



**CITY OF HEALDSBURG
CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY
REGULAR MEETING AGENDA**

City Hall Council Chamber
401 Grove Street
Healdsburg, CA 95448
(707) 431-3317

Meeting Date: January 17, 2017
Time: 6:00 PM
Date Posted: January 13, 2017

1. CALL TO ORDER/ROLL CALL

A. Pledge of Allegiance

B. Approval of Agenda

C. Approval of Minutes – January 3, 2017 Regular Meeting

2. ANNOUNCEMENTS/PRESENTATIONS

A. Proclamation declaring January 2017 as Human Trafficking Awareness Month

B. Update on Turkey Trot Fundraiser

3. COUNCIL REPORTS ON MATTERS OF INTEREST OCCURRING SINCE PREVIOUS REGULAR MEETING/EXPENSE REIMBURSEMENT REPORTS

4. CITY MANAGER REPORTS

5. PUBLIC COMMENTS ON NON AGENDA ITEMS

This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council/RSA business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council/RSA Board. Members from the public wishing to speak on a Consent Agenda item should notify the Mayor during Public Comments.

6. CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine and action will be taken by the City Council by a single motion. A Councilmember, staff or the public may request that an item be removed from the Consent Calendar and action taken separately. In the event an item is removed, it may be considered as the first scheduled item in the agenda under Old or New Business.

None.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

A. Consider: (1) Adopting resolution calling for Special Municipal Election; and (2) filling the City Council vacancy

- (1) Adopt Resolution calling for a special election of a Councilmember to fill the current vacancy, with a term that will expire December 2018 and increasing the General Fund budget appropriations by \$33,100 to cover the cost of the election; and
- (2) By motion, appoint Gary Plass to fill the Council vacancy on an interim basis until a replacement is elected

B. Discussion of proposed amendments to the City's Municipal Code in response to passage of the Adult Use of Marijuana Act (AUMA)

Receive a presentation by staff; and by motion, direct preparation of an ordinance for introduction and first reading by the City Council to amend the City's Municipal Code as recommended by the City's Planning Commission

9. NEW BUSINESS

A. Consideration of an inclusionary housing requirement on new lodging establishments

Staff recommends the City Council provide direction to staff regarding:

- (1) the preparation of a Commercial Inclusionary Housing Ordinance and Nexus Study; and
- (2) the method of adoption of the Commercial Inclusionary Housing Ordinance

B. Appointments of Councilmembers to various Boards and Commissions for 2017

Assign Councilmember appointments to the various Boards and Commissions for 2017

C. Appointment of Parks and Recreation Commissioners

By motion, appoint three Commissioners to three (3) year terms ending January 1, 2020

D. Appointment of Senior Citizens Advisory Commissioners

By motion, appoint two Commissioners to three (3) year terms ending December 31, 2010 and one Commissioner to a one year term to end December 31, 2017

E. Appointment of Transportation Advisory Commissioners

By motion, appoint two Commissioners to four (4) year terms ending December 31, 2020; and one Commissioner to a three (3) year term to end on December 31, 2019

F. Appointments of the City Selection Committee and Mayors' and Councilmembers' Association

Review letters of interest for the various Boards and Commissions and by motion, direct the Mayor or his Alternate how to vote at the City Selection Committee and Sonoma County Mayors' and Councilmembers' Association meetings on February 9, 2017 in Cotati.

G. Consideration of three Professional Services Agreements related to the City Hall Addition and Alteration Project

(1) Receive report; and (2) adopt a Resolution approving three agreements related to the City Hall Addition and Alteration Project, the first for architectural and engineering services to Gelfand Partners Architects in an amount not to exceed \$171,780, the second for geotechnical and special inspection services to Kleinfelder, Inc. in an amount not to exceed \$89,721, and the third to Alameida Architecture for on-site construction administration in an amount not to exceed \$100,800 and authorizing the City Manager to execute the agreements

10. WRITTEN COMMUNICATIONS

None.

11. CLOSED SESSIONS

None.

12. ADJOURN CITY COUNCIL / RSA MEETING

SB 343 - DOCUMENTS RELATED TO OPEN SESSION AGENDAS: *Any writings or documents provided to a majority of the City Council/Redevelopment Successor Agency Board regarding any item on this agenda after the posting of this agenda and not otherwise exempt from disclosure, will be made available for public review in the City Clerk's Office located at City Hall, 401 Grove Street, Healdsburg, during normal business hours. If supplemental materials are made available to the members of the City Council/Redevelopment Successor Agency Board at the meeting, a copy will be available for public review at the City Hall Council Chambers, 401 Grove Street, Healdsburg, CA 95448.*

These writings will be made available in appropriate alternative formats upon request by a person with a disability, as required by the Americans with Disabilities Act.

DISABLED ACCOMMODATIONS: *The City of Healdsburg will make reasonable accommodations for persons having special needs due to disabilities. Please contact Maria Curiel, City Clerk, at Healdsburg City Hall, 401 Grove Street, Healdsburg, California, 431-3317, at least 72 hours prior to the meeting, to ensure the necessary accommodations are made.*

**CITY OF HEALDSBURG
CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY
REGULAR MEETING MINUTES
January 3, 2017
City Hall Council Chamber
401 Grove Street, Healdsburg**

CALL TO ORDER/ROLL CALL

Mayor/Chairperson McCaffery called to order the concurrent meeting of the City Council and Redevelopment Successor Agency of the City of Healdsburg at 6:00 P.M. with the following Councilmembers present:

Present: Councilmembers/: Hagele, Mansell, Naujokas and Mayor McCaffery
Board Members

Absent: Councilmembers/: None
Board Members

APPROVAL OF AGENDA

On a motion by Vice Mayor Mansell, seconded by Councilmember Hagele, approved the January 3, 2017 City Council and Redevelopment Successor Agency meeting agenda as submitted. The motion carried on a unanimous voice vote. (Ayes 4, Noes 0, Absent -None)

APPROVAL OF MINUTES

On a motion by Councilmember Naujokas, seconded by Vice Mayor Mansell, approved the December 19, 2016 regular meeting minutes as submitted. The motion carried on a unanimous voice vote. (Ayes 4, Noes 0, Absent -None)

ANNOUNCEMENTS/PRESENTATIONS

Mayor McCaffery introduced newly appointed City Attorney Samantha Zutler.

**COUNCIL REPORTS ON MATTERS OF INTEREST OCCURRING SINCE PREVIOUS
REGULAR MEETING/EXPENSE REIMBURSEMENT REPORTS**

Vice Mayor Mansell reported that since the last Council meeting she met with the newly hired City Attorney, Jenny Levine Smith, Leah Gold and Gary Plass and that she received numerous correspondence regarding the current composition of the City Council and in support of appointing Leah Gold to the vacant Council seat.

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Councilmember Naujokas reported he met with numerous members of the community mostly about the aftermath of the election including Jeff Civian and Gary Plass. Councilmember Naujokas asked to agendize a discussion regarding the services that the City provides to the community and ways to best communicate that information to the public.

City Manager Mickaelian stated he would be happy to agendize the subject matter for a future meeting if that was the consensus of the Council.

It was Council's consensus to agendize the discussion as suggested by Councilmember Naujokas.

Councilmember Hagele reported he had been talking with members of the community regarding the vacant Council seat and with people expressing their support for the appointment of certain persons to the Council. Councilmember Hagele asked to discuss during the goal setting session how the City can do a better job at disseminating information to the public, i.e. social media, website, etc.

It was the Council's consensus to agendize the discussion.

Mayor McCaffery reported he spent time in Tahoe with family for the holidays.

CITY MANAGER REPORTS

None.

PUBLIC COMMENTS ON NON AGENDA ITEMS

Francis Critchlow, taxi cab driver, stated that over the holidays the taxi business in town closed its doors and that he is looking at ways to start taxi service business. He added one of the sticking points is the insurance requirements and claimed that the insurance requirements in other Sonoma County cities were much lower than Healdsburg's.

Mayor McCaffery suggested that he contact the City Manager's Office regarding the requirements to start a taxi business.

Mike Miller asked the Council to declare Healdsburg a sanctuary city and to direct the police department to not cooperate with governmental agencies that come to town to deport Healdsburg's residents. He also asked the Council to appoint someone to the Council seat that does not reflect President Elect Trump's views.

Patricia Morandi invited the Council to attend an American Civil Liberties Union gathering scheduled for January 10, 2017 at 6:30 P.M. at the Foss Creek Community Center.

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Tony Gerald invited the Council to attend the 71st competition of Miss Sonoma County scheduled for March 4, 2017 at 7:00 P.M. at the Spreckels Center in Rohnert Park.

Hannah Maffia, current Miss Sonoma County, spoke about her platform, the importance of nutrition and a healthy life style, and about the skills she has gained and the scholarship program that is part of the Miss Sonoma County competition. She added it has been a great experience and she was happy to be part of the organization.

Siobhan Hauff, Miss Sonoma County Outstanding Teen, stated her platform was Cystic Fibrosis and her talent was dancing. She spoke about the opportunities offered by the program including earning scholarship money and travel throughout the County and the State representing Sonoma County.

Lamarion Spence opined the Council should represent the entire community.

CONSENT CALENDAR

Councilmember Hagele asked to pull Item 6A, Purchase of Utility Truck, for discussion.

On a motion by Councilmember Hagele, seconded by Councilmember Naujokas, approved the revised Consent Calendar, as follows:

A. BID AWARD - SERVICE UTILITY TRUCK

This item was pulled from the Consent Calendar for discussion.

B. INCOME-QUALIFIED RESIDENTIAL DIRECT INSTALL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM

Adopted Resolution No. 1-2017 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH EFFICIENCY SERVICE GROUP, LLC TO PROVIDE AN INCOME-QUALIFIED RESIDENTIAL DIRECT INSTALL AND SNAPSHOT AUDIT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$125,000.” (Ayes 4, Noes 0, Absent – None)

The motion to approve the Consent Calendar as revised carried on a unanimous roll call vote. (Ayes 4, Noes 0, Absent – None)

BID AWARD - SERVICE UTILITY TRUCK

General Services Manager Lindenberg informed Council about the bid solicitation process conducted noting that the lowest bid received was from Town Ford of Redwood City in the amount of \$70,990. Manager Lindenberg stated the reasons for the cost of the utility vehicle being much higher than budgeted, was because the budgeted amount was based on the 2003 replacement cost and only the chassis was budgeted, not the utility box. Additionally staff is requesting approval of a \$3,550 contingency for lights and radio equipment that was not included as part of the original bid specifications. Manager Lindenberg added that to cover the additional costs, staff is requesting the Council increase the Vehicle Maintenance Fund appropriations by \$27,405 and that this increase would not have an impact on the Operational Funds.

Councilmember Hagele stated staff's presentation answered his questions regarding the reasons for the difference between the budgeted amount and the actual cost of the utility truck.

On a motion by Councilmember Hagele, seconded by Vice Mayor Mansell, adopted Resolution No. 2-2017 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING THE PURCHASE OF A SERVICE UTILITY TRUCK IN AN AMOUNT NOT TO EXCEED \$70,990, AND INCREASING APPROPRIATIONS BY \$27,405." The motion carried on a unanimous roll call vote. (Ayes 4, Noes 0, Absent – None)

PUBLIC HEARING - EXTENSION OF INTERIM ORDINANCE NO. 1155 AND INTERIM ORDINANCE NO. 1156 – MARIJUANA CULTIVATION MORATORIA

City Attorney Zutler provided background information on the provisions of the Adult Use of Marijuana Act (AUMA) adopted by Proposition 64, which legalized recreational marijuana use, possession and cultivation in limited quantities, and regulates marijuana related businesses. Additionally, under AUMA, cities may: (1) ban outdoor cultivation entirely; (2) regulate, but not ban indoor cultivation of up to six plants; (3) ban or regulate marijuana related businesses; and (4) impose additional taxes on marijuana and marijuana products. In response to the passage of AUMA, the Council adopted two urgency ordinances establishing a temporary 45 day moratoria on the outdoor cultivation of recreational marijuana and the indoor cultivation of recreational marijuana with certain limitations in order to allow City staff to study the impacts of AUMA and make recommendations to the City Council. The ordinances will expire January 5, 2017.

City Attorney Zutler stated that the recommended next steps are for the Council to: (1) extend both urgency ordinances for 10 months and 15 days; and (2) discuss the issue again at the January 17th meeting to determine direction on amending the provisions of the Municipal Code.

Discussion ensued regarding whether voter approval was necessary to impose a tax on marijuana related activities, the desire to receive community input prior to making a decision on the revisions to the Municipal Code and clarification that extending the moratoria would not revise in any way the provisions of the existing medical marijuana ordinance.

In response to Vice Mayor Mansell's inquiry, staff noted that the proposed ordinances would only extend the moratoria 10 months and fifteen days.

Mayor McCaffery opened the public hearing.

There being no public speakers, on a motion by Councilmember Hagele, seconded by Vice Mayor Mansell, closed the public input portion of the public hearing. The motion carried on a unanimous voice vote. (Ayes 4, Noes 0, Absent – None)

On a motion by Vice Mayor Mansell, seconded by Councilmember Naujokas, adopted Ordinance No. 1161 entitled, "AN INTERIM ORDINANCE ADOPTED AS AN URGENCY MEASURE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS A TEMPORARY MORATORIUM (UNDER CERTAIN CIRCUMSTANCES) OF THE INDOOR CULTIVATION OF NONMEDICAL MARIJUANA." The motion carried on a unanimous roll call vote. (Ayes 4, Noes 0, Absent – None)

On a motion by Vice Mayor Mansell, seconded by Councilmember Hagele, adopted Ordinance No. 1162 entitled, "AN INTERIM ORDINANCE ADOPTED AS AN URGENCY MEASURE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS A TEMPORARY MORATORIUM OF THE OUTDOOR CULTIVATION OF NONMEDICAL MARIJUANA." The motion carried on a unanimous roll call vote. (Ayes 4, Noes 0, Absent – None)

OLD BUSINESS - APPOINTMENT TO VACANT CITY COUNCIL SEAT

City Manager Mickaelian provided background information on the resignation of former Councilmember Ziedrich with an effective date of December 31, 2016 and reviewed possible actions the Council could take to fill the vacancy including: appointing a qualified Healdsburg resident; or calling for a special election to elect a Councilmember for the remainder of the term which will end December 2018.

City Manager Mickaelian discussed possible scenarios if the Council chose to either appoint a member of the public or solicit letters of interest to fill the vacant seat.

Councilmember Hagele asked for clarification as to: (1) the process that would be followed if Council chose to solicit letters of interest; (2) whether a person could still submit a letter of interest after a motion to appoint said person to the Council position fails; and (3) whether the Council has to appoint an interim Councilmember if it chooses to call a special election.

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City Manager Mickaelian stated it would be up to the Council's discretion on how the selection is made from the letters of interest and could include Council interviewing the applicants.

City Attorney Zutler stated the City Council was not required to appoint an interim Councilmember.

Discussion ensued regarding the cost of a special election and whether the Council had an option to appoint a subcommittee to review the letters of interest.

Public Comments

Dan Walsh spoke in support of appointing the 4th highest vote getter or appoint someone who ran for Council recently.

Warren Watkins, Healdsburg Citizens for Sustainable Solutions, stated his group was supportive of appointing Leah Gold and of making the appointment at tonight's meeting.

Nancy Roberts spoke in support of Leah Gold for the vacant seat on the City Council asserting that Leah was the right person for the job and that she should be appointed at tonight's meeting.

Martha Sherratt asked for a show of hands of the people in the audience in support of Leah Gold and opined that the voters spoke against an incumbent and that she wanted a female appointed to the vacant Council seat. She commented on Leah Gold's qualifications to fill the Council seat.

Louise Fowler read a letter from Supervisor Gore in support of appointing Gary Plass to the vacant seat.

Mark Decker spoke in support of appointing Gary Plass to the vacant Council seat and elaborated on Gary Plass' experience and knowledge about current issues and the many years of service to the community as reasons for supporting the appointment.

Robert Nuese expressed his support for the appointment of Leah Gold adding that she is not divisive and worked well with staff during her tenure in the City Council. He opined Leah Gold's appointment will improve the citizens' trust in the City.

Terry Fowler stated the Council vacancy came about at the end of the City Council election and expressed his support of appointing the 4th highest vote getter. He stressed the importance of appointing someone that has experience and has the character to do what is the best for the community and added that Council would be doing that by appointing Gary Plass to the vacant seat.

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Jim Winston spoke in support of Leah Gold's appointment to the City Council and opined she would bring the balance that is needed in the City Council.

Heidi Marino spoke in support of appointing Leah Gold, someone who would bring balance to the current City Council.

Patricia Morandi stated she was very impressed with Leah Gold and spoke in support of her appointment to the City Council claiming that Leah Gold would provide a more diverse representation of the community.

Larry Smith stated the easiest and fairest option was to hold a special election. He asked the Council to consider their options carefully.

Christine Naber commented on the current make-up of the City Council opining that they are not able to fully understand the challenges faced by women and minorities. She stated that appointing Leah Gold to the Council seat would go a long way at making those who don't feel represented, represented.

Shawn Widick stated there were many qualified individuals in the community that could serve in the Council; however, out of fairness to the process, given the fact that everyone had the opportunity to run for Council, the results of the recent election should not be ignored and that the fourth highest vote getter should be appointed to the vacant seat.

Claudia Lyman opined the City Council needed to become more inclusive and appoint Leah Gold. She noted that Leah Gold was elected to the Council before, speaks Spanish, is a woman and is good at team building. She opined gender diversity was needed in the City Council.

Mel Amato spoke in support of appointing Gary Plass citing his experience and willingness to serve. He added the public has already spoken at the recent Council election and urged the Council to seriously consider Gary Plass for the vacant position.

Merrilyn Joyce opined that 4th place on a Municipal Election for an incumbent is not a good place and it might indicate that it is time for a change. She read a letter she sent to the Healdsburg Tribune Editor and urged the Council to appoint Leah Gold to the Council's vacant seat. She added that Leah Gold has the courage to question the status quo and could help repair the broken trust and foster trust with the community.

Lauren Parnes commented about the lack of respect displayed by some of the members of the audience when speakers expressed opposing views to theirs. She spoke about the Council's responsibility to represent the entire community and about the reasons that prevent women from running for office.

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Leah Gold expressed her appreciation to the people that showed up at the meeting to support her and stated that she deeply appreciated the effort. She stated that if she was offered the appointment she would gladly accept and was prepared to work with the Council for the betterment of the community.

Lamarion Spence stated the four Councilmembers were elected to represent the community and added that the Council should make a decision that would best serve the community.

Mayor McCaffery suggested that the Council discuss the options presented.

Councilmember Naujokas stated the Councilmembers were elected to do what is best for Healdsburg and although there is a significant cost for the special election he was supportive of calling a special election and making an interim appointment.

Vice Mayor Mansell stated she was not interested in holding a special election because of the cost and that she was supportive of soliciting letters of interest and of establishing a process that is fair and transparent to make a selection. Vice Mayor Mansell stated she hoped this process would be a unifying process, not a divider.

Councilmember Hagele spoke about the challenges of running for election and stated he was in favor of going down the list of the people that ran for City Council and that if the Council could not reach consensus on appointing one of them; he would support holding a special election.

Mayor McCaffery discussed the concept of an election and concurred with Councilmember Hagele that the people who ran for office should be considered. Mayor McCaffery added if the Council was not able to come to a consensus on an appointment, he was supportive of holding a special election and of appointing someone in the interim.

Councilmember Naujokas discussed the merits of considering the November 8th election results in evaluating who is appointed to the Council seat.

Mayor McCaffery stated that if the election results are not used, it would make the appointment a personal decision not a public decision.

Councilmember Hagele opined that the Council should take in consideration the votes of the people on the municipal election and asserted that those votes mattered.

Vice Mayor Mansell stated that the election was over and the Council had to be in the moment. She added there are rules in place and it is political; however, as an elected body, the Council has to make difficult decisions and has an obligation to include the public in the process. She added the Council needed to look beyond the populous vote and stated that she wanted to reach

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consensus. Vice Mayor Mansell stated that she was supportive of soliciting letters of interest (Option B).

Councilmember Naujokas stated that the fairest way to fill the vacancy was to hold a special election and that he would be supportive of appointing Mr. Plass to the Council on an interim basis.

Councilmember Hagele reiterated his position was to consider making an appointment from the people who ran for office and that if agreement could not be reached he would support a special election. Councilmember Hagele stated his preference would be not to have a special election and appoint Mr. Plass, an individual with a wealth of current experience, to the vacant position.

Vice Mayor Mansell was supportive of appointing Leah Gold to the vacant position.

Councilmember Hagele expressed concern about how the Council would make a selection if 17 people applied and that he was not in favor of just handing someone the position. Councilmember Hagele stated he wanted people to go through the process and run for office.

Councilmember Naujokas expressed concern that if Council makes an appointment, it would have to do something to rebuild the trust, such as a special outreach campaign or preparing and printing a brochure. He added he would rather spend the money on a special election.

Mayor McCaffery summarized the individual Councilmembers' positions and asked for direction on whether Council wanted to make an interim appointment.

City Manager Mickaelian stated that depending on Council's direction staff could agendize a resolution calling for a special election and making an interim appointment.

In response to Council's inquiries regarding the required Council action, staff stated it would be a motion directing staff to agendize a resolution calling for a special election and appointing an interim councilmember.

Councilmember Hagele stated he was in favor of appointing the 4th vote getter and that if the Council could not reach a consensus he was in favor of holding a special election.

Councilmember Mansell stated she was supportive of Option B (soliciting letters of interest).

Councilmember Naujokas stated he was not in favor of appointing Gary Plass for two years; however, he was in favor of an interim appointment.

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On a motion by Mayor McCaffery, seconded by Councilmember Hagele, directed staff to prepare and agendize a resolution calling for a special election in June and appointing Gary Plass in the interim. The motion carried on a roll call vote with Vice Mayor Mansell dissenting. (Ayes 3, Noes – Mansell, Absent – None)

City Manager Mickaelian clarified that staff would agendize a resolution calling for a special election and appointing Gary Plass in the interim to the Council position.

OLD BUSINESS - MEASURE V SURVEY

Assistant City Manager Ippoliti provided background information on the adoption of Measure V and prior years' survey results on the use of Measure V funds within the funding priorities which include: public safety, street maintenance and repair, economic development and maintenance of City facilities.

Assistant City Manager Ippoliti discussed this year's outreach campaign noting that the survey will be disseminated starting January 9th with a deadline of February 6th. Presentation to Council of the Measure V survey results and community input on funding priorities is scheduled for February 21, 2017.

Assistant City Manager Ippoliti reviewed the proposed survey pointing out that Affordable Housing was omitted from this year's miscellaneous section in light of the passage of Measure S, which will provide a dedicated funding source for affordable housing.

Discussion ensued regarding the merits of using priority ranking instead of percentages for the funding categories.

Bruce Abramson expressed concern that non-Healdsburg residents would be submitting surveys and inquired how the City was going to ensure that only Healdsburg residents submit surveys. He questioned the use of Measure V funds for the City Hall project and inquired why other funds, such as existing reserves, were not being used instead.

Larry Smith was supportive of the City doing the survey and suggested continuing to include affordable housing in the survey so people don't wonder why the category was removed and opined the results could be used as a barometer of the community's sentiments.

Vice Mayor Mansell stated she was not convinced that the Measure S funds would be sufficient to meet the affordable housing needs and that she was in favor of putting back affordable housing under the miscellaneous category. Vice Mayor Mansell stated she was open to using priority ranking instead of percentages for the funding categories.

Discussion ensued regarding whether to include affordable housing in the miscellaneous category, the purpose of the survey, the pros and cons of priority ranking versus percentages, and the fact that the survey was not a scientific survey.

