

Extension of Urgency Ordinance No. 6354 -
Cannabis Ordinance Multi-Tenant
Moratorium

Public Comment received after
October 25, 2021 2:30 PM through
October 26, 2021 at 12 PM

From: [john 777777](mailto:john777777)
To: [Cannabis](#)
Subject: Re: CANNABIS ORDINANCE MULTI-TENANT ORDINANCE MORATORIUM
Date: Monday, October 25, 2021 4:56:54 PM
Attachments: [Loe Letter to BOS - emergency ministerial permit moratorium.PDF](#)

EXTERNAL

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October 25, 2021 Sent via email

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

Re: CANNABIS ORDINANCE MULTI-TENANT ORDINANCE MORATORIUM

Dear Supervisors,

We are writing to request the Board take a stand, stick by your word, **ALLOW THE MORATORIUM TO EXPIRE** and direct staff to cease further work on ordinance amendments related to the subject matter. We further request that the Board **EXTEND THE ISSUED MULTI-TENANT ZONING PERMITS FOR 5 YEARS**.

We are tired of the everchanging policy and regulatory landscape that the Board continues to drag us all through. We understand County staff is equally tired as it cannot even handle its current workload. Permit Sonoma still struggles with addressing the penalty relief projects from 2017. For the Board to add to this workload by requiring use permits for multi-tenant operations would cause a permitting catastrophe contrary to the Board's direction on December 17, 2019.

The evolving policy direction provides no certainty in the process. Since adoption of Proposition 64 and the local ordinance, and its amendments, the operators were led to believe that the Board was supportive of legalizing operations and finding ways to streamline the processes. The extension of the moratorium would send a conflicting message and expose the County to unwanted legal claims.

We have made substantial investments in our property and its associated infrastructure upon good faith reliance on the existing regulations. A Board directive to shift this direction causes an unmitigated effect. We recently filed Zoning Permit ZP21-0001 for a cottage indoor operation. Our tenants have also filed zoning permits (ZPC-0002 through ZP21-0005). These are the only zoning permits filed this year, so it is clear **the indoor multi-tenant indoor cottage operations are not rampant and do not rise to a level of concern**. The multi-tenant zoning permit process does provide opportunity for small farms to enter the market. Taking this opportunity away only exasperates the presence of large operations and limits small independent operations.

Yes, the application fees have been paid, but this is only a drop in the bucket regarding the investments that have been made to date upon reliance of the ordinance. Our tenants and us have paid consultants, legal representatives, and designers to achieve the zoning permit submittals. We have also obtained building permits that have associated permit fees. Does the County plan to refund all these costs that total over \$200,000?

We respectfully ask the Board to stick by its policy direction, let the moratorium expire, extend the issued multi-tenant for 5-years and save County staff from additional workload. Otherwise, feel free to reach out to me at (707) 237-4751 or john777777@yahoo.com if you have any additional questions or comments.

Sincerely,

John and Samantha Loe

October 25, 2021

Sent via email

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

Re: CANNABIS ORDINANCE MULTI-TENANT ORDINANCE MORATORIUM

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Sincerely,



John and Samantha Loe

From: [Jane Marx](#)
To: [district5](#); [district3](#); [district4](#); [Susan Gorin](#); [David Rabbitt](#); [Cannabis](#)
Subject: Cannabis permitting comments and concerns
Date: Monday, October 25, 2021 6:51:02 PM

EXTERNAL

Dear Supervisors,

We are extremely dismayed with the way the cannabis permitting has been handled. **It sure looks like a few large growers have gamed the system, particularly if reviewing the one acre and multitenant violations on record.**

We request these items be included in any ministerial (small grower) permit policy:

1. Extend the existing emergency moratorium on ministerial multi-tenant cannabis cultivation
2. Reject the staff recommendation that the ministerial permit term be extended unconditionally from one year to five years, which is a violation of CEQA
3. Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel
4. All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration
5. Apply these same rules to all renewal applications that must be resubmitted annually

The Conditional Use Permit (CUP) process is available for growers who do not meet these conditions. When applying for a CUP, neighbors are notified and they have a chance to respond with any concerns. We're trying to prevent bad projects from being approved behind closed doors. Alternatively, the County of Sonoma could just wait until the Environmental Impact Report (EIR) is completed.

Please show leadership and think of your constituents who will be affected by this.

Thank you,

Jane Marx and David Dammuller
2944 Bardy Road
Santa Rosa

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From: [Matthew Ferraro](#)
To: [David Rabbitt](#); [Cannabis](#); [James Gore](#); [Lynda Hopkins](#); [Susan Gorin](#); [Chris Coursey](#)
Subject: URGENT Public Comment Oct. 26 Cannabis Agenda Urgency Moratorium and Summary Report
Date: Monday, October 25, 2021 3:26:59 PM
Attachments: [Matt Ferraro MRFCO Inc. Letter to BOS 10.25.2021.pdf](#)

EXTERNAL

Matthew Ferraro
MRFCO Inc.
1074 Stage Gulch Road
Petaluma, CA 94954

October 25, 2021

RE: Extension of Urgency Ordinance No 6454-Cannabis Ordinance Multi-Tenant Moratorium and Summary Report recommendations submitted for public hearing.

Dear Board of Supervisors,

I have been in the application process for over six months. I have invested nearly two years of time finding sites, working out leases, and getting studies and reports completed for an investment of around \$80,000 per site application on 3 different applications, plus submitted my renewal on an existing 10,000 SF cultivation permit. The proposed partial application fee refund does not factor the full investment of time and money that has gone into the permit applications that are in the review process.

All of my contracted site studies review cumulative impacts of the other applications on the site. All cumulative impacts are taken into account in the biotic studies, hydrogeological studies, and cultural resource studies. Co-cultivation on a site allows for my own separate licensed 10,000 SF cultivation area, but also to be more sustainable in my operations by sharing things such as portable restrooms and waste hauling services.

The Board of Supervisors and County must provide a path forward for applications like mine which have been stuck in the ministerial permitting review process for over six months because Sonoma County cannabis politics have caused direct interference in the permit review process. What is supposed to be ministerial review has clearly been pushed to discretionary review because of county politics, even prior to the passing of the first temporary multi-tenant urgency moratorium. To suggest a partial application fee refund when I have invested two years and tens of thousands of dollars in each of my applications that are currently "in review" is not acceptable.

Cannabis is a legal industry and needs to be recognized and treated as such by the Board

of Supervisors, and all county staff and advisors. I ask that you please stop criminalizing those of us who want to be a successful part of the legal California cannabis industry.

Sincerely,

Matt Ferraro, Owner/CEO
MRFCO Inc.

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Matthew Ferraro
MRFCO Inc.
1074 Stage Gulch Road
Petaluma, CA 94954

October 25, 2021

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Cannabis is a legal industry and needs to be recognized and treated as such by the Board of Supervisors, and all county staff and advisors. I ask that you please stop criminalizing those of us who want to be a successful part of the legal California cannabis industry.

