From:	Robert Guthrie
To:	Cannabis
Subject:	Presentation from our meeting today
Date:	August 25, 2021 2:21:12 PM
Attachments:	EIR feedback with Sonoma County - Montgomery Rd Grp.pdf

Topic: Community Group Meeting (Montgomery Lane)

If you would like your discussion points included in the summary presented to the Board of Supervisors at their September 28 meeting, please provide them digitally (Word or PDF) on the date of your session.

Hi. Per the instructions above, I'm attaching my presentation I reviewed today with Scott and Crystal for the summary to the Board of Supervisors on 9/28.

Thanks again for taking the time today to meet with us.

Robert

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Neighborhood meeting with Sonoma County cannabis team
Sebastopol, Montgomery Road area residents

Wednesday
2021-08-25
1:00 PM PST

Agenda for today

1. **Odor**
2. **Setbacks**
3. **Safety**

Executive Summary

Sonoma County's interpretation of cannabis cultivation impacts on neighborhoods:

1. Are based on the county's own internal opinions and assumptions, not based on research or scientific data
2. Contain odor mitigation measures that are unproven and unenforceable
3. Deny residents the opportunity to enjoy their property, or else move away
4. Disregard public feedback that describe the bad reality of a cannabis business in their neighborhood

Sonoma County must change their approach during this EIR assessment:

1. Cannabis odor must not be detectable past the cannabis cultivation parcel line
2. The EIR must ensure commercial business activities do not impact a neighbor's right to enjoy their entire property
3. The EIR must assess safety and security impacts in the neighborhood
4. Sonoma County must be held responsible and accountable for its execution of the ordinance

Plenty of cannabis odor research to leverage

Other counties used air quality modeling

Yolo County EIR

- "optimum distance for buffers [setbacks] is somewhere between **500 and 1,000 feet**
- **Setback of 1,000 feet** from residences

Kern County EIR, July 2017, pg 66-67

- "...specific cannabis compounds may be detectable at concentrations at a distance of **two miles or more**..."
- **Setback of 2,640 feet** from residences (**0.5 mile**)
- Board of Supervisors eventually decided to ban cannabis cultivation

Government programs offer methods

- **Standards**: European Committee for Standardization: EN13725:2003 and FprEN 13725
- **Modeling**: United States EPA: Air Quality Dispersion Modeling - Screening Models (AERSCREEN)

Commercial consulting on cannabis odor and impacts:

- **ORTECH Consulting:** air quality permitting/testing
- **Ascent Environmental, Inc.:** air quality management, analysis, and regulatory experience
- **Trinity Consultants**

What's in the cannabis odor that makes people sick?



menu EYEWITNESS NEWS abc7NY WABC-TV WATCH VIDEOS New York City New Jersey Long Island

SOCIETY

Neighbors say marijuana cultivation plant in New Jersey causing a stink

By Toni Yates

Monday, August 2, 2021

READINGTON, New Jersey (WABC) -- A marijuana cultivation plant in New Jersey is causing a stir fo
people who live nearby because of the odor.

"I came out to feed the cat, my **legs started shaking**, I went down on the ground, **my head was hurting**, your eyes go first, I went down on the ground and finally I could get up."
Readington Township resident Lyle Armstrong.

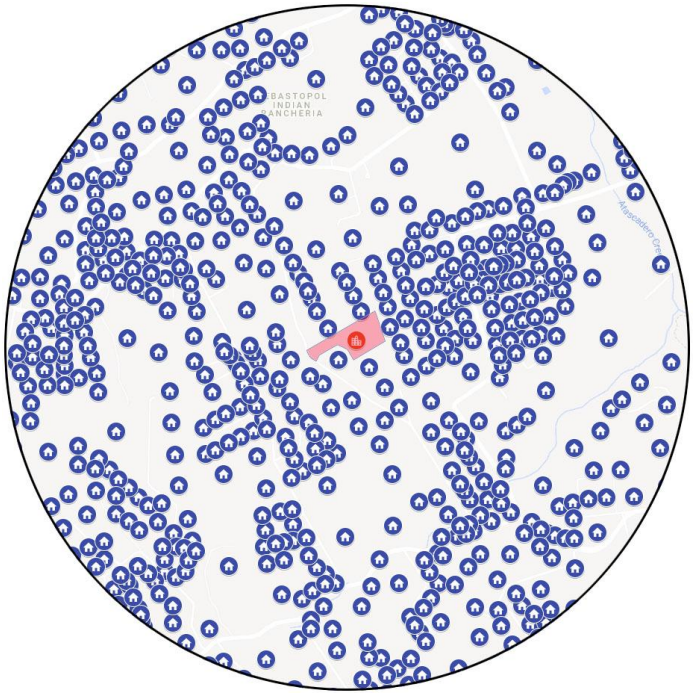
"During the day it wafts through the air and it's actually so intense it gives me a **headache**."
High Bridge resident Derek Knosbe.