It was Council's consensus to continue to use percentages instead of priority rankings and to include affordable housing as part of the survey.

Following the discussion, on a motion by Vice Mayor Mansell, seconded by Councilmember Hagele, added housing under miscellaneous as a category of the survey and accepted the survey as revised. The motion carried on a unanimous voice vote. (Ayes 4, Noes 0, Absent – None)

NEW BUSINESS - APPOINTMENTS OF COUNCILMEMBERS TO VARIOUS BOARDS AND COMMISSIONS FOR 2017

Mayor McCaffery suggested that action on this item be postponed until the next meeting.

On a motion by Councilmember Naujokas, seconded by Councilmember Hagele, postponed action on the appointments until the January 17th meeting. The motion carried on a unanimous voice vote. (Ayes 4, Noes 0, Absent – None)

NEW BUSINESS - UPDATE ON VACANCIES ON CITY COUNCIL COMMISSIONS/ COMMITTEES

Discussion ensued regarding whether appointment of Council Subcommittees should also be postponed until the next meeting and the composition and scope/role of the Community Housing Committee.

Councilmember Hagele suggested the Council appoint Council subcommittees to interview all the applicants except the Housing Committee.

The Council concurred with Councilmember Hagele's suggestion and appointed the following Council Subcommittees:

- Councilmembers Hagele and Naujokas were appointed to the Council Subcommittee to interview the Parks and Recreation Commission applicants;
- Mayor McCaffery and Vice Mayor Mansell were appointed to the Council Subcommittee to interview the Senior Citizens Advisory Commission applicants; and
- Vice Mayor Mansell and Councilmember Naujokas were appointed to the Council Subcommittee to interview the Transportation Advisory Commission applicants.

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Staff was directed to agendaize discussion regarding the composition and scope of the Community Housing Committee at a future Council meeting.

City Manager Mickaelian informed Council that staff would be working with the Subcommittee Members to determine their availability and schedule the interviews.

WRITTEN COMMUNICATIONS

None.

CLOSED SESSIONS

None.

ADJOURNMENT

There being no other City Council business to discuss, on a motion by Vice Mayor Mansell, seconded by Councilmember Hagele, adjourned the meeting at approximately 9:10 P.M.

APPROVED:

ATTEST:

Shaun F. McCaffery, Mayor

Maria Curiel, City Clerk

Minutes Acceptance: Minutes of Jan 3, 2017 6:00 PM (Approval of Minutes)

CITY OF HEALDSBURG

PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG DECLARING JANUARY 2017 AS HUMAN TRAFFICKING AWARENESS MONTH

WHEREAS, human trafficking is a multi-billion dollar trade that occurs in every industry, including the commercial sex trade, in the labor market, such as domestic servitude, restaurant work and the construction industry; and

WHEREAS, human trafficking knows no boundaries and victims cross all economic, social, ethnic and geographic lines. Statistics estimate that 41% of sex trafficking and 20% of labor trafficking victims are United States citizens, 85% of sex trafficking victims are women and girls, 40% of labor trafficking victims are men; and

WHEREAS, commercially sexually exploited children (CSEC) represent a growing segment of the U.S. human trafficking population where victims experience extreme forms of trauma, violence, manipulation and even death at the hands of their traffickers or those who purchase children for sex; and

WHEREAS, the average age of a CSEC brought into the commercial sex trade at the hands of an exploiter is 12-14 years old; and

WHEREAS, the commitment of the people of the City of Healdsburg is imperative in order to protect individual freedom while eliminating human trafficking, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, slavery by descent, and involuntary imprisonment; and

WHEREAS, the Healdsburg City Council and the people of the City of Healdsburg actively oppose all individuals, groups, organizations and governments who support, advance or commit acts of human trafficking; and

WHEREAS, although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted, awareness of the issues surrounding human trafficking by those most likely to come in contact with victims is essential to effective enforcement because the techniques that traffickers use for enslaving their victims severely limits self-reporting;

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Healdsburg hereby declares January 2017 as Human Trafficking Awareness Month and urges all individuals, public agencies, private organizations and businesses in the City of Healdsburg to join together and work to end human trafficking through education.

Dated: January 17, 2017

SO ORDERED:

Shaun F. McCaffery, Mayor





**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 17, 2017

SUBJECT: Consider: (1) Adopting resolution calling for Special Municipal Election; and (2) filling the City Council vacancy

PREPARED BY: David Mickaelian, City Manager

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):

- (1) Adopt Resolution calling for a special election of a Councilmember to fill the current vacancy, with a term that will expire December 2018 and increasing the General Fund budget appropriations by \$33,100 to cover the cost of the election; and
- (2) By motion, appoint Gary Plass to fill the Council vacancy on an interim basis until a replacement is elected.

BACKGROUND:

Former Council Member Eric Ziedrich was elected to the Healdsburg City Council in November 2014 for a four-year term ending in 2018. The City Clerk has received a formal letter of resignation from Council Member Ziedrich. Effective December 31, 2016, Mr. Ziedrich will vacate his Council seat. Pursuant to the City's Municipal Code and State law, the City Council has 60 days from the commencement of the vacancy to fill the position or call for a special election. January 3, 2017 is the first regular meeting after the effective date of Mr. Ziedrich's resignation.

DISCUSSION/ANALYSIS:

At its January 3, 2017 meeting, the Council considered the following options to fill the Council vacancy:

Appointment Options

1. By motion, appointing a member of the public who legally resides within the city limits of Healdsburg and is registered to vote.
2. Establishing a process by which to consider qualified applicants and determine who to appoint. The process could include asking for letters of interest that included providing specific information, such as qualifications and experience.

Special Election Option

1. Calling a special election to be held on the next regularly established election date not less than 114 days from the call of the special election. The next regularly established election date is June 6, 2017. If the Council chooses to call a special election, it could also appoint an interim Member to fill the vacant seat until the date of the special election.

After much deliberation, the Council directed staff to agendize a resolution calling for a special election and appointing Gary Plass on an interim basis to the City Council. The draft resolution is attached for your consideration. Please note that the resolution also includes a provision, which if adopted, will increase the appropriations in the General Fund to cover the estimated cost of the special election in the amount of \$33,100.

Please note that the interim appointment is a separate action from the action calling for the special election, as directed by the Council.

ALTERNATIVES:

The City Council can appoint Gary Plass or any other qualified member of the public to the vacant position for the remainder of the term, which will end December 2018.

FISCAL IMPACT:

The County's cost estimate to hold an election on June 6, 2017 is approximately \$20,100 - \$33,100. The County estimates a range to account for the variables that can influence the final cost of an election, including whether some costs can be shared with other jurisdictions that may also choose to hold an election (e.g. costs associated with staffing, supplying polling places, printing voter materials, etc.). The proposed resolution includes a provision to increase the appropriations in the General Fund to cover the cost of the special election.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act ("CEQA") guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):

Resolution

CITY OF HEALDSBURG

RESOLUTION NO. _____-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG, CALIFORNIA, (1) CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 6, 2017 FOR THE ELECTION OF ONE CITY COUNCIL MEMBER TO FILL THE CURRENT VACANCY WITH A TERM WILL EXPIRE DECEMBER 2018; (2) REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 6, 2017, WITH ANY OTHER ELECTION HELD ON THE SAME DAY, IN THE SAME TERRITORY, OR IN TERRITORY THAT IS IN PART THE SAME PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; (3) APPROVING GUIDELINES FOR CONDUCTING SAID ELECTION; AND (4) INCREASING THE GENERAL FUND APPROPRIATIONS BY \$33,100 TO COVER THE COST OF THE SPECIAL ELECTION

WHEREAS, there is a vacancy on the City Council of the City of Healdsburg effective January 1, 2017, as a result of former Eric Ziedrich's resignation for a term that ends December 2018; and

WHEREAS, at its January 3, 2017 meeting the Council determined that calling a special municipal election to fill the vacancy is in the best interest of the City and its residents, and by motion directed staff to agendize a resolution calling for a Special Election to fill the vacant seat; and

WHEREAS, the estimated cost of a Special Election is \$33,100 and it is a cost that must be borne by the General Fund; and

WHEREAS, a Special Election was not anticipated with the adoption of the fiscal year 2016-17 budget and therefore there exists no budget appropriations; and

WHEREAS, the City Council has determined, pursuant to Section 15378(b)(5) of the California Environmental Quality Act Guidelines, that approval of this resolution is an administrative activity of the City and will not result in direct or indirect physical changes in the environment and is therefore not a project for purposes of CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Healdsburg does resolve, declare, determine and order as follows:

Attachment: Resolution (1462 : Special Election and Interim Council appointment)

Resolution No. _____-2017

Page 2

Section 1. Pursuant to Section 15378(b)(5) of the California Environmental Quality Act Guidelines, the approval of this resolution is an administrative activity of the City and will not result in direct or indirect physical changes in the environment and is therefore not a project for purposes of CEQA.

Section 2. That a special municipal election is hereby called for Tuesday, June 6, 2017 for the purpose of the election of one (1) member of the City Council, to fill the position which will expire December 2018.

Section 3. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of a special municipal election with any election that will be held in the same day, in the same territory, and in the same territory that is in part the same.

Section 4. That the attached Exhibit A "Guidelines for Conducting the June 6, 2017, Election," including polling hours, are hereby approved and incorporated herein as though set forth in full.

Section 5. That the Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

Section 6. That the City of Healdsburg recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs associated with Healdsburg's special municipal election.

Section 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

Section 8. That notice of the date and time of holding the special election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the special election, in time, form and manner as required by law.

Section 9. That the County Elections Department is authorized to canvass the returns of the special municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 10. That the appropriations in the General Fund are hereby increased by \$33,100 to provide funding for a Special Election.

Section 11. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Sonoma.

Attachment: Resolution (1462 : Special Election and Interim Council appointment)

Resolution No. _____-2017
Page 3

PASSED AND ADOPTED by the City Council of the City of Healdsburg, County of Sonoma, State of California, this 17th day of January, 2017, by the following vote:

AYES: Councilmembers: ()

NOES: Councilmembers: ()

ABSENT: Councilmembers: ()

ABSTAINING: Councilmembers: ()

SO ORDERED:

ATTEST:

Shaun F. McCaffery Mayor

Maria Curiel, City Clerk

Attachment: Resolution (1462 : Special Election and Interim Council appointment)

EXHIBIT A

CITY OF HEALDSBURG POLICY FOR CONDUCTING THE JUNE 6, 2017 SPECIAL MUNICIPAL ELECTION

1. NOMINATION PAPERS - No fee will be charged for the filing of nomination papers.
2. CANDIDATE'S STATEMENT OF QUALIFICATIONS - The number of words contained in a Candidate's Statement of Qualifications will be limited to 200 words. The candidate will be charged for the costs incurred in the printing of the optional Statement of Qualifications in the Voter Information Pamphlet. The candidate will be required to pay the estimated cost of \$ 255 at the time that the Nomination Papers are filed.

If a candidate elects to have his/her Candidate's Statement translated into Spanish, an additional charge of \$355 will be levied and the candidate will be required to deposit the estimated cost at the time the Nomination Papers are filed.

After the election, the City will reimburse any excess money collected and/or will bill the candidate for any amount due.

3. ADDITIONAL MATERIAL - No other election campaign material other than the statement of qualifications shall be permitted to be sent in the mailing of sample ballots.
4. CAMPAIGN CONTRIBUTIONS - Campaign contributions will be limited as set forth in Ordinance No. 1009 and as regulated by the Fair Political Practices Commission.
5. POLLING PLACE - The election polls shall remain open between the hours of 7:00 A.M. and 8:00 P.M.



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 17, 2017

SUBJECT: Discussion of proposed amendments to the City’s Municipal Code in response to passage of the Adult Use of Marijuana Act (AUMA).

PREPARED BY: Kraig Tambornini, Senior Planner

STRATEGIC INITIATIVE(S):

Quality of Life

Economic Diversity & Innovation

RECOMMENDED ACTION(S):

Receive a presentation by staff; and by motion, direct preparation of an ordinance for introduction and first reading by the City Council to amend the City’s Municipal Code as recommended by the City’s Planning Commission

BACKGROUND:

Introduction

In November 2016, voters passed Proposition 64, the Adult Use of Marijuana Act (“AUMA”). AUMA legalizes the limited possession, use and consumption of marijuana by adults (over 21 years of age) for non-medical purposes. AUMA also provides a framework for regulating marijuana related businesses and allows for state and local taxation of marijuana.

AUMA allows cities to permit (and regulate), or ban entirely, marijuana related businesses. The State has not yet adopted any specific programs or guidelines for implementing permitting and licensing requirements for such businesses. Because this area is still developing, and we are still waiting to determine the impacts of AUMA, the proposed revisions to the City’s current ordinance address only changes required by the AUMA, and preclude marijuana businesses. This approach is similar to the approach of other cities within Sonoma County. Sonoma County and the City of Santa Rosa are both exploring comprehensive ordinances to regulate cannabis/marijuana-businesses. Sonoma County, Santa Rosa, Sebastopol, and Cotati currently permit dispensaries. A summary has been provided as an attachment identifying actions that have been taken by other Sonoma County jurisdictions to regulate marijuana cultivation and businesses (Attachment 1). As this area develops, and the City is able to gather additional data regarding the impacts of AUMA, the City may again revise its ordinance to make more comprehensive changes.

Recreational marijuana is an emerging area of land use regulation and state law. Potential impacts related to marijuana businesses on commercial and industrial business districts, law enforcement activity, public service demands, utility resources and community character are topics of continuing discussion and study. It should be noted that although state law has changed as a result of the passage of the AUMA, marijuana remains classified as a Schedule 1 substance under federal law (United States Controlled Substances Act (CSA)) making it illegal to possess, process, and distribute marijuana. California law thus conflicts with federal law.

Medical Marijuana Legislation Background

In 1996, voters passed Proposition 215, the Compassionate Use Act, which amended the Health and Safety Code to decriminalize cultivation and possession of medical marijuana.

In 2004, the state enacted SB420, the Medical Marijuana Program Act, which was codified to amend the Health and Safety Code to expand and clarify the scope of Proposition 215. SB420 has been relied upon as the basis for establishment of medical cannabis dispensaries, adoption of local regulation to allow or prohibit establishment of dispensaries, and the expansion of medical marijuana related businesses in the state and region. The City also established a ban on medical marijuana dispensaries, pursuant to Municipal Code Chapter 8.32, Ordinance 1058, in 2007.

In response to the community's desire to address the needs of medical marijuana patients with minimal impacts to neighboring residents, the City adopted Land Use Code Section 20.20.100 in 2013 to permit medical marijuana cultivation on private residential property, when conducted by primary caregivers and individuals, as allowed by state law. The ordinance permits up to three plants to be grown outdoors and six plants to be grown indoors by each qualified patient or qualified primary caregiver.

In 2015, the Legislature passed AB243, which established further regulations on medical marijuana cultivation. The Legislature subsequently passed AB21, which removed a deadline by which local rules must be adopted to regulate cultivation, and required deference to the state if regulations were not passed in time.

Adult Use of Marijuana Act (AUMA)

The Adult Use of Marijuana Act (AUMA), passed by the voters in 2016, allows an adult user to grow a total of six plants per household. A summary of the new law is as follows:

- *Legalizes marijuana under state law, for use by adults 21 or older.*
- *Designates state agencies to license and regulate marijuana industry.*
- *Imposes state excise tax of 15% on retail sales of marijuana, and state cultivation taxes on marijuana of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves.*
- *Exempts medical marijuana from some taxation.*
- *Establishes packaging, labeling, advertising, and marketing standards and restrictions for marijuana products.*
- *Prohibits marketing and advertising of marijuana directly to minors.*
- *Allows local regulation and taxation of marijuana.*
- *Authorizes resentencing and destruction of records for prior marijuana convictions.*

- *Permits local governments to completely ban outdoor cultivation (but not indoor cultivation) and marijuana-related businesses.*

Previous City Actions on AUMA

On November 21, 2016, the City Council adopted a 45 day moratoria to allow for the City to investigate regulating nonmedical marijuana use and businesses in the City. On January 3, 2017, the City Council extended the moratoria for 10 months and 15 days to allow adoption of an amendment to the City's Municipal Code.

On December 13, 2016, the Planning Commission reviewed proposed amendments to Healdsburg Municipal Code Section 20.20.100, and recommended the City Council adopt those same amendments. (Attachment 2.) A table comparing the current regulations and recommended revisions is provided in Attachment 3. A summary of key proposed revisions is as follows:

- *Adds definitions for indoor and outdoor cultivation for nonmedical marijuana, consistent with the AUMA.*
- *Adds definitions of the types of businesses described within the AUMA, in order to clarify that all business types allowed by the AUMA would be prohibited within the City.*
- *Requires that all cultivation be screened from public view.*
- *Maintains allowance of cultivation of 3 plants outdoors and 6 plants indoors, for medical purposes only, by a qualified patient or caregiver at a private residence.*
- *Allows the indoor cultivation of up to six marijuana plants, for nonmedical purposes, by an adult user at a private residence.*
- *Modifies current medical marijuana provisions to prohibit outdoor cultivation in side yard areas.*
- *Prohibits cultivation, use or consumption near sensitive uses such as schools.*
- *Prohibits all types of marijuana-related businesses and activities contemplated by the AUMA, including the following:*
 - *Commercial marijuana cultivation and marijuana nurseries;*
 - *Production, distribution and sale of marijuana products such as concentrated oils and edibles, marijuana accessories such as paraphernalia, and equipment or products used to prepare or use marijuana*
 - *Marijuana microbusinesses that would act as a distributor or retailer of products or accessories, and;*
 - *Dispensaries (currently prohibited by Ordinance 1058).*

The proposed revisions do not specifically prohibit marijuana “tasting rooms” (similar to wine tasting rooms). Although we believe this use would be captured by a prohibition on all marijuana related businesses, given the fact that the law is so new, if Council wishes to ban this use, Staff recommends calling it out specifically in the revised Ordinance.

DISCUSSION/ANALYSIS:

Marijuana regulation, from land use and economic perspectives, has been the topic of considerable discussion and study. Local agencies are still grappling with these issues, and will almost certainly continue to do so in the coming months and years. Among the issues are the potential increases in commercial and industrial rents associated with marijuana businesses, and

whether those rent increases will result in displacement of other types of businesses and, thus, impact land use patterns and economic vitality in commercial and industrial zoning districts. Likewise, business opportunities, and policy decisions regarding taxation of marijuana, industry are of interest to all communities.

As of now, there is insufficient data to analyze the potential impacts of AUMA on Healdsburg specifically. However the Sonoma County Economic Development Board Task Force prepared a report in October 2016 regarding economic impacts to Sonoma County. That report is attached as Attachment 4. A recent article from the *American Planning Association, Zoning Practice* publication is also attached as Attachment 5.

In consideration of factors identified in this report, land use code amendments regarding marijuana should be thoughtfully considered in order to avoid unintended impacts.

A proposed amendment to the City's Land Use Code as recommended by the City's Planning Commission will be scheduled for the City Council to consider at a future public hearing. As additional information on the issues related to recreational marijuana regulation becomes available over time, the ordinance may be amended again in the future, as directed by the Council.

ALTERNATIVES:

Refer the item for restudy of issues identified by the City Council.

FISCAL IMPACT:

The discussion item has no fiscal impact.

ENVIRONMENTAL ANALYSIS:

The discussion item is not a project as defined under Section 15378 of the California Environmental Quality Act ("CEQA"), which states that CEQA applies only to actions that have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The report to the City Council is being provided to inform the City Council and to obtain direction on how the Council would like staff to respond to the Adult Use of Marijuana Act. Discussion of this matter would not result in adoption of new regulations or implementation of new policies, or enable any new development activities within the City.

ATTACHMENT(S):

Summary of Local Regulations
 Planning Commission Resolution 2016-23
 LUC 20.20.100 Table and Policy Discussion
 Zoning-Practice-2016-08
 So Co Cannabis Econ Task Force Rpt

Attachment 1

Summary of Recreational Marijuana Regulations by JurisdictionCounty of Sonoma

The County of Sonoma regulates possession and cultivation of marijuana, and regulates the use of marijuana in its Zoning Code. The County Zoning Code, like many Zoning Codes, is permissive, which means that any use not allowed by the Code is not permitted. The County has guidelines that limit possession and cultivation 3 pounds of dried marijuana and 30 plants per patient, above the state limits of 8 ounces and 6 mature or 12 immature plants. State and County rules limit the area of cultivation to 100 square feet per patient. A limited number of dispensaries are permitted, and an urgency ordinance was adopted to allow time to address cultivation uses and other businesses in response to the new cultivation and adult use legislation. The County held community meetings and formed committees specifically to study and discuss the issue of cultivation and impact of marijuana businesses. In December the County approved the following actions:

- Passed a Resolution excluding cannabis cultivation from the definition of agricultural use and allowing cultivation in agricultural preserves.
- Adopted a tax ordinance and authorization to place the tax ordinance on the ballot.
- Adopted amendments to its Zoning Code to allow personal cultivation in residences (but excluding multi-family units), to permit cultivation of commercial medical cannabis, medical cannabis businesses, medical cannabis dispensaries and edible cannabis manufacturing plants, with new definitions and special use regulations.

The City of Santa Rosa

In 2005, the City of Santa Rosa adopted an ordinance to permit medical marijuana dispensaries. In March 2016, the Santa Rosa City Council adopted an interim ordinance to allow Commercial Cultivation of Medical Cannabis with a Minor or Major Conditional Use Permit (depending on size) in the Light, Industrial, General Industrial, and Limited Light Industrial Zoning Districts.

On August 2, 2016, the Santa Rosa City Council directed the Zoning Administrator to issue a Zoning Code Interpretation to allow cannabis support businesses in appropriate existing commercial zones; such as lab testing, oil production and transportation services. The interpretation will remain in effect until such time as it is replaced by a Council Ordinance as part of the comprehensive policy effort.

The City defers to state law for personal cultivation for medical and nonmedical purposes. The City has reconvened a subcommittee to investigate ways to integrate cannabis regulations into the city's existing codes and guidelines, while they develop comprehensive cannabis ordinance.

Town of Windsor

Windsor has adopted moratoria similar to Healdsburg in response to AUMA, to allow more time to study impacts to public health and safety, neighborhood crime and security, odor control and neighborhood livability.

City of Cloverdale

Cloverdale currently bans commercial cultivation uses and dispensaries, and permits 3 marijuana plants outdoors per lot for medical cannabis cultivation. A permit can be obtained for larger grows of up to 30 plants indoors and possess up to three pounds, only in residential zones occupied by the individual resident. Further, the City has adopted restrictions to regulate deliveries. The City Council wants to move toward allowing a dispensary and limited commercial cultivations. Currently, no specific regulations have been established in response to the AUMA.

City of Cotati

In 2007 the City adopted regulations to permit dispensaries. The City position on commercial marijuana cultivation is that it is a prohibited use as it is not listed in the land use code. In December 2016, the City took a similar approach as Healdsburg and Windsor and adopted a moratorium in response to AUMA to prohibit outdoor and limit indoor nonmedical marijuana cultivation. Extension of the moratorium is scheduled for January 24, 2017

Attachment 1

Summary of Recreational Marijuana Regulations by JurisdictionRohnert Park

In February 2016, the City adopted regulations prohibiting marijuana related uses including cultivation, processing, delivery and dispensaries.

Petaluma

In 2007, the City adopted an ordinance to prohibit marijuana dispensaries, commercial activity and medical marijuana cultivation. The City allows cultivation for a patient limited to an area of 100 square feet (indoor or outdoor), not to exceed three mature plants which must be screened from view and not detectable by odors. In January 2016 the City amended its ordinance to preclude commercial cannabis cultivation and business activities.

