



## Sonoma County Cannabis Advisory Group

### Notes

Meeting Date: December 12, 2018

#### ROLL CALL

Tim Ricard, Staff  
Julie Mercer-Ingram, Co-Chair  
Terry Garrett, Co-Chair  
Alexa Wall  
Samual Edwards  
Jay Jensen  
Arthur Deicke  
Shivawn Brady  
S. Brantly Richardson  
Sarah Shrader

Dona Frank  
Laura Waldbaum  
Omar Figueroa  
Richard Gunderson  
Brandon Levine  
Steve Nielsen, Absent  
Tawnie Scarborough, Absent  
Katherine Dowdney, Absent  
Paula Blaydes, Absent  
Dave Peterson, Absent

#### 3:00 p.m. Call to order

#### Announcements

1. Supervisors clarified the definition of parks as it pertains to the Cannabis Ordinance and Class I Bikeways. Class I Bikeways are now considered linear parks and are subject to the same 1,000 foot setback for mixed light and outdoor operations as other parks listed under the Ordinance.
2. Two indoor applications will be going before the Board of Zoning Adjustments within the next two weeks – on Dec. 13<sup>th</sup> and 20<sup>th</sup>. Staff is also looking at lining up additional public meetings in early 2019 which have not yet been officially scheduled. As with other parks, an applicant can apply for a reduction to the setback through the use permit process provided all requirements are met. The setback requirement applies to both current and proposed trails; once a proposed trail is constructed/existing, the setback requirement will be applicable.
3. The annual Emerald Cup event is taking place in Sonoma County during the weekend of Dec 15-16 for which the economic impact to the County is significant. The County does not currently allow for Cannabis events which is something that should be looked at in the near future.
4. Cannabis Advisory Group (CAG) Co-Chair, Terry Garret, announced completion of an agricultural economic impact report for Sonoma County cannabis that he and others have been preparing. He will distribute a link to the report to Tim Ricard for distribution to the CAG. A presentation on the report is planned for January 2019.

#### Item #1- Cannabis Program Goals and Objectives Discussion

- A. Staff Presentation:  
Today's exercise will provide an overview of what the visioning process will

look like, followed by clarifying questions and public comments, and will continue to future meetings. The exercise is driven by the CAG's desire to take a step back to look at the big picture vision of cannabis in Sonoma County, talk about goals, what the Ordinance addresses or does not address, and what cannabis in Sonoma County should look like. To date, the CAG has focused on the minutia of Cannabis Ordinance revisions. The format is a draft format to spur the conversation, but is not set in stone. The purpose of today's meeting is to define the key elements. Staff will bring the input received back to the CAG in January where the group will begin to revise the elements, and develop objectives and recommendations/action items. In a similar exercise, members of the public may provide input by adding comments to post-it-notes and adding them to the appropriate five pillars mounted on the wall. In comparison, the General Plan is an overarching document that guides future development, sets out vision statements, goals and objectives, and then provides policy recommendations to accomplish those goals; it serves as the guiding document for the Zoning Code. The Cannabis Ordinance serves as the Zoning Code, however, there is no document like the General Plan that the Board of Supervisors or the CAG can lean on to envision how the policies help to accomplish the goals. The purpose is to develop a guiding document to inform Phase II of the Ordinance updates and to inform the Ad-Hoc Committee and Supervisors as they develop their goals and objectives moving forward.

B. Questions for Staff:

It was clarified that the current five pillars were established as a starting point for discussion and that there is room to change and/or build upon those elements.

C. Public Comment:

- 1) Organic cultivation should be a mandate. The tourism industry and the history of marijuana cultivation should be embraced for economic vitality. The current hyper-regulatory system is causing severe financial impacts to the industry and individual operators. No other agricultural commodity is subjected to the same level of bureau-terrorism as cannabis.
- 2) Community outreach and education is great, however, without set regulations, the community compatibility issue will cause great grief for communities and growers as conditional use permits move forward. Existing setback regulations are inadequate.
- 3) Setbacks must be addressed as the highest priority. Many of the existing regulations are subjective; these regulations need to be defined prior to issuing conditional use permits (e.g., odor, health and safety, fire safe roads, etc.). The criteria for permit eligible parcels should be developed before going through the expensive and time-intensive conditional use permit process.
- 4) The first order of business should be to actually have a program. We need a process by which business can take place by following the process of the conditional use permit. The lack of implementation of a cannabis program is an economic concern. We need to look at what's already been achieved through implementation of the existing Ordinance.

D. Advisory Group Discussion and Recommendations:

- 1) We need to start thinking about how cannabis fits into the General Plan 2030.

