivation issues is part of a series of comments on the elements of the cannabis program update that Permit Sonoma released in support of its December 13 meetings on these issues. Policies concerning outdoor cultivation are a vital component of Permit Sonoma’s “effort to improve compatibility between cannabis land uses and the neighborhoods they are located within or near.”¹

The Neighborhood Coalition particularly objects to the proposal that “Cannabis cultivation outdoors is encouraged over cultivation in fully enclosed structures in agricultural areas to protect and conserve agricultural soils for agricultural production.”² Any justification for this recommendation is specious and the conclusions and proposal fail accordingly.

The Environmental Impact Report (EIR) must not only research, evaluate, identify, and measure the potential for expansion of cannabis cultivation but, more fundamentally, analyze a project alternative that would limit, ban, or reduce outdoor cannabis cultivation. Small outdoor cultivation projects create many of the environmental problems for neighbors (odor, noise, crime) and cannot survive economically. Why promote this? Sonoma County is the only Bay Area (ABAG) county to allow outdoor cannabis grows with the associated cascade of harm to the environment and to neighborhoods that other counties avoid. The vision for the General Plan update and the revised cannabis ordinance should emulate Napa and Marin counties, not Humboldt County.

¹ Press Release, Permit Sonoma to host cannabis ordinance update information meetings Dec. 13 (Nov. 29, 2023).

² General Program Elements for Cannabis Land Uses, p. 1.

I. Justification for Policy

The purported justification for encouraging cultivation outdoors over cultivation in fully enclosed structures is a claim that this will “conserve agricultural soils for agricultural production.” This justification is nonsensical. According to Agricultural Commissioner in a [report](#) to the Supervisors entitled “2022 Sonoma County Crop Production - Cannabis Addendum” (November 2023), the total amount of cannabis cultivated in 2022 was 9.2 acres. Even before the price of cannabis crashed due to oversupply, the number of acres of cannabis cultivated in Sonoma County has never exceeded 40-50 acres. Even at the high end of production³, the number of acres supposedly “conserved” (50 acres) is de minimis in a county whose land area is about 1,008,000 acres.⁴ Nevertheless, the damage to the environment and to neighborhoods from these grows is grossly disproportionate to their minimal acreage.

II. Purported soil conservation

We challenge the assertion that cultivation outdoors conserves soil. The techniques used today to cultivate “outdoors” are industrial in nature and involve growing cannabis plants in bags with chemicals and soils typically brought in from offsite. With humidity often above 63 percent, the dampness of Sonoma County’s climate encourages molds to destroy cannabis plants so most “outdoor” grows are in hoop houses,

An image of an “outdoor” grow in Bennett Valley depicts the absurdity of any contention that



outdoor grows conserve soil over indoor grows. The soil on the footprint of the grow is not “conserved” in any meaningful way. Calling these “outdoor grows” is simply an end-run around the costs of building safe, healthful, and environmentally appropriate greenhouses as opposed to the types of grows shown above which leave scars on the land and in the neighborhoods they invade. Notably, outdoor cultivation uses much more land to produce the same amount of cannabis as does indoor cultivation which uses multiple vertical layers and multiple harvests per year to generate much higher yields per unit of floor space. Outdoor grows do nothing to conserve agricultural land. In fact, these grows often leave the land on which they’re situated in shambles including the soil which requires remediation to function again for safe agricultural uses. Whatever the actual motivation of Permit Sonoma might be to propose this policy, its stated justification cannot withstand scrutiny.

³ Which, in all probability, will never be reached again (see economic analysis below).

⁴ Per Wikipedia.

III. Economics of Outdoor Cultivation

The economics of outdoor cannabis grown in Sonoma County must be analyzed to understand **IF** a viable business opportunity exists for growers and **IF** the tax revenue generated will cover the County's costs to manage the cannabis program and deliver the tax promised revenue when cannabis cultivation was legalized in 2016. The County's 2022 economic analysis ([HdL, Fiscal Analysis of the Commercial Cannabis Cultivation Industry](#)) determined that outdoor cannabis is not and will not become a viable business, nor will it ever deliver the tax revenue that supervisors and other advocates promised would pay for a wide range of county programs. It is time to hit the reset button.

According to the County's own reports, sun-grown outdoor cannabis cannot compete with indoor (HdL report, Figure 1, p. 5). Sonoma County's 2023 Agricultural report further emphasizes this point, where indoor generated \$38.5m revenue on only 0.78 acres, versus outdoor which generated \$1.5m on 8.27 acres.⁵ The County's proposal to promote outdoor grows makes no economic sense and unnecessarily harms neighborhoods for no benefit. The HdL report (p. 4) concludes that sun-grown outdoor cannabis cannot compete with indoor or make a profit: "Outdoor cultivators are financially struggling to a far greater degree than indoor cultivators....where outdoor cultivators are struggling to sell product at a price that even covers their own costs.... We do not foresee prices returning to their previous highs...."⁶ The County should not subsidize a dying outdoor industry, which is a modern equivalent of subsidizing buggy whip factories to protect jobs.