Sincerely,

Matthew Ferraro

From: [Jennifer Klein](#)
To: [Cannabis](#)
Cc: [Sita Kuteira](#)
Subject: FW: Item 19, 10/26/21 BOS Meeting
Date: Monday, October 25, 2021 5:37:28 PM
Attachments: [10_26_21_cannabis_moratorium_ltr_final_2.pdf](#)

-----Original Message-----

From: Robert Pittman <Robert.Pittman@sonoma-county.org>
Sent: Monday, October 25, 2021 1:10 PM
To: Sita Kuteira <Sita.Kuteira@sonoma-county.org>; Jennifer Klein <Jennifer.Klein@sonoma-county.org>
Subject: FW: Item 19, 10/26/21 BOS Meeting

-----Original Message-----

From: Sonia Taylor <great6@sonic.net>
Sent: Monday, October 25, 2021 1:04 PM
To: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>
Cc: Sheryl Bratton <Sheryl.Bratton@sonoma-county.org>; Robert Pittman <Robert.Pittman@sonoma-county.org>; Paul Gullixson <Paul.Gullixson@sonoma-county.org>; Jim Sweeney <jim.sweeney@pressdemocrat.com>; Emma Murphy <emma.murphy@pressdemocrat.com>; Silvy, Tyler <tyler.silvy@arguscourier.com>
Subject: Re: Item 19, 10/26/21 BOS Meeting

EXTERNAL

Chair Hopkins and Members of the Board of Supervisors:

Attached please find my letter regarding your consideration of the Cannabis Ordinance Multi-Tenant Moratorium on tomorrow's agenda as Item 19.

I hope you will read this letter, consider it carefully and do the right thing.

Thank you for your time. As always, please don't hesitate to contact me if you have any questions or would like additional information.

Sonia

Sonia Taylor
707-579-8875
great6@sonic.net

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Sonia E. Taylor
306 Lomitas Lane
Santa Rosa, CA 95404
707-579-8875
Great6@sonic.net

25 October 2021

Lynda Hopkins, Chair
Chris Coursey, Vice Chair
James Gore
Susan Gorin
David Rabbitt
Sonoma County Board of Supervisors

Via email

Re: Item 19, 10/26/21 Board of Supervisors Meeting
Extension of Urgency Ordinance No. 6345 – Cannabis Ordinance Multi-Tenant Moratorium

Dear Chair Hopkins and Members of the Board of Supervisors:

The Facts:

There is no question that Sonoma County is in violation of state and local laws with regard to their issuance of multiple ministerial permits for cannabis cultivation, resulting in:

1. Entities/persons who have erroneously been permitted to cultivate in excess of the legally allowed 1 acre of cumulative cannabis cultivation in the county; and
2. The issuance of many ministerial cultivation permits which cumulatively exceed the legal maximum of 10,000 square feet of cannabis cultivation on any single parcel in the county.¹

These actions, largely approved by the Sonoma County Department of Agriculture, are literally against the law under our local cannabis ordinance.²

Further, of course, these actions are in direct violation of the California Environmental Quality Act (CEQA), as well as likely in violation of other state laws.

¹ The Summary Report herein erroneously states that it is legal to issue ministerial permits that would result in more than 10,000 square feet of cannabis cultivation on any single LEA or DA parcel. As Table 1A clearly states: 10,000 square feet of cultivation with a Zoning Permit (ministerial) is the “**Maximum Cultivation Area Per Parcel.**” That’s as clear as a law can get – there is no ability to interpret those plain words any differently, and I find no other language in our ordinance that would change these plain words.

² I’d very much like an thorough explanation of what laws our Agricultural Commissioner has been relying on to approve these permits.

Agricultural Commissioner Recommended Actions:

The Summary Report herein divides the problem into two parts.

The first part is “Multi-tenant Moratorium.”

I support the recommended option to continue the moratorium on ministerial permits requested in violation of our laws, while allowing applicants NOT in violation of the law to continue to apply for ministerial permits, as long as the maximum cultivated cannabis on any one parcel doesn't exceed 10,000 square feet (and, of course, as long as no entity or person is allowed to cultivate in excess of 1 acre of cannabis total in the county).

While I support refunding these applicant's permit fees (or allowing those fees to be applied to a new legal CUP application, if appropriate), I do not support refunding all staff processing fees that the Agricultural Commissioner is recommending. To support spending tax payer monies refunding staff processing fees, I would want to know explicitly why the Agricultural Commissioner considers that appropriate, including, but not limited to, all representations made by the County to the applicants.

The second part is “Multi-tenant Issued Permits.”

I disagree with every part of the Agricultural Commissioner's analysis. Almost every single one of these permits, to the best of my knowledge, was issued in violation of local and state laws, and as such the operators have no legal right to extend their active permits issued in violation of those laws, or, in fact, to continue their current operations, granted in violation of those laws.³

The Agricultural Commissioner's recommended options fly in the face of both common sense and the law.

His “Recommended” option is untenable. To allow permits issued in violation of local and state laws to continue for another 5 years would violate not only our laws, but would violate CEQA. Further, the “condition” in this recommendation is that the permittee will be allowed to continue operations in as long as they are in compliance with “the Cannabis Land Use Ordinance.” Since all the said permits are in violation of at least one (and oftentimes two or more) provisions of that ordinance, it would be impossible for any permittee to comply with this condition.

“Alternative A” is even more untenable. To allow permits issued in violation of state and local laws to never expire and continue in perpetuity would be, again, a violation of both CEQA and our local laws.

“Alternative B” is at least closer to something both legal and reasonable. However, allowing these permittees to continue operating continuously while pursuing the CUP they had always legally been required to obtain would reward entities and persons who blatantly violated our laws as well as CEQA.

Comments on the Proposed Extension of Urgency Ordinance:

There is no question that this project is subject to CEQA, regardless of the claims in the within Urgency Ordinance in front of you consideration.

³ Further, see, Section 26-88-250 – Commercial cannabis uses. “(e) . . . No property interest, vested right, or entitlement to receive a future permit to conduct a commercial cannabis activity shall ever inure to the benefit of such permit holder.”

I am both amused and irritated by the change to the “Severability” clause of this Urgency Ordinance, making it a “Nonseverability” clause. This appears to be a blatant attempt to try to avoid litigation against the county.⁴ The reality is that the county is entirely responsible for violations of state and local laws that have been ongoing for years. While, as a tax payer, I would prefer that the county not spend tax dollars defending a lawsuit, I also believe the county should take responsibility for its actions and correct those actions immediately. Unfortunately, the Agricultural Commissioner’s recommendations to you are fatally flawed, and instead are a thinly disguised attempt to avoid admitting error or taking of responsibility.

You are responsible to all the residents of this county. I hope that you recognize the damage establishing and continuing a program that violates local and state laws has done and will continue to do to Sonoma County residents’ perception of their government. As Sharon Wright, then Mayor of Santa Rosa, said on the dais years ago: “Perception is often reality,” and that is the case here. Unless you are willing to admit your errors and take responsibility for them, with appropriate solutions, in a manner that is upfront and public, the public’s trust in their government and elected officials will be further eroded.

Requested Actions:

I hereby request that all ministerial permits issued in violation of state and local laws be immediately terminated and all current activities and operations be required to immediately stop. Entities and persons who are not in violation of the county-wide 1 acre maximum cultivation law can apply for new CUPs, but should not be permitted to continue to benefit by continuing cultivation with permits granted in violation of state and local laws while their CUP applications are considered.

I further request that pending applications for ministerial permits which, if issued, would be in violation of the law, be terminated, and any permit fees be refunded. Those applicants not in violation of the county-wide 1 acre maximum cultivation law can apply for a CUP, and should have the option of having their ministerial permit fees applied to their CUP application, at their discretion.

Please take responsibility for the actions of the County and its Agricultural Commissioner in issuing and continuing to consider ministerial permits for cannabis cultivation that violate state and local laws. And, after taking responsibility, please correct those actions immediately, by terminating all such permits.

