

Cannabis Ordinance Multi-Tenant Urgency Moratorium
Public Comment
Received
September 14, 2021 through September 16, 2021

From: [Sita Kuteira](#)
To: [Cannabis](#)
Subject: FW: Letter re Moratorium and Zoning Permits
Date: Tuesday, September 14, 2021 2:42:42 PM
Attachments: [Block 20210914 letter to board re zoning permits.pdf](#)

From: Sheryl Bratton <Sheryl.Bratton@sonoma-county.org>
Sent: Tuesday, September 14, 2021 2:39 PM
To: Debbie Latham <Debbie.Latham@sonoma-county.org>; Sita Kuteira <Sita.Kuteira@sonoma-county.org>
Subject: Fwd: Letter re Moratorium and Zoning Permits

FYI.

Sent from my iPad

Begin forwarded message:

From: Darin Bartow <Darin.Bartow@sonoma-county.org>
Date: September 14, 2021 at 11:10:56 AM PDT
To: Andrea Krout <Andrea.Krout@sonoma-county.org>, Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>, Elise Weiland <Elise.Weiland@sonoma-county.org>, Hannah Whitman <Hannah.Whitman@sonoma-county.org>, Jason Wilson <Jason.Wilson@sonoma-county.org>, Jennifer Mendoza <Jennifer.Mendoza@sonoma-county.org>, Jenny Chamberlain <jchamber@sonoma-county.org>, Karina Garcia <Karina.Garcia@sonoma-county.org>, Keith Roberts <Keith.Roberts@sonoma-county.org>, Leo Chyi <Leo.Chyi@sonoma-county.org>, Lynn Morton-Weil <Lynn.Weil@sonoma-county.org>, Mary Agneberg <Mary.Agneberg@sonoma-county.org>, Tina Thomas <Tina.Thomas@sonoma-county.org>, district3 <district3@sonoma-county.org>
Cc: Sheryl Bratton <Sheryl.Bratton@sonoma-county.org>, Marcie Woychik <Marcie.Woychik@sonoma-county.org>, Kyreen Gonzalez <Kyreen.Gonzalez@sonoma-county.org>, Caren Larkin <Caren.Larkin@sonoma-county.org>
Subject: FW: Letter re Moratorium and Zoning Permits

From: Susan Gorin <Susan.Gorin@sonoma-county.org>
Sent: Tuesday, September 14, 2021 11:00 AM
To: Darin Bartow <Darin.Bartow@sonoma-county.org>
Subject: Fwd: Letter re Moratorium and Zoning Permits

Susan Gorin

1st District Supervisor
County of Sonoma

*Be #SonomaSmart – Wash hands, wear masks, keep the distance.
It's all about community.*

575 Administration Drive, Room 100A
Santa Rosa, CA 95403
www.sonoma-county.org
susan.gorin@sonoma-county.org
Direct 707-565-2982
Cell 707-321-2788

Begin forwarded message:

From: Kevin Block <kb@winelawyers.com>
Date: September 14, 2021 at 9:47:10 AM PDT
To: district5 <district5@sonoma-county.org>, district3 <district3@sonoma-county.org>, district4 <district4@sonoma-county.org>, Susan Gorin <Susan.Gorin@sonoma-county.org>, David Rabbitt <David.Rabbitt@sonoma-county.org>
Cc: Robert Pittman <Robert.Pittman@sonoma-county.org>, Richard Parrott <richard.parrott@cdfa.ca.gov>, kevin.ponce@cdfa.ca.gov, lindsay.rains@cdfa.ca.gov
Subject: Letter re Moratorium and Zoning Permits

EXTERNAL

Kevin P. Block
Block & Block LLP
1109 Jefferson Street
Napa, CA 94559

T: 707.251.9871
C: 707.246.9013
kb@winelawyers.com

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BLOCK & BLOCK

ATTORNEYS

September 14, 2021

By Electronic Mail

Supervisor Lynda Hopkins (district5@sonoma-county.org)
Supervisor Chris Coursey (district3@sonoma-county.org)
Supervisor James Gore (distric4@sonoma-county.org)
Supervisor Susan Gorin (susan.gorin@sonoma-county.org)
Supervisor David Rabbitt (david.rabbitt@sonoma-county.org)
Sonoma County Board of Supervisors
575 Administration Drive Room 100A
Santa Rosa, CA 95403

Re: Cannabis Zoning Permit Moratorium

Dear Chair Hopkins and Members of the Board:

I am writing to bring to your attention two serious deficiencies in the County's handling of cannabis zoning permits. The scope and duration of the upcoming moratorium should be expanded so that the County addresses them both.

Medicinal Zoning Permits

First, under the Cannabis Ordinance, zoning permits are limited to medicinal cannabis (SCC 26-88-250(c)(1)). In 2018, the Board considered expanding the use of zoning permits to allow for recreational use but decided not to pursue that course of action after the need for additional CEQA review became evident.

Although the Cannabis Ordinance is perfectly clear, the County makes no effort to enforce the medicinal restriction by monitoring the distribution of product from zoning permit grows, even when an applicant seeks renewal.

The vast majority of such grows in the County are likely producing recreational cannabis in violation of the Cannabis Ordinance and state law. The County is aiding and abetting this large-scale evasion by carelessly failing to enforce this restriction or, worse, intentionally looking the other way.