The economic analysis under the EIR cannot ignore the impact on the health, safety, and welfare of residences near current or proposed outdoor cannabis grows and the associated economic and non-economic costs. Sufficient and scientifically supported setbacks must be required to protect all neighboring parcels from noxious odors, including carcinogenic beta-myrcene, from entering the neighboring non-cannabis parcels. The locations also must satisfy environmental dangers including fire and evacuation safety as well as water resources relative to all water usages in the same aquifer and even county wide as requested by the state. These are basic requirements under CEQA. Independent of the health and non-economic concerns, outdoor cultivation generates significant expenses for the County. These costs will be absorbed by outdoor cannabis growers or taxpayers and must be considered in the EIR. These are independent of any formally defined residential enclaves which may require even stricter protections from the noxious emissions from outdoor cannabis grows. These environmental impacts add economic costs to outdoor operations that do not exist for indoor grow sites located in industrial zoned areas, further rendering outdoor cultivation non-competitive.

⁵ Ag commissioner report to BOS Nov 2023, "2022 Sonoma County Crop Report- Cannabis Addendum."

⁶Regarding Humboldt County, which has a much longer history of cannabis grows, HdL (p. 14) states that there is no viable market for Humboldt County sun-grown organic cannabis ("Outdoor cultivation has struggled to find a place in the cannabis market. Legacy growers in Humboldt and Mendocino counties had hoped the market would reward organic, sun-grown cannabis with a premium price, but the difficulty in producing consistent product in large volumes has driven the price precipitously downward.")

Subsidizing the precipitously declining number of outdoor cannabis growers is illogical and misguided. The market has proven that outdoor cannabis cultivation is not economically viable. In addition to neighborhood compatibility issues, it is bad environmentally for multiple reasons, including depletion of ground water, use of non-native soil in bags that must be disposed of each year, use of hoop houses with plastic sheeting that must be disposed of every few years, and contaminated wastewater drainage into streams and aquifers. The remediation of the damage caused by these grows adds even further costs to allowing outdoor grows, which cannot be justified economically or environmentally.

IV. Related Economic Dynamics Impacting Outdoor Grows

1. Boutique/Appellation Branding

The use of bags and hoop houses precludes outdoor cultivation being declared an appellation of origin under state law. CA Bus & Prof Code § 26063(c) (2022):

(c) An appellation of origin shall not be approved unless it requires the practice of planting in the ground in the canopy area and excludes the practices of using structures, including a greenhouse, hoop house, glasshouse, conservatory, hothouse, and any similar structure, and any artificial light in the canopy area.

Under the clear requirements of this statute, the desire of Sonoma County’s growers for a local boutique cannabis branding does not withstand legal scrutiny and cannot be permitted by the County. Furthermore, cannabis consumers have demonstrated they will not pay a premium (Weedweek Nov 16, 2023 Webinar). The HDL report (p. 4) notes that “while there will always be some demand for high-end specialty product, this is likely to be a small niche market, at best.”

The desire to sell cannabis onsite at outdoor grow sites seems to be a means of “branding” without complying with state law. This issue will be further discussed in another set of comments, but seems unlikely to withstand legal challenge.

2. Market Saturation and No Export Market

Market saturation has been reached. According to the HdL report (p. 4), the largest 20 growers the state can supply all of California’s demand for cannabis. ANY cannabis grown in Sonoma County is likely to exacerbate the decline in pricing which will undermine any chance of a tax benefit for Sonoma County from outdoor cannabis.

The numbers from Ventura County prove that Sonoma County Growers cannot compete on price. Glass House Farms has a cultivation facility in Ventura County with 5.5 million square feet (126 acres), located on a 165-acre property. Its cost of production is \$139 per pound, and Glass House Farms makes a profit selling it at \$340 per pound. Moreover, the company believes it can beat the illicit market on price. The track record to date of small Sonoma County growers demonstrates they cannot compete with Glass House Farms and other large growers, and the EIR should analyze this. The HdL report (p. 23) states “it should be expected that the same number of

cultivators producing the same volume of product will generate lower gross receipts and related tax revenues in the future.”

Compounding market saturation is the fact that there is no legal export market for cannabis, regardless of how it’s grown. [The California Attorney General has recently confirmed that California growers cannot export cannabis to other states.](#) Therefore, there is no possibility of expanding the market beyond California for the outdoor cannabis products.

3. Cannabis Program Budget - Program Management and Enforcement Costs

Costs to manage outdoor grows are far higher than the tax revenue generated. Permitting more outdoor grows will exacerbate this problem. The County’s limited resources has led to failures to respond to code violations let alone crime events in a timely manner. Indoor grows are far more efficient on County resources including tax collection, grower accountability, resource management, fire safety, security, and law enforcement.

The EIR should analyze the existing outdoor and indoor legal cannabis market size and the forecasted market size for the coming 10 years. Sonoma County’s current cannabis tax revenue and expense forecast shows program costs exceeding tax revenue for all years and provides no evidence that losses in future years could be trimmed. At a minimum, the EIR analysis should include:

- (a) An evaluation of cannabis tax collection revenue and method(s) requiring a tax revenue structure that pays for the program and complies with the express purpose of providing tax revenue for other non-cannabis county services. This must include an evaluation of staffing costs to implement and manage the program, including permitting, compliance, inspection, code enforcement, and legal costs; and
- (b) An analysis of indoor growing as a primary Project or Alternative Project. In this regard, it should be noted the Yolo County cannabis EIR is being challenged in court because Yolo County “improperly analyzed other alternatives, including indoor cultivation alternatives...” (Writ of Mandate, Oct. 14, 2021). Ascent Environmental was the consultant on the Yolo EIR and should be fully aware of this requirement.