Thank you for your time and attention, as always. Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,

Sonia E. Taylor

Cc: Sheryl Bratton, CAO
Robert Pittman, County Counsel
Paul Gullixson, County Communications Manager
Jim Sweeney, Press Democrat
Emma Murphy, Press Democrat
Tyler Silvy, Argus Courier

⁴ Which is curious, since cannabis applicants are required to indemnify the county as part of their application. See, Section 26-88-250 – Commercial cannabis use (p), and begs the question of the purpose of this change.

From: [Susan Yang](#)
To: [David Rabbitt](#)
Cc: [Susan Gorin](#); [Lynda Hopkins](#); [Chris Coursey](#); [James Gore](#); [Cannabis](#)
Subject: URGENT Public comment Letter RE 10/26 cannabis moratorium
Date: Monday, October 25, 2021 2:37:35 PM

EXTERNAL

Susan Yang
MBNCO Inc.
1074 Stage Gulch Road
Petaluma, CA 94954

October 25, 2021

RE: Moratorium and Comments on Summary Report for the 1:45 PM Extension of Urgency Ordinance No 6454-Cannabis Ordinance Multi-Tenant Moratorium

Dear Sonoma County Board of Supervisors; Ag Department and PRMD staff,

I have been in the application process for over six months, and have invested two years time finding sites, working out leases, and getting studies and reports completed for an investment of between seventy and eighty-thousand dollars per site application.

All of my site studies look at cumulative impacts of all proposed cultivation permits on site, not just mine. While I only cultivate 10,000 square feet of canopy, we completed studies for the footprint of the entire cultivation area and associated parcel. This includes water usage, environmental impacts and cultural and historic uses. "Discretionary" review in the ministerial permitting process was made clearly evident by statements made to myself, the other applicants, and our consultants, during a scheduled "pre-approval" site visit prior to the first scheduled hearing on the multi-tenant moratorium. We were directly told that "Only one out of four applications for 10,000 sf ministerial permit would be issued on the property." This was said to us before the hearing for the moratorium on the 21st of September, clearly turning the ministerial process into a discretionary process.

I am a small farmer who wants to be part of a recognized, successful brand, with established distribution channels. Being a contract grower for a local cannabis distribution company and brand is no different than the countless contracted grape growers who supply wineries. As contracted growers to an established brand, we rely on cultivation consultation for quality improvement, grower relations for dealing with all of the regulatory agencies we have to answer to as well as compliance assistance so we can be successful in the overly regulated and taxed cannabis industry.

To be a co-cultivator on a parcel with other 10,000 sf cultivation operations allows my business to be more sustainable by sharing things on the site such as the water filtration system, or the portable bathrooms, making operations more efficient and sustainable. The ministerial permits had been the only viable path forward for a small farmer like myself trying to get established in the Sonoma County cannabis industry. The Board of Supervisors and County must provide an equitable path forward for those of us applicants who have had their applications stuck in the permitting review process for unreasonable amounts of time.

Respectfully,
Susan Yang, CEO
MBNCO Inc.

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From: [Joe Rogoway](#)
To: district1@sonoma-county.org; [district2](#); [district3](#); [district4](#); [district5](#)
Cc: [Cannabis](#); [Andrew Smith](#)
Subject: CBASC Opposition to Extension of Urgency Moratorium; Request to Align with State Law
Date: Tuesday, October 26, 2021 9:30:15 AM
Attachments: [20211026-Letter re CBASC Opposition to Urgency Ordinance 6534 Extension.pdf](#)

EXTERNAL

Dear Sonoma County Board of Supervisors,
Please find the enclosed letter with regards to the above referenced matter.
Regards,

--



JOE ROGOWAY

Managing Partner, Rogoway Law Group

A [115 4th St., Second Flr, Ste. B | Santa Rosa, CA 95401](#)

P (707) 526-0420

E joerogoway@rogowaylaw.com

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LOS ANGELES | SAN FRANCISCO | SANTA ROSA



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Rogoway Law Group
115 4th St, Suite B
Santa Rosa, CA 95401
(707) 526-0420

October 26, 2021

VIA EMAIL

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

district1@sonoma-county.org
district2@sonoma-county.org
district3@sonoma-county.org
district4@sonoma-county.org
district5@sonoma-county.org

Re: CBASC Opposition to Extension of Urgency Ordinance No. 6354, Temporary Moratorium on Multi-Tenant Cannabis Cultivation Permits

Dear Chair Hopkins and Members of the Board of Supervisors,

Rogoway Law Group represents the Cannabis Business Association of Sonoma County ("CBASC"), an unincorporated association of cannabis businesses permitted to conduct commercial cannabis business in Sonoma County, and I write to you in opposition of the extension of Urgency Ordinance 6354, Temporary Moratorium on Multi-Tenant Cannabis Cultivation Permits.

On behalf of CBASC, I urge the Board of Supervisors to instead align the County's multi-tenant provisions with controlling California state law which already adequately addresses environmental impacts related to multiple cultivation licenses on contiguous premises.

Prior to September of 2021, Sonoma County Code Section 26-88-254(f)(2) authorized the Department of Agriculture/Weights and Measures and the Permit and Resource Management

Department (“Departments”) to issue multiple zoning permits for cannabis cultivation to different applicants on the same parcel (“multi-tenant provision”). As you know, on September 21, 2021, the Sonoma County Board of Supervisors, adopted Urgency Ordinance 6354 making Sonoma County Code Section 26-88-254(f)(2) inoperative, thereby prohibiting the issuance of multi-tenant cannabis cultivation permits.

The Board is now being asked to make the following additional amendments:

“Section II. Multi-tenant Provision Amended. Sonoma County Code Section 26-88-254(f)(2) is amended to read as follows: Multi-Tenant Operations. Multiple zoning permits may be issued on a single parcel provided that the aggregate cultivation area does not require a use permit per Table 1A-D Allowed Cannabis Uses and Permit Requirements.” (Sec. II, Pg. 2).

As a justification for this proposed amendment, the Board is being advised:

“Continued issuance of additional multi-tenant permits for larger-scale cultivation operations prevents appropriate discretionary review and presents an immediate threat to the public safety, health, and welfare, and such permits are likely to be in conflict with a new zoning ordinance for commercial cannabis land uses.” (Sec. I(i), Pg. 2)

CBASC vigorously opposes the extension of Urgency Ordinance 6354, both (1) because it is not in alignment with California state law, as will be discussed below, and (2) because the justifications for the extension are nonsense. We, therefore, respectfully request that the Board of Supervisors rejects this item for the reasons set forth below.

The basis for the original adoption of Urgency Ordinance 6354 was flawed as it, among other things, conflated unsubstantiated conclusions of interrelationship amongst separate tenants on a parcel with concerns over environmental impact of agricultural activities. The gratuitous statements being used to justify this extension, specifically that there is some sort of “immediate threat to the public safety, health, and welfare,” because of agricultural activities is nothing more than a continuation of discredited drug war propaganda and should be repudiated.

Substantively, Urgency Ordinance 6354 is also flawed as the terms used to define the parties and conduct at issue do not track with the clear and unambiguous language used in California’s statutes and regulations which already adequately address these issues, as will be discussed below.