The proposed moratorium is an opportunity to put an effective monitoring and enforcement program in place to ensure that projects approved by zoning permit are in fact producing and distributing only medicinal cannabis. Until that is done, zoning permits should not be issued or renewed.

Multi-Tenant Zoning Permits

Second, a moratorium on the issuance of multi-tenant ministerial cannabis permits will enable the County to correct an error in the way staff has issued such permits for years.

The Cannabis Ordinance, section 26-88-254(f)(2), authorizes the County to issue ministerial zoning permits to multiple tenants on a single parcel if, and only if, “the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.”

Table 1A governs allowed cannabis uses and permit requirements in agriculture zones. The maximum area allowed under a zoning permit for a “small outdoor” grow on land designated LEA or DA is 10,000 square feet and the minimum parcel size is 10 acres. Thus, the “aggregate cultivation area” for zoning permits for outdoor cultivation for multiple tenants operating on a single parcel may not exceed 10,000 square feet.

“*Aggregate* cultivation area” means the total area that may be cultivated by all multiple tenants on a single parcel, i.e., the maximum area under cultivation by all such tenants *combined*. If four tenants hold zoning permits on a single LEA or DA parcel, for example, they may grow 2,500 square feet each of outdoor, or an *aggregate* of 10,000 square feet, because 10,000 square feet is the maximum area of outdoor cannabis that may be cultivated on a single LEA or DA parcel pursuant to Table 1A.

Staff has consistently misinterpreted the multi-tenant provision to allow, for example, four tenants with zoning permits to grow up to 10,000 square feet *each*, or an aggregate of 40,000 square feet, on a single LEA or DA parcel. There are many such projects operating around the County today.

In his staff report discussing the proposed moratorium, the Agricultural Commissioner acknowledges that he issues multi-tenant ministerial permits based on this misreading of

the Ordinance.¹ His erroneous application of the multi-tenant provision does a serious disservice to the public since, as the Commissioner notes, multi-tenant zoning permits are ministerial and are therefore issued without public notice, environmental review, or a right of appeal.

The County should utilize the moratorium to remedy these multi-tenant violations quickly. It should (1) provide a full accounting of all multi-tenant cannabis cultivation projects, operating based on zoning permits, that exceed an aggregate outdoor cultivation area of 10,000 square feet in LEA and DA zones; (2) require those projects to reduce their areas under cultivation such that the combined total per parcel is no more than 10,000 square feet to comply with the Cannabis Ordinance; and (3) grant otherwise qualified pending applications for multi-tenant ministerial permits on a single LEA or DA parcel for an aggregate outdoor cultivation area of 10,000 square feet for all applicants combined.

Clear and consistent rules, fairly enforced, are in the interest of neighbors and the industry. I urge the Board to continue to work toward that goal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin P. Block', written over a horizontal line.

Kevin P. Block

Cc: Robert Pittman, Sonoma County Counsel (robert.pittman@sonoma-county.org)
Richard Parrott, Department of Cannabis Control (richard.parrott@cdfa.ca.gov)
Kevin Ponce, Department of Cannabis Control (kevin.ponce@cdfa.ca.gov)
Lindsay Rains, Department of Cannabis Control (lindsay.rains@cdfa.ca.gov)

¹ “Under the multi-tenant provision, four operators could each get a ministerial permit for up to 10,000 square feet each [sic] on the same 10 acre LEA parcel . . .” (*Summary Report by the Department of Agriculture to the Board of Supervisors on the Cannabis Ordinance Multi-Tenant Urgency Moratorium*, September 21, 2021 Agenda, page 2 of 5.)

From: [Charlie Dubbe](#)
To: [Andrew Smith](#); [Cannabis](#); [Chris Coursey](#); [district4](#); [Jenny Chamberlain](#); [Leo Chyi](#); [SONOMAAG](#); [Susan Gorin](#); [David Rabbitt](#); [Jennifer Klein](#); [Sean Hamlin](#)
Subject: Emergency Moratorium on multiple Cannabis Licenses
Date: Tuesday, September 14, 2021 10:10:23 AM

EXTERNAL

Dear Sonoma County Board of Supervisors, County Staff, and County Counsel,

I am writing in regards to the emergency moratorium on allowing multiple cannabis licenses on a single parcel.

A beloved old timer from occidental told me the following story. Before there were apples in this county, there were hops. When the apple orchards started popping up, the hop growers resisted it fiercely, worrying about land and water. When grapes started moving in in the 60s and 70s, the apple growers did the same thing, resisting the vineyards tooth and nail. Now both of these crops are part of the core agricultural identity of the county. It's what we are known for around the world. Cannabis is now in a similar position- the "new crop on the block", and of course, it's receiving a massive amount of resistance, both economically through high taxation and politically. However, it doesn't take a history teacher to see that cannabis has already become and will continue to grow into a pillar of the local economy. It will eventually even become part of the agricultural identity of the county as grapes and apples have.

It's a shame to see our county government shooting itself in the foot by resisting the tides of history. Instead of encouraging cannabis businesses, it creates a tenuous and costly road to permitting. This moratorium will make things much worse. It will make it essentially impossible for small and self financed farms like mine to get permitted through PRMD. Not to mention the challenge of paying the massive

canopy taxes while running a financially stable business.