4. Economic Costs of Outdoor Cannabis Resulting from Environmental Damage

The detritus of failed and abandoned outdoor cannabis grows is long term environmental damage with associated and substantial economic costs. The “boom to bust” failed outdoor cannabis grows have left debris in their wake, thereby inflicting environmental damage on Sonoma County’s landscape. The formerly bucolic landscape is now littered with decaying white plastic hoop houses, abandoned fences, engineered soils, unapproved grading, chemicals, fertilizers, and other plastic infrastructure resulting in further destruction of natural resources. Even with remediation, these abandoned grows permanently change the rural character and beauty of the locales and neighborhoods. The land which has taken decades to develop cannot instantaneously revert to its original condition. When growers fail, they tend to abandon their operations and leave messes behind that the county or viable growers never seem to clean up. A recent example

is in the [Willowcreek Watershed](#) where State Parks and Law Enforcement removed thousands of pounds of plastic fencing, water lines, illegal chemicals, firearms, etc. with years of work to go to restore the native landscape. Environmental damage from any outdoor cannabis grows, whether active or abandoned, must be addressed in the EIR. The county should require growers to post bonds to remediate damage when they abandon their grows.



V. Non-Economic Issues Relating to Outdoor Grows Requiring Study in the Environmental Impact Report

In addition to the issues outlined above, the EIR must analyze the following with respect to outdoor grows:

1. Health, safety, and welfare of residences

The many problems experienced under the current cannabis ordinance highlight the importance of: (1) preventing cannabis odors and noxious chemicals from reaching any off-site residences; (2) preventing traffic and noise from impacting rural neighbors; (3) not overburdening local aquifers that affect neighbors' wells; and (4) preventing crime.

2. Odor

Outdoor cannabis grows emit noxious odors, including terpenes, that are health hazards to humans. In Sonoma County neighbors of cannabis cultivation often cannot open windows or use their yards, and frequently experience nausea, headaches, and respiratory problems. The noxious odors contain a large amount of the carcinogen beta-myrcene, listed by California's Environmental Protection Agency's Office of Environmental Health Hazard Assessment [as a chemical known to cause cancer](#) in 2015. Beta-myrcene is highly volatile and can travel thousands of feet. Because odor from outdoor grows (unlike indoor grows where filtration systems work) cannot be contained or destroyed, very large parcels with significant setbacks would be required to ensure that the terpenes do not impact residents.

Large outdoor cannabis grows can blanket a sizable area in noxious odors, negatively impacting food products, wine grapes, and tourism. Such problems are occurring in Santa Barbara County and the subject of litigation.

3. Crime

Cannabis is a very valuable product that attracts crime. Outdoor grows located on large parcels away from residences subject rural residents to increased crime because of the lack of scrutiny by law enforcement and the inability of law enforcement to respond quickly. Rural residents become captive to the criminal element drawn to the outdoor grows.

4. Cultivation Environment

Sonoma County has poor weather conditions for successful outdoor cultivation, causing cannabis to be grown in hoop houses to assure marketable product. Fire season coincides with the harvest of outdoor cannabis, jeopardizing its economic viability due to losses from smoke, forced evacuations, lack of water, and being covered with fire retardant.

We appreciate these are complex issues but the EIR must address them all because they relate to outdoor grows.

Thank you in advance for listening to and addressing our concerns.

Neighborhood Coalition
Nancy and Brantly Richardson, Communications Directors
SonomaNeighborhoodCoalition@gmail.com

cc: cannabis@sonoma-county.org



December 28, 2023

Tennis Wick, Director (Tennis.Wick@sonoma-county.org)
Scott Orr, Assistant Director (Scott.Orr@sonoma-county.org)
Crystal Acker, Supervising Planner (Crystal.Acker@sonoma-county.org)

Re: Comments on Comprehensive Cannabis Program Update: Odor Issues

Dear Tennis, Scott, and Crystal:

The Neighborhood Coalition advocates for sustainable, environmentally sound, and neighborhood-compatible cannabis policies in Sonoma County. This submission on odor issues is part of a series of comments on the elements of the cannabis program update that Permit Sonoma released in support of its December 13 meetings on these issues. Odor is a vital component of Permit Sonoma’s “effort to improve compatibility between cannabis land uses and the neighborhoods they are located within or near.”¹

The supervisors directed Permit Sonoma to, among other things, evaluate neighborhood compatibility options “informed by data, factual analyses, and results” that “ensure sufficient separation of a cannabis operation from a residential neighborhood” with respect to “at a minimum, odor.”² The regulatory limits for parcel size, setback distances, and cultivation size limits must be “informed by factual analyses and results of the programmatic EIR.”³

Key Issues and Concerns:

- **Development standards are proposed in a total absence of data, factual analyses, or modeling. Establishing setbacks without considering odor is nonsensical.**
- **No human in a modern society should suffer noxious, cancer-causing odors in their home from a commercial enterprise. The only mitigation to prevent terpene odors from outdoor cannabis grows from harming residential neighbors is distance. Large acreage parcels with at least 1,000-foot setbacks from the property line might ensure that the cannabis terpenes do not impact residents, but studies must assess setbacks of at least 3,000 feet.**

¹ Press Release, Permit Sonoma to host cannabis ordinance update information meetings Dec. 13 (Nov. 29, 2023).