City of Sonoma

The City has adopted a prohibition on dispensaries, deliveries and cultivation businesses. A use that is not listed within the zoning code is considered to be prohibited.

Attachment 2

PC RESOLUTION NO. 2016-23

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HEALDSBURG RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO
HEALDSBURG MUNICIPAL CODE SECTION 20.20.100: MARIJUANA
CULTIVATION FOR MEDICAL USE, TO ADOPT ADDITIONAL STANDARDS
REGULATING MARIJUANA CULTIVATION AND USE FOR NONMEDICAL
PURPOSES AND TO PROHIBIT ESTABLISHMENT OF MARIJUANA BUSINESSES**

WHEREAS, on November 21, 2016, the City Council adopted two interim ordinances establishing a 45-day moratorium on indoor and outdoor cultivation of nonmedical marijuana, in order to allow time for staff to study and prepare an ordinance responding to the Control, Regulate and Tax Adult Use of Marijuana Act (Proposition 64) passed by the voters of the State of California on November 8, 2016, which became effective on November 9, 2016, and legalized nonmedical, or recreational, use of marijuana in California for individuals over 21 years of age; and

WHEREAS, pursuant to Proposition 64, the City can enact reasonable regulations relating to the cultivation of nonmedical marijuana in a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure and the City can prohibit outdoor cultivation upon the grounds of a private residence, and can prohibit marijuana businesses within the City; and

WHEREAS, the City desires, by the adoption language of this Ordinance, to retain the authority to reasonably regulate cultivation of both medical and nonmedical marijuana and prohibit marijuana businesses within the City; and

WHEREAS, improper marijuana cultivation and use poses an environmental health risk to the public and may create a public nuisance, including without limitation: offensive and irritating odor, degradation of air quality, excessive noise, risk of criminal activity, improper and/or dangerous electrical alterations, and impairment of the general quality of life of property owners and occupants adjoining marijuana cultivation sites; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. Additionally, pursuant to Government Code section 38771, the City has the power, through its City Council, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the justifications for regulating nonmedical marijuana cultivation and use pursuant to the City's police power include, but are not limited to: a) the increased risk to public safety, based on the value of visible marijuana plants and the accompanying threat of break-ins, robbery and theft, and attendant violence and injury; b) the strong fumes that are emitted from marijuana plants which can interfere with the use and enjoyment of neighboring properties by their occupants; c) the potential for theft and use by school-age children where marijuana is cultivated in a visible location and easily accessible; and d) indoor cultivation of marijuana can

also result in various code violations that are health and safety risks to not only the residents of the property but also the occupants near or adjacent to marijuana cultivation sites. These secondary effects pose serious safety risks, and require the commitment of scarce police and public resources; and

WHEREAS, the State marijuana laws do not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the City must balance the public health, safety and general welfare concerns of its citizens with the legitimate medical needs of qualified patients by providing an exemption for qualified patient or primary caregiver cultivation and allow small personal outdoor cultivation as a permitted use in residential zoning districts, including commercial or office zones where dwellings are located in the City; and

WHEREAS, the cultivation and sale of medical and nonmedical marijuana in other cities has resulted in calls for service to their police departments, including calls for robberies and thefts, and the increase in criminal activity, and it is reasonable to assume that with the passage of Proposition 64, without reasonable controls imposed by the City of Healdsburg, similar, if not greater, numbers of such incidents pertaining to the cultivation of nonmedical marijuana will occur in the City of Healdsburg. Similar incidents involving complaints resulting in criminal investigations and the discovery of illegal marijuana cultivations have occurred in the City of Healdsburg. As a result of the passage of Proposition 64, there is a current and immediate threat to the public health, safety and welfare of substantial numbers of persons cultivating nonmedical marijuana outdoors and creating the complaints and enforcement problems already experienced in other communities and in the City of Healdsburg and exposing citizens to robberies, potential violence, vandalism of property and theft of marijuana plants being openly and visibly grown in the yards and grounds of residential properties throughout the City; and

WHEREAS, based upon the experience of the State of Colorado and other states in which nonmedical marijuana has been legalized, it is likely that Proposition 64 will have significant impacts on law enforcement, the medical resources of the State and the regulatory function of local agencies, including the City of Healdsburg; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 13, 2016, at which it reviewed the proposed amendments and considered all public comments on the revisions and related CEQA exemption; and

WHEREAS, the Planning Commission makes the following affirmative findings in support of the amendments proposed herein:

- A. The revisions are consistent with the Healdsburg 2030 General Plan in that the project is specifically consistent with the Housing Element Goal H-D and the Safety Element Goal S-E given that the amendments would preclude conversion of the City's existing and vital residential housing for the sole purpose of cultivating marijuana and the provisions would serve to maintain the public peace, safeguard property and

residents, maintain the quality of life and sense of security and freedom in daily activities.

- B. The amendments remain consistent with all the purposes of the Land Use Code given that State law and Chapter 20.28 Article VII provide for amendment to the zoning ordinance by the City to provide local land use control and as necessary to promote the public health, safety and welfare. The amendment of the Marijuana Cultivation Section 20.20.100 to address the provisions of Proposition 64 locally within the limitations allowed by the state is appropriate, to adequately restrict cultivation and use of marijuana and marijuana products within the City for medical and nonmedical purposes, and prohibit businesses and dispensaries within the City in order to preserve and maintain the quality of life of residents, and character of the community, as well as protecting the limited stock of commercial, industrial and residential housing supply within the small community of Healdsburg.
- C. The Planning Commission has conducted a public hearing on the draft Land Use Amendments with hearing notices given as prescribed in Section 20.28.080 which included newspaper publication at least 10 days prior to the scheduled hearing date.
- D. The amendments are exempt from environmental review under the provisions of the California Environmental Quality Act (“CEQA”) given that the proposed amendments do not have potential for causing a significant effect on the environment and therefore are not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15308.

NOW, THEREFORE BE IT RESOLVED that the City of Healdsburg Planning Commission does hereby recommend that the City Council amend Healdsburg Municipal Code Section 20.20.100 as proposed in Attachment 1 and the related CEQA Exemption based as on the Findings above.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 13th day of December, 2016, by the following vote:

AYES: Bottarini, Civian, Engler, Lickey, Luks, Tracy

NOES: Eddinger

ABSENT: None

ABSTAIN: None

Approved:

Attest:

Phil Luks, Chair

Barbara Nelson, Secretary

ATTACHMENT 1

Proposed Revisions to Marijuana Cultivation and Use (changes noted through underlining and strikeouts)

Amend Section 20.20.100, as follows:

20.20.100 Marijuana cultivation, possession and use

The provisions of this Section are established to permit medical and nonmedical marijuana use and cultivation by individuals meeting the specific requirements of qualified caregiver, patient, or adult individual over 21 years of age, for purpose of medical and nonmedical use of marijuana in compliance with state law; to establish reasonable limits on the cultivation, distribution, sale and use, possession and growth of marijuana for medical and nonmedical purposes within the City of Healdsburg; to protect children, residents and visitors and the environment from potential dangers; to prohibit marijuana businesses within the City including the cultivation, processing, manufacture, establishment of distribution facilities, testing, and sale of marijuana, including marijuana products and marijuana accessories, for commercial or other purposes within the City other than for the purpose of providing for use of marijuana for medical purposes by a qualified caregiver or patient, or adult nonmedical user, as defined by state law and subject to the provisions established herein.

A. Definitions. As used herein, the following definitions shall apply:

City. The City of Healdsburg.

Cultivation. The planting, growing, harvesting, drying, curing, grading, or trimming~~or processing~~ of marijuana plants or any part thereof.

Fully enclosed and secure structure. A space within a dwelling unit that complies with the California Building Code, as adopted in the City (“CBC”); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.

Indoors. Within a private residence or a fully enclosed and secure structure on the grounds of a private residence.

Marijuana. All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

Marijuana products. Marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

Marijuana Accessories. Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

Medical marijuana cultivation. Cultivation of marijuana by a qualified patient or primary caregiver cultivated outdoors in conformance with Healdsburg Municipal Code section 20.20.100.

Marijuana microbusiness. Any business that includes the cultivation of marijuana on an area less than 10,000 square feet which also acts as a distributor, manufacturer, and/or retailer of marijuana, marijuana products, or marijuana accessories.

Marijuana nursery. A facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.

Mixed-light. The cultivation of marijuana using a combination of natural and supplemental artificial lighting.

Nonmedical marijuana. Marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.

Nonmedical marijuana cultivation. Cultivation of marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code section 11362.1 et seq., those sections may be amended from time to time.

Outdoor. Any location within the City, on private grounds, that is exposed to the open air not within an enclosed and secure residential structure or building-private residence.

Primary caregiver. A “primary caregiver” as defined in Health and Safety Code Section 11362.7, as amended.

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling unit.

Property. A parcel of land upon which is built or placed, a private residence.

Qualified patient. A “qualified patient” or a “person with an identification card” as defined in Health and Safety Code Section 11362.7, as amended.

Solid fence. A fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

B. Cultivation, possession and use of Marijuana.

1. Outdoor Cultivation. Cultivation of marijuana is prohibited in all zoning districts of the City, except when such cultivation occurs on property with a private residence and in accordance with the following reasonable regulations:

a. Nonmedical outdoor cultivation prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot or site within any zoning district in the City of Healdsburg to cause or allow such lot or site to be used for the outdoor cultivation of ~~more than three~~ marijuana plants for nonmedical (recreational) use.

b. Medical outdoor cultivation restricted. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property including any lot or site, building, shed, or accessory structure within any zoning district in the City of Healdsburg to cause or allow such lot or site property to be used for the outdoor cultivation of more than three marijuana plants by a primary caregiver or a qualified patient as defined in Health and Safety Code Section 11362.7, as amended.

2. Indoor Cultivation. Indoor cultivation of marijuana is prohibited in all zoning districts of the City, except when such cultivation occurs on property with a private residence and in accordance with the following reasonable regulations:

a. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any dwelling unit within any zoning district in the City of Healdsburg to cause or allow for the indoor cultivation of more than six marijuana plants.

b. The limit of six plants per residence for nonmedical marijuana cultivation shall apply regardless of how many adult individuals reside at the private residence.

c. Indoor cultivation may only occur within a private residence or fully enclosed and secure private residential structure. Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered private residences or fully enclosed and secure structures dwelling units and may not be used for the cultivation of marijuana. Indoor cultivation may only occur in a locked space that is not visible by normal unaided vision from a public place.

3. Restriction on Location of Cultivation. No marijuana cultivation or storage of marijuana products or preparation of marijuana products, whether indoor, ~~or~~ outdoor, or through use of “mixed-light” is permitted within any non-residential structure, or within 300 feet of any

hospital, school, church, park or playground, child care center, recreation center or youth center. The distance between any marijuana cultivation and any hospital, school, church, park or playground, child care center, recreation center or youth center shall be measured in a straight line, without regard to intervening structures, from (a) with regard to outdoor cultivation, the closest property line of the lot or site on which the outdoor cultivation is occurring and (b) with regard to indoor cultivation, the closest exterior wall of the fully enclosed and secure structure in which the indoor cultivation is occurring, to the closest property line of the lot or site containing the hospital, school, church, park or playground, child care center, recreation center or youth center. This restriction does not apply to indoor cultivation within a private residence that complies with the terms and restrictions on indoor cultivation as set forth in this section.

4. Restriction on possession or use.

a. It shall be unlawful for any individuals under 21 years of age to possess, process, transport, purchase, obtain or give away marijuana or marijuana products.

b. Individuals 21 years of age or older may possess, process, transport, purchase, obtain or give away 28.5 grams (approximately one-ounce) or less of non-concentrated marijuana and 8 grams or less of concentrated marijuana, subject to compliance with all provisions of this Section and all provisions of state law, as may be amended.

c. Smoking or ingesting of marijuana shall not be permitted within any public place within the City of Healdsburg, or within 1,000 feet of a school or in any location where tobacco is prohibited.

d. Medical marijuana dispensaries are prohibited pursuant to Healdsburg Municipal Code Section 8.32.040.

e. It shall be unlawful for any individuals to possess, process, purchase, obtain, store, and/or prepare marijuana or marijuana products intended for smoking or consumption within the City except in strict compliance with the provisions of this Section.

C. Standards for Indoor and Outdoor Cultivation of Marijuana.

1. The ~~An~~ adult user, qualified patient or primary caregiver shall reside in the dwelling unit on the lot or site upon which marijuana is being cultivated and such dwelling unit must be the adult user, qualified patient or primary caregiver's primary place of residence. No person other than an individual over 21 years of age may engage in the cultivation of nonmedical marijuana.

2. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper egress.

3. Marijuana cultivation is permitted only on a lot or site with a dwelling unit. The primary purpose of the property on which the nonmedical cultivation occurs shall be as a private residence.

~~4. Marijuana cultivation is prohibited as a home occupation, and retail operations related to the cultivation of marijuana are also prohibited.~~

~~45. Outdoor marijuana plants shall be located a minimum of five feet from property lines.~~

~~56. Outdoor marijuana plants shall be located only in the rear and side yards of a lot or site.~~

~~67. Outdoor marijuana plants are not permitted to be located in front yards of a lot or site.~~

~~78. Outdoor marijuana plants are limited to a maximum height of six feet above grade.~~

~~89. Indoor grow lights shall not exceed 1,200 watts and comply with the California Building, Electrical, Plumbing and Fire Codes as adopted by the City. Gas products (CO2, butane, propane, natural gas, etc.) or generators may not be used indoors.~~

~~940. The residence or fully enclosed and secure permitted structure used for the cultivation of marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.~~

10. A fully enclosed and secure residential accessory structure used for the cultivation of nonmedical marijuana shall be located in the rear yard area of the property and must maintain a minimum ten foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height.

11. Volatile solvents as defined in State Health and Safety Code Section 11362.3(d) or generators are strictly prohibited and may not be used for the cultivation, manufacturing or processing of marijuana.

12. A portable fire extinguisher, that complies with the regulations and standards adopted by the California State Fire Marshal and other applicable law, shall be kept in the area of cultivation at all times in a location that is easily accessible.

13. The private residence or the fully enclosed and secure structure shall comply with all provisions of California Building Standards Code (Title 24, California Code of Regulations) as adopted and amended by the City of Healdsburg.

14. Adequate mechanical locking or electronic security systems must be installed to ensure the indoor nonmedical marijuana cultivation is secure from the entry or access or any person under 21 years of age and from theft or vandalism, prior to the commencement of indoor nonmedical cultivation.

15. Indoor cultivation of marijuana shall only take place on impervious surfaces.

16. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the property.

~~11~~17. Public Nuisance Prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot, site, dwelling unit, and/or fully enclosed and secure structure within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces: (a) odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public, (b) repeated responses to the parcel from law enforcement officers, (c) repeated disruption to the free passage of persons or vehicles in the neighborhood, (d) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public, or (e) any other impacts on the neighborhood which are disruptive of normal activity in the area.

18. Nothing herein shall be construed or interpreted to amend, repeal, affect, or restrict the ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under this section.

D. Prohibited Activities and Uses

The following activities and uses are prohibited within the City of Healdsburg:

1. Mixed-light cultivation of marijuana (e.g., state licensed cultivation sites).
2. Marijuana nurseries.
3. Manufacturing of marijuana products.
4. Testing facilities for the testing of marijuana or marijuana products.
5. Retail sales of marijuana, marijuana products, or marijuana accessories.
6. Facilities for the distribution of marijuana, marijuana products, or marijuana accessories.
7. Marijuana microbusinesses.
8. Marijuana cultivation as a home occupation.
9. Retail operations related to the cultivation of marijuana.

E. Enforcement.

1. Public Nuisance. The violation of this section is hereby declared to be a public nuisance and may be enforced pursuant to the provisions of Chapter 1.12 HMC.

2. Seizure and Destruction of Marijuana. Except as otherwise expressly stated in this section, all marijuana seized by the City police in the enforcement of this article shall be seized, retained and destroyed in the same manner and subject to the same procedures as are provided in California Health and Safety Code Sections 11472 through 11479, for marijuana possessed in violation of Division 10 of the Health and Safety Code. The requirements in Health and Safety Code Section 11479(b), prescribing the conditions that must be satisfied before seized marijuana may be destroyed without a court order, as applied by this section, are revised as follows:

(b) Photographs have been taken which reasonably depict the total number of mature and immature plants to be destroyed and the location where they were growing immediately prior to their seizure.

3. Right of Entry. The code enforcement officer, building official, planning director, chief of police, fire inspector, or a designee is authorized to enter upon and inspect private properties to ensure compliance with the provisions of this section. Reasonable advance notice of any such entry and inspection shall be provided and, before entry, consent shall be obtained in writing from the owner or other person in lawful possession of the property. If consent cannot for any reason be obtained, an inspection warrant shall be obtained from a court of law prior to any such entry and inspection. In those cases where consent is denied, the City may seek to recover the costs it incurs in obtaining a warrant from the property owner and/or person in lawful possession of the property.

4. Abatement. The City attorney, in the name of and on behalf of the City and/or the people of the City, may bring a civil action in a court of competent jurisdiction to enforce any provision of this section, or to restrain or abate any violation of the provisions of this section as a public nuisance pursuant to the procedures set forth in Chapter 1.12 HMC.

5. Violation. Cultivation of marijuana that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in Chapter 20.04 HMC.

6. Penalties Not Exclusive. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the City from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

~~FE.~~ Liability. The provisions of this section shall not be construed to protect the property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants or participants in the cultivation of marijuana, from prosecution pursuant to any laws that prohibit the cultivation, sale and/or possession of marijuana. In particular, the possession or cultivation of marijuana remains illegal under any circumstances pursuant to the laws of the United States, and this section is not intended to protect the above described persons from arrest or prosecution pursuant to the laws of the United States. The property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants and other participants in the cultivation of marijuana, assumes any and all risk and all liability that may arise or result under state and federal criminal laws from the cultivation of marijuana.

GF. Purpose. It is the purpose of this section: to provide for the cultivation of marijuana for personal use only as allowed under state law, and to require that the indoor cultivation of marijuana occur only in appropriately secured, enclosed, and ventilated structures so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by marijuana plants from impacting adjacent properties; and to ensure that marijuana grown for medical purposes or recreational purposes remains secure and does not find its way to nonpatients or illicit markets. Nothing in this section is intended to impair any defenses available ~~to qualified patients or primary caregivers~~ under the applicable state law. Nothing in this section is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law. (Ord. 1137 § 2, 2014.)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CITY OF HEALDSBURG

MARIJUANA CULTIVATION REGULATIONS

The following matrix has been developed to identify changes to the current City Marijuana Cultivation Regulations contained in Healdsburg Land Use Code Section 20.20.100, that currently permits medical marijuana cultivation and use, to provide for nonmedical marijuana cultivation and use in response to State Prop 64 (The Adult Use of Marijuana Act) passed by the voters on November 8, which went into effect on November 9, allowing adult recreational possession and use of marijuana, and to further establish new regulations for recreational use and prohibiting commercial businesses consistent with Prop 64. The City has currently passed a 45 day moratoria, to allow time for development of new standards in response to Prop 64, adopted by the City Council on November 21, 2016 and set to expire on January 7, 2017.

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
20.20.100 Marijuana cultivation	The "Control, Regulate and Tax Adult Use of Marijuana Act" (AUMA) legalizes marijuana under state law for use by adults over 21 years old, will protect children, and establish laws to regulate marijuana cultivation, distribution, sale and use, and protect Californians and the environment from potential dangers.	<u>20.20.100 Marijuana cultivation, possession and use</u>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	<p>The AUMA will not permit ban of deliveries form other places to Healdsburg residents.</p>	<p><u>The provisions of this Section are established to permit medical and nonmedical marijuana use and cultivation by individuals meeting the specific requirements of qualified caregiver, patient, or adult individual over 21 years of age, for purpose of medical and nonmedical use of marijuana in compliance with state law; to establish reasonable limits on the cultivation, distribution, sale and use, possession and growth of marijuana for medical and nonmedical purposes within the City of Healdsburg; to protect children, residents and visitors and the environment from potential dangers; to prohibit marijuana businesses within the City including the cultivation, processing, manufacture, establishment of distribution facilities, testing, and sale of marijuana, including marijuana products and marijuana accessories, for commercial or other purposes within the City other than for the purpose of providing for use of marijuana for medical purposes by a qualified caregiver or patient, or adult nonmedical user, as defined by state law and subject to the provisions established herein.</u></p>
<p>A. Definitions. As used herein, the following definitions shall apply:</p>		<p>A. Definitions. As used herein, the following definitions shall apply:</p>
<p><i>City.</i> The City of Healdsburg.</p>		<p><i>City.</i> The City of Healdsburg.</p>
<p><i>Cultivation.</i> The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.</p>		<p><i>Cultivation.</i> The planting, growing, harvesting, drying, <u>curing, grading, or trimming</u> or processing of marijuana plants or any part thereof.</p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p><i>Fully enclosed and secure structure.</i> A space within a dwelling unit that complies with the California Building Code, as adopted in the City (“CBC”); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.</p>		<p><i>Fully enclosed and secure structure.</i> A space within a dwelling unit that complies with the California Building Code, as adopted in the City (“CBC”); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.</p>
<p><i>Indoors.</i> Within a fully enclosed and secure structure.</p>	<p>Clarify within the definition that cultivation is only in a private residence.</p>	<p><i>Indoors.</i> Within <u>a private residence</u> or a fully enclosed and secure structure <u>on the grounds of a private residence</u>.</p>
	<p>Add definition per the urgency ordinance</p>	<p><i>Marijuana.</i> <u>All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.</u></p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	Added pursuant to H&S Code Section 11018.1	<u>Marijuana products.</u> Marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
	Added pursuant to H&S Code Section 11018.2	<u>Marijuana Accessories.</u> Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
	Added pursuant to H&S Code Section 11018.2	<u>Medical marijuana cultivation.</u> Cultivation of marijuana by a qualified patient or primary caregiver cultivated outdoors in conformance with Healdsburg Municipal Code section 20.20.100.
	Added pursuant to H&S Code Section 11018.2	<u>Marijuana microbusiness.</u> Any business that includes the cultivation of marijuana on an area less than 10,000 square feet which also acts as a distributor, manufacturer, and/or retailer of marijuana, marijuana products, or marijuana accessories.

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	Added pursuant to H&S Code Section 11018.2	<u>Marijuana nursery.</u> A facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
	Added pursuant to H&S Code Section 11018.2	<u>Mixed-light.</u> The cultivation of marijuana using a combination of natural and supplemental artificial lighting.
-	Added pursuant to H&S Code Section 11018.2	<u>Nonmedical marijuana.</u> Marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.
	Added pursuant to H&S Code Section 11018.2	<u>Nonmedical marijuana cultivation.</u> Cultivation of marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code section 11362.1 et seq., those sections may be amended from time to time.
<i>Outdoor.</i> Any location exposed to the open air not within an enclosed structure or building.	Clarify in the definition the association of cultivation with residential only land use.	<i>Outdoor.</i> Any location within the City, on private grounds, that is exposed to the open air not within an enclosed and secure residential structure or building private residence.
Primary caregiver. A “primary caregiver” as defined in Health and Safety Code Section 11362.7, as amended.		<i>Primary caregiver.</i> A “primary caregiver” as defined in Health and Safety Code Section 11362.7, as amended.
	Add definition per urgency ordinance	<i>Private Residence.</i> A house, an apartment unit, a mobile home, or other similar dwelling unit.