The EIR must investigate the health impacts to people who inhale the odor / particles -- and its 140 or so terpenes

The current conditions in our neighborhood

To help you understand why we are presenting to you today and to give examples of why things need to change.

A commercial cannabis cultivation business is in the middle of our dense neighborhood



Scale: 1 mile radius

1-mile radius	
Parcels	775
Median size	2.0 acres
Cannabis cultivation area	0.88 acres

Zone breakdown	
Residential (RR) parcels	392
Diverse Ag (DA) parcels	375
RRD parcels	8

Timeline

2016		No cannabis cultivation at 885 Montgomery Road
2017 -- Year 1	May	Major grading construction and tree removal to create a 38,484 s.f. terraced hillside for outdoor cannabis cultivation Conducted without a permit filed or approved, so without the county's knowledge
	Aug	Neighbors begin to smell cannabis odor for the first time No neighborhood notification about commercial cannabis cultivation; it unexpectedly popped-up under secrecy No cannabis permit filed with Sonoma County; no public record of cannabis activities being proposed
	Oct	Misty Mountain Services, LLC submits application for Penalty Relief Program (PRP), yet not publicly attached to the APN records Sonoma County accepts the PRP application *without* verification of compliance with the program
		Misty Mountain Services, LLC operates commercial cannabis cultivation without a Sonoma County permit
2018 -- Year 2	Jan	Misty Mountain Services, LLC submits an application for cannabis cultivation permit (UPC18-0001) Sonoma County tells California that Misty Mountain Services, LLC meets all county requirements for cultivation; CA grants cannabis license
		Misty Mountain Services, LLC operates commercial cannabis cultivation without a Sonoma County permit
2019 -- Year 3		Misty Mountain Services, LLC operates commercial cannabis cultivation without a Sonoma County permit
2020 -- Year 4		Misty Mountain Services, LLC operates commercial cannabis cultivation without a Sonoma County permit Without explanation, the public permit hearing for Misty Mountain Services, LLC is cancelled two days before the hearing
2021 -- Year 5		Misty Mountain Services, LLC operates commercial cannabis cultivation without a Sonoma County permit

Indoor cultivation buildings on the property line



Security camera captures neighbors' properties



Security lights shine on neighbors' properties



Security fencing blight

These security items are required by the cannabis ordinance, but the buildings are so close to residents that enforcing the security clauses apparently trumps the residents' ability to enjoy their property

Neighborhood complaints to Sonoma County about these have been ignored.