² Proposed Cannabis Program Update Framework (March 2022) (“Program Framework”), p. 2 (7 a).

³ Program Framework, p. 2 (9).

I. Background

- A. Cannabis odors do not discriminate. All people have “sensitive receptors” to cannabis terpenes, whether babies, children, young adults, mid-age adults, or the elderly. People with conditions such as asthma or other respiratory diseases, or any illness whether acute or chronic, can be even more adversely affected. [Recently a cannabis worker died from exposure to cannabis](#). The County has previously recognized that children in schools should not be subjected to the harmful effects of cannabis cultivation. It currently requires a 1,000-foot setback from the parcel line of the parcel containing outdoor or mixed-light cannabis cultivation to the property line where a school is located. Yet children spend only 40 hours per week in school, and 128 hours per week at their homes and yards. All humans in Sonoma County, including residents, their guests, workers, and tourists should have the same protections from exposure to nuisance odors that contain carcinogens.
- B. Cannabis emits many volatile organic compounds, primarily terpenes, which are responsible for the characteristic odor. These volatile terpenes have a very strong skunk-like smell and are noxious to most people. Residents living adjacent to cannabis cultivation sites who are exposed to noxious terpenes experience symptoms such as nausea, headaches, difficulty breathing, cough, eye irritation, and sore throat. Some people even develop asthma exacerbations. [In Sonoma County, neighbors living adjacent to outdoor cultivation sites often cannot open windows or use their yards in the summer and fall due to the overpowering odor from the cannabis terpenes](#). This increases electric consumption and bills because natural air conditioning is impossible. Tourism can also be negatively impacted, e.g., with odors encroaching on winery grounds and tasting rooms. This has been documented in Santa Barbara County.
- C. The odor from cannabis plants is not just a nuisance. It is dangerous to human health. In 2015, California’s Environmental Protection Agency’s Office of Environmental Health Hazard Assessment listed **beta-myrcene** [as a chemical known to cause cancer](#). Cannabis terpenes contain large amounts of this **carcinogen**. Beta-myrcene is highly volatile and can travel up to 1,000 meters (3,281 feet) or more if down-wind. Ortech, Inc., PowerPoint Presentation to Permit Sonoma (Dec. 13, 2019), p. 3, attached. However, quantification is not needed. Sonoma County officials can simply ask neighbors living near a commercial cannabis grow how far the odor travels, and they will tell you at least 1,000 feet.

Proposition 65 requires employers to post warnings when there is exposure to any listed carcinogen, so the public and employees can choose to leave the premises to avoid the carcinogen. This type of warning can be achieved at indoor/greenhouse grows, and employees can choose to wear respirator masks to prevent them from inhaling these carcinogens.



However, for outdoor grows impacting neighboring parcels with these carcinogens, it is not possible to post the warning on the neighbors' land. Additionally, neighbors are subjected to the noxious and cancer-causing odors for months at a time. Carcinogen exposure is



unavoidable. Neighbors are unwillingly forced to breathe this Proposition 65 carcinogen, day and night, 24/7, which violates Proposition 65 and is unconscionable as public policy.

- D. Odor from **indoor grows or greenhouses** can be removed with properly installed and maintained filtration systems. These systems prevent volatile terpenes from exiting the immediate cultivation area. Fog or mist systems that spray chemicals into the air to destroy or neutralize the odor-causing terpenes from the exhaust can be effective along with filtration systems (e.g., charcoal, HEPA systems) as part of the odor-control for indoor/greenhouse grows. However, neighbors living adjacent to indoor cultivation sites rely on a cannabis business to maintain this system which is expensive and not in the financial interest of the business to comply. Indoor grows must have mandatory maintenance standards and required shutdowns enforceable by neighbors if they fail to meet those standards.
- E. Odor from cannabis cultivated **outdoors** cannot be contained or destroyed. The fog or mist systems that are often used as part of the odor-control for indoor/greenhouse grows cannot be used for odor control from outdoor grows for several reasons: 1) **Physical size**: the chemical mist travels a few feet, not the thousands of square feet, or even acres, encompassing the outdoor grow; 2) the **chemicals used would taint the cannabis** and extensive toxicological and clinical testing would be required to ascertain if it would be safe to inhale or ingest; and 3) **the chemicals would affect neighboring residents and cannabis employees**, and

extensive clinical testing would be needed to determine short and long-term safety or toxicity. Such testing is needed to develop new pharmaceuticals, and the average cost is \$1-2 billion ([Congressional Budget Office, 2021](#)) and requiring 10 -15 years ([Pharma.org](#)). The cost and time prohibitive.