This emergency moratorium is a step in the wrong direction. It will have disastrous effects on the livelihoods of thousands of people. It will take away much needed tax dollars from the county budget. It will push good farmers such as myself out, into other counties that are more open and welcoming to the abundance that cannabis can create for a community.

I understand that the county needs to cover its self in terms of legal Liability, but this policy change will have a huge negative effect on the local economy. UCSB has shown that one acre of cannabis brings in nearly \$800,000 to the local economy. This moratorium is antithetical to the role and responsibility that local government has to advocate for and act in the best interest of its citizens. It pushes the county and its economy backwards, not forwards.

I am writing to urge you to vote no on the emergency moratorium. If this is not possible due to political or legal challenges, the least you can do is to allow the farms that are already licensed with multiple permits to continue operating as they have (with their current acreage and under the department that has issued them permits) until the EIR is complete, and the board of supervisors has approved a new set of regulations.

Thank you for your time,
Charlie Dubbe

--

Charlie Dubbe

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From: [concerned citizens](#)
To: [Cannabis](#); [Scott Orr](#); [Crystal Acker](#); [BOS](#)
Subject: Moratorium on all cannabis adjacent to RR- Close the loopholes- Represent the people who live in communities in Sonoma County
Date: Wednesday, September 15, 2021 1:25:54 PM

EXTERNAL

Dear Sonoma County Officials,

Bloomfield residents are aware that multi-tenant ministerial permits in excess of 10,000 sq. ft. will not be licensed by the State. We are also aware that the legality of a single 10,000 sq. ft. ministerial permit for medical cannabis is falling under question as it is unclear how medical use would be enforced and the ministerial process skirts CEQA.

We are aware that cannabis is not like other agriculture as it was purported prior to the May 18th BOS vote. Therefor all agricultural lands should not be opened to wholesale permitting of cannabis as is assumed under the current ordinance. We are aware that neighborhood compatibility has yet to be addressed by the ordinance although it was discussed by the BOS and promised. We are also aware that the site preparation (well drilling) on the land adjacent to our town (6405/ 6410 Cockrill St.) was likely illegally permitted in light of the ministerial cannabis permits currently under review for that site.

Not once but twice a commercial cannabis operation is seeking to utilize county sanctioned loopholes to grow two acres of cannabis adjacent to residents through a ministerial process. Residents of Bloomfield have begun to see clearly that our interests are being woefully underserved on this land use issue by the current ordinance. We have been actively engaging in working with the county to improve this ordinance since November 2020. If there were already exclusion zones surrounding rural enclaves and reasonable 1000 ft minimum buffer zones in place and transparent legal process, there would be no need for distress or persistence. Rural residents all over Sonoma County strongly support a moratorium on all cannabis permitting adjacent to residences until the EIR is complete and the ordinance is rewritten to include neighborhood compatibility.

Would you want to wake up one day and find that a plan for two acres of commercial cannabis was being developed next door to your home?

Thank you on behalf of CCOBloomfield

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From: [Green Valley Community Farm](#)
Subject: Cannabis Urgency Moratorium
Date: Tuesday, September 14, 2021 3:17:23 PM

EXTERNAL

To all Sonoma County Supervisors, County Counsel and the Ag/Cannabis County staff,

This email is in regards to the Cannabis Urgency Moratorium.

My wife and I are long time vegetable farmers in Sonoma County and recently were approved by the Ag Dept. for two 10,000 sq ft permits on the farm we operate in Sebastopol.

We need you to know that the Cannabis Urgency Moratorium threatens the viability of our business and will have a catastrophic effect on numerous other farmers in Sonoma County who have established themselves under the current permit stacking rules.

The path to outdoor cannabis licensing through the PRMD is tenuous, and so expensive that it will be impossible for small, self-financed farmers like ourselves to afford it.

This moratorium would thus end our ability to operate at a viable scale, would contribute to a huge loss of jobs, loss of economic activity (*UC Santa Barbara did a study that showed that 1 acre of cannabis contributes \$785,000 per year in consumption of local goods and services*), the closure of businesses, and a major loss of tax dollars for the County.

We also question how responsible it is for County leaders to set up a framework, allow farmers to establish their businesses under that framework, and then to take it away a few years later.

We ask that you allow current operators with stacked licenses to continue under the current framework until the EIR is reviewed, signed and ratified. It is only fair to farmers like us, operating in good faith under the current rules, to continue doing so until the new rules have been researched, discussed, and decided upon.

As food producers in Sonoma County, we believe cannabis can help local farmers like us keep pace with the exploding cost of living and doing business in this County. This moratorium would kill that possibility.

Thank you for your time and your consideration.

David Plescia

Green Valley Community Farm
13024 Green Valley Rd. Sebastopol, CA 95472
greenvalleycommunityfarm.org
707-775-9845

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From: [Elliot Marshall](#)
To: [Cannabis](#)
Subject: Cannabis Urgency Moratorium
Date: Tuesday, September 14, 2021 9:23:15 AM

EXTERNAL

To all Sonoma County Supervisors, County Counsel and the AG/Cannabis County personnel,

This email is in regards to the Cannabis Urgency Moratorium. We need you to know that these decisions you are making could have catastrophic effects on outdoor cultivation in Sonoma County.