California Business and Professions Code (“BPC”) Section 26050.2 addresses the issuance of provisional licenses to licensees on contiguous premises and states, in pertinent part, that:

“[T]he department shall not issue a provisional license pursuant to this section if issuing the provisional license would cause *a licensee* to hold multiple cultivation licenses on contiguous premises to exceed one acre of total canopy of outdoor cultivation, or 22,000 square feet for mixed-light or indoor cultivation.” (*emphasis added*, BPC §26050.2(a)(2)).

Moreover, California Code of Regulations (“CCR”) Section 15001.1 largely tracks the verbiage in BPC §26050.2(a)(2) and states, in relevant part, that the Department of Cannabis Control (“DCC”) is only permitted to issue a provisional license for commercial cannabis cultivation if:

“Issuance of the license would not cause the commercial cannabis business to hold multiple cultivation licenses on contiguous premises to exceed one acre of total canopy for outdoor cultivation, or 22,000 square feet for mixed-light or indoor cultivation if, the application is received on or after January 1, 2022. For purposes of this subsection, premises will be considered contiguous if they are connected, touching, or adjoining (CCR §15001.1(a)(3))

As you can see, both BPC §26050.2(a)(2) and CCR §15001.1(a)(3) limit a licensee’s ability to obtain multiple cultivation licenses on contiguous premises if the issuance of such licenses would lead to a single licensee cultivating more than one acre of canopy on contiguous premises. These provisions are already in line with the spirit of existing Sonoma County code provisions that limit a single person from having an ownership interest in more than one acre of cultivation canopy within the unincorporated area of Sonoma County.

Although the newly adopted state statutes and regulations are in line with the spirit of Sonoma County’s existing one acre limit for permittees, Sonoma County’s Urgency Ordinance 6534 creates different standards than those adopted by the State of California by: 1) placing the square footage limitations on tenants rather “licensees” or “commercial cannabis business”, and 2) applying the square footage limitations to parcels rather than “contiguous premises”.

The standards the County seeks to implement through the extension of Urgency Ordinance 6534 will likely cause undue confusion because those County standards are different than the standards imposed by the California’s statutes and regulations as discussed above. Moreover, the standards enshrined in Urgency Ordinance 6534 are unduly restrictive considering California’s laws which already restricts the same activities, pursuant to California’s own vigorous (and correct) CEQA analysis. Lastly, there is also the risk that these and other provisions of Urgency Ordinance 6534 would fail under a preemption analysis if the Ordinance is subjected to a legal challenge.

Instead of extending Urgency Ordinance 6534, the County should instead align its regulations with controlling California state law and follow BPC §26050.2 and CCR §15001.1, both of which expressly and rigidly adhere to CEQA in imposing limitations on multiple cultivation licenses being authorized on contiguous premises. Specifically, the County can revise its

urgency legislation to be in correlation with BPC §26050.2 and CCR §15001.1, and: 1) allow new and “pipeline” applicants to pursue ministerial permits of up to 10k sq. ft., on "contiguous premises" up to a maximum aggregate of one acre total cultivation per minimum parcel size of 10 acres, and 2) allow the new and “pipeline” applicants to follow the application submission and other CEQA oriented deadlines as contained within BPC §26050.2 and §15001.1.

The above request and recommendation will bring the County’s process for addressing the issue of multiple cultivation permits on contiguous premises in line with California state law thereby providing a more fair, defensible, and reasonable alternative than the current moratorium sought to be extended.

Thank you for your attention to the foregoing.

Very Truly Yours,
Rogoway Law Group, P.C.

A handwritten signature in cursive script, reading "Joe Rogoway".

Joe Rogoway, Esq.
Attorney for CBASC

From: [Susan Gorin](#)
To: [Darin Bartow](#)
Subject: Fwd: Tomorrow's vote on marijuana permits and Section V severability revision
Date: Tuesday, October 26, 2021 7:27:17 AM

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
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Direct 707-565-2982
Cell 707-321-2788



Begin forwarded message:

From: Diana Barnacle <jumperthecat1@gmail.com>
Date: October 25, 2021 at 6:13:37 PM PDT
To: David Rabbitt <David.Rabbitt@sonoma-county.org>, Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>, Susan Gorin <Susan.Gorin@sonoma-county.org>, Chris Coursey <Chris.Coursey@sonoma-county.org>, district4 <district4@sonoma-county.org>
Subject: Tomorrow's vote on marijuana permits and Section V severability revision

EXTERNAL

I urge you supervisors to:

(1) **Support** a moratorium on new multi-tenant permits and stop the issuance of all pot permits until the EIR is completed.

(2) **Oppose** allowing current multi-tenant operators to have their permits extended from one to five years.

(3) OPPOSE the rewritten Section V.

New data was submitted to your office showing that 70% of the permits are tied to CannaCraft and SPARC. In case you didn't know this, these are hardly your "mom and pop" pot farms your trying to convince us residents that you are supporting.

That doesn't even figure Elyon Cannabis who's been trucking in water, 3 trucks a day, for months. Pardini goes into their grow through Browns Lane. If you say you didn't know, I kept track of who I told and when and the supervisors were on notice June 28, 2021.

Starting in 2019 and accelerating in 2020 and 2021 cannabis operators figured out how they could game Sonoma County's cannabis permitting structure. Nope it didn't take long. Ministerial cannabis permits went from being a minority of cannabis applications to the vast majority in 2021. 143 ministerial applications and only 3 CUP applications. Pretty eye raising for anyone watching.

Additionally, even though Sonoma County cannabis regulations limited outdoor cannabis cultivation with a ministerial permit to a maximum of 10,000 sq ft. on any single parcel, many of these applications were EACH for 10,000 sq ft. of cannabis cultivation on the EXACT SAME PARCEL! Again, no one noticed. I call you ALL out on this!!!

Cannacraft submitted 17 applications and were issued permits in sequential order APC21-0111 through APC21-0127. It's difficult to understand how the Sonoma County Department of Agriculture could have missed that these permit renewals would result in five parcels each having 40,000 sq ft. of cannabis cultivation, all controlled by one entity. And all issued in violation of the law. I DONT BELIEVE NO ONES WATCHING!

These Sonoma County Department of Agriculture actions took place with at least the Board of Supervisors tactic approval, as well as their staff.

By this behavior, the County has evaded compliance with CEQA., as these piecemeal approvals clearly violate CEQA. The County can't claim ignorance of how their actions violated state and local laws, as they have been notified of this problem for over a year by both concern members of the public and their attorneys. No enforcement without us complaining.

You, and your staffs continued tactic to mislead us, the public, and turn a blind eye to these large corporate cannabis operators MUST STOP NOW!

These are examples of egregious violations of state and local laws. Both Cannacraft and SPARC have obtained multiple large scale permits under different LLCs and corporate names, which are all directly connected to their businesses. These issued permits violate the County's regulations prohibiting more than 1 acre of cannabis cultivation per person and the prohibition against ministerial permits for more than 10,000 sq ft. of outdoor cultivation on any ONE parcel.

With all this corruption pointed out to you and your staff over the past year, I

am appalled at the staffs recommendations. I call the staff out as they are obviously personally intimate with these corporations. For the staff to have the audacity to recommend extending any pot permit knowing these, and many other facts, is beyond bold. A NO VOTE is required!

And not to mention the deception attempted by the legal team in the redrafting of severability. Late Thursday, the County Council rewrote the original revised ordinance, Section V. If this revision doesn't tell the true story of what you Supervisors are about nothing does. This last minute rewrite of the proposed ordinance is meant to deceive the public. It is an offensive response to the legal analysis that shows aspects of it are contrary to the law. This revision **MUST NOT BE APPROVED!** We also request a roll call vote on this.