- F. Large cannabis grows can blanket a sizable area in noxious odors, negatively impacting residents, food products, wine grapes, and tourism. [Such problems are occurring in Santa Barbara County and are the subject of litigation.](#)
- G. All non-cannabis parcels should have the same minimum setback from their property line from outdoor cultivation sites. Residential enclaves (e.g., areas where 20 or more homes are in proximity or 200 feet apart) should have greater setback requirements from cultivation sites, and all residences should be free from cannabis nuisance odors.

II. Study Requests

- A. The EIR should study all Bay Area (ABAG) counties and report on what each allows for outdoor and indoor cannabis cultivation, including odor and zoning requirements for indoor cultivation.
- B. The EIR should quantitatively analyze the distance the cannabis terpenes travel in the air as a function of topography, weather, and size of cannabis grow site (e.g., Ortech, has developed programs to analyze these variables). It should also analyze at what concentration people can detect cannabis terpenes in the air. Quantitative techniques are available for both such measurements (GC/mass spectrometry to measure how far terpenes travel, and systems such as the Nasal Ranger to determine the limit of detection by the human nose). The EIR must analyze the terpene levels and ability of humans to detect them with 300-, 600-, 1,000-, 1,500-, and 2,000-foot setbacks from outdoor grow sites throughout the size range of grow sites that Permit Sonoma may allow (e.g., various grow sizes between 10,000 square feet to 20+ acres or whatever maximum size the ordinance would allow).
- C. The EIR must analyze systems that can prevent cannabis terpenes from leaving the footprint of the cultivation site for greenhouse and indoor cultivation. Such odor control systems must be mandatory for all greenhouse/indoor cultivation. Determination of setbacks for greenhouse/indoor cultivation also must evaluate traffic, noise, dust, and safety for Agricultural, RRD, and commercial/industrial zones. We suggest analyzing minimum setbacks of 300 and 600 feet for greenhouses in Agricultural and RRD, and propose that indoor cultivation be exclusively located in industrial/commercial zones analyzing setbacks of 100, 200, and 300 feet.
- D. All setbacks should be minimum setbacks, subject to a health and safety clause. The EIR should analyze how topography, weather conditions, size, and geometry of the cultivation site affects distance that odors travel and hence may require a longer setback than the minimums listed. This analysis should be mandatory before approval of any new permit or renewal of any existing permit, to determine any increase in setback length over the minimum required to ensure sufficient setbacks to protect neighbors from being subjected to

odors and carcinogens. All setbacks should be to the parcel line of the neighboring parcel, measured from the outermost boundary of anywhere cannabis or cannabis products or byproducts are located, including but not limited to cultivation, propagation, production, testing, processing, manufacturing, storing, or disposal.

- E. Sonoma County and its residents have no experience with grows over one acre in size. If, as seems possible, grows of 6 to 20+ acres of outdoor cultivation are being considered on large parcels, the regional dispersion and effects of such projects must be studied using air quality modeling. The modeling should study various topographies, including valleys where air can be stagnant for days and windy areas with dynamic air circulation. “Cumulative analysis will consider, at minimum, potential impacts related to multiple cannabis operations in specific geographical areas (i.e., over-concentration).”⁴

Cultivations of various sizes should be studied, as well as the cumulative effects of all grows within at least a two-mile proximity. “Streamlining” of CEQA for discretionary permits⁵ cannot be allowed regarding odor impacts for outdoor cultivation unless these issues are exhaustively studied and modeled in the EIR in all specific areas where outdoor cultivation may be permitted. The Yolo County cannabis EIR, prepared by Ascent Environmental, is being litigated for “underestimating cannabis odor impacts on sensitive receptors by employing inaccurate and unsupported assumptions that fail to properly account for odor levels, minimum wind speeds, local terrain, time lag between reporting and inspection, and the sensitivity of human receptors.”⁶

Thank you in advance for addressing our concerns.

Neighborhood Coalition
Nancy and Brantly Richardson, Communications Directors
SonomaNeighborhoodCoalition@gmail.com

cc: cannabis@sonoma-county.org

Attachment: Ortech, Inc., PowerPoint Presentation to Permit Sonoma (Dec. 13, 2019)

⁴ Program Framework, p. 3 (10 j).

⁵ Program Framework, p. 2 (8 c).

⁶ Writ of Mandate (Oct. 14 2021).

Cannabis Consulting



ORTECH

a Kontrol Energy Company



An Engineered Approach to Cannabis Odour Control

ORTECH - Your Odour Management Experts

SERVICES

- Odour Assessment 
- Odour Complaint Management 
- Odour Control 
- Odour Impact Forecasting 
- Terpene Analysis 