The path to outdoor cannabis licensure through PRMD will be tenuous and honestly, essentially impossible for small, self-financed farmers. If you take away the current structure that allows for license stacking, you will effectively kill the ability for Sonoma County cultivators to operate. This will contribute to a huge loss of jobs, loss of economic activity (UC Santa Barbara did a study that showed that 1 acre of cultivated cannabis contributes \$785,000 per year in local consumption of goods and services), not to mention a major loss of tax dollars for the county.

I ask that you allow all currently permitted cannabis cultivation to continue at its current acreage through the agency that certified it, until the EIR is reviewed, signed and ratified. It is prudent and responsible to allow cannabis growers to continue farming until the new rules have been researched, discussed, and re-written.

Cannabis cultivators are dependent on cannabis as an integral part of their financial viability. During this interim period when the EIR is being evaluated, it seems irresponsible and unfair to take away their ability to cultivate cannabis with the acreage they already have legal licenses for.

As a long-term resident of Sonoma County, I believe cannabis has an integral role to play in keeping the rural and farming culture of Sonoma County alive.

Thank you for your time and consideration,

Elliot Marshall

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From: acmwc@comcast.net
To: [Cannabis](#)
Subject: an interim moratorium on multi-tenant cannabis cultivation permits
Date: Wednesday, September 15, 2021 9:50:23 PM

EXTERNAL

Hello Sonoma County Board of supervisors,

I strongly support a moratorium on multi-tenant cannabis cultivation permits.

The current drought, which will continue and worsen, can not support the high water use that growing cannabis requires.

My small neighborhood water company is continually threatened by the State Water Resources Control Board which is quit willing to shut us down but will not dare go after the wineries, frackers, miners, and loggers.

We need to control non-essential water use if we are to survive.

Thank you.

Linda Petrulias
23 Silvia Drive
Cazadero. CA 95421
acmwc@comcast.net

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From: [Luna Rae](#)
To: [Susan Gorin](#)
Subject: Request from a Local farmer
Date: Tuesday, September 14, 2021 8:49:34 AM

EXTERNAL

To all Sonoma County Supervisors, County Counsel and the AG/Cannabis County staff,

This email is in regards to the Cannabis Urgency Moratorium. We need you to know that these decisions you are making could have catastrophic effects on outdoor cultivation in Sonoma County.

The path to outdoor cannabis licensing through PRMD will be tenuous and honestly, essentially impossible for small, self-financed farmers. If you take away the current structure that allows for license stacking, you will effectively kill the ability for Sonoma County cultivators to operate. This will contribute to a huge loss of jobs, loss of economic activity (UC Santa Barbara did a study that showed that 1 acre of cultivated cannabis contributes \$785,000 per year in local consumption of goods and services), not to mention a major loss of tax dollars for the county.

We ask that you allow all currently permitted cannabis cultivation to continue at its current acreage through the agency that certified it, until the EIR is reviewed, signed and ratified. It is prudent and responsible to allow us to continue farming until the new rules have been researched, discussed, and re-written.

Cannabis cultivators are dependent on cannabis as an integral part of their financial viability. During this interim period when the EIR is being evaluated, it seems irresponsible and unfair to take away their ability to cultivate cannabis with the acreage they already have legal licenses for.

As long-term residents of Sonoma County, we believe cannabis has an integral role to play in keeping the rural and farming culture of Sonoma County alive.

Thank you for your time and your consideration.

Rachael

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From: [Richard R. Rudnansky](#)
To: [Susan Gorin](#); david.rabbit@sonoma-county.org; [district4](#); [district](#); [district5](#); [Cannabis](#)
Subject: September 21, 2021 BOS Agenda #17/Cannabis Ordinance Multi-Tenant Urgency Moratorium 2021-0911
Date: Tuesday, September 14, 2021 1:48:27 PM

EXTERNAL

Members of the Board of Supervisors:

I request that the Board of Supervisors adopt the Interim Moratorium on Multi-Tenant Cannabis Cultivation Permits that will be under consideration on September 21, 2021.

While I am favor of this moratorium, in my view it does not go far enough.

The Board's initial decision not to do an EIR when the cannabis ordinance in 2016 was first considered and again in 2018 when amendments were considered along with the multi-tenant cannabis cultivation permit process clearly shows that there are unintended consequences that were not considered by the Board in its rush to allow commercial cannabis operations in the County despite the consequences.

It is clear that already permitted operations are having significant adverse impacts to areas of the county and particularly to rural neighborhoods that should be considered in the upcoming EIR. In addition the County's enforcement of the current ordinance and abatement of violations has been ineffective apparently because staff doesn't have the resources and can't even keep up with violations from operations already in place.

Therefore I respectfully ask that the Board not only adopt the proposed interim moratorium ordinance but also immediately place on an agenda as soon as possible consideration of a moratorium on the acceptance, processing, and approval of any new cannabis operation applications for permits of any kind at least until the anticipated EIR is complete.

Please include this email as part of the public record on this item.

Thank you for your attention and consideration.