If this provision is approved we will not be silent. It will destroy any remaining confidence the public may have that our county government represents its citizens. It will prove what we have been saying all along, that the big pot corporations have control.

The proposed ordinance acknowledges that the continued issuance of new multi tenant zoning permits "presents an immediate threat to the public safety, health and welfare." Please do not move forward with the extension of current zoning permits to five years. It cannot be justified under CEQA, nor is it in the interest of the residents of Sonoma County. Do the right thing because nothing is working as it is.

In closing, Sonoma County seems incapable of implementing a pot program that protects the environment and its citizens. The County needs to do the right thing and scrap what they've done. Either get out of the cannabis growing industry, because the no plan, plan has failed, or figure out a way to lawfully and environmentally move forward. My vote is to bail. Sell it in dispensaries and get back to protecting our county.

Thank you,
Pepper Road/Sonoma County Victim
Sent from my iPhone

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From: [Gail Cafferata](#)
To: [Cannabis](#)
Subject: Cannabis moratorium
Date: Tuesday, October 26, 2021 7:35:51 AM

EXTERNAL

As a concerned Sonoma County voting taxpayer I'm asking that the following are included in any ministerial (small grower) permit policy:

- <!--[if !supportLists]-->1. <!--[endif]-->Extend the existing emergency moratorium on ministerial multi-tenant cannabis cultivation
- <!--[if !supportLists]-->2. <!--[endif]-->Reject the staff recommendation that the ministerial permit term be extended unconditionally from one year to five years, which is a violation of CEQA
- <!--[if !supportLists]-->3. <!--[endif]-->Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel
- <!--[if !supportLists]-->4. <!--[endif]-->All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration
- <!--[if !supportLists]-->5. <!--[endif]-->Apply these same rules to all renewal applications that must be resubmitted annually

The Rev. Gail Cafferata, Ph.D.
Priest Associate
The Church of the Incarnation
550 Mendocino Avenue
Santa Rosa, CA 95401

707-953-0202 (cell)

revgailc@gmail.com

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From: no-reply@sonoma-county.org
To: [BOS](#)
Subject: Issue: extension of moratorium on permitting multi-tenant ministerial cannabis grows
Date: Monday, October 25, 2021 7:58:41 PM

Sent To: County of Sonoma

Topic: Issue

Subject: extension of moratorium on permitting multi-tenant ministerial cannabis grows

Message: Hello,

I will not be able to attend the 10/26/2021 Zoom board meeting so I wanted to write to you to express my support for extending the moratorium on new multi-tenant ministerial permits pending completion of the county-wide EIR. I feel large-scale growers are taking advantage of the multitenant ministerial cannabis grows that were set up for small growers. I live on Franz Valley Rd. where there are already several permits being considered to allow big growers to plant large amounts of plants.

I also support limiting the renewal of existing multi-tenant ministerial permits to maximum of 10,000 sq ft per 10-acre parcel with minimum 1000 foot setbacks.

Thank you,

George Jackson

Sender's Name: George Jackson

Sender's Email: curiousgeo58@yahoo.com

Sender's Home Phone: 7074778684

Sender's Address:

3470 Franz Valley Road

Franz Valley Rd.

Santa Rosa, CA 95404

From: [Hank Ford](#)
To: [Cannabis](#)
Subject: Extension of Urgency Ordinance No. 6354 – Cannabis Ordinance Multi-Tenant Moratorium
Date: Tuesday, October 26, 2021 9:39:27 AM

EXTERNAL

Good Day,

I took time to modify my description of the intolerant “seniors” who use dishonesty and scare tactics to manipulate this process. In decades’ past they would be the intolerant folks picking on whomever they didn’t agree with like blacks, homosexuals, etc. I believe they are the lowest form of humanity in this county and need to be exposed for who they really are.

We are TOTALLY against the emergency moratorium on multiple ministerial permits.

The county is harming the small independent farmers by not allowing the ZP ministerial path to permitting.

This will only encourage more non-permitted cultivation for the small operators.

The county should not throw the baby out with the bath water.

The mom and pops operators are not the same as the big companies. And they should not be treated as if they are also gaming the system.

The ministerial path is the only way to allow for the small operators to have a chance. The CUP process is BROKEN. And the people at the PRMD have proven that they CANNOT fix the CUP process.

Don’t blame the small operators for choosing the path of least resistance after years of unreasonable delays and incompetent processing.

Don’t lump mom and pops in with cannacraft and sparac.

And by the way the big companies employ small family farmers and others and help the industry so I am not in support of harming them at all either

How are young entrepreneurs supposed to have a chance these days with all the hateful dishonest nimbys who have focussed against cannabis as their main life mission?

It is really unfortunate how dishonest the cannabis opposition is.

There are only less than 50 vocal and threatening anti-cannabis people who have been discriminating against their neighbors and threatening the county for far too long.

There is no way to satisfy them. It has nothing to do with any smell. It has only to do with the county giving this kind of perceived power to people.

When will the county figure out they are getting bullied by a group of 50 vocal people who discriminate, use scare tactics, and lie?

These are the same “concerned neighbors” who will threaten and intimidate Mexican immigrants when they are only hard working painters. These racially-intolerant folks are the same people who are on these public record emails making up exaggerations and using scare tactic LIES.

My painter Lizardo came to me one day and said that a woman from my neighborhood was threatening and intimidating him when he was parking to come to work on my house. It was sad to talk with him about this topic. Neighbors like this are active in these public comments LYING about everything they can in order to bully me and my family.

We have NEVER even met this LYING “senior” lady in our lives. NOT ONCE.

The neighbors have a sloppy and smelly property and moved into my neighborhood a couple years ago. They are a lot like the neighbors from the Bloomfield area. They just feel entitled to tell people what to do. Their property has donkeys and sloppy temporary crops that never seem to grow very well. Maybe they are so mean-spirited because they are no good at growing plants. Maybe the girl's horses are bummed for whatever reason. I don't know. But in any case we never did anything to bother these manipulative liars. We have never met them. Their lies keep getting progressively more ridiculous. Next comment Kim sends will probably be more fiction about her cannabis neighbor leaving a horse head on her bed like she saw in a movie. she will continue her lies with no accountability further and further.

We have lived in this neighborhood for a long time. She just moved here.

We have NEVER even met or talked to this dishonest lady in our lives. NOT ONCE.

But she continues to lie on the public record about her cannabis neighbor who she names and defames.

When will the county figure out that this is who these people are????!!!!

These people know that if a 1000 foot setback is adopted that there will be zero eligible parcels and every small independent farmer will lose their livelihood. That is why they talk about 1000 feet. If the setback was already 1000 they would go for 3000. They will never be satisfied. 300 feet to a permitted residential structure is already too far. The smell is no worse (I think way better) than the horse droppings all over the place on my neighbor's property.

300 feet setback is too far already. Don't try to appease them.

Everyone should plant hemp next to neighbors like these.

Maybe someday the county will stand up to these kind of people who typify the 50 loud and angry “senior” people who have been given the power to destroy so many hard-working young family cannabis farmers and make them live like they are in “HECK” in SONOMA COUNTY.

It is SICK what the county is allowing to be done to honest good cannabis people.