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	Add definition per urgency ordinance	<u>Property</u> . A parcel of land upon which is built or placed, a private residence.
Qualified patient. A “qualified patient” or a “person with an identification card” as defined in Health and Safety Code Section 11362.7, as amended.		Qualified patient. A “qualified patient” or a “person with an identification card” as defined in Health and Safety Code Section 11362.7, as amended.
	Add definition per urgency ordinance	<u>Solid fence</u> . A fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.
B. Cultivation of Marijuana.	Modify to apply to possession and use not only cultivation	B. Cultivation, <u>possession and use</u> of Marijuana.
1. Outdoor Cultivation. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot or site within any zoning district in the City of Healdsburg to cause or allow such lot or site to be used for the outdoor cultivation of more than three marijuana plants.	Create two distinct categories to include the nonmedical (recreational) in addition to medical cultivation and PROHIBIT nonmedical cultivation outdoors.	1. Outdoor Cultivation. <u>Cultivation of marijuana is prohibited in all zoning districts of the City, except when such cultivation occurs on property with a private residence and in accordance with the following reasonable regulations: a. Nonmedical outdoor cultivation prohibited.</u> It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot or site within any zoning district in the City of Healdsburg to cause or allow such lot or site to be used for the outdoor cultivation of more than three marijuana plants <u>for nonmedical (recreational) use.</u>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	<p>Add new b to maintain current limit of three plants for outdoor medical cultivation.</p>	<p><u>b. Medical outdoor cultivation restricted. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property including any lot or site, building, shed, or accessory structure within any zoning district in the City of Healdsburg to cause or allow such lot or site property to be used for the outdoor cultivation of more than three marijuana plants by a primary caregiver or a qualified patient as defined in Health and Safety Code Section 11362.7, as amended.</u></p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>2. Indoor Cultivation. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any dwelling unit within any zoning district in the City of Healdsburg to cause or allow for the indoor cultivation of more than six marijuana plants. Indoor cultivation may only occur within a fully enclosed and secure structure. Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered dwelling units and may not be used for the cultivation of marijuana.</p>	<p>Limit all indoor cultivation to occur at a private residence only and maintain limit of 6 plants.</p>	<p>2. Indoor Cultivation. <u>Indoor cultivation of marijuana is prohibited in all zoning districts of the City, except when such cultivation occurs on property with a private residence and in accordance with the following reasonable regulations:</u> a. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any dwelling unit within any zoning district in the City of Healdsburg to cause or allow for the indoor cultivation of more than six marijuana plants. b. <u>The limit of six plants per residence for nonmedical marijuana cultivation shall apply regardless of how many adult individuals reside at the private residence.</u> c. Indoor cultivation may only occur within a <u>private residence or fully enclosed and secure private residential structure.</u> Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered <u>private residences or fully enclosed and secure structures</u> dwelling units and may not be used for the cultivation of marijuana. <u>Indoor cultivation may only occur in a locked space that is not visible by normal unaided vision from a public place.</u></p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>3. Restriction on Location of Cultivation. No marijuana cultivation, whether indoor or outdoor, is permitted within 300 feet of any hospital, school, church, park or playground, child care center, recreation center or youth center. The distance between any marijuana cultivation and any hospital, school, church, park or playground, child care center, recreation center or youth center shall be measured in a straight line, without regard to intervening structures, from (a) with regard to outdoor cultivation, the closest property line of the lot or site on which the outdoor cultivation is occurring and (b) with regard to indoor cultivation, the closest exterior wall of the fully enclosed and secure structure in which the indoor cultivation is occurring, to the closest property line of the lot or site containing the hospital, school, church, park or playground, child care center, recreation center or youth center.</p>	<p>Expand restriction on cultivation section to also include storage and preparation of marijuana products being prohibited in any nonresidential district and when near sensitive uses.</p>	<p>3. Restriction on Location of Cultivation. No marijuana cultivation <u>or storage of marijuana products or preparation of marijuana products</u>, whether indoor, or outdoor, <u>or through use of “mixed-light”</u> is permitted within <u>any non-residential structure, or within 300 feet</u> of any hospital, school, church, park or playground, child care center, recreation center or youth center. The distance between any marijuana cultivation and any hospital, school, church, park or playground, child care center, recreation center or youth center shall be measured in a straight line, without regard to intervening structures, from (a) with regard to outdoor cultivation, the closest property line of the lot or site on which the outdoor cultivation is occurring and (b) with regard to indoor cultivation, the closest exterior wall of the fully enclosed and secure structure in which the indoor cultivation is occurring, to the closest property line of the lot or site containing the hospital, school, church, park or playground, child care center, recreation center or youth center. <u>This restriction does not apply to indoor cultivation within a private residence that complies with the terms and restrictions on indoor cultivation as set forth in this section.</u></p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
	<p>Legal recommended establishing different or additional provisions for cultivation of marijuana for recreational use. Provisions added per 64 regarding quantity and location, must be kept inside or upon the grounds of a private residence (i.e., a house, apartment unit, mobile home or other similar dwelling), in a locked space, and not be visible from a public place. The non-medical use of marijuana in California currently remains illegal under Federal law. This provision is intended to prohibit other activities including dispensaries and commercial businesses. Transportation of products is not allowed under the state law nor delivery to residents from businesses located outside of the City.</p>	<p><u>4. Restriction on possession or use. a. It shall be unlawful for any individuals under 21 years of age to possess, process, transport, purchase, obtain or give away marijuana or marijuana products. b. Individuals 21 years of age or older may possess, process, transport, purchase, obtain or give away 28.5 grams (approximately one-ounce) or less of non-concentrated marijuana and 8 grams or less of concentrated marijuana, subject to compliance with all provisions of this Section and all provisions of state law, as may be amended. c. Smoking or ingesting of marijuana shall not be permitted within any public place within the City of Healdsburg, or within 1,000 feet of a school or in any location where tobacco is prohibited. d. Medical marijuana dispensaries are prohibited pursuant to Healdsburg Municipal Code Section 8.32.040. e. It shall be unlawful for any individuals to possess, process, purchase, obtain, store, and/or prepare marijuana or marijuana products intended for smoking or consumption within the City except in strict compliance with the provisions of this Section.</u></p>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
C. Standards for Indoor and Outdoor Cultivation of Marijuana.	A city may enact and enforce “reasonable regulations” related to marijuana cultivation, but may not completely prohibit cultivation from occurring inside a private residence or accessory structure. Cities are, however, authorized to completely prohibit outdoor cultivation, unless the California Attorney General determines that the non-medical use of marijuana in California is lawful under Federal law. Revision to clarify cultivation for recreation or medical purposes must occur at the place of residence of a recreational user, qualified patient, or primary caregiver.	C. Standards for Indoor and Outdoor Cultivation of Marijuana.
1. The qualified patient or primary caregiver shall reside in the dwelling unit on the lot or site upon which marijuana is being cultivated and such dwelling unit must be the qualified patient or primary caregiver’s primary place of residence.	This is no longer appropriate given the legalization of cultivation for recreational purposes. Add revised standard related to cultivation.	1. The qualified patient or primary caregiver shall reside in the dwelling unit on the lot or site upon which marijuana is being cultivated and such dwelling unit must be the qualified patient or primary caregiver’s primary place of residence. <u>No person other than an individual over 21 years of age may engage in the cultivation of nonmedical marijuana.</u>
2. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper egress.		2. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper egress.
3. Marijuana cultivation is permitted only on a lot or site with a dwelling unit.	Provision revised to clarify that primary use of property must not change; e.g. no grow house operations	3. Marijuana cultivation is permitted only on a lot or site with a dwelling unit. <u>The primary purpose of the property on which the nonmedical cultivation occurs shall be as a private residence.</u>

Attachment: LUC 20.20.100 Table and Policy Discussion (1469 : Adult use of marijuana act discussion)

LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
4. Marijuana cultivation is prohibited as a home occupation, and retail operations related to the cultivation of marijuana are also prohibited.	Section revised to ban businesses. Under Prop 64, AUMA, City can ban marijuana businesses. Consider specifically prohibiting marijuana businesses, e.g., commercial retail, industrial or agricultural enterprises including warehouse or storage.	4. Marijuana cultivation is prohibited as a home occupation, and retail operations related to the cultivation of marijuana are also prohibited.
5. Outdoor marijuana plants shall be located a minimum of five feet from property lines.		45. Outdoor marijuana plants shall be located a minimum of five feet from property lines.
6. Outdoor marijuana plants shall be located only in the rear and side yards of a lot or site.		<u>56.</u> Outdoor marijuana plants shall be located only in the rear and side yards of a lot or site.
7. Outdoor marijuana plants are not permitted to be located in front yards of a lot or site.		<u>67.</u> Outdoor marijuana plants are not permitted to be located in front yards of a lot or site.
8. Outdoor marijuana plants are limited to a maximum height of six feet above grade.		<u>78.</u> Outdoor marijuana plants are limited to a maximum height of six feet above grade.
9. Indoor grow lights shall not exceed 1,200 watts and comply with the California Building, Electrical, Plumbing and Fire Codes as adopted by the City. Gas products (CO2, butane, propane, natural gas, etc.) or generators may not be used indoors.		<u>89.</u> Indoor grow lights shall not exceed 1,200 watts and comply with the California Building, Electrical, Plumbing and Fire Codes as adopted by the City. Gas products (CO2, butane, propane, natural gas, etc.) or generators may not be used indoors.

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<p>10. The residence or fully enclosed and secure structure used for the cultivation of marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.</p>		<p><u>910</u>. The residence or fully enclosed and secure structure used for the cultivation of marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.</p>
	<p>Add standard per urgency ordinance</p>	<p><u>10. A fully enclosed and secure residential accessory structure used for the cultivation of nonmedical marijuana shall be located in the rear yard area of the property and must maintain a minimum ten foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height.</u></p>
	<p>Add standard per urgency ordinance</p>	<p><u>11. Volatile solvents as defined in State Health and Safety Code Section 11362.3(d) or generators are strictly prohibited and may not be used for the cultivation, manufacturing or processing of marijuana.</u></p>
	<p>Add standard per urgency ordinance</p>	<p><u>12. A portable fire extinguisher, that complies with the regulations and standards adopted by the California State Fire Marshal and other applicable law, shall be kept in the area of cultivation at all times in a location that is easily accessible.</u></p>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

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	Add standard per urgency ordinance	<u>13. The private residence or the fully enclosed and secure structure shall comply with all provisions of California Building Standards Code (Title 24, California Code of Regulations) as adopted and amended by the City of Healdsburg.</u>
	Add standard per urgency ordinance	<u>14. Adequate mechanical locking or electronic security systems must be installed to ensure the indoor nonmedical marijuana cultivation is secure from the entry or access or any person under 21 years of age and from theft or vandalism, prior to the commencement of indoor nonmedical cultivation.</u>
	Add standard per urgency ordinance	<u>15. Cultivation of indoor nonmedical marijuana shall only take place on impervious surfaces.</u>
	Add standard per urgency ordinance	<u>16. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the property.</u>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>11. Public Nuisance Prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot, site, dwelling unit, and/or fully enclosed and secure structure within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces: (a) odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public, (b) repeated responses to the parcel from law enforcement officers, (c) repeated disruption to the free passage of persons or vehicles in the neighborhood, (d) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public, or (e) any other impacts on the neighborhood which are disruptive of normal activity in the area.</p>		<p>1117. Public Nuisance Prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot, site, dwelling unit, and/or fully enclosed and secure structure within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces: (a) odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public, (b) repeated responses to the parcel from law enforcement officers, (c) repeated disruption to the free passage of persons or vehicles in the neighborhood, (d) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public, or (e) any other impacts on the neighborhood which are disruptive of normal activity in the area.</p>
	<p>Add standard per urgency ordinance.</p>	<p><u>18. Nothing herein shall be construed or interpreted to amend, repeal, affect, or restrict the ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under this section.</u></p>
	<p>Recommended to prohibit all other business activities.</p>	<p><u>D. Prohibited Activities and Uses</u></p>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
		<p><u>The following activities and uses are prohibited within the City of Healdsburg:</u></p> <ol style="list-style-type: none"> <u>1. Mixed-light cultivation of marijuana.</u> <u>2. Marijuana nurseries.</u> <u>3. Manufacturing of marijuana products.</u> <u>4. Testing facilities for the testing of marijuana or marijuana products.</u> <u>5. Retail sales of marijuana, marijuana products, or marijuana accessories.</u> <u>6. Facilities for the distribution of marijuana, marijuana products, or marijuana accessories.</u> <u>7. Marijuana microbusinesses.</u> <u>8. Marijuana cultivation as a home occupation.</u> <u>9. Retail operations related to the cultivation of marijuana.</u>
D. Enforcement.		<u>ED.</u> Enforcement.
1. Public Nuisance. The violation of this section is hereby declared to be a public nuisance and may be enforced pursuant to the provisions of Chapter 1.12 HMC.		1. Public Nuisance. The violation of this section is hereby declared to be a public nuisance and may be enforced pursuant to the provisions of Chapter 1.12 HMC.

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>2. Seizure and Destruction of Marijuana. Except as otherwise expressly stated in this section, all marijuana seized by the City police in the enforcement of this article shall be seized, retained and destroyed in the same manner and subject to the same procedures as are provided in California Health and Safety Code Sections 11472 through 11479, for marijuana possessed in violation of Division 10 of the Health and Safety Code. The requirements in Health and Safety Code Section 11479(b), prescribing the conditions that must be satisfied before seized marijuana may be destroyed without a court order, as applied by this section, are revised as follows:</p>		<p>2. Seizure and Destruction of Marijuana. Except as otherwise expressly stated in this section, all marijuana seized by the City police in the enforcement of this article shall be seized, retained and destroyed in the same manner and subject to the same procedures as are provided in California Health and Safety Code Sections 11472 through 11479, for marijuana possessed in violation of Division 10 of the Health and Safety Code. The requirements in Health and Safety Code Section 11479(b), prescribing the conditions that must be satisfied before seized marijuana may be destroyed without a court order, as applied by this section, are revised as follows:</p>
<p>(b) Photographs have been taken which reasonably depict the total number of mature and immature plants to be destroyed and the location where they were growing immediately prior to their seizure.</p>		<p>(b) Photographs have been taken which reasonably depict the total number of mature and immature plants to be destroyed and the location where they were growing immediately prior to their seizure.</p>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>3. Right of Entry. The code enforcement officer, building official, planning director, chief of police, fire inspector, or a designee is authorized to enter upon and inspect private properties to ensure compliance with the provisions of this section. Reasonable advance notice of any such entry and inspection shall be provided and, before entry, consent shall be obtained in writing from the owner or other person in lawful possession of the property. If consent cannot for any reason be obtained, an inspection warrant shall be obtained from a court of law prior to any such entry and inspection. In those cases where consent is denied, the City may seek to recover the costs it incurs in obtaining a warrant from the property owner and/or person in lawful possession of the property.</p>		<p>3. Right of Entry. The code enforcement officer, building official, planning director, chief of police, fire inspector, or a designee is authorized to enter upon and inspect private properties to ensure compliance with the provisions of this section. Reasonable advance notice of any such entry and inspection shall be provided and, before entry, consent shall be obtained in writing from the owner or other person in lawful possession of the property. If consent cannot for any reason be obtained, an inspection warrant shall be obtained from a court of law prior to any such entry and inspection. In those cases where consent is denied, the City may seek to recover the costs it incurs in obtaining a warrant from the property owner and/or person in lawful possession of the property.</p>
<p>4. Abatement. The City attorney, in the name of and on behalf of the City and/or the people of the City, may bring a civil action in a court of competent jurisdiction to enforce any provision of this section, or to restrain or abate any violation of the provisions of this section as a public nuisance pursuant to the procedures set forth in Chapter 1.12 HMC.</p>		<p>4. Abatement. The City attorney, in the name of and on behalf of the City and/or the people of the City, may bring a civil action in a court of competent jurisdiction to enforce any provision of this section, or to restrain or abate any violation of the provisions of this section as a public nuisance pursuant to the procedures set forth in Chapter 1.12 HMC.</p>
<p>5. Violation. Cultivation of marijuana that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in Chapter 20.04 HMC.</p>		<p>5. Violation. Cultivation of marijuana that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in Chapter 20.04 HMC.</p>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>6. Penalties Not Exclusive. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the City from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.</p>		<p>6. Penalties Not Exclusive. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the City from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.</p>
<p>E. Liability. The provisions of this section shall not be construed to protect the property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants or participants in the cultivation of marijuana, from prosecution pursuant to any laws that prohibit the cultivation, sale and/or possession of marijuana. In particular, the possession or cultivation of marijuana remains illegal under any circumstances pursuant to the laws of the United States, and this section is not intended to protect the above described persons from arrest or prosecution pursuant to the laws of the United States. The property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants and other participants in the cultivation of marijuana, assumes any and all risk and all liability that may arise or result under state and federal criminal laws from the cultivation of marijuana.</p>		<p><u>E</u>. Liability. The provisions of this section shall not be construed to protect the property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants or participants in the cultivation of marijuana, from prosecution pursuant to any laws that prohibit the cultivation, sale and/or possession of marijuana. In particular, the possession or cultivation of marijuana remains illegal under any circumstances pursuant to the laws of the United States, and this section is not intended to protect the above described persons from arrest or prosecution pursuant to the laws of the United States. The property owner(s) of record for property associated with the cultivation of marijuana, or their lessees, tenants and other participants in the cultivation of marijuana, assumes any and all risk and all liability that may arise or result under state and federal criminal laws from the cultivation of marijuana.</p>

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LUC 20.20.100 Table and Policy Discussion of Existing and Proposed Marijuana Cultivation Regulations

CURRENT HMC REGULATION	POLICY DISCUSSION IN RESPONSE TO THE STATE ADULT USE OF MARIJUANA ACT (AUMA) MANDATES (PROP 64)	PROPOSED HMC REGULATION
<p>F. Purpose. It is the purpose of this section: to require that the indoor cultivation of marijuana occur only in appropriately secured, enclosed, and ventilated structures so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by marijuana plants from impacting adjacent properties; and to ensure that marijuana grown for medical purposes remains secure and does not find its way to nonpatients or illicit markets. Nothing in this section is intended to impair any defenses available to qualified patients or primary caregivers under the applicable state law. Nothing in this section is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law. (Ord. 1137 § 2, 2014.)</p>	<p>Revise to include the purpose is to regulate the nonmedical (recreational) cultivation consistent with Prop 64, in addition to medical use.</p>	<p><u>GF.</u> Purpose. It is the purpose of this section: <u>to provide for the cultivation of marijuana for personal use only as allowed under state law, and</u> to require that the indoor cultivation of marijuana occur only in appropriately secured, enclosed, and ventilated structures so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by marijuana plants from impacting adjacent properties; and to ensure that marijuana grown for medical purposes <u>or recreational purposes</u> remains secure and does not find its way to nonpatients or illicit markets. Nothing in this section is intended to impair any defenses available to qualified patients or primary caregivers under the applicable state law. Nothing in this section is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law. (Ord. 1137 § 2, 2014.)</p>

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ZONING PRACTICE

AUGUST 2016



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 8

PRACTICE MARIJUANA LAND USE



Attachment: Zoning-Practice-2016-08 (1469 : Adult use of marijuana act discussion)

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This advisory from the DOJ reduced the potential conflict between the federal government and those states that have legalized recreational or medical marijuana. And reducing conflict between the states and the federal government will consequently constrain the ability of a local jurisdiction to successfully ban marijuana businesses based on an argument that such businesses are in violation of the CSA.

Division One of the Arizona Court of Appeals is currently considering a case in which Maricopa County attempted to prevent White Mountain Health Center, a dispensary, from opening (*White Mountain Health Center, Inc. v. Maricopa County et al.*, 1 CA-CV 12-0831). The county argued that denying a dispensary a permit to open is legally permissible since such a business violates the CSA. However, while states can regulate marijuana, they are not required to enforce federal law. In this case, Arizona has legalized medical marijuana and regulates dispensaries, and White Mountain argues that the county's denial of a permit was impermissible in that it conflicted with state law. The *White Mountain* decision will likely be issued soon.

In February 2014, the Michigan Supreme Court declared a city zoning ordinance in Wyoming, Michigan, void because it prohibited uses that were permitted under state law (*Ter Beek v. City of Wyoming*, 846 N.W.2d 531, 495 Mich. 1 (2014)). The plaintiff was a qualifying patient who wished to grow and use marijuana for medical purposes in his home. The town of Wyoming had passed an ordinance prohibiting the activity. The court held that a municipality is precluded from enacting an ordinance if the ordinance directly conflicts with the state's statutory scheme of regulation, in that the ordinance permits what the statute prohibits, or prohibits what the statute permits. In this case, the Michigan Medical Marijuana Act permitted qualified patients to grow their own medicine; therefore, the city could not prohibit such a practice.

MEDICAL MARIJUANA REGULATORY MODELS

The first medical marijuana statute was passed 20 years ago, but in many ways it is only within the last few years that those early statutes have been refined on the local jurisdictional level. Some jurisdictions were required by newly passed state regulations to create local ordinances, such as Humboldt County, California, and the municipalities within the county, while other local jurisdictions, including Detroit, took

the initiative following a period of confusion over the definition and regulation of dispensaries.

Humboldt County, California

Earlier this year, California's Humboldt County passed one of the most comprehensive land-use ordinances to date regulating medical marijuana production. The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) passed the Board of Commissioners unanimously, a testament to the many disparate groups coming together to draft the ordinance (Ordinance No. 2544). Much of Humboldt County is unincorporated land, and although there are municipalities in the county, much of the cultivation is done on unincorporated land.

The CMMLUO includes two parts: one regulating the coastal zone and the other regulating inland cultivation. Both zones are regulated according to a list of factors, including whether the applicant is a new or existing grower, the parcel size, the cultivation area size, and whether the proposed grow operation will be outdoors, indoors, or mixed-light, meaning that both natural light and artificial light will be used.

The goal of the CMMLUO is very clear: "to limit and control such cultivation in coordination with the State of California." Although the Compassionate Care Act was passed in 1996—the first medical marijuana law in the country—the state failed to enact medical marijuana regulations until late 2015. Humboldt County was proactive in enacting a countywide ordinance to immediately comply with state law. The ordinance specifically defines exactly what it is regulating. "This section applies to all facilities and activities involved in the Commercial Cultivation, Processing, Manufacture or Distribution of cannabis for medical use, in the County of Humboldt" (CMMLUO §55.4.9). The type of approval necessary for licensing is dependent on the size and current zoning classification of the parcel, as well as the type of state license that the applicant is required to obtain.

The Humboldt municipalities of Arcata and Eureka have also passed ordinances related to cultivation. Arcata essentially permits only small-scale and home cultivation, although those with special needs may request more grow space (Land Use Code §9.42.105). It also enacted a 45 percent tax increase on residences that use more than 600 percent of

Medical Marijuana Terminology

It is far easier to define recreational marijuana uses by the vocabulary of traditional businesses, such as agricultural, retail, food processing, and the like, than it is to define medical marijuana uses. There is no national consensus on terminology in the medical marijuana arena. In fact, the word "dispensary" has multiple meanings depending on location. In most, but not all, of the medical marijuana states, the term "dispensary" means the entity that distributes medicinal marijuana to qualified patients. This may be a large facility that also cultivates the marijuana (e.g., Maine and Michigan) or a small shop that purchases from independent growers (e.g., California and Arizona). The entity can be a collective, nonprofit, for-profit business, or any other form of entity legal under state law.

In certain states the caregiver system, another form of cultivation and distribution, exists side by side with the dispensary system. Caregivers are state-licensed individuals who grow, process, and distribute medicinal marijuana to a limited number of qualified patients. Caregivers are regulated under state law, but have only recently been subject to land-use regulation. (For a chart detailing the distribution laws under each state that has legalized medicinal marijuana, see tinyurl.com/y2tyn7g.)

the energy baseline, with the aim of discouraging indoor growing (Municipal Code §2628.5). Eureka passed a much more restrictive and detailed ordinance, only allowing licensed patients to grow and process medical cannabis within a 50-square-foot area in their residence (§158.010(A)). The ordinance also states that such cultivation will constitute neither a home occupation nor an ancillary use (§158.010(C)). Patient marijuana processing is likewise narrowly regulated (§158.011).