Richard R. Rudnansky
Bennett Ridge Resident

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From: [Sharon Church](#)
To: [Susan Gorin](#); [Cannabis](#)
Cc: [Arielle Kubu-Jones](#)
Subject: Interim Moratorium on Multi-Tenant Cannabis Cultivation Permits - SUPPORT This Proposal
Date: Wednesday, September 15, 2021 4:05:08 PM

EXTERNAL

Supervisor Gorin,

For your September 21 vote, please support the initial moratorium through October 26 as well as a two year extension of the moratorium and requiring a conditional use permit for multi-tenant permittees. I do not support the current penalty relief program.

The drought is real--our reservoirs are drying up and rivers and creeks are not flowing. This is part of climate change which I know you acknowledge. However, it is wishful thinking to ignore our alarming water situation and continue to plant marijuana, increase vineyards and hotels, and build houses which only increases the need for more affordable housing which does not exist. Where will the increased water supplies come from? Without water, we are doomed.

We need to **STOP** this denial and self-destruction. We see what the COVID denial has done to Florida and Texas. Denying the drought portion of climate change cannot continue here in Sonoma County. Look at the water crisis in Mendocino--is that what awaits us??? Worse????

Time to put the brakes on and focus on water solutions. YES on the moratorium, extension, and requiring a conditional use permit for all multi-tenant permittees. NO to a penalty relief program.

Thank you.

Sharon Church
15241 Marty Drive
Glen Ellen, CA

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From: [Steven Hightower](#)
To: [Cannabis](#)
Subject: YES on cannabis moratorium.....NOW
Date: Tuesday, September 14, 2021 5:19:13 PM

EXTERNAL

Sent from iPad, so please excuse any grammar or spelling glitches due to typing on glass.....

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Warning: If you don't know this email sender or the email is unexpected,
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From: [William Blackmon](#)
To: [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [district4](#); [Lynda Hopkins](#); [Jennifer Klein](#); [Andrew Smith](#); [Debbie Latham](#)
Cc: [Tennis Wick](#); [Sita Kuteira](#); [Sheryl Bratton](#)
Subject: Cannabis Urgency Moratorium
Date: Tuesday, September 14, 2021 9:52:16 AM

EXTERNAL

To all Sonoma County Supervisors, County Counsel and the AG/Cannabis County personnel,

This email is in regards to the Cannabis Urgency Moratorium. We need you to know that these decisions you are making could have catastrophic effects on outdoor cultivation in Sonoma County.

The path to outdoor cannabis licensure through PRMD will be tenuous and honestly, essentially impossible for small, self-financed farmers. If you take away the current structure that allows for license stacking, you will effectively kill the ability for Sonoma County cultivators to operate. This will contribute to a huge loss of jobs, loss of economic activity (UC Santa Barbara did a study that showed that 1 acre of cultivated cannabis contributes \$785,000 per year in local consumption of goods and services), not to mention a major loss of tax dollars for the county.

We ask that you allow all currently permitted cannabis cultivation to continue at its current acreage through the agency that certified it, until the EIR is reviewed, signed and ratified. It is prudent and responsible to allow them to continue farming until the new rules have been researched, discussed, and re-written.

Cannabis cultivators are dependent on cannabis as an integral part of their financial viability. During this interim period when the EIR is being evaluated, it seems irresponsible and unfair to take away their ability to cultivate cannabis with the acreage they already have legal licenses for.

As long-term residents of Sonoma County, we believe cannabis has an integral role to play in keeping the rural and farming culture of Sonoma County alive.

Thank you for your time and hopefully your consideration.

William Hancock

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From: [Paul Morrison](#)
To: [Susan Gorin](#); [Cannabis](#)
Cc: [Arielle Kubu-Jones](#)
Subject: Interim Moratorium on Multi-Tenant Cannabis Cultivations Permits - Support this Proposal
Date: September 21, 2021
Thursday, September 16, 2021 8:55:22 AM

EXTERNAL

Supervisor Gorin,

For your September 21 vote, please support the initial moratorium through October 26 as well as a two year extension of the moratorium and requiring a conditional use permit for multi-tenant permittees. I do not support the current penalty relief program.

The drought is real--our reservoirs are drying up and rivers and creeks are not flowing. This is part of climate change which I know you acknowledge. However, it is wishful thinking to ignore our alarming water situation and continue to plant marijuana, increase vineyards and hotels, and build houses which only increases the need for more affordable housing which does not exist. Where will the increased water supplies come from? Without water, we are doomed.

We need to **STOP** this denial and self-destruction. We see what the COVID denial has done to Florida and Texas. Denying the drought portion of climate change cannot continue here in Sonoma County. Look at the water crisis in Mendocino--is that what awaits us??? Worse????

Time to put the brakes on and focus on water solutions. YES on the moratorium, extension, and requiring a conditional use permit for all multi-tenant permittees. NO to a penalty relief program.

Thank you.

Paul Morrison
976 Glenwood Dr
Sonoma, CA 95476

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do not click any web links, attachments, and **never** give out your user ID or password.

