



March 17, 2021

Sonoma County Board of Supervisors  
575 Administration Drive  
Room 100 A  
Santa Rosa, CA 95403

VIA Email

RE: Support for cannabis amendments and suggested change for applicants

Dear Supervisors:

I am writing today to support the changes to the cannabis ordinance proposed by staff (ORD20-0005) and to suggest an essential addition to the proposal that is consistent with its intent. Streamlining the permit process for cannabis cultivation will remove barriers for smaller-scale cultivators and save time and money for the county. The proposed changes will also bring the cannabis permitting process in line with other agricultural uses and state regulations. I suggest that, in addition to the common-sense provisions of the staff proposal, you create a path for Conditional Use Permit (CUP) applicants that have not had the final disposition of their application to reapply under the new provisions.

Foxworthy Red, LLC, known as Foxworthy Farms, is an outdoor cannabis cultivation business authorized under the penalty relief program. The owners bought the 82-acre parcel in the Rural Resource Development (RRD) zone in 2016 to cultivate medical cannabis for the nation's oldest continuously operating medical cannabis dispensary. The farm now grows cannabis for adult and medical retailers in the Sonoma County and other Bay Area communities. Two of the three owners lived on the property at 7955 St. Helena Road until the Glass Fire destroyed one residence. The displaced owner will rebuild and live on the farm again as soon as it is possible.

The Board of Zoning Adjustments (BZA) denied our CUP application on December 12, 2019. We filed an appeal based, in part, on the lack of timely notice and incomplete information provided to the BZA by staff at Permit Sonoma. In response to staff feedback before the hearing, we prepared new water management plans, access improvements, and more. Although we submitted those documents to staff days in advance of the hearing, staff did not give them to members of the BZA until after our hearing was underway.

The Board of Supervisors (BOS) has not yet scheduled our appeal hearing. I propose that Foxworthy Farms and other applicants in the designated zones without a final disposition on their CUP applications be allowed to apply for a permit from the Agricultural Commissioner if the proposed changes are adopted. To accomplish this, we would like the BOS to pause all pending applications and appeals for cannabis cultivators. If the BOS approves the changes, applicants



qualified to do so may then apply for an Agricultural Commissioner permit instead of a CUP using the improved process.

It is reasonable and fair to allow current applicants to use the streamlined process. A new applicant in the RRD zone would be allowed to apply for a ministerial permit. It would be inconsistent to have two similar projects following widely divergent paths. Moving the permitting process for Foxworthy Farms and other pending applicants to the Agricultural Commissioner is fair and less expensive for the applicants and the county.

The streamlined process is significant for Foxworthy Farms. We applied for our CUP in 2017 and have diligently pursued approval. We spent a substantial amount of time, effort, and money since 2017 to obtain licenses and comply with local and state regulations. We agreed to refrain from processing on-site and using two greenhouses as part of a stipulated agreement with the County Council in June of 2019. That agreement significantly reduced our earning potential and dramatically increased processing costs. Our pending appeal and any subsequent legal fees will drive up the price further. These costs were already a burden for a small, locally owned business like ours. However, we are also struggling with devastating damage from the Glass Fire resulting in estimated losses of up to \$3 million.

Despite the hardships, we remain committed to our mission of providing quality medical and adult-use cannabis. We are determined to be a part of Sonoma County's burgeoning cannabis marketplace, where we will provide good local jobs, generate tax revenue, and practice sincere stewardship of our land and watershed. Adding a path to an Agricultural Commissioner permit for Foxworthy Farms is critical in making this happen. I urge you to temporarily pause our appeal process and clarify that we will have an opportunity to take advantage of the proposed improvements to the ordinance.

I am eager to discuss this proposal with you at your convenience. You may reach me at [don@PatientsCareCollective.com](mailto:don@PatientsCareCollective.com) or (323) 326-6347.

Thank you,

A handwritten signature in black ink, appearing to read "Don Duncan".

Don Duncan  
Director of Government Affairs

cc. Sonoma County Planning Commission