Chapter 38 was passed by planning and it was a step in the right direction after years of work by stakeholders. After that intense effort and approved compromise was PASSED for APPROVAL by the planning commission with 3 extended public meetings and comments the BOS threw it out like it was worthless. Now the cannabis families are having the hardest year in the industry to stay alive at their farms while the intolerant 50 opposers dominate the discussion about 1000 setbacks, smell, water, roads, or any other double-standards that they can propose.

When will someone stand up for the cannabis farmers? Why do we get treated like this?

Is it so the politicians save face for the 50 threatening and manipulating dishonest folks?

Is it so that county counsel can ensure no lawsuits by 50 threatening and dishonest folks?

From the top players down to the trimmers and support staff the cannabis industry is being damaged so bad by this whole mess. We have a tough industry and difficult challenge to success without this extra garbage going on forever. That’s why anyone paying attention will see that all the cannabis supporters and operators have dropped out of the new ordinance “crafting” process. The remaining 50 intolerant opposers including pothole lawyers are having the time of their lives applying this torment.

Look online and you will see that some of these anti- cannabis lawyers are pothole lawyers who sue the county when “seniors” cant ride a bike on rural roads without falling in a pothole. Ambulance chasers turned cannabis haters.

Look into this topic and you will see crowd-funded legal funds that get a lot of money for lawyers like these pothole lawyers to threaten the county and use intolerance and discrimination.

I have gotten direct emails from some of these types who disagree with my PUBLIC comments. They really like to bully people. Stop emailing me. Don’t blame me for your background and “mistakes from the sixties”. Its gross and I feel dirty thinking about it. Why do you feel the need to be so vulgar?

The county has “entitled” this “priviledged” group of 50 sweet retirees and anyone they can initiate to be the most hateful and spiteful group seen in this county.

If the county hosted a “visioning session” and had a discussion about finally solving the problem with cannabis in the county and it was seriously proposed that the county should consider capital punishment for cannabis operators, a lot of the cannabis opposition would be in support. Give them

a page of the next powerpoint presentation and let them believe it is serious.

These cannabis haters are haters in general and if they aren't picking on cannabis operators they will be racists towards Mexicans, intolerant to lifestyles and identities, and other mean-spirited things.

The county has made MONSTERS out of the 50 LIARS and exploiting lawyers. The cannabis family farms are left to defend themselves for years of aggressive manipulations, defamation, intimidation, racism, etc.

It is time for the county to push back against the bullies or the county is the one to blame for it all.

Please take a look at the fine work done in CHAPTER 38. That is the last time the cannabis community was engaged in this process. Since then the 50 intolerant folks have threatened the county enough. Push them BACK and stand behind your own PLANNING COMMISSION APPROVAL that recommended CHAPTER 38 for approval.

PRMD and staff has ZERO bandwidth for any CUPs for cannabis farming. The CUP process is tragically BROKEN. How can anyone believe a local family heritage farmer could withstand 5 years and \$100k+ of expense on top of the lease or mortgage? How can the county politicians and policy makers get to say that they want to protect the family farmers and then let this all happen for years on end? When politicians say that they should be held accountable when their actions and inaction has empowered the most divisive 5 years in this county in decades at the expense of the small local farmers.

All of a sudden our most intolerant citizens are now the ones who are making the policy and threatening our elected leaders to apply double standards that will damage their younger neighbors. When will the county stick up for the local cannabis farmers before there are none left? Why do you give so much power to the mean "senior" who never adapted and are stuck in their intolerant ways against others who do not think or live like them?

Maybe we should allow these intolerant older generation to decide how we treat gay marriage. How about we let these 50 intolerant folks tell us how many genders there are. Let's ask great grandpa if there should be blacks and Mexicans in the same schools as whites. What about abortion? Clearly, grandma and grandpa NIMBY should not be the ones we tap for these tough policies. It's totally ridiculous how the county has empowered these sweet elderly folks. It's not healthy for our communities and it's not healthy for these folks. Let them rest.

1000 feet is stupid. The county has stated that this would eliminate all farms. That's why intolerant nimbys wants it to be 1000 feet.

Smell is stupid. Why does the intolerant senior's farm get to smell like manure all the time and there are zero setbacks?

Trying to appease intolerant dishonest people is stupid. It's about time the county takes responsibility for what it has done to harm the local cannabis farmers by empowering the intolerant

50 sweet folks.

God Bless all the cannabis farmers and local businesses that are being damaged by these.
INTOLERANT PEOPLE.

To all you bully INTOLERANT DISHONEST folks out there, please don't email me direct. You have been told your whole lived that everyone should really value your opinion. But I don't value your opinion any more than anyone's else's. So you can give your intolerant opinion in the PUBLIC forum and not to me directly please.

The cannabis farmers and operators are SICK of being pushed around, bullied, and discrimintaed against. Don't act surprised that we have to start fighting back and telling it STRAIGHT. Don't play the victim role w me. We have had ENOUGH.

Stand up and fight for the future of this county, country, and world. The boomer bolsheviks cannot dominate our world unless we let them. They are powerless, weak, corrupted, "senior" people. PUSH THEM BACK. It is time to FIGHT the bully bolsheviks.

With Tormented Disgust,

Nikolai Romanov

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From: [Susan Gorin](#)
To: [Darin Bartow](#)
Subject: Fwd: Moratorium Vote
Date: Tuesday, October 26, 2021 7:27:44 AM

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
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Direct 707-565-2982
Cell 707-321-2788



Begin forwarded message:

From: Karen Baur <kmbaur@comcast.net>
Date: October 25, 2021 at 6:13:17 PM PDT
To: David Rabbitt <David.Rabbitt@sonoma-county.org>, Lynda Hopkins
<Lynda.Hopkins@sonoma-county.org>, Chris Coursey
<Chris.Coursey@sonoma-county.org>, Susan Gorin <Susan.Gorin@sonoma-county.org>, district4 <district4@sonoma-county.org>
Subject: Moratorium Vote

EXTERNAL

Thank you for your consideration of the following:

Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel
All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration
Apply these same rules to all renewal applications that have to be resubmitted annually

Respectfully,

Karen Baur
300 Live Oak Dr
Petaluma 94952

Sent from my iPhone

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From: [Lauren Mendelsohn](#)
To: [BOS](#); [Susan Gorin](#); [Lynda Hopkins](#); [David Rabbitt](#); [Jenny Chamberlain](#); [district3](#); [Christina Rivera](#); [Cannabis](#); [Tennis Wick](#); [Andrew Smith](#); [SONOMAAG](#)
Cc: [board](#)
Subject: Letter from SCGA for Today's BOS Meeting
Date: Tuesday, October 26, 2021 10:36:45 AM
Attachments: [SCGA Letter Regarding Moratorium Extension with Previous Letter Attached_10262021.pdf](#)

EXTERNAL

Good morning:

Attached please find a letter from the Sonoma County Growers Alliance (SCGA) regarding the possible extension of the moratorium on multi-tenant zoning permits which is being discussed at today's BOS meeting.

Thank you,

Lauren Mendelsohn
SCGA Policy Committee



Lauren A. Mendelsohn, Esq.
Senior Associate Attorney
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lauren@omarfigueroa.com
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Have you heard about the International Cannabis Bar Association (INCBA)? [Check us out!](#) Use code "Mendelsohn" for 15% off membership and events.