From: [Andrew Smith](#)
To: [Cannabis](#); [Sita Kuteira](#); [McCall Miller](#)
Subject: FW: Opposition to Cannabis Permits for APNS 120-150-053, 120-150-054, and 120-150-055
Date: Thursday, September 16, 2021 9:21:25 AM
Attachments: [2021 09 08 D. Wilson Ltr re Cannabis Permits.pdf](#)
[2021 09 16 D. Wilson Ltr re Cannabis Permits.pdf](#)

From: Daniel J. Wilson <DWilson@abbeylaw.com>
Sent: Thursday, September 16, 2021 9:07 AM
To: Susan Gorin <Susan.Gorin@sonoma-county.org>; Robert Pittman <Robert.Pittman@sonoma-county.org>; Andrew Smith <Andrew.Smith@sonoma-county.org>; Sheryl Bratton <Sheryl.Bratton@sonoma-county.org>
Cc: Jessica K. Lane <JLane@abbeylaw.com>; David Rabbitt <David.Rabbitt@sonoma-county.org>; district3 <district3@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@sonoma-county.org>
Subject: Opposition to Cannabis Permits for APNS 120-150-053, 120-150-054, and 120-150-055

EXTERNAL

Board of Supervisors, Ms. Smith, Mr. Pittman, and Ms. Bratton:

I am an attorney who represents Ken Parr, the owner of several properties on Franz Valley School Road. I am submitting the attached letter on Mr. Parr's behalf to express our opposition to the cannabis permits AT Farms LLC, Pew Pew Farms LLC, Sierra Pooch LLC, and 508 Vineyards LLC applied for between May 11 and May 14, 2021. This letter also supports a moratorium on Small Outdoor permits. A copy will be sent by mail as well.

This letter follows the letter I previously sent on September 8, 2021, which also is attached.

Please do not hesitate to reach out should you like to discuss. Thank you.

Daniel Wilson, Esq.

ABBey, WEITZENBERG, WARREN & EMERY, PC

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Attorneys and Counselors at Law

September 8, 2021

VIA E-MAIL & U.S. MAIL

Chair Susan Gorin and Members of the
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575 Administration Drive
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Santa Rosa, CA 95403
Sheryl.bratton@sonoma-county.org

Re: Agricultural Cannabis Permits / APNS 120-150-053, 120-150-054, 120-150-055

Board of Supervisors, Mr. Smith, Mr. Pittman, and Ms. Bratton:

My firm represents Ken Parr, the owner of the properties at 8410, 8420, 8430, and 8394 Franz Valley School Road, Calistoga 95415 (Sonoma County).

We are writing this letter to oppose the applications for outdoor cannabis cultivation filed by AT Farms LLC, Pew Pew Farms LLC, Sierra Pooch LLC, and 508 Vineyards LLC for APNS 120-150-053 (submitted May 11-12, 2021), 120-150-054 (submitted May 18, 2021), and 120-150-055 (submitted May 14, 2021). These properties adjoin or are near Mr. Parr's properties.

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We acknowledge, fully support, and join the positions expressed in the May 27, 2021 letter from Wendel Rosen LLP (sent on behalf of Donelan Family Wine Cellars LLC) and August 13, 2021 letter from Behmke Law PC (sent on behalf of a number of Franz Valley Road property owners).

As these letters recount, and as careful review by the County will confirm, there are myriad grounds for denying the permits, and the operations proposed by the applicants place the surrounding community in great danger. These include, but are not limited to, the following:

- The permit applicants are in bad faith attempting to circumvent the more comprehensive regulatory review and use permit application process required for Medium Outdoor Permits (those in excess of 10,000 square feet) by splitting up their request into eleven Small Outdoor Permits (for less than 10,000 square feet). This is not just a technical issue, but it endangers the rights of the community because, if the applicants were to have sought Medium Outdoor Permits (as required), there would be notice to neighboring properties, formal opportunity for comment at a public hearing, and substantial environmental review.
- As part of this effort to skirt the rules, the applicants have gone through great lengths to create the illusion that they are, in fact, independent applicants. While they are nominally independent entities, the LLCs have the same mailing address, seek permits for contiguous properties, and applied basically on the same date for each property. It is clearly a coordinated effort of a much bigger player.
- As is well known, cannabis cultivation is very water-intensive, far more so than wine grapes. As the County knows all too well, the state is in an extreme drought and water more than ever is a scarce resource. The proposed cultivation threatens to exhaust the water supply that neighboring properties have relied upon for decades. Although the applicants have submitted water-use analysis with their applications, the analysis is unsupported, at best, and downright suspicious or deceptive, at worst. Furthermore, as the properties were previously dry-farmed, there inevitably will be a serious increase in water usage even if the cultivation operations use water efficiently.
- The large-scale cultivation proposed by the applicants would cause noxious odors and, worse, may threaten the neighbors' crops with terpenes that may damage grapes.
- There are well-known safety and security concerns associated with marijuana cultivation that have no parallel in the wine industry. The neighbors are at risk of becoming collateral damage in violent theft and other crimes. Furthermore, insofar as

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the applicants take measures to ward off these risks, that likely would create separate issues altogether, such as unsightly fences, bothersome lighting, etc.

To be clear, Mr. Parr does not oppose cannabis cultivation when it is done responsibly and through an honest and lawful process, with appropriate respect and consideration for the surrounding community and its interests. However, this is not one of those situations.