Outdoor cultivation surrounded by homes



The cultivation size is nearly half the size of neighborhood parcel sizes

The EIR feedback for requirements

1

Cannabis odor must not be detectable past the cannabis cultivation parcel line

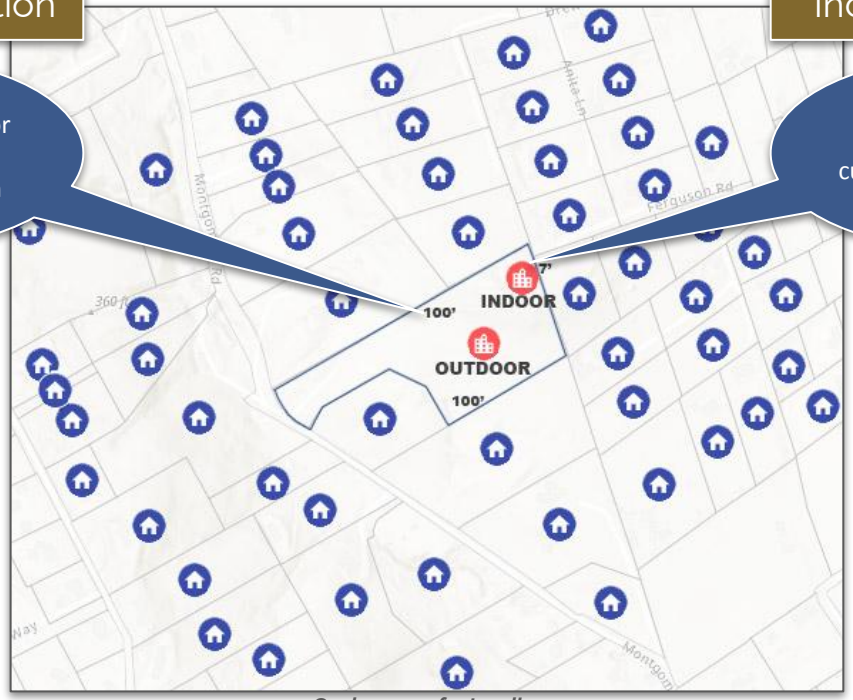
Cannabis ordinance setbacks today

Outdoor cultivation

100 feet
Thousands of outdoor cannabis plants sit within 100 feet from our backyards

Indoor cultivation

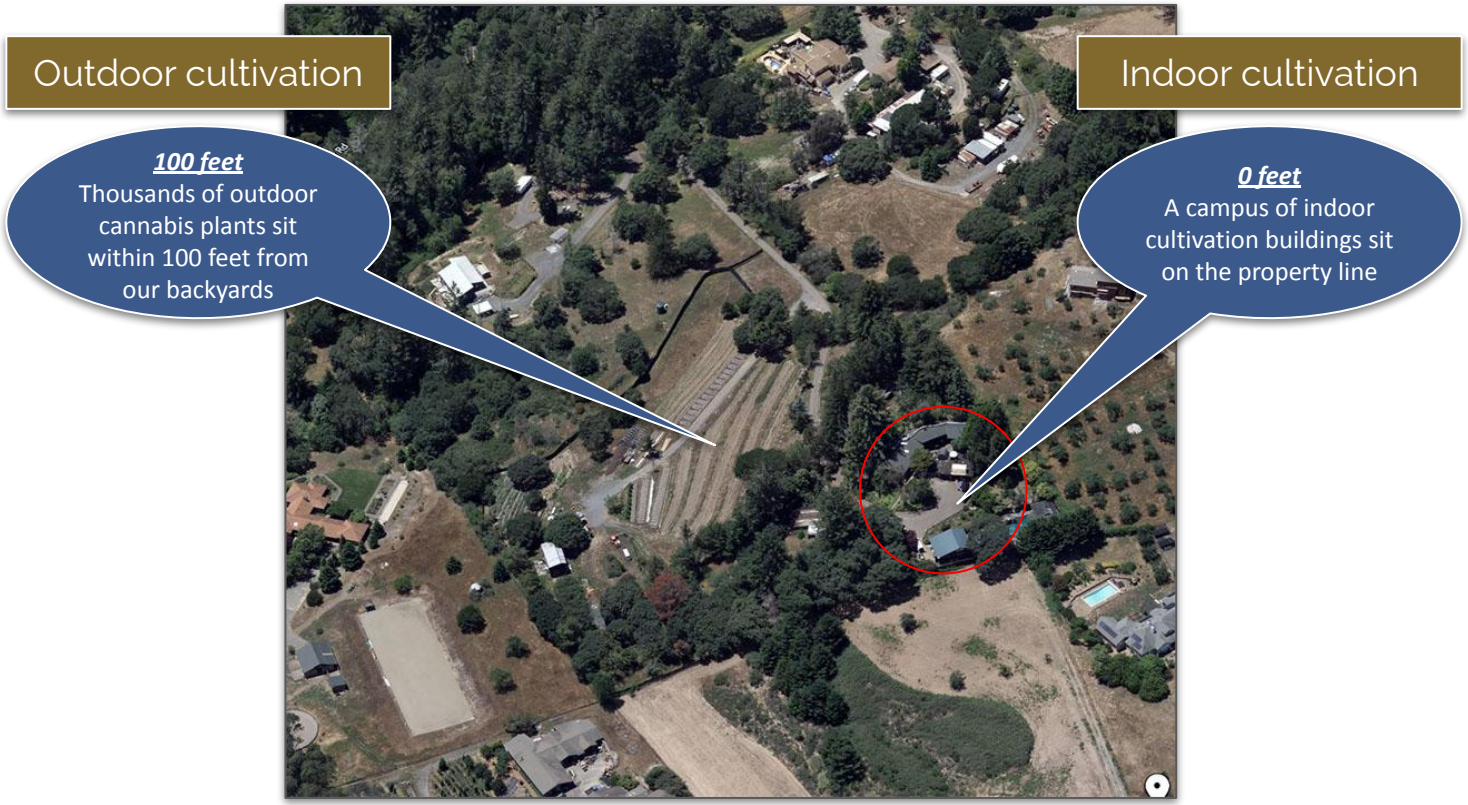
0 feet
A campus of indoor cultivation buildings sit on the property line