Detroit

Detroit recently passed a medical marijuana ordinance requiring dispensaries, now called

Caregiver Centers, to apply to the city for a license (Ordinance 30-15). A subsequent zoning amendment added Caregiver Centers as permissible uses in specific zones and explicitly prohibits them in the Traditional Main Street Overlay and the Gateway Radial Thoroughfare Districts (Ordinance 31-15). Detroit seeks to distribute the Caregiver Centers rather than cluster them in a few areas, since they cannot be less than 1,000 feet from each other nor closer than 1,000 feet from a park, religious institution, or business identified as a controlled use, such as topless clubs and liquor stores. If a business is within 1,000 feet of any of these land uses, the board of zoning appeals allows for a variance process that could still allow the facility to establish or continue to operate. The city's Buildings, Safety, Engineering, and Environmental Department can also approve variances.

If, however, the parcel in question is less than 1,000 feet from the city-defined Drug Free Zones, that option is not available. No variance is allowed for parcels falling into these buffer zones, and there are many such buffers zones. The federal Drug Free School Zone applies just to libraries and K–12 schools. However, the Detroit version includes arcades, child care centers, youth activity centers, public housing, outdoor recreation areas, and all educational institutions, including all of their properties. In the industrial districts, the centers can be less than 1,000 feet from each other to allow for some clustering, and the buffer zone from residential areas is waived.

An individual who cultivates marijuana in a residence in Detroit is required to register as a home-based occupation. The city's licensing standards state: "Except for home occupations . . . no person shall dispense, cultivate or provide medical marijuana under the Act except at a medical marijuana caregiver center" (§24-13-4). That registration process involves inspection and approval by numerous city agencies.

Maine

Maine passed its medical marijuana law in 1999, but it was not until 2009 that dispensaries were allowed there. Up until that time, patients received their medicine from a caregiver, individuals licensed to grow and distribute medicinal marijuana to no more than five patients. That system remains operational, with over 2,000 caregivers, and is greatly favored by many patients in the state. There has been little impact of land-use regulation on caregivers, for a number of reasons. The fact that an

individual is a caregiver is kept confidential by the state, so a town doesn't really know who the caregivers are. Until a year or two ago, caregivers mainly grew their plants and serviced their patients out of their homes, and many towns essentially allow home occupations with few, if any, restrictions.

In the last two years, however, there has been an increase in the number of caregivers leasing commercial space, primarily in light industrial zones. Thus the towns where this is occurring will need to decide whether they wish to develop special regulations for buildings housing multiple caregivers in industrial zones. There is no state law prohibiting this practice, even though under state law each caregiver must have his or her own locked space within the building, and that space must be inaccessible to anyone else except their one employee. Some towns maintain that any growing of plants by a caregiver, whether indoors or outdoors, is an agricultural use, thereby preventing multiple caregivers from leasing grow spaces in an industrial space. Conversely, those towns that classify caregiving as a light industrial use will have to contend with outdoor cultivation and grow operations in homes and on farms in residential districts.

Maine towns that have chosen to refine their land-use ordinances to address medical marijuana caregiving share some common goals: updating existing site plan review requirements, if needed; defining the caregiver land-use category; considering a "safe zone" as an overlay zone, thereby requiring greater setback distances than other uses in the zone; instituting fencing and setback requirements on outdoor cultivation; and considering standards for multiple caregiver facilities.

In 2009, the Maine Medical Use of Marijuana Act was amended to allow eight dispensaries in the state, one in each of eight regions. Even though the cap on dispensaries has been reached, some towns with land-use ordinances are struggling to find ways to regulate dispensary locations if the cap is lifted. State law is clear that a town cannot ban dispensaries but can limit the number to one. In general, what a number of towns are attempting to do is bring dispensary siting under site plan review and define what zone or zones are appropriate for a dispensary. Often the dispensaries are relegated to one, or a few, locations, a form of cluster zoning rather than keeping dispensaries and other marijuana businesses a distance away from each other. A few towns are looking at an



A former fast food restaurant in California was converted into a medical marijuana dispensary.

overlay district, which would impose additional controls and an additional form of review, over dispensary siting.

RECREATIONAL MARIJUANA REGULATORY MODELS

Towns, cities, and counties within states that have legalized recreational marijuana have taken very different regulatory tacks. For example, the state of Washington has practically subsumed the Washington medical marijuana program into the recreational legalization scheme, in a bill passed in April 2015 that will be implemented in 2016. And Oregon, while keeping the medical program separate from the regulation of recreational marijuana businesses, has imposed strict new rules on the medical growers and patients.

A key issue for states that have legalized recreational marijuana is where marijuana may be smoked or vaped. None of the legalization statutes permit smoking marijuana in public, so, particularly in communities with a large number of tourists, the issue of consumption location is a critical one. Although a tourist can purchase marijuana, smoking might not be allowed in a hotel or motel room. To address this issue, some jurisdictions are looking at permitting so-called “social clubs,” similar to cigar bars, where visitors could smoke or consume marijuana. None of the four states that have legalized recreational marijuana included social clubs in their statutes. However, a pending rule change in Alaska would allow existing marijuana retail stores to purchase a separate license for a “consumption area.” And in November, Denver voters will consider a measure that would allow the consumption of marijuana—but not sales—at private social clubs and during private events if the organizers obtain a permit.

Below is a discussion of local prohibition in Pueblo, Colorado, and use by right in Pueblo County; traditional zoning and business permitting in Seattle; a focus on farmland preservation and opt-in/opt-out in Oregon; and a focus on business licensing, as opposed to zoning-based controls, in Denver.

Pueblo County, Colorado

In 2012, Colorado Amendment 64 gave local governments the power to decide whether and how to permit recreational marijuana within their community. A 2014 annual report stated that as of that time 228 Colorado local jurisdictions had voted to ban medical and retail mari-

juana operations. The city of Pueblo banned recreational marijuana retail stores within city limits and had formerly placed a moratorium on medical marijuana dispensaries.

However, Pueblo County, which governs all unincorporated land in the county, acted differently, making marijuana businesses a by-right use in commercial and industrial districts, thereby allowing such businesses to avoid lengthy governmental reviews (§§17.120.190–240). In addition, the county also made marijuana cultivation a by-right use, apparently the first Colorado county to do so. The county also passed rules mandating a five-mile distance between hemp growing areas and existing marijuana growing areas so as to avoid cross-contamination (§17.120.280). In addition to land-use regulation, the Pueblo Board of Water Works passed its own resolution to address the fact that the Federal Bureau of Reclamation prohibits the use of federal water for marijuana cultivation (Resolution No. 2014-04). The water board subsequently concluded that they could lease up to 800 acre-feet of water to marijuana cultivators each year (Resolution No. 2014-05).

Seattle

Washington voters approved Initiative 502, legalizing recreational marijuana, in 2012. The year before, Seattle had passed Ordinance 123661, clarifying that all marijuana businesses, including manufacture, processing, possession, transportation, dispensing and the like, must be in compliance with all city laws, as well as applicable state laws. In 2013, the city amended its zoning ordinance to specify where larger-scale marijuana business activities could locate (§23.42.058). The specific activities include processing, selling, delivery, and the creation of marijuana-infused products and usable marijuana. While these activities are prohibited in residential, neighborhood commercial, certain downtown, and several historic preservation and other special-purpose districts, the zoning ordinance does not require a land-use permit to specifically conduct marijuana-related activities in industrial, most commercial, and a few downtown districts.

For example, an applicant who wishes to open a marijuana retail store or an agricultural application is required to get the applicable permit, but is not required to disclose that the use is marijuana related. The ordinance does, however, impose a size limit on indoor agricultural operations in industrial areas, but this applies to all agricultural uses in industrial areas,

not just marijuana production (§23.50.012, Table A, Note 14).

Meanwhile, state law further restricts permissible locations for marijuana businesses. The state will not grant a license to any marijuana business within 1,000 feet of an elementary or secondary school, playground, recreation center, child care center, park, public transportation center, library, or game arcade that allows minors to enter.

Oregon

The voters of Oregon passed Measure 91 in 2014, legalizing recreational marijuana and related businesses, and the legislature enacted HB 340 in July 2015, thereby establishing a regulatory framework for such businesses.

Farmland preservation is one of the major objectives of land-use regulation in Oregon. Following the passage of Measure 91, a “local option” was created, whereby a local government in a county where at least 55 percent of the voters opposed Measure 91 could opt out of permitting marijuana businesses. The local government had 180 days from the passage of HB 340 to choose to opt out. Local governments in counties where more than 45 percent of the voters supported Measure 91 could refer an opt-out measure to the local electorate for a vote.

Many local governments have chosen to opt out, including a number of rural towns and larger municipalities such as Grant’s Pass and Klamath Falls (Oregon Liquor Control Commission 2016). Medford has banned retail marijuana businesses but permits producers and processors. However, some of the towns and cities still need to hold a general referendum on the issue in November 2016.

Portland has chosen to take a two-pronged approach to the regulation of marijuana businesses. The city’s zoning authority has not adopted rules governing the zoning of marijuana businesses, but is applying the city’s general development rules to them. Those rules include such standards as setbacks, conditional uses, parking height limitations, lot coverage, and the like that are specific to each zone. Therefore, if a marijuana retail business wishes to locate in a retail district, it would be allowed to do so provided the proposed business complies with the relevant general development rules in that district. However, the city does require that such businesses get a special license, and the licensing provisions stipulate a 1,000-foot buffer between retail marijuana

businesses (Chapter 14B.130). As another example, Bend’s development code allows retail marijuana businesses in commercial zones and production and processing in industrial zones with certain restrictions, including visual screening, security, and lighting requirements (Development Code §3.6.300.P).

Oregon state law requires non-opt-out rural counties to treat cultivation businesses as a permitted farm use in the farm use zone, but these counties have discretion about how they treat production in other zones. Clackamas County, for example, treats marijuana cultivation as a farm use in other natural resource zones, including forest zones and mixed farm-forest zones (§12.841).

Denver

Denver licenses four types of retail recreational marijuana-related businesses: retail stores, optional premises cultivation, infused products manufacturing, and marijuana testing facilities (§§6-200–220). The city made a conscious decision not to regulate marijuana businesses as distinct land-use categories, but its licensing standards do cross-reference the zoning code. Denver also grandfathered business locations that existed before the licensing regulations were implemented. This mainly benefitted medical marijuana dispensaries that had been in place before Denver adopted a new zoning code in 2010.

The city regulates medical marijuana establishments under a separate set of provisions in the Health and Sanitation section of its code (§§24-501–515).

Denver currently prohibits medical and recreational retail stores in any residential zone, any “embedded retail” district (small retail district embedded in a residential district), any location prohibiting retail sales, and within 1,000 feet of any school or child care center, any alcohol or drug treatment facility, and any other medical marijuana center or dispensary or retail marijuana store. However, the distance requirements are computed differently for medical marijuana centers versus retail stores. The medical marijuana center regulations use a measurement called a “route of direct pedestrian access,” and the retail stores regulations use a computation “by direct measurement in a straight line.”

Denver’s retail and medical marijuana regulations allow cultivation in any location where plant husbandry is a permitted use, and grandfathering is allowed in these zones. The regulations also allow licensing for marijuana-infused products on a lot in any zone where food preparation and sales or manufacturing, fabrication, and assembly are permitted.

PLANNING TO PLAN

Over my years as an attorney in the land-use arena, I have seen numerous towns and cities

start down the path of amending their land-use ordinance without answering certain basic questions. Often this is based on a failure to identify what sorts of as yet unheard-of businesses or other operations might, one day, file for site plan review—or, more troubling, *not* file for site plan review because the use is not covered by the land-use ordinance. However, it is at just this time that the local government must act thoughtfully and not overreact. Rather, the locality should answer certain questions.

First, should marijuana businesses be subject to special regulatory controls? If not, what category of use does a specific marijuana business fall into? Without special regulatory controls it will be governed just as any similar use is governed.

For example, California passed the first medical marijuana law in 1996, but since then there has been a problem defining a medical marijuana business. Is a dispensary retail or light industrial? Is a caregiver agricultural, home occupation, or light industrial? Is an outdoor cultivation operation agricultural and an indoor cultivation operation a home occupation or light industrial? Additionally, will the regulation of marijuana businesses include only land-use controls, only licensing requirements, or a combination of both? There are no clear answers to these questions, but in order to regulate successfully, each town must find its own answers.



Jeffrey Beall, Wikimedia (CC-by-3.0)

➔ A combination gas station and recreational marijuana store in Colorado.

Attachment: Zoning-Practice-2016-08 (1469 : Adult use of marijuana act discussion)

Additionally, since all operative medical and recreational marijuana laws are based on statewide statutes, a locality must also address whether a proposed ordinance is in compliance with state law. In most, if not all, statewide marijuana laws, there is either a statement, or an unstated inference that the state has occupied the field of marijuana regulation, and that local ordinances cannot conflict with, or frustrate the intent of, state laws.

Many courts throughout the country have expressed the following sentiment: “A municipality may prescribe the business uses which are permitted in particular districts but to prohibit the sale of all intoxicating beverages or other activities where such sale has been licensed by the state is to infringe upon the power of the state” (*Town of Onondaga v. Hubbell*, 8 N.Y.2d 1039 (1960)). Even home rule, in home-rule states, has its limitations.

Even using zoning in combination with business licensing can create problems. A case currently making its way through the Maine court system is a challenge to a local ordinance that requires medical marijuana caregivers to come to a public meeting in order to request a business permit.

The plaintiffs argue that the ordinance is a violation of state law, which clearly states that the identity of all caregivers must remain confidential, and makes disclosure of such information a civil violation with a fine imposed (*John Does 1–10 v. Town of York*, ALFSC-CV-2015-87). However, as caregivers begin to move away from home cultivation into leased industrial space, a town could conceivably require a non-caregiver landlord, who rents to caregivers, to obtain a business permit.

Conversely, under adult recreational statutes in those states that have legalized recreational marijuana—as well as under the initiatives to be voted on in November 2016—

the identity of the businesses seeking state licensure is not confidential. Municipalities and counties will therefore be able to determine the proposed business use, its suitability in a zone or district, and whether or not a business license is required, thereby moving marijuana land-use away from the often vague regulatory system of medical marijuana to the well-known structure of land-use regulation and business licensure.

Medical marijuana regulatory systems will still exist in most states that have legalized it, but it is likely that the majority of businesses in the marijuana sector will be recreational, rather than medical, and therefore more easily regulated by municipalities and counties.

CONCLUSION

The public is overwhelmingly in support of legalization of recreational marijuana. A recent Associated Press/University of Chicago poll indicated that 63 percent of those polled support legalization, although when broken down into medical and recreational, a smaller number, yet still a majority, supported recreational. That said, however, 89 percent of millennials, now the country’s largest generation, support complete legalization (Bentley 2016). As with medical marijuana legalization, as more states legalize, even more states will likely follow suit.

It is, therefore, incumbent on towns, cities, and counties to become educated on their state’s statutes and the local regulations that have been passed or will likely be passed in the future, and to draft land-use ordinances that address, in the ways most appropriate to the locality, the proliferation of medical marijuana and recreational marijuana uses.

Since most states have not yet legalized recreational marijuana, now is definitely the time to study and address the land-use issues that legalization may raise.

ABOUT THE AUTHOR

Lynne A. Williams is an attorney based in Bar Harbor, Maine, and she practices throughout the state. Her practice consists of land use, administrative litigation, and cannabis law. She was formerly the chair of the Bar Harbor Planning Board and is currently a member of the Harbor Committee of Bar Harbor.

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HOW DOES YOUR COMMUNITY REGULATE MARIJUANA LAND USES?



Sonoma County Cannabis Economic Impact

TASK FORCE REPORT

October 7, 2016



*Task force meetings and report overseen by the
Sonoma County Economic Development Board.*

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1 EXECUTIVE SUMMARY

1.1 Background

In 1996, California voters adopted Proposition 215, becoming the first state in the nation to allow the use of cannabis for medicinal purposes. Proposition 215 and Senate Bill 420, which was passed by the legislature in 2003, created the legal basis for a collective nonprofit system under which the cannabis industry operated until 2016. This collective nonprofit system was extremely limited and did not provide local government or the cannabis industry with clear guidelines in which to operate. Recent changes in state law spearheaded in part by two local representatives, Assemblymember Jim Wood and Senator Mike McGuire, have created a framework for the regulation of medical cannabis known as the Medical Cannabis Regulation and Safety Act (MCRSA). These regulations, adopted in 2016, and scheduled to go into effect in 2018, license and regulate all aspects of the medical cannabis industry and allow for cannabis businesses to operate as commercial for-profit business ventures.

These changes in state law and the potential for voters to approve Proposition 64, a ballot measure known as the Adult Use of Marijuana Act (AUMA) legalizing adult recreational use of cannabis, in November 2016, could significantly impact our local economy. There are differences between how MCRSA and the AUMA regulate and tax cannabis, however they both have a very similar licensing structure that will allow the cannabis industry to grow and operate in ways it previously could not under the collective nonprofit system. If voters approve AUMA, MCRSA licenses and regulations will remain intact, and local governments will have the ability to prohibit or regulate recreational and or medical marijuana businesses.

While we will not know exactly how the State of California will regulate the commercial cannabis industry until after the November election, as a county we must work to understand how we should regulate the industry and how it will impact our local economy.

With this in mind, the County of Sonoma created the Marijuana Technical Advisory Committee (MTAC), which is comprised of representatives of nearly every county agency. The MTAC includes several working groups, including Agriculture and the Environment, Enforcement and Land Use, Taxation and Revenue, Economic Development and Jobs, and Health and Human Services. Together these groups will explore the many facets of the cannabis industry and its impacts on our community to develop a draft ordinance that will regulate the industry in Sonoma County.

To inform the work of the Economic Development and Jobs subgroup, and help prepare our local business community, the Sonoma County Economic Development Board (EDB) created a Task Force comprised of 16 business representatives from key industry clusters. Over a period of five weeks, the Task Force members met with cannabis industry leaders to learn about the industry from legal experts, cultivators, cannabis manufacturers, distributors and lab testing professionals, as well as local commercial real estate professionals.

After learning more about the industry, the group worked together to formulate a series of insights into potential economic opportunities, potential threats, and policy recommendations for the Board of Supervisors. The Task Force was focused only on economic impacts and opportunities. The information provided in this report is intended to share some of the

knowledge and insights gained by the Task Force with the business community and government officials. The views and policy recommendations outlined in this document are those of the Task Force, not the Economic Development Board or the County Sonoma.

1.2 Summary of Findings

The cannabis industry is already a major part of our economy.

Through the legal means provided by proposition 215 and within the underground market, California and Sonoma County have developed a substantial cannabis-related economy. Although it is nearly impossible to accurately measure the economic impact of a largely underground economy, Tawnie Logan, Executive Director of the Sonoma County Growers Alliance, estimates there may be up to 10,000 grows in Sonoma County providing primary and secondary income for thousands of county residents. It is also estimated that Sonoma County, like most other North Coast counties, is a significant exporter of cannabis, meaning much of the income created by local cultivators comes from outside the region.

As with other agricultural products grown in the county and sold elsewhere, the income created by local cultivators has a significant multiplier effect as it is circulated through our economy, creating revenue and jobs in businesses completely unrelated to cannabis. As the cannabis industry increasingly integrates with the traditional economy, Sonoma County has an opportunity to significantly increase this economic impact, as there are tremendous growth opportunities for local businesses that wish to serve the industry directly. Educating our business community about the cannabis industry and finding ways to connect traditional businesses with cannabis industry leaders will be essential in ensuring that positive economic impacts remain in Sonoma County.

However, it will be very difficult for some local businesses to work with cannabis businesses as the industry is forced to operate almost exclusively in a cash economy. The US Drug Enforcement Agency classifies cannabis as a Schedule I Narcotic, and it is illegal at the federal level. This classification means that any bank or credit union, whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) cannot service the industry without risking their charter. This makes typical business operations such as completing employee payroll, hiring local service providers, signing a lease, and paying taxes extremely difficult. Additionally, operating a cash-only business creates serious safety and security concerns.

Even without access to basic business services, the cannabis industry is expected to expand rapidly under the regulations created in MCRSA and could experience tremendous growth if AUMA passes in November. This expansion will certainly impact our local economy and may cause additional pressures on the already tight labor, housing and commercial real estate markets. To mitigate these impacts, reduce the size of the underground economy, and support our existing cannabis businesses as they move toward compliance with these new regulations, the Task Force has created a series of insights and recommendations for local policymakers. A summary of the key recommendations and a complete list of the opportunities, threats and policy recommendations identified by the Task Force are available on pages 22-24).

1.3 Key Recommendations

1. Establish a temporary transition period

New state and county regulations will create tremendous change and disruption to county government and the existing industry. These changes cannot happen overnight.

- a) To reduce impacts on the cannabis industry and local regulators, the Task Force recommends establishing a minimum of a one-year transition period to achieve compliance with local and state regulations.
- b) Convene a County hosted cannabis stakeholder advisory group to continue discussing cannabis issues through 2017.

2. Promote a dynamic and competitive legal cannabis market

A successful local cannabis industry will provide opportunities for a wide range of non-cannabis-related businesses.

- a) Ensure permits are available for all license types outlined in MCRSA
- b) Identify strategies for integrating cannabis-related businesses into the existing economy through workshops and job fairs that include both cannabis and traditional businesses.
- c) To successfully integrate the cannabis industry into the local economy, the County should provide access to existing best business practices education, and workforce development that is available to other segments of the economy.

3. Mitigate negative impacts on countywide real estate assets

The successful integration of cannabis businesses into our economy will create additional pressure on an already stressed supply of agricultural lands, commercial real estate and workforce housing.

- a) Identify opportunities to fast track permitting processes to increase the supply of housing and commercial building inventory.
- b) Encourage a cooperative farming model by allowing multiple permits on one parcel, and allowing cottage growers to cultivate collectively in a legally-designated area.
- c) Limit the canopy size for cultivation at one acre per permit.

2 CANNABIS ECONOMIC IMPACT TASK FORCE

2.1 Overview

The Sonoma County Board of Supervisors asked that during the summer and fall of 2016 Sonoma County agencies prepare for the rollout of new state cannabis-related regulations. With this in mind, the County created the Marijuana Technical Advisory Committee (MTAC), which is comprised of representatives of nearly every county agency. MTAC includes several working groups, including Agriculture and the Environment, Enforcement and Land Use, Taxation and Revenue, Economic Development and Jobs, and Health and Human Services.

To inform the work of the MTAC, the Sonoma County Economic Development Board (EDB) convened the Cannabis Economic Impact Task Force. The role of the Task Force was to identify potential economic opportunities and challenges, and create a series of recommendations and insights on how both the county and the local government can be as prepared as possible for expected changes to the economy

In addition to informing the work of policymakers, a key purpose of the Task Force was to create a better understanding among business leaders about the cannabis industry so they could identify potential business opportunities.

2.2 Goals

The Cannabis Economic Impact Task Force had the following four goals:

1. Inform the work of Sonoma County regulatory bodies as they draft regulations affecting the industry.
2. Provide business and government leaders with information and resources so they can adapt proactively rather than reactively to changes in the cannabis industry and local economy.
3. Establish productive communication flows and relationships between the members of the traditional business community and members of the cannabis business community.
4. Assist the business community in identifying the economic opportunities and potential economic impacts created by changes in the cannabis industry.