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October 26, 2021

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

bos@sonoma-county.org

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jchamber@sonoma-county.org

district5@sonoma-county.org

Sonoma County Administrator's Office

christina.rivera@sonoma-county.org

Sonoma County Permit and Resource Management Department

tennis.wick@sonoma-county.org

Sonoma County Cannabis Program

cannabis@sonoma-county.org

Sonoma County Department of Agriculture/Weights & Measures

SonomaAg@sonoma-county.org

andrew.smith@sonoma-county.org

Re: Proposed Urgency Moratorium Extension on Multi-Tenant Zoning Permits

Dear Honorable Supervisors and County Staff:

Sonoma County Growers Alliance (SCGA) respectfully submits the following comments in response to the proposed extension of the moratorium on multi-tenant cannabis zoning permits, which **we oppose** due to the impact it would have on small farmers and on the success of the county's cannabis program overall. Furthermore, we agree that those who skirt the rules and take advantage of the permitting process should be held accountable, but believe that the County should enforce its existing policies rather than eliminating a useful pathway that helps reduce barriers to the legal marketplace.

I

Sonoma County Growers Alliance

www.scgalliance.wildapricot.org • www.scgalliance.com • info@scgalliance.com



The ministerial permit pathway on multi-tenant parcels was designed by the county as an affordable way for farmers, many of whom were zoned out of cultivation operations on their own land, to obtain a smaller-scale permit without the burdensome requirements of a CUP. If the applicants are truly distinct, as the ordinance requires, they should not be forced to combine their business efforts in the form of a single CUP. Applicants that avail the multi-tenant provision should be investigated on a case-by-case basis for compliance with county regulations. The County should not punish small farmers for the actions of those willing to take advantage of “loopholes” in the permitting schema. Instead, the County should increase their efforts to ensure that the permits are issued to truly separate operators.

If cumulative environmental impacts of a multi-tenant site is an issue, then applicants in that situation ought to be given an opportunity to provide their own environmental review assessment that addresses the cumulative impact rather than simply being told they cannot move forward. This should be done via a case-by-case analysis, as any potential impacts from four operators on a 10-acre parcel would likely be different from four operators on a 100-acre parcel. Also, we must remind the County that the original Ordinance and Mitigated Negative Declaration approved in 2016 anticipated ministerial zoning permits being issued for outdoor cultivation on parcels as small as 2 acres, with 10,000-square-foot ministerial zoning permits for outdoor cultivation authorized on parcels 5+ acres in size.

Should the County wish to amend its longstanding protocol of allowing multi-tenant ministerial zoning permits, such should be done as part of the comprehensive ordinance overhaul that the County is engaging in and studied in the EIR, so that staff have sufficient time to come up with solutions and so the public has sufficient time to provide feedback. Changing the rules in the middle of the process does not instill confidence in County government or make for a business-friendly atmosphere.

As noted in our previous letter (attached here for reference), the multi-tenant zoning permit pathway can help put Sonoma County on the map in terms of Appellations of Origin, a monumental program that CDFA is launching. Only outdoor cultivators who adhere to strict growing standards will qualify for the program, which is a way for small farmers to help market their product in an increasingly competitive market dominated by big companies with multiple acres of licensed canopy, primarily in Central and Southern California. None of the operations which have been approved or applied for in Sonoma County come close to these bigger players in size, hence why it will be important for local growers to take advantage of creating and qualifying for appellation protection if they can. This is not to mention the tourism draw that having cannabis appellations will bring to Sonoma County, given that tourists here are already familiar with the concept from the wine context.



Eliminating a ministerial pathway for small cultivators is also contrary to the notion of equity, the goal of which is to prop up communities that suffered greatest from cannabis prohibition. Many of these folks are struggling financially as a result of decades of racist, draconian policies, and do not have the same access to land, money and other resources as someone who can afford to lease or buy a 10-acre parcel in notoriously expensive Sonoma County all for themselves. This pathway exists to help people like this, who would otherwise not be able to submit an application under the use permit track. This pathway also helps operators who have lost everything in wildfires and other tragic natural disasters that frequently plague our county by giving them another chance to grow on a small, affordable scale.

Agreeing to refund money that has been paid to the county for those operators who have submitted an application to be permitted under the multi-tenant provision of the existing ordinance fails to take into consideration the myriad other costs that are associated with a cultivation permit application, even if it is ministerial. Many of these applicants have invested a significant amount of money in land costs, legal and consulting fees, and bills for engineers and other professionals. Their good-faith efforts to operate in the county, supported by years of county staff guiding them in a particular direction which the county now seeks to backtrack on, should be honored and their applications reviewed under the protocols that were in place when their application was submitted, rather than having the rug pulled out from under them (as often seems to be the case).

We look forward to an opportunity to come to a solution with the County that addresses both concerns about the environmental impact of multi-tenant sites as well as concerns about barriers to entry, equity, and access to licensing.

Sincerely,

Sonoma County Growers Alliance (SCGA)
Board of Directors & Policy Committee

ATTACHED: Letter submitted by SCGA on 9/20/21



September 20, 2021

Sonoma County Board of Supervisors
575 Administration Drive, Room 100A
Santa Rosa, CA 9540

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cannabis@sonoma-county.org

Sonoma County Department of Agriculture/Weights & Measures

SonomaAg@sonoma-county.org

andrew.smith@sonoma-county.org

Re: Proposed Urgency Moratorium on Multi-Tenant Zoning Permits

Dear Honorable Supervisors and County Staff:

Sonoma County Growers Alliance (SCGA) respectfully submits the following comments in response to the proposed urgency moratorium on multi-tenant cannabis zoning permits, which **we oppose** due to the impact it would have on small farmers and on the success of the county's cannabis program overall. Furthermore, we agree that those who skirt the rules and take advantage of the permitting process should be held accountable, but believe that the County should enforce its current ordinance rather than eliminating a useful pathway for everyone else.

EQUITY AND ACCESS TO LICENSING

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Sonoma County Growers Alliance

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- **The option for multiple tenants to obtain a zoning permit for small outdoor gardens is essentially the only affordable way for less advantaged and self-funded farmers to participate in Sonoma County’s cannabis program**, given the land prices in the area and the requirement that cultivation properties be at least 10 acres in size. When the multi-tenant zoning permit option was adopted the stated intent was to help small farmers, so how would taking away this pathway and forcing small farmers through a more arduous and expensive CUP process help?
- **Shutting down an affordable pathway to licensure is not in line with the State’s or the County’s stated goals related to equity.** Furthermore, it would **perpetuate the existence of the unlicensed market**, to which the vast majority of opponents’ concerns are related.
- Sonoma County is eligible for a \$1+ million grant from the State to aid cannabis operators in obtaining an annual license. How would the proposed moratorium help this at all? What does the county plan to do with this grant? It seems that **the proposed action would make it harder for cultivators, particularly small farmers, to get licensed.**

APPELLATIONS

- **Zoning permits issued by the Agriculture Department are one of the main avenues for Sonoma County cultivators to participate in the state’s new Cannabis Appellations Program.** This groundbreaking program run by the Department of Food & Agriculture will formally recognize and provide protections for terroir-based appellations of origin for cannabis. This is similar to the AVA model for wine in the United States, but goes even further (and is therefore more similar to the European appellation system) as it requires that the plants be grown directly in the ground without any artificial light. Thus, only outdoor-grown cannabis will qualify for the appellations program, which will be a major draw for tourists and will help to distinguish Sonoma County grown products from cannabis grown in regions that lack our home’s unique environmental characteristics. Furthermore, the majority of cultivators statewide who indicated an interest in the appellations program are craft farmers who grow 10,000 square feet of canopy or less. A “yes” vote on the proposed moratorium would severely hinder local operators’ ability to take advantage of this opportunity, and hinder the County’s ability to benefit from it.