Scale: 1,000 feet radius

Indoor. All structures used for indoor cultivation and all structures used for drying, curing, grading or trimming and all indoor cultivation structures shall comply with the setbacks for the base zone and any applicable combining zone

Cannabis ordinance setbacks today (examples)



Cannabis ordinance setbacks fail to consider neighborhood density

The ordinance allows commercial cannabis cultivation to be adjacent to small parcels with residential use



Scale: 2-mile diameter

The median size of these parcels is 2 acres

Source:
https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=06ac7fe1b8554171b4682dc141293962

Current cannabis ordinance setbacks - negative impacts

Outdoor cultivation

Today, setbacks are:

100 feet to a property line

Between residents and commercial cannabis cultivation

Negative Impacts from Short Setbacks

1. When a neighbor has 2,000 to 10,000 cannabis plants, strong odor occurs for approximately 6 months (June-November)
2. Cannabis odor is constant, even at 3:00 AM
3. Changing wind directions ensures cannabis odor is always in someone's yard
4. If cultivators complete 2 and 3 harvests per year, odor duration will extend
5. Cannabis odor travels through trees and bushes into neighbors' yards
6. No odor mitigation measure works -- only a great distance from the cultivation works

For the EIR

Cannabis odor must not be detectable past the cannabis cultivation parcel line

The EIR and the new cannabis ordinance:

1. **Must** identify proper ag parcels with certainty and assurance that the parcel can operate a cannabis business without negatively impacting residents
2. **Must** use research and scientific data to conclude a proper distance between cannabis odor-generating activities and residents, sensitive receptors
3. **Must** leverage studies already conducted by other counties, states, and institutes regarding odor, some who have set 1,000 foot setbacks to residences
4. **Must** consider the county's microclimates and topology characteristics

The new cannabis ordinance:

1. **Must not rely** on opinions and assumptions about odor
2. **Must not force** residents to tolerate any amount of odor
3. **Must not use** mitigation methods to mask odor
4. **Must not rely** on residents to complain about odor, and sending them into an arduous process that's setup against them

2

The EIR must ensure commercial business activities do not impact a neighbor's right to enjoy their entire property

Current cannabis ordinance setbacks - negative impacts

Indoor cultivation

Today, setbacks are:

0 feet to a property line

Between residents and commercial cannabis cultivation

Negative Impacts from Short Setbacks

1. Shipping and receiving trucking noises are loud
2. Commercial activities that occur between buildings are loud and transit into neighboring properties
3. Security lighting shines and/or reflects onto neighboring properties and buildings
4. Security cameras capture portions of neighboring properties
5. Security fencing intrudes on the scenery of neighboring properties
6. Employee noise transits into neighboring properties
7. Loud exhaust fans can be heard during all hours of the day & night, and those don't seem to be covered by a noise clause in the ordinance

For the EIR

The EIR must ensure commercial business activities do not impact a neighbor's right to enjoy their entire property

The EIR and the new cannabis ordinance:

1. **Must** identify proper setbacks between indoor cultivation buildings and residential properties
2. **Must** identify proper setbacks between the numerous commercial operating activities and residential properties
3. **Must** assess the impacts from a 24x7 operation of commercial operating activities

or

4. Must permit indoor cultivation only in industrial zones where other warehouse-like activities take place

The new cannabis ordinance:

1. **Must not create an ordinance that contains** situations where neighbors must log and complain about odor, noise, lights, and other compliance failures to the county

3

The EIR must assess safety and security impacts in the neighborhood

Current cannabis ordinance setbacks - safety consequences

	Negative Impacts from Short Setbacks
All ordinance setbacks for cannabis cultivation are too short	1. Failure to protect residents from an armed conflict at a commercial cannabis business