Why ORTECH

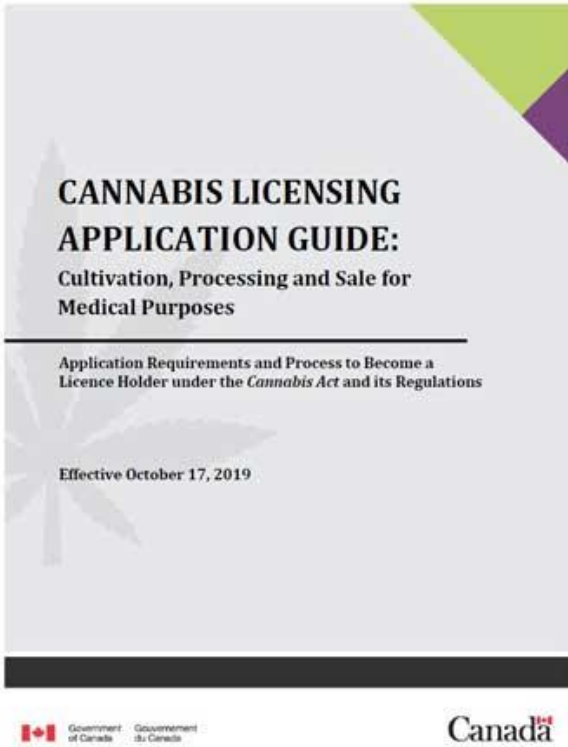
- 40+ years of Experience in Odour Management
- Independent Technical Advice
- Scientific Sampling, Computer Modelling, Analysis and Reporting
- Expert Witness and support services
- Trusted for odour management at: research facilities, greenhouses, industrial buildings, outdoor growing operations
- Experienced in Ensuring Ongoing Compliance with Government Regulations



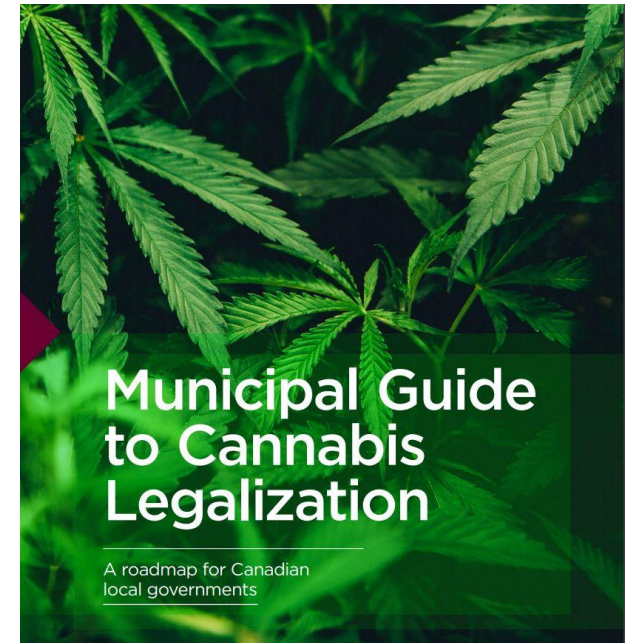
Be Compliant With a Proactive Approach to Odour Management.

Canadian Approach

Municipalities are also responsible for tackling odour nuisance



odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals



s.85 of Cannabis Regulation: The building or part of the building where cannabis is produced, packaged, labelled and stored must be equipped with a system that filters air to prevent the escape of odors

In ORTECH's experience, uncontrolled cannabis odors can disperse as far as 1000 m from outdoor farms and more than 300 m from indoor grow facilities

California Odour Guidelines

- As per, South Coast Air Quality Management District
 - 5 OU is noticeable
 - 5 to 10 OU is enough to trigger complaints
 - 5 or more confirmed complaints/year (3 year average) is considered significant

ORTECH's Experience

- Sampled and collected odour emission data from greenhouses in British Columbia and Ontario, Canada, for one of the largest producers in Canada
- Modelled emissions from indoor and outdoor cannabis growing operations
- Land use zoning studies (odours) for cannabis businesses
- Siting studies (odour assessment) for prospective growers
- Developed odour management plans for indoor grow facilities

ORTECH's Approach

ORTECH has Collected air samples from cannabis facilities and analyzed the air samples in lab to generate odour intensity data - Odour Units/time (OU/s)

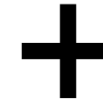
ORTECH's in-house odour emissions data



Regional meteorological data - Hourly (wind speed, wind direction etc)



Terrain data (geographical location and elevation of the land)



Surrounding human receptors information (location and elevation)

Dispersion Modelling

Minimum Setback distances of the cannabis operations from nearby human receptors can be established by dispersion modelling

Predicted hourly values of odour concentration (OU/m³) at receptors. These values will be used to compare with the odour guidelines of California. The modelling output will be further analyzed to estimate how many times odour concentration is expected to exceed the odour guideline values.

Cannabis Consulting



ORTECH

a Kontrol Energy Company

<https://www.cannabisconsultingservices.ca>

Do you need Odour Control? An Engineered Approach to Designing Cannabis Odour Control Solutions.



Does Your Cannabis Extraction Operation need to Register in the Environmental Activity Sector Registry ("EASR")?





QUESTIONS?

Thank you for listening.

From: [Neighborhood Coalition](#)
To: [Tennis Wick](#); [Scott Orr](#); [Crystal Acker](#); [Cannabis](#)
Subject: Comments on Cannabis Program Update- Rural Residential Enclave Proposal
Date: Sunday, December 31, 2023 3:45:52 PM
Attachments: [Residential enclave proposal Dec 31 final.pdf](#)

EXTERNAL

Please see our attached comments on rural residential enclaves.