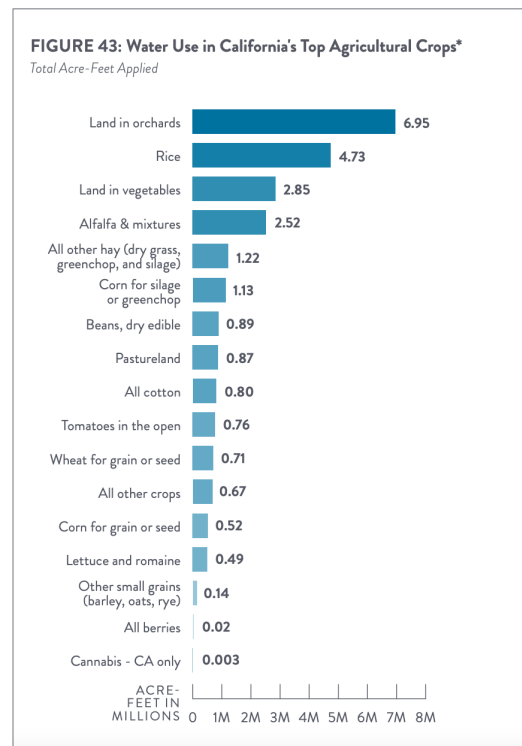
WATER & ELECTRICITY USE

- **Outdoor cultivation is more water-efficient** than greenhouse and indoor cultivation. By removing the multi-tenant outdoor zoning permit option, the County would be incentivizing



operators to grow in a less water-smart fashion, in the midst of a major drought and despite (unfounded) calls from opponents of the industry that cannabis uses too much water.

- **Outdoor cultivation is also more energy-efficient** than greenhouse and indoor cultivation. Eliminating the multi-tenant zoning permit track would make it less feasible for growers to choose this energy-smart option.
- Attached is a report coauthored by the Research Innovation Institute, UC Berkeley's Cannabis Research Center, and New Frontier Data ("Cannabis H2O: Water Use & Sustainability in Cultivation") that analyzes water use practices in the cannabis industry. **This report shows that cannabis is not a major contributor to agricultural water use in California compared to other types of farming operations, none of which have the value per acre that cannabis does.** The chart below is copied from this report.



* Water use estimates for non-cannabis use crops are from 2013. Cannabis water use estimates are from 2020.
Source: Johnson, R., Cody, B., California Agricultural Production and Irrigated Water Use, Congressional Research Service, June 30, 2015, New Frontier Data



IMPACT ON THE ECONOMY

- Cannabis cultivators have contributed a significant amount of revenue to Sonoma County in the form of taxes, fees, and related charges. **The proposed moratorium would cut off a large chunk of this critical revenue.**
- Cultivation facilities provide much-needed employment opportunities for local residents, but **the proposed moratorium would eliminate many of these jobs overnight**, leading to unemployment and a strain on the economy.

NEED FOR CONSISTENCY

- Cannabis operators in Sonoma County are **tired of the county's permitting system being a moving target with changing rules**. Despite what seems like a straightforward process on paper, cannabis applications have faced roadblocks and endless staff review cycles since the program started, and even once our permits are issued there is no certainty that they will be renewed or that the regulations governing us won't change. This is not a healthy business environment; existing operators are giving up and dropping out, and potential operators are not encouraged to apply for permits here when they see the county's track record.
- We believe that **the rules which are in effect when a zoning or use permit application is submitted ought to govern the review and approval of that application**, and **the rules that are in effect when a permit is issued ought to follow that permit thorough renewal**. If a less restrictive rule is adopted, a permit holder could choose to conform to that at their option. This would provide much-needed certainty over the future of our livelihoods, and would help to re-establish trust and confidence in the program and in County staff and leadership.
- We also believe that cannabis operators ought to have **vested rights in their permits** once issued, just like other types of agricultural permits. Sonoma County would not be the first to do this; for example, cannabis permits in San Luis Obispo County run with the land.

SUGGESTIONS

- We agree that those who skirt the rules and abuse the system should be held accountable, but think that rather than removing a key pathway to licensure for small and less advantaged



operators, county staff should dedicate their efforts to **ensuring the rules that are already in place are enforced fairly.**

- Rather than placing additional restrictions on an agricultural industry that's already heavily regulated by the state and existing county rules, the Board of Supervisors should take action that would benefit both operators and the community by naming a **dedicated Cannabis Program Manager** and **reconvening a Board of Supervisors committee focused on cannabis issues.**
- Furthermore, the County should **work to align our cannabis ordinance in line with state laws and regulations.**

The opponents of the cannabis industry make it seem like all growers are out-of-towners with unlimited funding, but this is not true. The majority of operators here are locals -- *neighbors* -- who are trying to run small businesses in a nearly impossible regulatory environment with extremely high compliance costs. Our patience and our wallets are wearing thin. If this limited moratorium is adopted, then what's next? A ban on all cultivation, or a pause on the entire program? We urge the County not to head down that slippery slope, and to **vote no** on the proposed moratorium.

Sincerely,

Sonoma County Growers Alliance (SCGA)
Board of Directors & Policy Committee

From: [Darin Bartow](#)
To: [Cannabis](#)
Subject: FW: Multi-Tenant Cannabis Permit Moratorium
Date: Tuesday, October 26, 2021 9:53:30 AM

From: Susan Gorin <Susan.Gorin@sonoma-county.org>
Sent: Tuesday, October 26, 2021 9:53 AM
To: Darin Bartow <Darin.Bartow@sonoma-county.org>
Subject: Fwd: Multi-Tenant Cannabis Permit Moratorium

Susan Gorin

1st District Supervisor
County of Sonoma

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

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Begin forwarded message:

From: Tamara Boulton <tboulton@sonic.net>
Date: October 25, 2021 at 5:52:25 PM PDT
To: Susan Gorin <Susan.Gorin@sonoma-county.org>, David Rabbitt
<David.Rabbitt@sonoma-county.org>, district3@sonoma-county.org, district4@sonoma-county.org, district5@sonoma-county.org
Subject: Multi-Tenant Cannabis Permit Moratorium

EXTERNAL

Dear Supervisors Gorin, Rabbitt, Coursey, Gore and Hopkins,
I am writing in support of the concerns expressed in earlier letters in opposition to cannabis cultivation allowances and especially the recent letter (Oct. 20, 2021) written to you by Mr. Kevin P. Block of Block & Block Attorneys providing you with legal information on what is wrong with the currently proposed ordinance, why, and what is needed to correct the problems existent and how to do the right thing

.
While problematic portions must be corrected including the processes in current use, future uses, extensions of existing permits, correction of inappropriate allowances to non-legal uses, ongoing inspections, etc. you need to please support the words and intents of not only the General Plan but the existing Area Plans. It is also important to consider and acknowledge the negative impacts on the citizens of this county, the existing areas to potentially be greatly impacted, the abuse by those looking to exploit the area and the acknowledgement that large coverage (in small and large pieces) is not in the best interests of today's populace or the future of Sonoma County - a place of fantastic beauty, open space, clean air, and, so far, limited episodes of danger and exploitation. Some things can't be solved by getting more income - you may just increase the problems and forever lose the things that make/made Sonoma County special - really special!!

Thank you for listening and your understanding.
Sincerely,
Tamara Boulton

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