2.3 Members

The following 16 members of the Sonoma County business community were invited to serve as Task Force members:

- | | |
|---|--|
| 1. Brian Ling <i>Co-Chair</i>
Sonoma County Alliance | 9. Joe Horak
PG&E |
| 2. Tawnie Logan <i>Co-Chair</i>
Sonoma County Grower's Alliance | 10. Jay Jenson
Novavine |
| 3. Alon Aldani
Cornerstone Properties | 11. Brandon Jewell
Santa Rosa Chamber |
| 4. Arthur Deicke
Environmental Pollution Solutions | 12. Nathan Kinsey
Sonoma Clean Power |
| 5. Ken Fischang
Sonoma County Tourism Bureau | 13. Brandon Levine
Mercy Medicine |
| 6. Terry Garrett
Sonoma County Go Local | 14. Dave Peterson
Keegan and Coppin |
| 7. Merlin Hanauer
Sonoma State University | 15. Sarah Rodebaugh
NutraDG |
| 8. Steve Harrison
Vino Shipper | 16. Danielle Sandoval
Zainer Rinehart Clarke |

Co-Chairs

The EDB Executive Director appointed two Task Force members to serve as co-chairs, Brian Ling and Tawney Logan. Mr. Ling is the Executive Director of the Sonoma County Alliance, a coalition of business, agriculture and labor leaders organized to encourage a healthy economy and maintain a sound environment. Prior to his affiliation with the Alliance, Brian had a 26-year career as CEO with the Reliance Trailer group of companies, employing as many as 400 throughout the western United States.

Ms. Logan is the Executive Director of the Sonoma County Growers Alliance, a local trade group that helps cultivators and industry professionals understand their rights and responsibilities with respect to changes in California law. For 15 years, she has advocated for organic and sustainable agricultural practices within the cannabis industry and is committed to expanding education and implementation of best management practices for the environment and end user.

2.4 Meetings

The Task Force met a total of five times, for two hours per meeting, on the following dates:

1. Wednesday, July 6, 2016
2. Wednesday, July 13, 2016
3. Wednesday, July 20, 2016
4. Wednesday, July 27, 2016
5. Wednesday, August 3, 2016

Each meeting was co-facilitated by Tim Ricard, EDB Program Manager, and Dr. B.J. Bischoff, owner of Bischoff Performance Improvement Consulting.

The first four meetings were structured so that the first hour and a half of the meeting comprised presentations from cannabis industry experts from California and Colorado, followed by a facilitated question and answer session. At the end of each of the first four meetings, participants discussed opportunities and threats related to Sonoma County's business climate relative to the topics that were discussed during that meeting.

The final meeting was a facilitated discussion during which Task Force members identified business opportunities, threats to the business environment, and policy recommendations to be presented to the Board of Supervisors regarding major aspects of the cannabis industry in Sonoma County.

The meeting topics and speaker's name, position, company and location are outlined below

Meeting #1

Legal overview of the cannabis industry

1. **Joe Rogoway**

Lead Attorney and Founder, Rogoway Law Group
Santa Rosa, CA

2. **Tim Moorland**

Director of Legislative and Regulatory Affairs, California State Board of Equalization
Sacramento, CA

3. **David Guhin**

Interim Planning and Economic Development Director, City of Santa Rosa
Santa Rosa, CA

4. **Rebecca Wachsberg**

Deputy County Administrator - Community & Government Affairs, County of Sonoma
Sonoma County, CA

Meeting #2

Overview of the differences between the Adult Use of Marijuana Act (AUMA) and the Medical Marijuana Regulation and Safety Act (MCRSA)

1. **Tawnie Logan**

Task Force Co-Chair
Executive Director, Sonoma County Grower's Alliance
Sonoma County, CA

2. **Tim Ricard**

Program Manager, Sonoma County Economic Development Board
Sonoma County, CA

Cannabis Cultivation and Commercial Impact

1. **Andrew Livingston (via Skype)**

Director of Economics and Research, Vicente Sederberg LLC
Denver, CO

2. **Dino D'Argenzio**
Senior Real Estate Advisor and Partner, Keegan & Coppin Co.
Santa Rosa, CA
3. **Tony Linegar**
Agricultural Commissioner
Sonoma County, CA
4. **Hezekiah Allen**
Executive Director, California Growers Association
Sacramento, CA

Meeting #3

Transportation, Distribution, Manufacturing, and Lab Testing

1. **Ryan Long (Manufacturing)**
Care by Design
Santa Rosa, CA
2. **Josh Wurzer (Testing)**
President, SC Labs
Santa Cruz, CA
3. **Lauren Fraser (Distribution)**
Co-founder, River Collective (RVR)
Berkeley, CA

Meeting #4

Cannabis Tourism, Retail Sales, and Branding

1. **David Hua**
CEO and Co-Founder, Meadow Care
San Francisco, CA
2. **Danny Schaefer (via Skype)**
CEO, My 420 Tours
Denver, CO
3. **Amanda Conley**
Partner & Attorney, Brand and Branch LLP
Oakland, CA

Meeting #5

Topics addressed

- Cannabis Cultivation
- Cannabis Manufacturing
- Cannabis Lab Testing
- Cannabis Distribution/Transportation
- Cannabis Retail Online Sales and Consumption
- Labor Considerations

- General Industry Considerations
- Strategies for encouraging compliance among current cannabis-related businesses

Issues discussed during the group discussion for each topic

- The business opportunities in Sonoma County that could result from the growing cannabis industry and strategies for leveraging these opportunities
- Threats to the business environment of Sonoma County that could result from the growing cannabis industry and ways to mitigate these threats
- Economic impact-related policy recommendations to present to the Sonoma County leadership

3 LEGAL FRAMEWORK

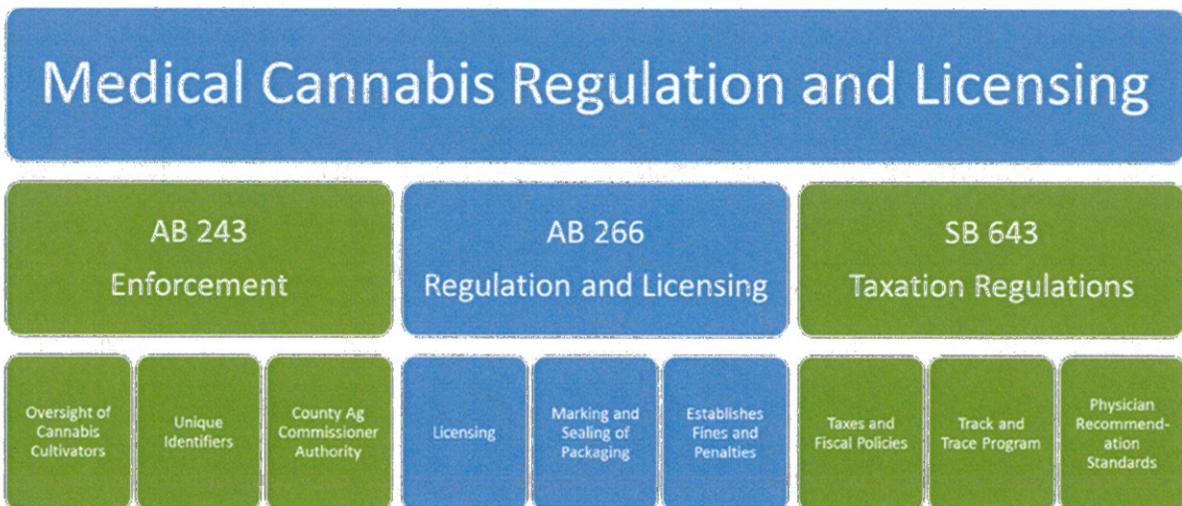
3.1 Overview

In 1996, the Compassionate Use Act passed, which gave doctors the ability to recommend cannabis to patients and provided patients with affirmative defenses in charges of possession and cultivation, but it didn't provide patients with a legal way to obtain cannabis. In 2003 the California state legislature passed SB420, which forms the basis for the cannabis industry today. It added statutes to benefit patients, with the most important being Health and Safety Code 11362.775, which allowed qualified patients and physicians to form collectives operating as nonprofits to cultivate cannabis and not be subject to criminal prosecution for possession, cultivation, and transportation.

3.2 MMRSA and MCRSA

In the fall of 2015, the California legislature enacted the Medical Marijuana Regulation and Safety Act (MMRSA), and a series of the following companion bills: AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey); AB 243 (Wood); and SB 643 (McGuire). A statewide regulating agency was then created, the Bureau of Medical Marijuana Regulation, which worked with several state agencies to create a comprehensive regulatory regime.

The following chart identifies the contents of each of the three bills:



MMRSA provided a comprehensive, robust regulatory framework for all commercial medical cannabis activities, through a multi-agency approach to regulation and licensing medical cannabis. However, the law deferred to local governments by providing options to outlaw or regulate cannabis locally. Although MMRSA was effective January 1, 2016, the regulations will go into effect no later than January 1, 2018.

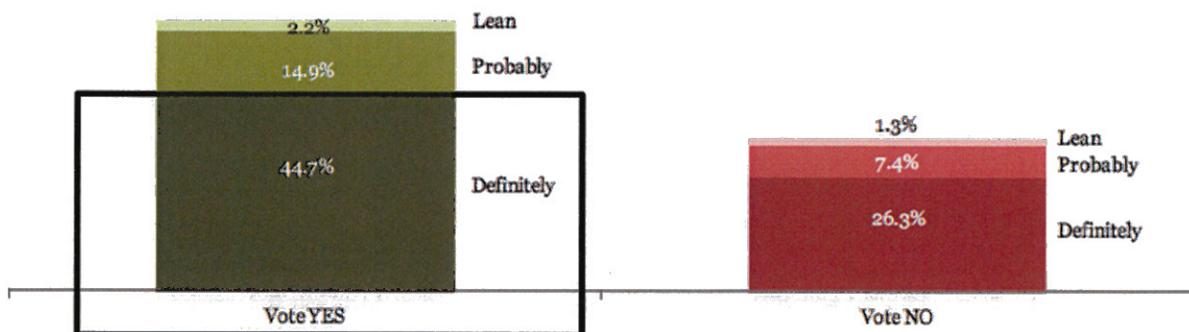
On June 27, 2016 the Governor approved SB837, changing the name of the Medical Marijuana Regulation and Safety Act (MMRSA) and the Bureau of Medical Marijuana Regulation to the Medical Cannabis Regulation and Safety Act (MCRSA) and the Bureau of Medical Cannabis Regulation. SB837 also made other changes such as the creation of a license Type 1C- Cottage Cultivation.

MCRSA tasks the following California Departments to establish regulations for the medical cannabis industry:

- **Bureau of Medical Cannabis Regulation**
Responsible for licensing transporters, distributors, dispensaries and testing laboratories
- **Department of Fish and Game**
Regulate the environmental impacts of cannabis cultivation
- **Department of Food & Agriculture**
Responsible for licensing cultivators and establishing a track and trace program.
- **Department of Pesticide Regulation**
Regulate pesticide use for cannabis cultivation
- **Department of Public Health**
Responsible for licensing manufacturers of products, such as edibles.
- **State Water Resources Board**
Regulate the environmental impacts of cannabis cultivation on water quality.

3.3 AUMA-Prop 64 Overview

The Adult Use of Marijuana Act (AUMA) will appear as a ballot initiative, called Proposition 64, in the November 8, 2016 California elections. Californians will be able to vote to allow or disallow adults 21 years and older to possess up to one ounce of marijuana and cultivate up to six plants for personal use at their household. This ballot measure is funded largely by tech entrepreneur Sean Parker and supported by Lt. Governor Newsom and the Democratic Party. The California Police Chiefs Association opposes Prop 64.



California Statewide Voter Survey, Probolsky Research (Aug. 9, 2016).

AUMA stipulates that plants must be out of public view and secure from children. Local governments may ban outdoor home cultivation, but not home indoor or greenhouse grows. AUMA would relieve patients with state medical marijuana ID cards from paying state sales tax. It would rewrite criminal penalties so as to reduce the most common cannabis felonies to misdemeanors and allow prior offenders to petition for reduced charges. However, illegal possession in excess of one ounce will be a felony.

3.4 AUMA and MCRSA Comparison

If AUMA is approved by the voters, there would be a two-tiered license system:

- Medical License System-MCRSA
- Recreational License System-AUMA.

Business regulations under AUMA provide for a statewide commercial licensing plan that parallels MCRSA (see table on page 11). The key differences in the commercial licensing plan are:

- AUMA creates two additional license types –Type 5A and Type 5B, which address large cultivation over one acre outdoors. These additional license types would not be available until 2023.
- AUMA refers to dispensaries as “retailers,” eliminates the “transporting” license.
- AUMA would create a new category of cannabis businesses called “microbusinesses,” which are small operators with cultivation space not exceeding 10,000 square feet.
- A microbusiness license would allow holders to cultivate marijuana and act as a licensed distributor, Level 1 manufacturer, and retailer all under one license.
- Under MCRSA, licensees are very restricted in their ability to hold licenses in multiple categories. Subject to a limited exception, MCRSA allows licensees to hold at most two different license types. Also subject to a limited exception, MCRSA licensees are prohibited from holding an ownership interest in real property, personal property, or other assets associated with or used in any other MCRSA license category

Both MCRSA and AUMA provide for local land use control. Both allow local governments to license, zone, and ban cannabis businesses and determine where is it appropriate to grow, sell, test, and manufacture cannabis products. Both cities and counties may impose local taxes in both systems. January 1, 2018 is the key effective date for both MCRSA and AUMA regulations, as the regulations for both laws will go into effect at the same time.

Taxes

Both MCRSA and AUMA allow local municipalities to impose additional taxes.

MCRSA did not create any new taxes for marijuana businesses. All businesses operating pursuant to MCRSA are required to have a seller’s permit with the State Board of Equalization, which imposes a 7.5-10% sales and use tax. Local governments can impose additional taxes on marijuana businesses pursuant to applicable law.

AUMA would create a new tax scheme that will affect medical marijuana as well as recreational marijuana.

- A 15% excise tax on gross receipts will be collected for both medical and recreational marijuana. The excise tax would be imposed on purchasers of cannabis or cannabis products sold in California. However, the current sales and use tax would not apply to medical cannabis sales to qualified patients or primary caregivers with a valid medical marijuana identification card.
- Impose a cultivation tax on all harvested medical and recreational marijuana that enters the commercial market. The tax would be calculated as follows: Marijuana flowers – \$9.25 per dry-weight ounce; marijuana leaves – \$2.75 per dry-weight ounce. The cultivation tax would not apply to marijuana cultivated for personal use or cultivated by a qualified patient or primary caregiver.

MCRSA License Types		AUMA License Types**	
Type 1	Cultivation ; Specialty outdoor; Small (Up to 5,000 sf. of canopy, or up to 50 noncontiguous plants)	Type 1	Cultivation ; Specialty outdoor; Small (Same as MCRSA)
Type 1A	Cultivation ; Specialty indoor; Small (Up to 5,000 sf.)	Type 1A	Cultivation ; Specialty indoor; Small (Same as MCRSA)
Type 1B	Cultivation ; Specialty mixed-light; Small (Up to 5,000 sf. using exclusively artificial lighting)	Type 1B	Cultivation ; Specialty mixed-light; Small (Same as MCRSA)
Type 1C	Cultivation ; Cottage (Up to 25 mature plants)		
Type 2	Cultivation ; Outdoor; Small (Up to 5,000 sf. using a combination of artificial and natural lighting)	Type 2	Cultivation ; Outdoor; Small (Same as MCRSA)
Type 2A	Cultivation ; Indoor; Small (5,001 -10,000 sf.)	Type 2A	Cultivation ; Indoor; Small (Same as MCRSA)
Type 2B	Cultivation ; Mixed-light; Small (5,001 -10,000 sf.)	Type 2B	Cultivation ; Mixed-light; Small (Same as MCRSA)
Type 3	Cultivation ; Outdoor; Medium (10,001 sf. – 1 Acre)	Type 3	Cultivation ; Outdoor; Medium (Same as MCRSA)
Type 3A	Cultivation ; Indoor; Medium (10,001 – 22,000 sf.)	Type 3A	Cultivation ; Indoor; Medium (Same as MCRSA)
Type 3B	Cultivation ; Mixed-light. Medium (10,001 – 22,000 sf.)	Type 3B	Cultivation ; Mixed-light. Medium (Same as MCRSA)
Type 4	Cultivation ; Nursery	Type 4	Cultivation ; Nursery (Same as MCRSA)
	No Type 5 License	Type 5	Cultivation ; Outdoor; Large (No artificial lighting greater than 1 Acre)
		Type 5A	Cultivation ; Indoor; Large (Over 22,000 sf. using exclusively artificial lighting)
		Type 5B	Cultivation ; Mixed-light; Large (Over 22,000 sf. using a combination of artificial and natural lighting)
Type 6	Manufacturer 1 (Using non-volatile solvents)	Type 6	Manufacturer 1 (Same as MCRSA)
Type 7	Manufacturer 2 (Using volatile solvents)	Type 7	Manufacturer 2 (Same as MCRSA)
Type 8	Testing	Type 8	Testing (Same as MCRSA)
Type 10	Dispensary ; General	Type 10	Retailer (Includes retail sale and delivery)
Type 10A	Dispensary ; No more than three retail sites		
Type 11	Distribution	Type 11	Distributor (Same as MCRSA but not mandatory)
Type 12	Transporter	Type 12	Microbusiness (Can cultivate up to 10,000 sf. and also act as a licensed distributor, Level I manufacturer and retailer)

**All licenses issued for adult use would be distinct from those issued for medical use, and would be designated as such. E.g., an outdoor cultivator for *medical* cannabis would receive a “Type 1” license, whereas a non-*medical* outdoor cultivator would receive a “Type 1 – Nonmedical” or “Type 1NM” license.

3.5 Track and Trace

The California Department of Food and Agriculture is in the process of developing a “track and trace” system for the cannabis industry. Once developed, this system is expected to provide state taxing, public health, and law enforcement officials the ability to follow a marijuana plant from a seed to the packaged product at a dispensary. The level of detail could include how many times a single plant (or batch of plants), was sprayed with pesticide, when it was packaged and sold, how much of the product from that plant has been sold to patients, and how much remains on dispensary store shelves.

That is valuable information for public health officials who want to ensure cannabis has passed lab tests, law enforcement who want to target illicit business, and taxing agencies tasked with collecting sales tax.

In Colorado, each individual plant is tagged, scanned and followed through the entire supply chain all the way up to the retail level.

3.6 City of Santa Rosa

According to David Guhin, Santa Rosa Planning and Economic Development Director, medical cannabis is one of the Santa Rosa City Council's top five key initiatives, along with housing, homelessness, infrastructure, and the Roseland annexation. Santa Rosa is in the process of developing a comprehensive medical cannabis policy that is multi-faceted and will address all aspects of the industry.

On February 23, 2016, the Santa Rosa City Council unanimously introduced an interim ordinance to allow Commercial Cultivation of Medical Cannabis with a Minor or Major Conditional Use Permit (depending on size) in the Light, Industrial, General Industrial, and Limited Light Industrial Zoning Districts.

In addition to this interim ordinance, the city is seeking ways to integrate cannabis regulations into the city's existing codes and guidelines, while they develop comprehensive cannabis ordinance.

On August 2, 2016, the Santa Rosa City Council directed the Zoning Administrator to issue a Zoning Code Interpretation to allow cannabis support businesses; such as lab testing, oil production and transportation services; in appropriate existing commercial zones. The interpretation was issued the following day, and became effective immediately. The interpretation will remain in effect until such time as it is replaced by a Council Ordinance as part of the comprehensive policy effort currently underway and expected to be completed in late 2016.

4 CULTIVATION OVERVIEW

4.1 Existing Cultivation

As outlined in the Legal Framework section, the 1996 Compassionate Use Act, SB420, created the legal environment in which collectives operating as nonprofits could cultivate cannabis and not be subject to criminal prosecution for possession, cultivation, and transportation. Through these legal means and within the underground market, California and Sonoma County have developed a substantial cultivation economy.

Hezekiah Allen, Executive Director of the California Growers Association, estimates that there are between 40,000 to 60,000 grows in California and that the state produces in excess of 60% of the nation's cannabis. The state cultivates far more cannabis than is consumed in California and the majority

is exported through unregulated means. Locally, Tawnie Logan of the Sonoma County Growers Alliance estimates there could be up to 10,000 grows in Sonoma County.

According to the Allen, California is a global leader in cannabis industry and has been for generations. He said: "The growers and industry are already here. The state has a multi-generational heritage of small farms that has been shaped by the legacy of prohibition, and the largest segment of the current marketplace are owner-operated cottage farms. Small farmers have seen their incomes decrease in recent years as prices have crashed, going from a high of \$3,200/lb. to the current rate of \$1,200/lb."

See chart below for the Growers Association's breakdown of the estimated number of employees and income generated by different farm sizes.

Cottage	Owner operator	25 to 50 thousand annual net	Least capitalized and no access to financial services
Specialty Up to 1/8 acre	1 to 3 FTE	50 to 100 thousand annual net	Least capitalized and lowest access to financial services
Small Up to 1/4 acre	3 to 7 FTE	100 to 250 thousand annual net	Better capitalized and nominal access to financial services
Medium Up to 1/2 acre (1 acre for outdoor)	5 to 15 FTE	More than 250 thousand annual net	Best capitalized and increased access to financial services

4.2 State Licensure

The California Department of Food and Agriculture (CDFA) has been charged with developing state regulations for cultivation and developing the Medical Cannabis Cultivation Program. This program will license cultivators in the state, establish conditions under which indoor and outdoor cultivation may occur, establish a track and trace program for reporting the movement of medical cannabis items through the distribution chain, and assist other state agencies in protecting the environment and public health and safety. These regulations are expected to complete in September 2016.

The Sonoma County Agricultural Commissioner will be responsible for enforcing the state and local cultivation ordinances and state licenses will not be issued to anyone who has not already obtained his/her license from the county.

4.3 County of Sonoma Zoning

The Permit and Resource Management Department (PRMD) is the lead agency responsible for developing, implementing and enforcing land use regulations within the unincorporated County.

PRMD is currently working to establish licensing or permitting schemes for land uses including cultivation, labs and testing, distribution, transportation, deliveries, manufacturing and dispensaries. These ordinances are expected to be reviewed by the Board of Supervisors in late 2016.

5 COMMERCIAL REAL ESTATE

To better understand the impacts a growing commercial cannabis industry may have on local real estate, the Task Force spoke with Dino D'Argenzio, Senior Real Estate Advisor and Partner, Keegan & Coppin, and Andrew Livingston, Director of Economics and Research, for Vicente Sederberg LLC a leading cannabis law firm.

According to Livingston, cannabis cultivation accounts for over 3.7 million sq. ft. of industrial space in Denver, equating to approximately 2.6% of the existing warehouse footprint. Livingston noted that less than 3.1% of the land, or about 3,000 acres, in Denver is zoned for cannabis cultivation, creating a limited supply which has led to sharp increases in lease rates.

Between 2010 and mid-2015, lease rates for lower-class warehouse space in North Denver climbed from \$4.06 to \$6.34 per square foot for a triple net (NNN) lease. This represents growth of over 56% in just five years (CBRE 2015). However, cannabis tenants often pay two to three times the average because fewer landlords are willing to work with the industry. Livingston referenced a *Denver Post* article from March 2014 that stated:

Walking Raven dispensary co-owner Luke Ramirez is searching for additional grow space. The rates he's being quoted make him feel fortunate to be paying just \$18 per square foot for one of his two current warehouses.