Neighborhood Coalition
Nancy and Brantly Richardson, Communications Directors
SonomaNeighborhoodCoalition@gmail.com

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December 31, 2023

Tennis Wick, Director (Tennis.Wick@sonoma-county.org)
Scott Orr, Assistant Director (scott.Orr@sonoma-county.org)
Crystal Acker, Supervising Planner (crystal.acker@sonoma-county.org)
cannabis@sonoma-county.org

Re: Comments on Cannabis Program Update- Rural Residential Enclave Proposal

Dear Tennis, Scott, and Crystal:

The Neighborhood Coalition advocates for sustainable, environmentally sound, and neighborhood-compatible cannabis policies in Sonoma County. This submission on rural residential enclaves is part of a series of comments on the elements of the cannabis program update that Permit Sonoma released in support of its December 13 meetings on these issues.

Permit Sonoma has clearly stated the primary goals of updating the cannabis program were to enhance neighborhood compatibility and environmental protections. It stated

The primary goals of the cannabis program update are to consider cannabis land uses ... and further enhance neighborhood compatibility and environmental protections. The analysis could result in proposals to expand, restrict, or eliminate cannabis land uses ... update the public on key program elements and the mapping of residential enclaves in an effort to improve compatibility between cannabis land uses and the neighborhoods they are located within or near.¹

These goals are consistent with the directions from the Board of Supervisors (March 2022, Framework for Updating the Cannabis program) and were reiterated at the December 13th meeting. Included in the Board's March 2022 directive to increase compatibility was development of "rural neighbor enclaves" (areas where commercial cannabis cultivation is not allowed) noting the general criteria, among other factors, should include density and community character. The objective is to produce specific maps of all enclaves. The question is how to achieve those goals.

¹ Press Release, Permit Sonoma to host cannabis ordinance update information meetings Dec. 13 (Nov. 29, 2023) (emphasis added).

Defining Rural Residential Enclaves

In response to this directive, Permit Sonoma issued a discussion paper with recommendations. At the December 13 meeting, the presenter emphasized this was a first try, acknowledging some issues might not have been considered. She invited feedback on how to improve the modeling. We appreciate the open-minded approach toward improving the approach.

We agree in concept with Permit Sonoma's goal to have a data-driven model that selects areas objectively, but submit this model provides only an outline which requires consideration of more facts, specific to the areas in question. The GIS model requires assumptions of parcel size and the number of contiguous parcels. With those inputs the model maps "enclaves" that match those criteria. The modeling is dependent upon valid assumptions which, as discussed below, are complex and not "one size fits all."

The key is determining the correct criteria. The final proposal for a valid rural residential enclaves approach must employ the appropriate framework and criteria to achieve the stated goals.

The discussion paper suggests staff wrestled with the concepts of neighborhoods, community, enclave, rural, and density. None of these are neatly defined terms. Understandably, the draft did not include concrete approaches to this complex assessment. There is no obvious parcel size or number of parcels. Staff modeled various parcel sizes (e.g., 1, 2, 3, 5 acres), but presented results for only 2 acres and at least 50 contiguous parcels in the discussion paper. This yielded 43 enclaves. The result, of course, depends on the inputs. The variability underscores the need for a finessed approach to inputs.

We believe the enclave concept has merit, but the criteria need to be changed to "enhance neighborhood compatibility and environmental protections." **All residences** deserve protection with minimum setbacks to ensure that no cannabis terpenes, including the carcinogenic beta-myrcene, enter a non-cannabis parcel.² The result must protect many more residential clusters (enclaves) than are in the draft proposal.

The following exemplify some of the defects in the draft approach:

- Most (if not all) of the parcels in the 43 proposed enclaves are already protected under the current ordinance (and would be even under the proposed 5 acre minimum). The proposal provides no enhanced protection, and is a useless effort if the criteria are unchanged.
- The areas around some of the proposed enclaves have similar characteristics outside the enclave boundary as inside. A boots-on-the-ground look reveals the 2 acre/50 parcel model covers very few residential situations. **See Attachment A, our study of one such area in West County.**
- The 2-acre criterion is nonsensical because it is much smaller than the current 10-acre minimum or even the proposed 5-acre minimum.

² Permit Sonoma understands that even seven residences require a buffer from a cultivation site. It recently denied a permit at 8105 Davis Lane, Penngrove, citing neighborhood incompatibility.

The requirement for a minimum of 50 contiguous parcels does not address the neighborhood compatibility problem the public has been raising for years. Based on reviewing the maps, it makes it worse, as many residential areas are not protected. The discussion paper states, “to be more inclusive, staff selected 50 parcels.” That decision achieves the opposite result, namely resulting in fewer protected parcels and areas. It is true the more parcels, the bigger the area. But by setting the number so high, many small, predominately residential neighborhoods are excluded. Selecting 50 as the input is arbitrary and undermines the project’s goals.