We respectfully ask that the County deny the applications. Furthermore, we ask for a moratorium on permits for cannabis cultivation so that the County—with fuller public and expert input—can thoroughly investigate and address the potential loopholes that the applicants here have attempted to exploit, as well as the other issues that larger-scale cannabis cultivation presents.

ABBHEY, WEITZENBERG, WARREN & EMERY P.C.

A handwritten signature in black ink, appearing to read 'D. Wilson', is written over a horizontal line.

Daniel J. Wilson

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Attorneys and Counselors at Law

September 16, 2021

VIA E-MAIL & U.S. MAIL

Chair Susan Gorin and Members of the
Sonoma County Board of Supervisors
575 Administration Drive
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Board of Supervisors, Mr. Smith, Mr. Pittman, and Ms. Bratton:

My firm represents Ken Parr, the owner of the properties at 8410, 8420, 8430, and 8394 Franz Valley School Road, Calistoga 95415 (Sonoma County).

This letter follows the one I sent on September 8, 2021 regarding the 11 applications for Small Outdoor cannabis permits for APNS 120-150-053, 120-150-054, and 120-150-055 submitted in May 2021. If granted, these permits would allow 110,000 square feet of cannabis

September 16, 2021

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growing. For the reasons set forth in my previous letter—and the letters of myriad other concerned parties—the permit applications must be denied.

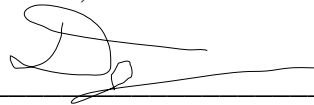
We join the position expressed in Jay Behmke's September 9, 2021 letter (sent on behalf of many property owners), which adds further detail showing how the applicants here—and applicants more generally—are misusing the ministerial permit process by submitting multiple Small Outdoor applications to bypass the far more robust restrictions and public and regulatory oversight applicable to larger cultivations. This problem has become pervasive, as the chart on Page 4 of Mr. Behmke's September 9, 2021 letter demonstrates. This strongly supports a moratorium on the issuance of new Small Outdoor permits because it is clear that the regulatory framework has become ineffective, dysfunctional, and prone to abuse.

Additionally, as the applications reflect and Mr. Behmke flags, the waste management plans for the particular permits at issue here are deficient and, insofar as one can glean meaningful information from them, the information is alarming. This includes because: (a) critical time period information is missing or unclear for its estimate of waste; (b) the applicants fail to account for how or where more than 1,000 cubic yards of cannabis waste plausibly are going to be composted onsite per growing season. Furthermore, with that anticipated volume of composting, there likely would be noxious odors, debris, and pest problems, causing further problems for the neighbors—who, again, have been robbed of their ability to have formal public comment by the applicants' improper method of applying for their permits. The extensive waste generated by the cultivation may also threaten to contaminate the community's water. For example, the nearby waterways run into Franz Creek, which in turn leads to the Russian River.

At minimum, these issues have not been adequately studied and the applicants here certainly have not furnished sufficient information to give anyone peace of mind that the neighbors and public at large will not be injured by their planned conduct.

Based on the above, my previous letter, and the volumes of public opposition that the County otherwise has received, the permits should be denied and a moratorium on Small Outdoor permits put into effect. Thank you.

ABBHEY, WEITZENBERG, WARREN & EMERY P.C.



Daniel J. Wilson

From: john777777@yahoo.com
To: [Andrew Smith](#); [Scott Orr](#); [Crystal Acker](#); [Cannabis](#)
Subject: Cannabis ministerial moratorium
Date: Thursday, September 16, 2021 9:36:51 AM

EXTERNAL

Thank you for your difficult work on the cannabis issues of our day.

This is a letter I sent to the cannabis department about the upcoming proposed moratorium which we are strongly against for many reasons mainly that it hurts the small independent farmers like we.

Thank you again for your consideration. Have a beautiful day.

With Respect, Appreciation, and Gratitude,
John Loe

I have a ministerial permit and one other person had a ministerial permit on my property at 1700 Barlow Lane in Sebastopol.

The ministerial process gave the other owner and me a way to do a small outdoor cultivation where a cup would have been too expensive and uncertain.

I've heard some folks making up stories and negative things about my property and farm. It is extremely private, quiet, and professional. I live on site with my wife and two small children. The local neighbors are lying about me and have no problem making up stories about anything inflammatory to get someone to stop my farm.

I am interested to invite you to my farm. You can meet my wife and also you can meet Mark Severe who operates the other ministerial permit. Our property and farm speaks for itself along with the straight A grades we have gotten from local and state inspections.

Those people who are saying that there is not enough enforcement have no idea what they are talking about. I can tell you that from a very high level of personal understanding. There are many surprise inspections and they are traumatic for small children and it is very rigorous. Why do these people want to torture cannabis farmers and see them treated like criminals?

The setbacks already are too far. 300 feet from houses is too much for most farmers to use their land. The opposition knows that and will just ask for more knowing this will cripple many farmers.

This is a stressful nightmare to cannabis operators. One moment the ordinance was moving forward to help cannabis operators who were holding on. The next moment the ordinance is dismissed after years of work including the public.

And now the emergency ordinance to stop ministerial permits with multiple tenants? That was setup that was to help people like me and Mark. We are family operators and small independent hard working people. We are from this industry and are trying to stay alive through this challenging transition.