Livingston stated that property prices have skyrocketed in cities and counties throughout California that are considering, or have passed, regulations for medical cannabis businesses. Entrepreneurs are excited about the new market and want to get in before the state or local government closes the application window. Livingston stated that real estate prices are controlled by supply and demand. Sonoma County has no control over the entrepreneurial demand for cultivation licenses but through the zoning code can control the amount of compliant property available to these entrepreneurs.

Dino D'Argenzio explained to the Task Force that in the last 18 months, there has been a rush in Sonoma County to find cultivation locations. Half have come from outside the region (Emerald Triangle – from Oregon down to Sonoma County) and half from inside. Many of these small and medium-size individuals are qualified, existing growers and some are investors who see an opportunity and want to get into the business. Commercial real estate firm Keegan & Coppin Co. of Santa Rosa has been involved in about 200,000 square feet of both lease and purchase transactions in the past year in Sonoma County. The firm is currently working on about 60,000-80,000 in lease applications and purchase of property

D'Argenzio estimates that approximately 75% of property owners are not willing to lease to the cannabis industry, but speculates that will come down to about 50% as awareness of the industry grows. However even if the landlord is interested in leasing to the cannabis industry, many cannot if they have a loan on the property. Federally backed loans often state that the building cannot be used for any activity which violates United States law.

D'Argenzio explained that over that last few years, due to a recovering economy and strong demand from the cannabis industry, local industrial rates have increased.

6 DISTRIBUTION AND TRANSPORTATION

Under both AUMA and MCRSA, all product must be tracked, taxed, and verified as safe by a licensed distributor. The key difference as noted earlier is that MCRSA requires that licensed distributors are prohibited from holding additional license types or ownership interest in real property, personal property, or other assets associated with or used in any other MCRSA license category. This model is similar to our current three-tiered system for alcohol production and distribution, which was created after prohibition that divides the market into producers, distributors, and retailers.

AUMA allows for the holding of multiple license types (with the exception of very large cultivators). Therefore, a local business could cultivate, manufacture, distribute, and sell to the consumer allowing for a more vertically integrated model. This would most likely reduce the importance of distributors.

Regardless of whether AUMA passes, any of the speakers who addressed the Task Force identified distribution and transportation as key economic opportunities for Sonoma County in the cannabis industry. They explained that Sonoma County is already considered to be hub for cannabis distribution and due to our location south of the largely rural Emerald Triangle (Mendocino, Humboldt, and Trinity Counties), Sonoma County is the commercial center that links this cultivation centers to the rest of the state.

Lauren Fraser, co-founder of River Collective (RVR), a California cannabis distributor, informed the Task Force that distribution facilities are best situated in industrial and light industrial zones, business parks, and other non-residential areas. Some considerations for safety and security include the following:

1. Discrete and secure facilities that are strategically located, along key transportation corridors and within reasonable distance to core retail hubs for medical cannabis dispensaries.
2. The use of the facilities may be comparable to traditional distribution and industrial warehouse use types in the zone regulations, with minimal tenant improvements or infrastructure development required.
3. Facilities may have a fenced perimeter, gated parking, roll-up doors and interior loading docks, secured vaults, control access points, 24/7 security cameras.
4. Professional office space for management and staff may also be included.

Fraser also noted that existing industry in Sonoma County employs hundreds, if not thousands, of residents who would welcome the opportunity to be recognized as legitimate, tax-paying community members. She noted by working to ensure Sonoma County continues to be a key distribution and transportation hub for the industry, we can provide an opportunity to recognize and legitimize these existing businesses and workers, and also create more high quality jobs.

Mandatory use of a distributor is a controversial issue for the cannabis industry. As the marketplace becomes more and more competitive, distribution partners may help to offer a voice for the small farmer with the dispensary. However, many small farmers fear that they will no longer be able to manage their relationships with dispensaries and large distributors will have outsized influence on prices and access to the legal market, not unlike craft beer, cider, and spirits producers who have advocated for more direct producer to consumer sales laws to sidestep the influence of large distributors in the marketplace.

7 MANUFACTURING

Cannabis manufacturing is the term used for any processes that “compound, blend, extract, or infuse cannabis products.” These processes can include the production of hash oil, vaping products, and cannabis-infused foods known as edibles. Under MCRSA and AUMA, there will be two types of cannabis manufacturing licenses available:

- Type 6 = Manufacturer of products not using volatile solvents.
- Type 7 = Manufacturer of products using volatile solvents.

The California Department of Public Health (CDPH) is responsible for licensing manufacturers of cannabis products and establishing fees and fines. CDPH is in the process of developing standards regulations, licensing procedures and addressing policy issues in support of medical cannabis manufacturers and testing laboratories. CDPH is responsible for issuing Type 6 and Type 7 licenses to manufacturers.

The new regulations developed by CDPH will provide much needed clarification and regulations regarding edibles. These products do not fit current standards as they are declared to be “not a food” and “not a drug.” Instead, edibles are defined by MCRSA as manufactured cannabis for human consumption.

The law requires all manufacturers to package all medical cannabis products in tamper-evident packaging, use a unique identifier, label the product, include specific health warnings, and prohibits medical cannabis packages and labels from being made to be attractive to children.

Sonoma County is already home to a number of cannabis manufactures, including Care By Design which has a 35,000 square foot state-of-the-art cannabis manufacturing facility in a Santa Rosa business park. The space was formerly used to manufacture heart splints and is equipped with high grade infrastructure, including piping and chillers, suitable for manufacturing consumable products. Care By Design conducts analytical testing onsite, where they test for pesticides, mold, and accurate dosage. The facility employs 30-40 individuals. Since the firm started in 2014, it has grown ten-fold. The facility is in an area zoned for light manufacturing.

8 LAB TESTING

MCRSA and AUMA require that a representative sample of all cannabis sold be tested by a certified testing service to determine whether the chemical profile of the sample conforms to the labeled content of compounds including, but not limited to, all of the following:

1. Cannabinoids (potency)
2. Microbiological contamination
3. Mycotoxins
4. Terpenes
5. Pesticide residues
6. Residual solvents

CDPH has been tasked with ensuring that all cannabis has been tested prior to delivery to dispensaries, manufacturers, or other businesses. CDPH is still in the process of developing the standards and defining the licensing requirements

Certified lab testing licensees are not allowed to hold any additional license types of or have ownership interest in a non-testing facility licensed pursuant to this division.

Currently, only 2-5% of the cannabis consumed is tested by a laboratory facility and SC Labs, the largest cannabis testing lab in the state processes approximately 15,000 samples per month, the majority of which only test for potency. The testing requirements outlined in MCRSA and AUMA will provide tremendous growth potential in this industry which employs highly educated and well paid scientific professionals.

9 SALES AND CONSUMPTION

9.1 Sales

As a result of Proposition 215 and SB 420, California dispensaries have operated as collective "cooperative" nonprofit entities, created to distribute cannabis products to member patients who have prescriptions from physicians.

MCRSA will effectively eliminate the collective cooperative nonprofit model and dispensaries will be able to sell to any person with a valid medical marijuana identification. AUMA, if passed, would allow licensed retailers to sell to anyone over the age of 21, and subject to the discretion of the local government, a dispensary licensed to sell medical marijuana under MCRSA could also obtain a license to sell recreational marijuana from the same facility. Further, while AUMA sets the minimum age for purchase at 21, AUMA allows qualified patients aged 18 and older to enter retailers/dispensaries with a valid identification card.

In addition to brick and mortar dispensaries, many patients currently receive cannabis through deliveries. Both MCRSA and AUMA will allow the delivery of cannabis by licensed dispensaries, but cities and counties can prohibit and or regulate this practice.

9.2 Consumption

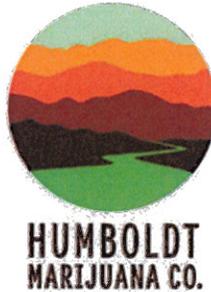
If passed by voters, AUMA will make it lawful to smoke or ingest cannabis, but forbids consumption in any public place except for licensed dispensaries/retailer when authorized by local governments. "Public place" is commonly construed broadly to include any business or property that is open to the public and within 1,000 feet of a school or youth center while children are present, except on residential property or on licensed premises and provided the smoking is not detectable by the kids.

This will greatly reduce the locations where medical patients can inhale their medicine, as Senate Bill 420 has been interpreted to allow medical patients to presently consume legally in streets and public areas where smoking is permitted.

With recreational use, there may be opportunities to open cannabis tasting rooms (like winery tasting rooms) or "cannabis bars" to provide social interaction among cannabis users.

10 SONOMA COUNTY AS A CANNABIS DESTINATION

Geographic location will become more important as cannabis branding becomes more widespread and as appellations similar to those found in the wine industry continue to be created. Sonoma County leaders will need to focus on how the word Sonoma County can be used and how to position its appellation(s). The following are examples of location-based branding.



With the legalization of the recreational use of cannabis, Colorado has started a cannabis tourism industry. Cannabis tour operators are now offering dispensary and grow tours, and cannabis cooking classes, as well as identifying cannabis-friendly hotel accommodations with major hotel chains, and private tours, ranging from \$49 to \$10,000 per tour.

Since Sonoma County is already a tourist destination for quality wine and other agricultural products, it is important for the county leadership to determine how cannabis tourism, which is likely to occur, will fit into the existing tourism industry. It will be essential to determine the compatibility of wine industry tourism with cannabis industry tourism. Currently, no one has conducted research to determine if wine tourists and cannabis tourists have similar needs and expectations. The truth is that cannabis tourists are already here, but not publicly recognized as such.

11 LABOR CONSIDERATIONS

The Sonoma County agriculture labor market is already very tight and many business leaders, particularly those in agriculture, are concerned that their existing labor force will gravitate toward the cannabis industry because it may offer higher wages. A benefit provided by the cannabis industry, however, is that it provides year-round growing and can employ workers in the off-season of the wine industry. The manufacturing and testing components of the cannabis industry may provide opportunities for professionals with two- and four-year college degrees.

12 KEY OPPORTUNITIES FOR THE SONOMA COUNTY ECONOMY

The Task Force identified the following business opportunities for Sonoma County:

1. Business opportunities will be available for the wide range of ancillary businesses that support all aspects of the industry.
 - a) Mechanization in cultivation practices will develop new opportunities for business that support other agricultural support industries.
 - b) Existing lab testing firms can add cannabis testing to their scope of services.
 - c) Existing professional services firms can help cannabis businesses transition out of the underground economy.

2. Sonoma County is an excellent location for cannabis manufacturing, lab testing, and distribution.
 - a) The County is located between the major growing region (Emerald Triangle) and the San Francisco Bay Area market.
 - b) The County has a very strong an existing knowledge base and talented workforce.
3. The cannabis industry will create new jobs and improve existing cannabis related jobs.
 - a) Legal commercial status for cannabis businesses will increase benefits, such as workers compensation and paid time off for existing cannabis workers.
 - b) Most aspects of the cannabis industry are year-round, creating more permanent employment for seasonal workers from other industries.
 - c) Educational institutions can create certificate programs related to the cannabis industry (SSU, SRJC, etc.).
4. Cultivation of high value crop largely sold outside the County brings dollars into our community.
5. A successful and professional cannabis industry can increase the County's brand image as a producer of high quality craft food, beverage and agricultural products.

13 KEY THREATS TO THE SONOMA COUNTY ECONOMY

The Task Force identified the following major threats to Sonoma County's business environment:

1. Real estate prices will become inflated as often landlords/sellers charge more for cannabis-related facilities increasing the market beyond what many business can pay.
 - a) Existing cannabis and traditional manufacturers can't afford to be located here--labor and land are much cheaper elsewhere.
 - b) There is a likelihood that we will lose high-paying manufacturing jobs in other sectors because available manufacturing space is limited in the county
2. A growing cannabis industry will increase demand for local permits slowing the regulatory process for all business.
3. Large scale statewide cultivation could cause over-saturation of cultivation and could pose a threat to cultivators in Sonoma County, negatively affecting the economy for all business.
4. New jobs created by the cannabis industry will create additional impacts on the competitive Sonoma County labor market and may increase the difficulty traditional employees have finding qualified agricultural and manufacturing employees.
5. The lack of traditional banking, loans and many business services available to the industry will limit growth and the cash nature of the business can create an attractive nuisance for criminal behavior.

14 TASK FORCE POLICY RECOMMENDATIONS

1. **Establish a temporary transition period**-New state and county regulations will create tremendous change and disruption to county government and the existing industry. These changes cannot happen overnight.
 - a) To reduce impacts on the cannabis industry and local regulators, the Task Force recommends establishing a minimum of a one-year transition period to achieve compliance with local and state regulations.

2. **Promote a dynamic and competitive legal cannabis market-** A successful local cannabis industry will provide opportunities for a wide range of non-cannabis-related businesses.
 - a) Identify strategies for integrating cannabis-related businesses into the existing economy through workshops and job fairs that include both cannabis and traditional businesses.
 - b) To successfully integrate the cannabis industry into the local economy, the County should provide access to existing best business practices education, and workforce development that is available to other segments of the economy.
 - c) Convene a cannabis stakeholder advisory group to continue discussing cannabis issues.
3. **Mitigate negative impacts on countywide real estate assets-** The successful integration of cannabis businesses into our economy will create additional pressure on an already stressed supply of agricultural lands, commercial real estate and workforce housing.
 - a) Identify opportunities to fast track permitting processes to increase the supply of housing and commercial building inventory.
 - b) Encourage a cooperative farming model by allowing multiple permits on one parcel and allowing cottage growers to cultivate collectively in a legally-designated area
 - c) Limit the canopy size for cultivation at one acre per permit.
4. Explore alternate public banking systems.
5. Encourage educational institutions to establish training programs to prepare the workforce for cannabis industry jobs
6. Determine how cannabis will fit into the Sonoma County Tourism promotions
7. Encourage the development and promotion of Sonoma County cannabis appellations for outdoor grown product
8. Use existing alcohol and tobacco consumption laws as a template for where to allow cannabis consumption, as appropriate
 - a) Establish cannabis sampling based on our wine tasting room model
 - b) Follow existing tobacco restrictions regarding second-hand smoke
9. Provide greater transparency in code enforcement and law enforcement--this applies to all aspects of the industry, as well
10. Encourage a competitive distribution system and support cottage farmers' ability to bypass a distributor.

15 APPENDIX A: TASK FORCE MEETING NOTES

AVAILABLE UPON REQUEST



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 17, 2017

SUBJECT: Consideration of an inclusionary housing requirement on new lodging establishments

PREPARED BY: Karen Massey, Community Housing and Development Director

STRATEGIC INITIATIVE(S):
Quality of Life

RECOMMENDED ACTION(S):

Staff recommends the City Council provide direction to staff regarding:

1. the preparation of a Commercial Inclusionary Housing Ordinance and Nexus Study; and
2. the method of adoption of the Commercial Inclusionary Housing Ordinance

BACKGROUND

As the City works to actively address its affordable housing needs, it is important to keep in mind the additional housing demands created by new commercial uses, and in particular lodging establishments. Healdsburg has become a destination attracting thousands of visitors each year and increasing demand for visitor serving uses. The development of additional hotels in our community needed to respond to the increased visitors creates additional jobs, jobs that tend to be low paying, resulting in the need for more housing that is affordable to hospitality and service workers.

In order to ensure the remaining developable property in the City is utilized in a way that helps address the housing affordability and diversity needs of the community, as well as to ensure that any new hotel also offsets the housing demand created by the additional jobs, the City Council may wish to consider adoption of a Commercial Inclusionary Housing Ordinance.

DISCUSSION/ANALYSIS:

Staff has evaluated a number of options to date that would help address some of our affordable housing issues. The two options that appear to be the most feasible are a Commercial Linkage Fee or a Commercial Inclusionary Housing Ordinance, both attached to hotel development. Upon further evaluation it was determined that a Commercial Linkage Fee would not adequately

address the community's housing needs. A Commercial Linkage Fee requires payment of a fee to offset the associated housing impact. Unfortunately, these fees often do not cover the actual cost to provide the needed affordable units, resulting in a funding shortfall and the need for public subsidy.

Alternatively, by adopting a Commercial Inclusionary Housing Ordinance, the City could require all new lodging establishments to fully off-set the housing demand they create by requiring them to construct affordable units at the same time the hotel is constructed. Healdsburg is in a unique position to be able to leverage its regional, national and international reputation as a world class destination to address the City's affordable housing challenges. Since hotel or hospitality development is cyclical in nature, by adopting this policy, the City would be able to require the provision of affordable housing when any new hotel is proposed. After consulting with our City Attorney and EPS it was determined that creating a Commercial Inclusionary Housing Ordinance specific to lodging development is somewhat unusual; however, based on current market conditions, and Healdsburg's unique situation, this approach is the most suitable.

An Inclusionary Housing Ordinance is an ordinance adopted by a city or county that requires developers of new for-sale, market rate residential units to provide some units that are typically affordable to people of low- or moderate-income (those earning less than 120% of the area median income, the area median income for Sonoma County is currently \$82,600 for a family of four). In practice, the developer constructs the affordable unit, the unit is deed restricted in perpetuity and can only be sold at a restricted affordable price to a family that qualifies as low- or moderate-income. While inclusionary ordinances have typically been applied to new for-sale market rate residential development, we believe that a similar inclusionary housing requirement can be applied to other types of uses, including new lodging establishments, provided that the ordinance is crafted as a land use/zoning requirement that bears a reasonable relationship to the articulated policy objective of providing affordable housing to meet community needs.

The City currently has an adopted Inclusionary Housing Ordinance that requires any new for-sale, market rate subdivision containing seven or more units to provide 15% of the units as affordable (projects with six or fewer units can pay an in-lieu fee). As noted above, the City has been successful in creating additional affordable housing under the Ordinance, most recently with the affordable units in the Sonata, Sorrento Square and Chiquita Grove neighborhoods.

Because of the unique approach staff is recommending to attach an inclusionary housing policy to hospitality development; it is recommended that a Nexus Study be prepared that documents the connection between the development of new lodging establishments, the number of new workers employed in such establishments, and the resulting need for affordable housing. The Nexus Study would identify the need for affordable housing units that would be generated by every hotel room constructed, and would assess the ability of new lodging establishments to meet this requirement. If the policy is tested, the Nexus Study would also be used to defend the policy against any potential challenges.

Relying upon the analysis set forth in the Nexus Study, a Commercial Inclusionary Housing Ordinance could be developed. At a minimum, the Ordinance would set forth:

1. The number of affordable units required to be constructed per hotel room: The number of affordable units required to be constructed per hotel room will be determined by the Nexus Study. The analysis and other considerations will help establish the ratio that is appropriate in Healdsburg. For example, based upon the typical ratio of employees to hotel rooms within any given lodging establishment, it is estimated approximately one affordable housing unit is needed for every three hotel rooms constructed.

It is important to note that under the Costa-Hawkins Rental Housing Act (Civil Code Sections 1954.50 *et seq.*), the City cannot restrict rents on new residential construction unless the developer enters into a contract with the City in consideration for a direct financial contribution, a density bonus, or other form of concession or incentive specified in density bonus law. The recent *Palmer* case held that this prohibition applies to inclusionary housing requirements and to in-lieu fees based on those requirements. Although the Legislature approved a bill that would overturn *Palmer*, the bill was vetoed. Therefore, unless the Costa-Hawkins Act is amended or *Palmer* is overturned by new legislation, the City cannot require the construction of affordable rental units unless a concession or incentive is offered by the City and accepted by the developer. The City can, however, require the construction of for-sale affordable units.

2. The type and size of new lodging establishments subject to the Ordinance: The Ordinance should include the type and size of new lodging establishments subject to the requirement.
3. Alternative means of compliance: The Ordinance should include alternative means of compliance to enable a developer to meet the requirement by other means than construction of the units. Alternative compliance could include payment of a fee, off-site construction of the units or purchase of existing units for use as affordable housing.

If the Council wishes to pursue a Commercial Inclusionary Housing Ordinance, upon preparation of the Nexus Study and draft Ordinance, the City Council will be required to hold a noticed public hearing and two readings of the Ordinance; 30 days after which, the Ordinance would become effective.

Staff recommends the City Council receive and discuss the information provided, and:

1. Provide direction to Staff regarding the preparation of a Commercial Inclusionary Housing Ordinance and Nexus Study; and
2. Provide direction to Staff regarding the method of adoption of the Commercial Inclusionary Housing Ordinance.

ALTERNATIVES:

The Council may direct Staff not to proceed with work on a Commercial Inclusionary Housing Ordinance or to explore other means of creating a linkage between new lodging establishments and affordable housing. An alternative way to adopt this Ordinance is through a Ballot measure that is brought before the voters. If this is the preferred method, staff can provide additional

information.

FISCAL IMPACT:

The City has received a proposal from Economic and Planning Systems to complete the Commercial Inclusionary Housing Ordinance and Nexus Study in an amount not to exceed \$25,000. If it is the Council's desire to proceed with the nexus study the City Manager can execute the agreement with a budget amendment to occur at a later Council meeting.

ENVIRONMENTAL ANALYSIS:

The proposed actions request recommendations regarding preparation of prospective future policies. Pursuant to Title 14, the California Code of Regulations, Section 15262 and Section 15061(b)(3) of the California Environmental Quality Act ("CEQA") guidelines, these actions do not constitute a project that will result in a significant effect on the environment.

ATTACHMENT(S):



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 17, 2017

SUBJECT: Appointments of Councilmembers to various Boards and Commissions for 2017

PREPARED BY: Maria Curiel, City Clerk

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):
Assign Councilmember appointments to the various Boards and Commissions for 2017

BACKGROUND:

Annually, after the selection of Mayor and Vice Mayor, the City Council re-assigns appointments to the various boards and commissions; however, at its last meeting Council opted to postpone assignment of appointments until the vacancy on the City Council is filled. At the meeting, Council also directed staff to provide additional information on the various boards and commissions in regards to meeting frequency, location, etc. A matrix with that information is attached.

The Council, at its last meeting, postponed this item until such time as the Council appoints an interim City Councilmember.

DISCUSSION/ANALYSIS:

The following is the list 2016 appointments:

Board/Commission/Committee

Representative

Healdsburg Library Advisory Board	Councilmember Mansell
Senior Advisory Commission Liaison	Councilmember McCaffery
Economic Development Steering Committee	Councilmember Ziedrich, Representative Councilmember Mansell, Alternate
NCPA	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate
TANC	Councilmember Plass, Commissioner

	Councilmember McCaffery, Alternate
REMIF	Councilmember Ziedrich, liaison (staff has been appointed as the representative)
Mayors' and Councilmembers' Association City Selection Committee	Mayor Chambers
Association of Bay Area Governments	Councilmember Mansell, Delegate
Sonoma County Transportation Authority/ Regional Climate Protection Authority	Mayor Chambers, Representative Councilmember Mansell, Alternate
Chamber of Commerce Board	Councilmember Plass
Marie Sparks Volunteer of the Year Com.	Mayor Chambers
League of California Cities General Assembly	Councilmember Plass, Delegate Councilmember McCaffery, Alternate
Mayors' and Councilmembers' Legislative Committee	Councilmember Plass, Representative Councilmember McCaffery, Alternate
Transportation Adv. Commission Liaison	Councilmember Ziedrich
Indian Gaming Local Community Benefit Com.	Mayor Chambers, Representative All other Councilmembers as Alternates
North County Clean Water Coalition	Councilmember Mansell
Health Action Committee	Councilmember Ziedrich, Representative Mayor Chambers, Alternate
Marin/Sonoma Mosquito & Vector Control Dist.	Councilmember McCaffery
Sonoma County Waste Management Agency	Public Works Director Salmi, Representative Councilmember McCaffery, Alternate
Healdsburg High School Scholarship Committee	Mayor Chambers and Vice Mayor Plass
Community Housing Committee	Councilmember Mansell and Mayor Chambers
Russian River Watershed Association	Councilmember McCaffery, Representative Councilmember Mansell and Public Works Director Salmi, Alternates

In addition to the appointments above, the Northern Sonoma County Air Pollution Control District has expanded its Board of Directors to include representatives from the cities of Healdsburg, Windsor and Cloverdale. See attached correspondence for more information.