Former Supervisor Shirlee Zane:

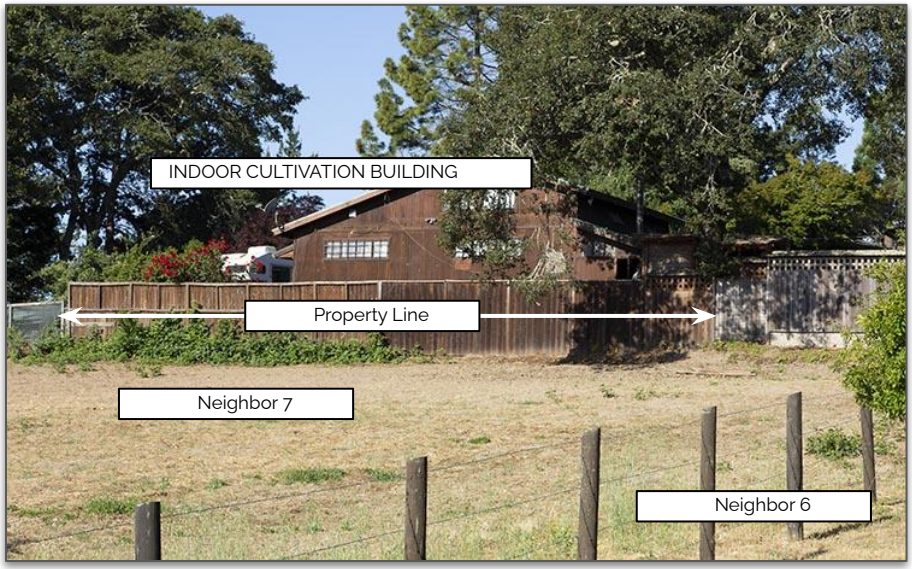
“Sergeant Tim Duke said

‘the people who commit the crimes in the neighborhoods…

They’re going after the product!*’”*

Board of Supervisors meeting, April 10, 2018

Neighbors have **no safety buffer** from an armed robbery



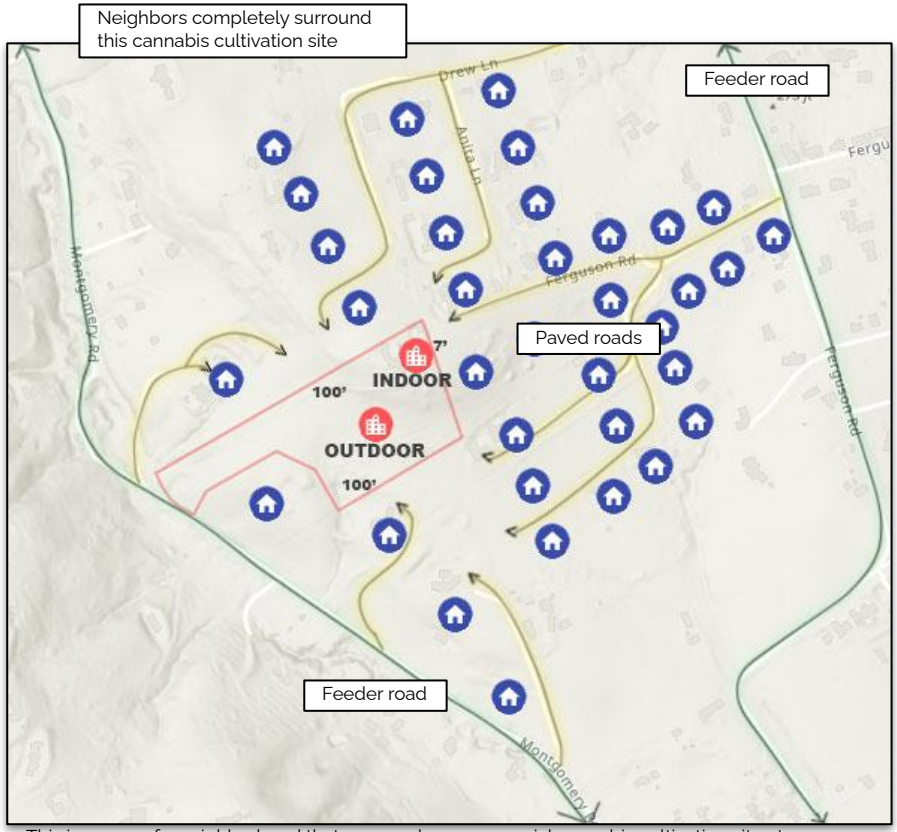
This is an indoor cultivation building at 885 Montgomery Road, Sebastopol