How could all the momentum turn towards the very vocal anti-cannabis crowd? The pro-cannabis people have been exhausted out of this process from the years of work and dead ends. Now we start from scratch and an emergency ordinance is proposed to give the opposition what they want. What about the pro cannabis side?

Families like mine have trusted the county to be fair and now the opposition is getting favoritism by an emergency ordinance.

Come see my farm. See how a multi tenant operation looks. Meet me and my loved ones.

We are being run through the mud and it's a terrible. It's not right what is happening to people like us. It is a travesty the life of a Sonoma cannabis operator. It feels like a torture chamber. This is our life. We don't bother anyone. Come see. You need to know how much these neighbors are lying.

Please be fair to cannabis operators who have invested their lives into their businesses. Nothing will ever satisfy the anti-cannabis crowd. The cannabis farmers need protections so we can live our lives without this torment.

We had neighbors harassing us with drones. we had trespassing neighbors. A angry woman named Tess intimidates and screams at my wife when she is walking our small child and baby. They have written in public comment that I "occasionally" shoot high powered guns. (There has never been a gunshot fired on this property in the 12 years I've lived here. Ever. This is an example of the outright lies). They said I commit elder abuse because I respond to defend myself from a screaming aggressive old lady while walking w my family. That same lady sent my dog to the pound and told them I beat me dog. You seriously could not make up the lies. They think I set off fireworks when it is the property accross the creek that has the large man made lake. It never is us and they continue to blame us.

These people loved me and my family before they found out I was a cannabis operator. The. They turned on us and ganged up against us. It's hard to explain how this feels with a wife and small children. I won't let them bully us. And I hope you all understand how this process has created monsters in these people. Cannabis operators have been extincted and it's incredibly sad.

Please make things more ministerial and adhering to state law. Setback need to be minimized. Ag land should be protected from groups of lying and antagonistic opposition.

We thought the ordinance that passed planning 3-2 was very good. I prefer the original proposer ordinance by commissioner Andrew smith. It created more ministerial which will create the certainty needed for cannabis operators and it also will DEACTIVATE these monsters doing and saying anything they can no matter how untrue or manipulative to achieve their goals to harm cannabis operators.

It's hard to be optimistic seeing the emergency ordinance proposal. It's such a bad idea. Leave the system alone for now. Enough damage has already been done to the poor independent cannabis farmers. We were counting on chapter 26 and 38. And now we have to wait 3 years. And now they want to end ministerial path for multiple tenants. It's so bad what is happening. I'm starting to feel like this is the county turning it's back on cannabis before we have even had a chance. The spiteful liars are laughing and families like mine are considering if we can live like this anymore.

Thank you for your work. I understand how difficult this is. I will do my best to trust this process.

Sincerely,
John Loe
Loe Cannabis
707-237-4751

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From: [Luci Mendoza](#)
To: Andrew.Smith@sonoma-county.org; [Daniella Reagan](#); [Cannabis](#); [Lori Pascarella](#)
Subject: Fw: cannabis moratorium
Date: Thursday, September 16, 2021 9:22:23 AM

EXTERNAL

Letter sent to David Rabbitt. Please consider support for our need. Thank you.

From: Luci Mendoza
Sent: Thursday, September 16, 2021 9:13 AM
To: Supervisor David Rabbitt <david@davidrabbitt.com>
Subject: cannabis moratorium

Hoping you can put in a word for us to the Ag Commissioner. The up-coming moratorium on cannabis threatens to end our permitting process for a plot on our ranch. Legally and, hopefully, politically we are ok to move forward and have completed all the requirements for our project. Yet, the Ag Comm. apparently is denying us the right to establish the one ag product that can keep us in business. The drought, lack of employees, increasing feed and wage costs, our age, etc. is taking a toll on our dairy. We can't even sell our organic cows to relieve pasture stress or provide temporary financial relief as there is no market. We can't switch to grapes due to glut of product and time to establish; can't plant hemp because all our neighbors have cannabis; can't switch to beef because our pastures are currently dried up. We do have a few acres of irrigated pasture thanks to Petaluma effluent, but not nearly enough to support the business. The recycled water would support a cannabis site. It does not take from ground water, conversely our irrigation replenishes the groundwater. This one possible source of income would hopefully buy us time to survive the drought, get our missing milker back (currently stuck in Mexico waiting for final papers) and continue in agriculture. We have been in Sonoma county since 1979; active in Farm Bureau, the Petaluma fair board, North Bay Ag Alliance, CWA, and other agricultural and community activities. We have spent 52 years of our married lives building a business and heritage for our children and we are looking at losing it all. Please speak to the Ag. Commissioner on our behalf. We are not in a location that is opposed to cannabis; the permit process is complete. Please acknowledge this email. Thank you.

Jim and Luci Mendoza 601 Stage Gulch Rd. Petaluma, 94954 707 778-1007

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From: [Norman](#)
To: [Cannabis](#)
Subject: Moratorium
Date: Thursday, September 16, 2021 11:13:10 AM

EXTERNAL

I strongly recommend an interim moratorium.
Norm Weisbrod
Penngrove CA

Sent from my iPhone

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