

4/21/2018

Report from Sub-Committee on Inclusion/Exclusion Zones

Discussion:

This sub-committee was tasked with exploring the concept of Inclusion/Exclusion Zones for cannabis cultivation in the county. After several meetings of grappling with this concept we found that while exclusion zones were potentially a helpful tool, inclusion zones were not. Therefore, it was agreed the two committee members representing neighborhood groups would focus on exclusion zone criteria and the rest of us would focus on criteria for cultivation on parcels under 10 acres. The ideas presented here are outside the box thinking. Applying mainstream ways of relating to the cannabis industry is not working, thus we felt it was important that Staff, and ultimately the Board, have options to consider which have not yet been put on the table.

History:

The CAG was created to give the BOS input from on the ground players regarding issues that the newly regulated cannabis industry faces as we move into phase two of implementing the county ordinance. And while we want to listen to what the board members are saying about cannabis and how they want to move forward, our job ultimately is to bring them information and ideas they don't already have. As Supervisor Gorin said at our first meeting, "you are the eyes and ears of your communities, and we need to know what you see and hear that can help us shape policy going forward."

The Supervisors are frustrated with the lack of participation by the cannabis community in the regulated market. Supervisor Zane asked the question at the last meeting, "What is the problem? Why are people not stepping up?" This is a perfect example of how the CAG can help inform the Supervisors as to why there is so little participation. Participation in the regulated market will remain as it is unless we find creative ways to include the small, local farmers. There simply isn't anywhere for small cannabis farmers to go that they can afford. When discussing cultivation, it seems the discussion is primarily based on the impacts of outdoor growing. The smell, security issues, unsightly fences, etc. But the vast majority of cultivation on smaller parcels in this county happens indoors or in greenhouses. Why are we not discussing how these

two methods on smaller parcels could be compatible with neighborhoods? Pushing outdoor cultivation to larger parcels (10 acres or more) in certain areas of the county may be appropriate, but making yet another sweeping, county-wide restriction is a mistake. There are many areas of the county where outdoor cultivation on smaller parcels would be acceptable to neighbors. Pushing all indoor to industrial is just more of the same; supporting big business with deep pockets while leaving the local indoor cultivators out or under-ground.

The other huge issue of course is crime. We all know that crime goes down with legalization, but only if people participate in legalization. More regulation=less participation=more crime. We are not a one size fits all county. As Supervisor Hopkins said at the meeting, her district is quite cannabis friendly while others are not. If we stop trying to figure out what is going to work county-wide for all parcels over or under a certain size and work off a basic set of criteria for each category of cultivation: outdoor, indoor, and mixed light, we would see more participation in the regulated market and less tension in the neighborhoods. Thousands of growers have been operating for years in harmony with their neighbors in this county. Let's consider allowing our local cultivators to work together with their neighbors on whether a cultivation will work in their neighborhood rather than applying yet another layer of restriction on an already top heavy regulatory scheme.

The ordinance already lays out all the restrictions on water, access, biotic compatibility, etc. See below for some additional suggestions on how to work with the issues.

Policy Options for Small Parcel Cultivation:

- Move away from using zoning and acre size to determine where cultivation can happen and allow cultivation if the operator can meet the criteria set forth by the ordinance with these additional requirements. Set-backs from property-lines, residents, schools and parks already severely limits where cultivation can happen.
 - Must be a 2 yr resident on parcels under 5 acres.
 - Must prove no impact on neighbors that share a property line on parcels under 5 acres either by proving how they will mitigate impacts or with signed statements from neighbors that they are agreeable to the cultivation even if there is some impact to them.

- All cultivation requires an MUP or a CUP
 - With the exception of Nursery-which does not present any of the risks or issues mature plants do
- Cultivation no larger than Specialty on parcels under 5 acres and no larger than Small on parcels between 5 and 10 acres
- Make set-backs from schools and parks be 1000 feet to the cultivation site, not the property line
- Indoor Cultivation
 - Must be 100 feet from the nearest residence
- Create a Neighborhood Compatibility Best Practices Check List:
 - The County has gathered a tremendous amount of feedback from neighborhood groups and from small cultivators. A checklist could be created from this data that a cultivator could be give prior to the application process. This would allow the cultivator to “test the waters” of their neighborhood for compatibility with their business plan.
- Additionally and possibly as a next step in the process – it is recommended that the County hire a liaison to work between cannabis applicants and neighbors. This person could be the first person an applicant meets with to determine compatibility with a neighborhood based on the completed check list. They could also work to educate neighbors throughout the MUP, CUP process.
- It is also recommended that the County employ in some fashion, people from the cannabis industry to go out on complaint calls. We have heard too many times that code enforcement comes out and evaluated a complaint, but nothing happens and the neighbor then just has to live with the problem. People from the cannabis industry are more familiar every aspect of the cultivation process, be it indoor, outdoor, or mixed light. Experts in each of these modalities will be far more likely to understand if there is a violation and how it must be effectively mitigated. It is also likely that a cannabis industry person will be more invested in truly resolving the issue because they are more invested in improving the image of the cannabis industry.

- We believe to make good policy it is imperative to employ the knowledge of people in the industry to understand the issues that are unique only to cannabis. For instance, no other industry in Sonoma County has a black market, no other industry has been self-regulating for decades prior to legalization. In addition, no industry is looked at so radically differently from one district to the next.
- Create a working committee that is made up of Staff, small cannabis cultivators (indoor, outdoor, mixed light), and neighborhood groups to further flesh out these concepts and make them into fully developed policy options that could be presented to the BOS.

The ideas presented above put the burden on the cultivator to show compatibility with neighbors, while allowing those that feel they can meet all the requirements the option to apply. If the BOS truly wants to increase participation by cultivators in the legal market, we believe these changes to policy would be a good start.