Indoor cultivation buildings do not have setbacks from neighbors' properties

Without setbacks, an armed conflict would start and end in a neighbor's yard

Security personnel would pursue thieves and traverse neighbors' properties

Neighbors are a **protective moat** for the cannabis business



This is a map of a neighborhood that surrounds a commercial cannabis cultivation site at 885 Montgomery Road, Sebastopol

Residences encircle a cannabis cultivation business

Intruders could use neighbors' paved roads and driveways to access cannabis cultivation sections

At any time during an event, gunshots could penetrate a neighbor's home

In a dense neighborhood, could intruders attack the **wrong house**?

Yep, it already happened: **Petaluma multiple home invasion, March 12, 2018:**

Sonoma County Sheriff Sgt. Spencer Crum:

> "...these suspects went **door to door, kicking in doors**. They tied up at least one person, pistol whipped them. They're looking for marijuana, however none of the three homes involved were selling, growing, involved in the marijuana industry in any way."
>
> "They can rip it off here in California and take it across state lines to sell it in different states where it's illegal and make two to three times the profit.

Supervisor David Rabbitt April 10, 2018 (BoS meeting):

"There were enough houses around that particular neighborhood that **you couldn't tell who owned what piece of parcel.**"

Cannabis cultivator seeks weapons at cultivation site

- Sonoma County ordinance prohibits weapons and firearms at a cannabis cultivation site

- In 2021, a cannabis cultivator filed a lawsuit to strike that clause in order to carry arms at their cultivation site
    - Nicholas Bettencourt v. County of Sonoma Board of Supervisors (SCV-268744)
        - Only **2,500 s.f. of outdoor cannabis** cultivation at the site (APC20-0106)
        - Wants to **combat intruders** to defend their business
        - The site has already **been attacked 6 times**

If Sonoma County allows mini-sized militias with TBD firepower to defend their cannabis cultivation, and permits them inside neighborhoods, who will defend the residents?

The EIR must assess safety and security impacts in the neighborhood

The EIR and the new cannabis ordinance:

1. **Must** assess the safety and security risks of those residents who surround a commercial cannabis cultivation

or

2. **Must** permit indoor cultivation only in industrial zones where other warehouse-like activities take place
3. **Must** permit outdoor cultivation on ag parcels that are a specified distance from residents (like 1,000+ feet from property line)

The new cannabis ordinance:

1. **Must not contain conditions** that make residents feel unsafe in their home or neighborhood
2. **Must not introduce risks** to a residence that did not exist when they purchased their home
3. **Must not promote** a reactive course of action -- waiting for some violent event to take place before making changes that should have been implemented in the first place

Summary - the EIR must ensure at least the following:

1. **Must** identify proper ag parcels with certainty and assurance that the parcel can operate a cannabis business without negatively impacting residents
2. **Must** use research and scientific data to conclude a proper distance between cannabis odor-generating activities and residents, sensitive receptors
3. **Must** leverage studies already conducted by other counties, states, and institutes regarding odor, some who have set 1,000 ft. setbacks to residences
4. **Must** consider the county's microclimates and topology characteristics
5. **Must** identify proper setbacks between indoor cultivation buildings and residential properties
6. **Must** identify proper setbacks between the numerous commercial operating activities and residential properties
7. **Must** assess the impacts from a 24x7 operation of commercial operating activities
8. **Must** assess the safety and security risks of those residents who surround a commercial cannabis cultivation
9. **Must** investigate the health impacts to people who inhale the odor / particles

or

10. **Must** permit indoor cultivation only in industrial zones where other warehouse-like activities take place
11. **Must** permit outdoor cultivation on ag parcels that are a specified distance from residents (like 1,000+ feet from property line)

4

Sonoma County must be held responsible and accountable for its execution of the ordinance

Sonoma County must be held responsible and accountable for its execution of the ordinance