Designating enclaves requires a realistic assessment of results to comply with the Board’s directive to “enhance neighborhood compatibility and environmental protections.” Permit Sonoma should study these areas with boots-on-the ground. As proposed, the GIS model does not achieve its goals. *See Attachment A.*

Environmental Impact Report (EIR) Considerations

- Analyses of additional residential enclave options using a 5-acre lot size criterion and a minimum of 10 homes should be the baseline for the EIR. There are large acreage parcels with residences clustered on one end of the parcel, often dictated by terrain, water, access roads, fire safety, etc. The EIR must reflect these considerations. The two acre/50 parcel criteria could be included as a project alternative, but we submit it is not a useful analysis.
- Other alternatives encompassing larger parcel sizes and fewer parcel numbers would be appropriate for consideration in the EIR. There are 8,549 parcels over 10 acres in sized zoned Ag and RRD, theoretically allowing 159,000 acres of commercial cultivation (Staff report on Cannabis Ordinance Amendment to BOS, August 7, 2018).
- Permit Sonoma suggests it might apply a 1,000-foot setback from all **residentially-zoned** parcels, instead of just residential enclaves. We submit this approach is too narrowly focused on how parcels are zoned rather than how parcels are used. Many, if not most conflicts occur in agricultural-zoned land that now contain residences. Long ago the County permitted agricultural-zoned properties to be subdivided into 1-, 2-, 5-,10-acre parcels that allowed for residences to be built, effectively making those parcels unsuitable for true agricultural operations or cannabis cultivation. To “enhance neighborhood compatibility and environmental protections,” setbacks should apply to any residence and neighborhood regardless of its zoning designation.
- Permit Sonoma should study Santa Barbara County’s Existing Developed Residential Neighborhood (EDNR) zone and its impact on neighborhood compatibility with cannabis cultivation. Although Santa Barbara’s approach to commercial cannabis is imperfect, it has long dealt with compatibility issues and has resolved some of them. It established EDRN zones in 2016 to protect Ag lands from residential sprawl. The EDRN were created “to keep pockets of rural residential development from expanding onto adjacent agricultural lands,” and were codified in zoning maps. When commercial cannabis cultivation began inside these zones, neighborhood compatibility conflicts arose like Sonoma County. In 2022 Santa Barbara County amended its zoning to prohibit commercial cannabis activities WITHIN these zones.

- Permit Sonoma should consider Yolo County’s ordinance regarding neighborhood compatibility. Its Health and Safety Clause states “The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.” This approach takes into consideration population, crime rate, record of nuisance abatements, community character, and community support.

The Draft Proposal Does Not Achieve the Stated Goals for Rural Residential Enclaves

The Board of Supervisors has stated the primary goals of updating the cannabis program are to enhance neighborhood compatibility and environmental protections. The draft proposal for residential enclaves fails to achieve these goals. Rather, it would allow commercial cannabis to be cultivated on many more parcels, closer to homes, and allow more incompatible business activities in residential neighborhoods.

Consistent with the invitation for feedback on the modeling process, we hope and trust Permit Sonoma will incorporate the foregoing suggestions as it develops more valid criteria for residential enclaves consistent with the Board’s goals of enhancing neighborhood compatibility and environmental protections.

Thank you in advance for listening to and addressing our concerns.

Neighborhood Coalition

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Attachment A: GIS Analysis of a Residential Neighborhood in West County

Attachment A – GIS Analysis of a Residential Neighborhood in West County

Background: The Neighborhood Coalition performed a detailed analysis of an area southwest of the town of Sebastopol to fully understand the consequences of the rural residential enclave criteria utilized in the discussion paper, namely 2-acre max/50 contiguous parcels minimum. The area was not chosen because we want it protected (of course we do), but because some of our members know this area well. They have lived here over 30 years, have moved around this area, have resided in homes inside the proposed enclave boundaries and moved to homes right outside the lines. They have driven, walked, taken their children to schools, know their neighbors, taken care of their residential property, seen their neighbors do the same. They know what activities occur in their neighborhood and what do not.

Analysis and our GIS mapping: We have mapped this West County area (as well as most of West County), depicted Permit Sonoma proposed enclave areas (in yellow), shown each parcel, and color coded them by size (red= under 5 acres, blue= 5-10 acres, no color = over 10 acres). The attached map shows the smaller parcels (1-10 acres) are grouped tightly together. Equally important, the map show plenty of uncolored area, areas representing larger parcels over 10 acres, that nicely sit apart for the smaller parcels, likely away from homes and potentially suitable for cannabis.

The County long ago allowed large Ag properties to be subdivided into 1-, 2-, 5-, 10-acre parcels to accommodate rural residential homes and effectively making them unsuitable for true agricultural operations. Yet the County never changed the zoning. These smaller parcels are near towns, services, and major throughfares, all of which are key elements to support homelife and easily get to work.

In this example (which would likely apply to many similar areas), the smaller parcels (colored in yellow and blue) are primarily residential in nature. There are virtually no true agricultural operations and none are viable. The residents include a few hobby farmers with a few animals (horses, goats, llamas), some grape vines, and some fruit trees. None are commercial in nature, none are nuisances to their neighbors, none impact their neighbors or overutilize common resources (e.g., water). Most parcels have one family home, the family lives there, no commercial activity occurs.

Conclusion: Our position is the enclave criteria suggested (2 acres/50 parcels) is too narrowly set. Permit Sonoma should utilize this example to determine the criteria that would bring all these smaller parcels into an enclave (with the proper setbacks at its boundaries). Then apply these criteria to the County wide GIS enclave mapping. This alternative would most likely be the proper starting point for the EIR study of residential enclaves. And this alternative appears to allow more than enough parcels for commercial cannabis.