- 2) We have approved permits/data points. We need to collect data that we already have to identify issues and successes moving forward. This data can be augmented w/ data from other jurisdictions, if available.
- 3) There is a misconception about what neighborhoods want. Neighbors want to be able to use and enjoy their own properties. It's not about acreage size, zoning, etc. It's about being able to live their lives free of impacts.
- 4) Community compatibility goes both ways. Growers and operators also need their needs to be met.
- 5) The biggest issue is that the needs of the cannabis industry are not being recognized and that the cannabis industry is being held at an unfairly high standard compared to other industries (e.g., odor impacts related to other types of agriculture or operations).
- 6) Data collection is a way to determine the percentage of problematic or successful operations that hold permits. This data can be used to direct efforts moving forward.
- 7) Community forums and ways to educate the public are needed, including what the Ordinance actually speaks to, black market verses legal cannabis cultivation, pathways to lower barriers to allow more cultivators to become compliant, land-use and environmental stewardship best practices and incentives, and ways to demonstrate that cannabis operations can be compatible within the community.
- 8) There is a need to define what community compatibility means with regards to it being one of the five pillars of the visioning process. Many of the prior comments are specific to land use or other pillars.
- 9) There is a need to identify the associated impacts and a reasonable threshold for each impact, including identifying mitigation measures and methods of measuring those, as well as more structure around enforcement. The educational need is more about addressing fear.
- 10) Community compatibility is a constant balance of different and often competing interests. It's a matter of degree and what people can live with.
- 11) The "Environmental Impact" pillar should instead be titled "Environmental Stewardship." Framing the land use discussion as mitigation verses stewardship sheds a negative light on cannabis cultivation.
- 12) With regards to community compatibility, there needs to be a hierarchy between where people live verses places of business, with parameters so people know what to expect.
- 13) There is no balance of community needs. Every day cannabis operators are shed in a negative light.
- 14) Many people currently involved in the process are already very informed and knowledgeable because they are personally impacted. Reaching and educating other segments of the population prove much more challenging.
- 15) The technology is not available to restrict or reliably measure smell through a scientific devise. People's opinions and tolerance levels differ, including around existing agricultural and livestock activities (smells, flies, etc.), which is something that must be considered and weighed when deciding to live in an agricultural community.
- 16) The slow pace at which permits are being processed is causing an economic impact, with higher scrutiny given to cannabis applications than others.
- 17) The applications approved thus far were for indoor cultivation. There's a need to approve outdoor and mixed light operations as well.
- 18) Education and awareness is not from a single point of view, but should be looked at through a broader lens to see where cannabis fits in among other

points of view and priorities. Education should be focused on recognizing the need for and developing this broader view.

- 19) Some tools already exist, like tools to measure odor. We need to look into the existing tools already being used for other crops and industries and apply those to cannabis.
- 20) A possible definition for Community Compatibility is “to balance the needs of the broader community with those of the cannabis industry.”
- 21) Unlike outdoor and mixed light operations, there are tried and true ways to control odors w/ greenhouses. If we expand the footprint for greenhouses, we may be able to address community compatibility issues.
- 22) Illegal growing is by far the biggest environmental impact. The purpose of the Cannabis Program and Ordinance was to eliminate illegal operations. It would benefit the cannabis industry to increase enforcement and remove illegal grows, rather than relying on people to report them first.
- 23) Illegal grows have an impact, but the same standards should be held to all industries, including the wine industry.
- 24) The illegal component is a separate discussion. This group is working to help transition toward legal compliance, including highlighting the benefits of what it means to be a legal cultivator.
- 25) The current process eliminated a lot the smaller growers. Keeping the mom and pop operators goes along with community compatibility and strengthens the local economy.
- 26) Fixed setbacks may eliminate opportunities where there are no issues with neighboring property owners. Waiving of setbacks should be allowed with community consent and memorandums of understanding between neighbors.
- 27) Process streamlining is needed to reduce economic impacts, in addition to economic incentives to help small businesses grow and succeed.
- 28) Incentives for sustainable practices and community benefits are needed.
- 29) By removing cannabis as an allowable land use on smaller and residentially zoned parcels, many of the smaller farmers were removed. We need to figure out how to get the smaller players back.
- 30) A poison control hotline should be proactively established along with an educational campaign for proper medical use of cannabis, such as was established in Colorado, should be established in Sonoma County to help people make good and informed choices.
- 31) A Good Neighbor Policy should be established.
- 32) Financial incentives should be provided to the smaller farmer to allow and encourage them to participate in the cultivation of cannabis.
- 33) A new culture and conversation is needed around cannabis. As is the case with non-cannabis land uses, the use is either agricultural, manufacturing, distribution, etc. The cannabis supply chain needs to be treated with the same fairness as other industries.
- 34) Health and safety applies both ways. Cannabis operators and employees also need protections.
- 35) Cannabis applicants are required to pay for staff responses to public comments, which can be quite costly to the applicant depending upon the number of comments received. With regards to economic vitality, there’s a need to shift responses to public comments to the hearing process or the Cannabis Program will not be viable.
- 36) Staff was asked to provide a future update on the number of code enforcement violations under permitted operations to better understand if neighborhood concerns are being addressed through the permit process.

37) There is a need to determine how to embrace and encourage cannabis tourism in Sonoma County.

38) This visioning exercise is the start of Phase II of the Ordinance updates. Permit Sonoma staff will be presenting their work plan to the Board of Supervisors in late December or early January, which will give them the direction and resources needed to kick off Phase II.

E. Next Steps:

The majority of CAG members found value in developing the cannabis vision framework and wished to continue the process through future meetings by narrowing the focus to address one pillar at a time. A majority vote determined that the first pillar to be addressed would be "Economic Vitality" at the January 2019 meeting. A different pillar will be collectively discussed at each consecutive meeting, with unfinished discussions continuing through established ad-hoc committees outside of regularly scheduled meetings. Staff will be compiling and sorting the CAG comments, as well as all public comments submitted, and will bring that information back to the CAG at the January 2019 meeting.

**Public Comment for Items Not on the Agenda**

1. Comments from the cannabis industry are appreciated. The industry is being looked at very closely when compared to the wine and other industries. This is because the County was built on wine and it falls under the Right to Farm Act. Additionally, there were a lot of mistakes made in the wine industry which should not be repeated with cannabis, including wineries constructed on agricultural land. Covering up agricultural lands with buildings is a mistake.
2. Incentivizing local food sheds should be an over-arching goal, pertaining to both food and medicine. The term "community compatibility" has inherent issues which cannot be resolved due to framing of the cannabis industry by the media as *not* being compatible with other community uses and priorities. This perpetuates the sensationalism of us versus them, which is problematic. A different term is needed. The Supervisors are not listening to the experts, they are listening to the political winds. All of this fits into community compatibility because the cannabis industry is part of the community.

**Closing Remarks**