- Correct the vague, subjective requirements
- Stop the opinion-based mitigation measures used to approve permits and silence residents' concerns
- Do not write compliance requirements that make monitoring and enforcement variable or impossible
- Do not rely on neighbors to monitor and report bad behavior
- Stop the year-long process to dispute compliance violations
- Stop creating loopholes to bypass CEQA or environment reviews
- No use of self-reporting metrics

Reminder of what we've heard in the past

Supervisor David Rabbitt:	"We need to push [cannabis cultivation] away from the residences."
Supervisor Susan Gorin:	"Move the cultivation away from impacting residential neighborhoods."
Supervisor James Gore:	"I turned-in a grow that was 200 feet from my house."
Supervisor Shirlee Zane:	"We haven't done enough to protect these rural neighborhoods."
Supervisor Lynda Hopkins:	"We really need to focus on the impacts of cannabis cultivation."

The residents giving feedback this month have been telling Sonoma County the same story for 4+ years.

Yet, nothing has happened.

Please deliver this time.

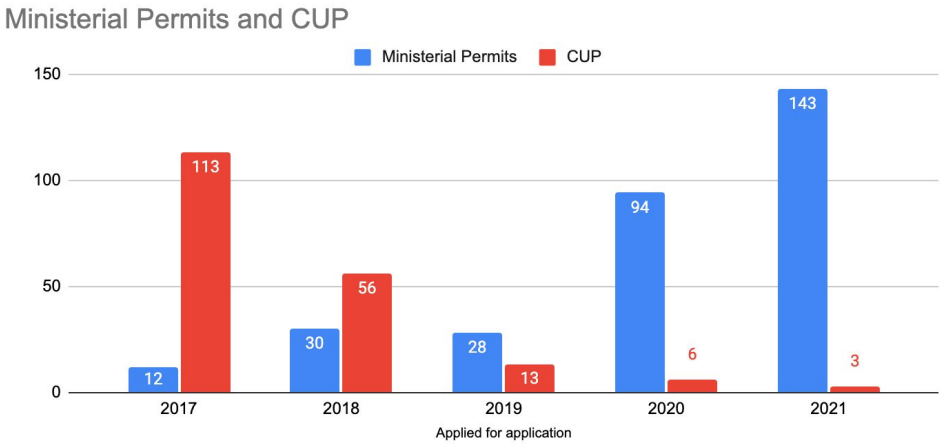
Thank you for giving us this opportunity to meet with you and to supply the information attached herein.

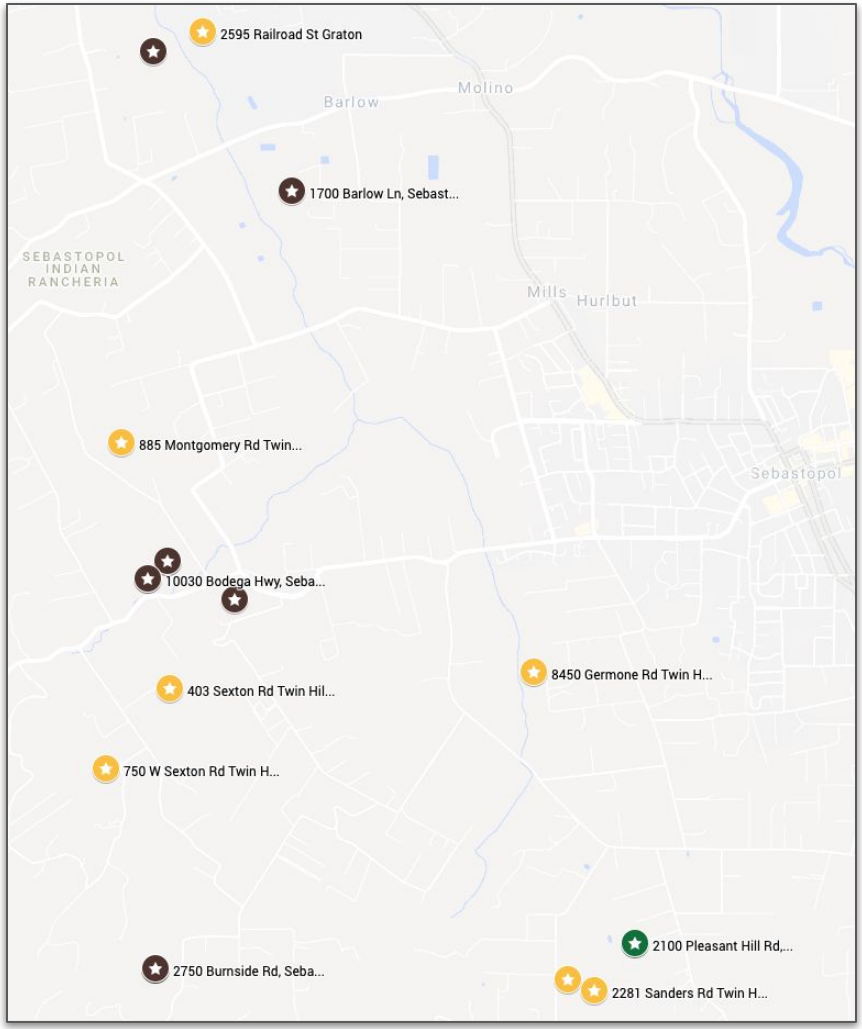
Extra

Sonoma County is sneaking cannabis cultivation into neighborhoods

Cannabis cultivation permits are now sneaking through undetected and without environmental review by chunking applications into 4 smaller applications per parcel.

The Ag Commissioner then approves 4 permits for 40,000 s.f. of outdoor cannabis plants, skirting California's CEQA law, and leaving surprised neighbors without any recourse.





The EIR must assess density of cannabis cultivation

This map shows the active cannabis cultivation permits around Gold Ridge / Graton area

Brown and green = are ministerial permits via Ag Commissioner

Yellow = conditional use permits

Changes to cultivation methods

The EIR must include analysis of ongoing changes to cannabis cultivation methods:

- Example: “light dep” method yields 3-5 outdoor/hoop house harvests per year

How do these methods impact the environment and neighborhood?

Outdoor cannabis odor duration is now 9 months per year, or all year?

Sonoma County must assume that outdoor harvests no longer occur only in the fall.

Where should Sonoma County promote cannabis cultivation?



2-mile wide diameter; blue dots are homes

Potentially Excellent Location

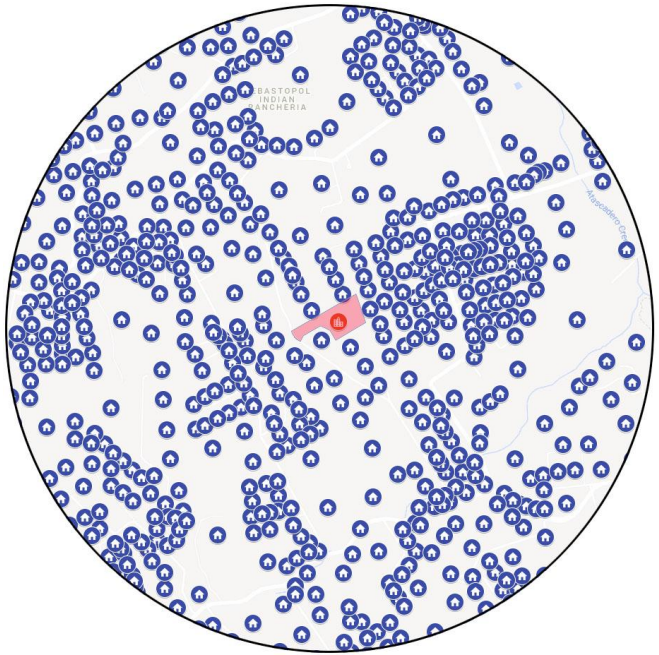
1. A large 500-acre space of contiguous parcels with active cannabis permit applications
2. An industrial train depot across the street from the cannabis cultivation
3. A water treatment plant is 1,000 feet to the north
4. A cattle ranch between the cannabis cultivation and residential homes
5. Northwestern Pacific railroad system between residents and the cannabis cultivation
6. A busy Highway 12

These are potentially odor-generating operations that have existed long before residents purchased nearby homes.

Permits: APC21-0009 to APC21-0024

Where should Sonoma County promote cannabis cultivation?

Montgomery Road with 767 DA and RR residents nearby on small acre parcels



Large tracts in the middle of nowhere bordering odor-generating businesses



Today, Sonoma County recommends approving both of these sites for cannabis cultivation.
The EIR and the ordinance need to clearly define the best locations for cannabis cultivation

2-mile wide diameter; blue dots are homes