ALTERNATIVES:

No other alternatives have been identified.

FISCAL IMPACT:

No fiscal impact is anticipated from the proposed Council action.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act ("CEQA") guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):

Boards-Commissions Matrix

Air District Board of Directors Update

COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

Board/Commission/Committee	2016 Representative	Meeting Schedule	Time	Overview
Healdsburg Library Advisory Board	Councilmember Mansell	1 st Thursday of March, June, September and December at the Library	4:30 pm	
Senior Advisory Commission Liaison	Councilmember McCaffery	4 th Thursday of every other month (Beginning in January) at the Senior Center	10:00 am	The primary function of the Senior Citizens Advisory Commission is to serve as an advocate for Healdsburg's older adult residents
Economic Development Steering Committee	Councilmember Ziedrich, Representative Councilmember Mansell, Alternate	First Thursday of the month at the Community Center	8:00 am	
Northern California Power Agency (NCPA)	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate	Monthly, usually the last Thursday of the month – meeting location mostly in Roseville (NCPA headquarters) June meeting will be held in Ukiah, July in Murphys and September in Napa	9:30 am	The Northern California Power Agency (NCPA), a California Joint Action Agency, was established in 1968. Healdsburg is a founding member. NCPA procures energy for its members to ensure an affordable, reliable, and clean supply of electricity for customers in its member communities
Transportation Agency of Northern California (TANC)	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate	Once a month – the day before the NCPA Commission – meeting location, TANC office in Folsom	10:00 am	Healdsburg is a member of TANC through a joint powers agreement to provide electric transmission to its Member utilities through transmission line ownership or contract arrangements.
Redwood Empire Municipal Insurance Fund	Councilmember Ziedrich, liaison (staff has been appointed as the representative)	Meets on a quarterly basis – location of meeting changes		Redwood Empire Municipal Insurance Fund (REMIF) is a self-insured joint powers authority (governmental entity) established in 1976 to handle the insurance claims, benefit programs, and risk management needs of fifteen (15) member cities. Healdsburg is a member
Mayors' and Councilmembers Association City Selection Committee and Mayors and Councilmembers Association Board of Directors	Mayor Chambers, representative Councilmembers as alternates	Second Thursday every other month – 2017 schedule, 2/9 in Cotati, 4/13 in Healdsburg 6/8 in Petaluma, 8/10 in Rohnert Park and 10/12 in Santa Rosa	6:00 P.M.	

Attachment: Boards-Commissions Matrix (1455 : Council appointments to Boards and Commissions)

Association of Bay Area Governments	Councilmember Mansell, Delegate	Meets twice a year; usually June and October in Oakland		ABAG was created by local governments to meet their planning and research needs related to land use, environmental and water resource protection, disaster resilience, energy efficiency
Sonoma County Transportation Authority/Regional Climate Protection Authority	Mayor Chambers, Representative Councilmember Mansell, Alternate	Second Monday of each month in Santa Rosa	2:30 pm	The SCTA acts as the countywide planning and fund programming agency for transportation, project management, planning, finance, grant administration and research.
Chamber of Commerce Board	Councilmember Plass	Third Thursday of the month at the Chamber Office	8:00 am	The City contracts with the Chamber to administer the Downtown Business District
Marie Sparks Volunteer of the Year Committee	Mayor Chambers	Once a year to select the recipient of the award in March/April		Following Marie Sparks' death in April 1995, the City Council created the annual Marie Sparks Memorial Volunteer Award to honor Marie's giving and unselfish spirit of service to Healdsburg through volunteerism.
League of California Cities General Assembly	Councilmember Plass, Delegate Councilmember McCaffery, Alternate	Once a year as part of the League of California Cities usually at the end of September – location varies from southern and northern California		The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. Healdsburg is a member.
Mayors' and Councilmembers' Legislative Committee	Councilmember Plass, Representative Councilmember McCaffery, Alternate	3rd Friday each month at the Finley Center in Santa Rosa	9:00 AM	As part of the Mayors and Councilmembers Association, the committee meets to review legislation that affects Sonoma County cities
Transportation Adv. Commission Liaison	Councilmember Ziedrich	Meets quarterly, 1 st Thursday of the month in the City Hall Council Chamber	5:15 pm	Address various public transportation issues
Indian Gaming Local Community Benefit Committee.	Mayor Chambers, Representative All other Councilmembers as Alternates	Once a year to consider grant applications		
Clean Water Coalition of Northern Sonoma County	Councilmember Mansell	No regular meeting schedule – Coalition has not met for quite some time		The Coalition is comprised of local groups and individuals within the agriculture valleys in N. So. Co. focused on preserving groundwater and surface water quality and availability

Attachment: Boards-Commissions Matrix (1455 : Council appointments to Boards and Commissions)

Health Action	Councilmember Ziedrich, Representative Mayor Chambers, Alternate	Meets quarterly March, June, September, December in Santa Rosa	7:30 am – 10:00 am	In August 2007, the Sonoma County Board of Supervisors authorized the Department of Health Services to convene a health action council (now called “Health Action”) to work on improving health and health care for all Sonoma County residents. Health Action’s over-arching mission is .community health improvement
Marin/Sonoma Mosquito & Vector Control District	Councilmember McCaffery	Second Wednesday of each month in Cotati	7:00 pm	The District protects public health and welfare of the communities from mosquitoes and vector-borne disease through an Integrated Vector Management Program
Sonoma County Waste Management Agency	Public Works Director Salmi, Representative Councilmember McCaffery, Alternate	Monthly meetings on the third Wednesday in Santa Rosa	8:00 am	The Agency, formed in April 1992, is the joint powers authority of the nine incorporated cities and the County of Sonoma. The mission of the Agency is waste diversion required by State law AB939. The Agency's programs include household hazardous waste, composting, wood waste recycling, planning and education.
Healdsburg High School Scholarship Committee	Mayor Chambers and Vice Mayor Plass	Once a Year, prior to end of school year		
Community Housing Committee	Councilmember Mansell and Mayor Chambers	Meets monthly - second Monday in the Council Chamber	6:00 pm	The role of the Committee is to advise the City Council on matters relating to policies and programs which will serve to further workforce and affordable housing inventories and programs
Russian River Watershed Association	Councilmember McCaffery, Representative Councilmember Mansell and Public Works Director Salmi, Alternates	Meetings are held in Windsor February 23, 2017 April 27, 2017 July 27, 2017 September 28, 2017 December 7, 2017	9:00 am – 11:00 am	The association works to promote cooperation and implementation of projects that protect watershed resources, restore fisheries and improve water quality at reduced cost to our member agencies and communities they serve
Northern So. Co. Air Pollution Control District Board of Directors	New appointment	To be determined	TBD	The District is one of 35 California air districts established to regulate the emissions of air pollution

Attachment: Boards-Commissions Matrix (1455 : Council appointments to Boards and Commissions)



November 29, 2016

RE: Update on the Northern Sonoma County Air Pollution Control District invitation to include local government on its Board of Directors.

Dear city and county colleagues:

I hope the start of the Holiday season finds you well. The Northern Sonoma County Air Pollution Control District (District) has been busy preparing for the expansion of the District Board of Directors (BOD) and would like to share a quick update. ***Please note, the first meeting of the “new” BOD will be held January 30, 2017;*** details below.

Board Composition. All three cities within the jurisdiction of the Air District have been invited to participate on the District BOD (Cloverdale, Healdsburg and Windsor), and all have accepted the invitation. The three County of Sonoma Supervisors with supervisorial districts in the District will have default assignments on the District BOD and include: District 4 (James Gore); District 5 (Lynda Hopkins); and District 1 (Susan Gorin). Since all three cities have accepted the invitation, pursuant to the November 1st BOD resolution, the Sonoma County Board of Supervisors (BOS) will select a fourth county supervisor so that the newly formed BOD will have an odd number of members. We will discuss possible length of term options at our first meeting.

First Meeting Order of Business. The first meeting will include some important business items including: adopting District bylaws, which will include a discussion to determine our regular meeting locations and times; approving an MOU that outlines specific administrative support services the District proposes to contract from the County of Sonoma through its various departments; and the District air quality plan. The bylaws will include standard provisions that address requirements of California Health and Safety Code and California Government Code for BOD business and meetings. The MOU will identify the relationship between the County and the District, including services from the County to the District in 2017. A District air quality plan will be presented that overviews the “state of the District” including air quality, program priorities, and grant fund implementation.

First Meeting Logistics. The county and the three cities each need to select a representative for the District BOD. It is my understanding that this will occur as follows: Sonoma County BOS on January 10th; the City of Healdsburg on December 19th; the City of Cloverdale on January 10th; and the City of Windsor on January 18th. ***Please verify that these dates are correct and that the District is listed on your committee selection list.*** As a reminder, I encourage the cities to select an alternate to support the primary representative with their participation.

The City of Healdsburg has graciously offered its city council chambers for the first meeting, scheduled for Monday, ***January 30th at 6:00 PM.*** Directly following the meeting, the District would like to invite the BOD, stakeholders, and members of the public to a meet-and-greet open house at the District office, nearby in Healdsburg, on 150 Matheson Street.

If you have any questions or concerns, or if you would like the District to provide a presentation, please feel free to contact me at 565-7127. The District team and I look forward to seeing you on January 30th and wish you and your family a wonderful Holiday season.

Sincerely,



Rob Bamford
Air Pollution Control Officer/EO
Northern Sonoma County APCD



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 17, 2017

SUBJECT: Appointments of the City Selection Committee and Mayors' and Councilmembers' Association

PREPARED BY: Maria Curiel, City Clerk

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):

Review letters of interest for the various Boards and Commissions and by motion, direct the Mayor or his Alternate how to vote at the City Selection Committee and Sonoma County Mayors' and Councilmembers' Association meetings on February 9, 2017 in Cotati.

BACKGROUND:

The City of Healdsburg is a member of the Sonoma County City Selection Committee and the Sonoma County Mayors' and Councilmembers' Association. Each body appoints members to various regional Boards and Commissions. The complete list is attached.

DISCUSSION/ANALYSIS:

At the February 9, 2017 meeting, the City Selection Committee and the Mayors' and Councilmembers' Board of Directors will be considering filling vacancies on some of the boards and commissions. The vacancies and interested persons are as follows:

City Selection Committee Appointments:

1. **Bay Area Air Quality Management District** - **one position**, to fill expired term (March 2017) of Teresa Barrett (Petaluma). Two year term.

Letter received from Michael Carnacchi (Sebastopol) requesting appointment
Letter received from Teresa Barrett (Petaluma) requesting re-appointment

2. **Golden Gate Bridge, Highway & Transportation District** - **one position**, to fill expired term (March 2017) of Gina Belforte (Rohnert Park). Two year term.

Letter received from Gina Belforte (Rohnert Park) requesting re-appointment

3. **Remote Access Network (RAN) Board** - one position, to fill term vacated by Mayor Gina Belforte (Rohnert Park). Unspecified term, but must be filled by a Mayor.

Letter received from Jack Mackenzie (Rohnert Park) requesting appointment

Sonoma County Mayors' and Councilmembers' Board of Directors Appointments:

1. **ABAG Regional Planning Committee** - one position, to fill expired term of Julie Combs. Term expires two years from appointment.

Letter received from Julie Combs (Santa Rosa) requesting re-appointment

3. **Child Care Planning Council** - one position, to fill expired term (Feb. 2017) of Susan Harvey (Cotati). Term expires three years from appointment.

Letter received from Julie Combs (Santa Rosa) requesting re-appointment

4. **North Bay Division, League of California Cities** - one position (Alternate), to fill expired term (Feb. 2017) of Chris Albertson (Petaluma). Term expires two years from appointment.

Letters received from David Hagele (Healdsburg) and John Sawyer (Santa Rosa) requesting appointment

5. **Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee** - two positions, to fill the vacated terms of Gary Wysocky (Santa Rosa) and Laurie Gallian (Sonoma). Terms expire two years from appointment.

Letters received from David Cook (Sonoma), Amy Harrington (Sonoma), Melanie Bagby (Cloverdale), Dominic Foppoli (Windsor), Neysa Hinton (Sebastopol), and Jack Tibbetts (Santa Rosa) requesting appointment

6. **SMART/non-SCTA member** - one position, to fill the expired term (Jan. 2017) of Debora Fudge (Windsor). Term is 4 year fixed term.

Letter received from Debora Fudge (Windsor) requesting re-appointment

Letter received from Chris Coursey (Santa Rosa) requesting appointment

Copies of the letters of interest are also attached.

ALTERNATIVES:

No alternatives are proposed.

FISCAL IMPACT:

There is no fiscal impact related to the proposed action.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act (“CEQA”) guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):

List

Letters of Interest

MAYORS' AND COUNCILMEMBERS' ASSOCIATION

BOARD OF DIRECTORS APPOINTMENTS

Board	Term	Member	Date Appointed	Term Expiration
ABAG Executive Board (one member, one alternate)	2 year fixed term; ends in June	Jake Mackenzie, Rohnert Park	2/28/13; 6/11/15	June 2017
		<u>Alternate:</u> Julie Combs, Santa Rosa	6/11/15	June 2017
ABAG Hazardous Waste Management Facility Allocation	Unspecified	Susan Harvey, Cotati	2/2/13	N/A
ABAG Regional Planning Committee	2 years from appointment	Julie Combs, Santa Rosa	2/12/15	February 2017
* ABAG Appointment to (San Francisco) Bay Conservation and Development Commission (one member, one alternate)	Unspecified	Jill Techel, City of Napa	3/15/12	serves at pleasure of the Chair or until office is vacated
		<u>Alternate:</u> Dan Hillmer, Larkspur	5/2/13	
Child Care Planning Council of Sonoma County	3 years from appointment	Susan Harvey, Cotati	2/28/13; 2/13/14	February 2017
Legislative Committee	Unspecified	Appointed by member cities – see city rosters		
North Bay Division, LOCC, Executive Board (two members, one alternate)	2 years from appointment	Susan Harvey, Cotati	10/13/11; 10/10/13; 10/8/15	October 2017
		Mark Millan, Windsor	2/11/16	February 2018
		<u>Alternate:</u> Chris Albertson, Petaluma	2/12/15	February 2017
Sonoma County Agricultural Preservation and Open Space District Citizens Advisory Committee (three members)	2 years from appointment	John Dell'Osso, Cotati	2/28/13; 6/11/15	June 2017
		Gary Wysocky, Santa Rosa	2/28/13; 6/11/15	June 2017
		Laurie Gallian, Sonoma	4/9/09; 4/14/11 6/13/13; 6/11/15	June 2017
Sonoma Marin Area Rail Transit Commission (SMART) (three members)	4 year fixed term	SCTA - Carol Russell, Cloverdale	2/12/15	February 2019
		SCTA - Jake Mackenzie, Rohnert Park	2/12/15	February 2019
		Non-SCTA - Debora Fudge, Windsor	2/28/13	January 2017

Note: North Coast Railroad Authority Board of Directors seat has rotated to Humboldt;
Sonoma County Human Service Commission was eliminated in 2011 due to budget constraints

* Only Petaluma nominees are considered from the Sonoma County cities for consideration to the ABAG appointments to the San Francisco Bay Conservation and Development Commission (27 members total) due to jurisdiction requirements. Two appointments are made by the Board of Supervisors to represent Sonoma Co. ABAG makes four appointments (plus alternates), one of which comes from the counties of Sonoma, Marin, Solano, or Napa.

Attachment: List (1463 : Mayors and Councilmembers appointments 2017)

SONOMA COUNTY CITY SELECTION COMMITTEE

CITY SELECTION COMMITTEE APPOINTMENTS

Board	Term	Member	Date Appointed	Term Expiration
Airport Land Use Commission (two members)	4 year term with May expiration	Gabe Kearney, Petaluma	2/12/15	May 2019
		Sam Salmon, Windsor	2/12/15	May 2019
Bay Area Air Quality Management District Board	2 year term	Teresa Barrett, Petaluma	2/12/15	March 2017
California Coastal Commission, N. Coast Representative - Alternate (appointment made by Senate Rules Committee)	4 year term	Sarah Glade Gurney, Sebastopol	2/12/15	May 2019
City Selection Committee	1 year term	David Glass, Chair Petaluma	2/11/16	January 2017
	1 year term	Gina Belforte, Vice Chair Rohnert Park	2/11/16	January 2017
Golden Gate Bridge, Highway & Transportation District (Appointment made by Board of Supervisors)	2 year term	Gina Belforte, Rohnert Park	2/12/15	March 2017
Local Agency Formation Commission	4 years from appointment	Pam Stafford, Rohnert Park	2/13/14	May 2018
		Teresa Barrett, Petaluma	2/28/13	May 2017
		<u>Alternate:</u> Mark Landman, Cotati	2/12/15	May 2019
Metropolitan Transportation Commission (Per Gov. Code 66503(b), Committee submits 3 names, appointment is made by Board of Supervisors)	4 year term	Jake Mackenzie, Rohnert Park	2/12/15	February 2019
Remote Access Network (RAN) Board (must be a Mayor)	Unspecified term	Gina Belforte, Rohnert Park	5/12/16	

Attachment: List (1463 : Mayors and Councilmembers appointments 2017)

LETTERS OF INTEREST

City Selection Committee Appointments:

1. **Bay Area Air Quality Management District, one position**, to fill expired term (March 2017) of Teresa Barrett (Petaluma). Two year term.
 - Letter received from Michael Carnacchi (Sebastopol) requesting appointment
 - Letter received from Teresa Barrett (Petaluma) requesting reappointment
2. **California Coastal Commission, one position**, to fill seat vacated by Steve Kinsey, Marin County Supervisor. Seat is open to “any local government representative”. City Selection Committee provides recommendation to the Sonoma County Board of Supervisors, and their selection is forwarded to the Senate Rules Committee for confirmation. Vacancy must be voted on by Supervisors no later than Jan. 24, 2017 to make the State’s February 1st deadline for submission. Four year term. Letters of interest needed ASAP.
3. **Golden Gate Bridge, Highway & Transportation District, one position**, to fill expired term (March 2017) of Gina Belforte (Rohnert Park). Two year term.
 - Letter received from Gina Belforte (Rohnert Park) requesting reappointment
4. **Remote Access Network (RAN) Board, one position**, to fill term vacated by Mayor Gina Belforte (Rohnert Park). Unspecified term, but must be filled by a Mayor.
 - Letter received from Jake Mackenzie (Rohnert Park) requesting appointment

Board of Director Appointments:

1. **ABAG Regional Planning Committee, one position**, to fill expired term of Julie Combs. Term expires two years from appointment.
 - Letter received from Julie Combs (Santa Rosa) requesting reappointment
2. **Child Care Planning Council, one position**, to fill expired term (Feb. 2017) of Susan Harvey (Cotati). Term expires three years from appointment.
 - Letter (email) received from Julie Combs (Santa Rosa) requesting appointment
3. **North Bay Division, League of California Cities, one position** (Alternate), to fill expired term (Feb. 2017) of Chris Albertson (Petaluma). Term expires two years from appointment.
 - Letter received from David Hagele (Healdsburg) requesting appointment
 - Letter received from John Sawyer (Santa Rosa) requesting appointment
4. **Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee, two positions**, to fill the *vacated* terms of Gary Wysocky (Santa Rosa) and Laurie Gallian (Sonoma). Terms expire two years from appointment.
 - Letter received from David Cook (Sonoma) requesting appointment
 - Letter received from Amy Harrington (Sonoma) requesting appointment
 - Letter received from Melanie Bagby (Cloverdale) requesting appointment
 - Letter received from Dominic Foppoli (Windsor) requesting appointment
 - Letter received from Neysa Hinton (Sebastopol) requesting appointment
 - Letter received from Jack Tibbetts (Santa Rosa) requesting appointment
5. **SMART/non-SCTA member, one position**, to fill the expired term (Jan. 2017) of Debora Fudge (Windsor). Term is 4 year fixed term.
 - Letter received from Debora Fudge (Windsor) requesting reappointment
 - Letter received from Chris Coursey (Santa Rosa) requesting appointment



Michael Carnacchi

City of Sebastopol
7201 Bodega Avenue
Sebastopol, CA 95472
www.cityofsebastopol.org

December 19, 2016

City Selection Committee
c/o Darin A. Bartow
Clerk
575 Administration Drive
Room 100A
Santa Rosa, CA 95403

RE: Request for Consideration of Appointment to the Bay Area Air Quality Management District

Please accept this letter asking your support for my appointment to the Bay Area Air Quality Management District. As you know, the mission of the Bay Area Air Quality Management District "aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate."

This goal is also a goal of the City of Sebastopol who's objective is to Create a Safe, Healthy and Attractive Environment for Residents and Visitors and its commitment to the reduction of Green House Gas Emissions.

The City of Sebastopol has recently adopted their General Plan that addresses improving Air Quality in Sebastopol and Reduce Air Quality Impacts from Future Development. Many of the policies and programs in our recently adopted General Plan work to help reduce congestion and helps achieve regional efforts to reduce Greenhouse Gas (GHG) Emissions, while continuing to cooperate with Bay Area Air Quality Management District to in implementing the regional Clean Air Plan and continuing to enforce air quality standards in collaboration with the BAAQMD.

I believe that these policies and programs are reflective of the values of the City of Sebastopol and Sonoma County. Although we have done a lot to help with climate change and reduction of green house gas emissions, there is still a lot of work to do and I believe that I can be an instrument to help with that change in our County if I was appointed to this Board.

Therefore, I am requesting support to represent Sonoma County on the BAAQMD.

Sincerely,

Michael Carnacchi
City Councilmember
City of Sebastopol



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Teresa Barrett
Councilmember

December 19, 2016

Dear Mayors and Fellow Council Members,

I am writing to request your support for my reappointment to the Bay Area Air Quality Management District Board (BAAQMD)

For the past four years I have represented the Cities of Sonoma County as the Mayors' and Councilmembers' Association's representative on the Air District (BAAQMD). In that time, I have attended almost every bi-weekly Directors' Meeting, and I have been particularly involved in the Climate Protection Committee and the Public Outreach Committee. It is my intention to apply for reappointment to this regional board, and I am seeking your support.

The effects of regional air quality on life in Sonoma County continue to grow. This past summer we had an unprecedented number of Spare the Air days affecting much of Sonoma County. As more decisions are being made regionally, I want to continue to have our voices communicated and coordinated in an effective way. The south county continues to be more impacted by decisions made at the District level, and I believe I have been an effective voice for our needs and those of the rest of the county, and would like to continue in that capacity.

At the start of my eleventh year on the Petaluma City Council, I look forward to being able to continue my involvement within our city, our county, and at the regional Bay Area level.

To this end, I seek your support for this appointment. If you have any questions, please do not hesitate to contact me at 707.953.0846, or email me at teresa4petaluma@comcast.net.

Thank you for your consideration.

Teresa Barrett
Councilmember

Petaluma City Hall
11 English Street
Petaluma, CA 94952

Phone (707)778-4345
Fax (707) 778-4419

E-Mail
teresa4petaluma@comcast.net

Attachment: Letters of Interest (1463 : Mayors and Councilmembers appointments 2017)



November 29, 2016

City Council

Gina Belforte
Mayor

Jake Mackenzie
Vice Mayor

Amy O. Ahanotu
Joseph T. Callinan
Pam Stafford
Councilmembers

Darrin Jenkins
City Manager

Don Schwartz
Assistant City Manager

Michelle Marchetta Kenyon
City Attorney

Karen Murphy
Assistant City Attorney

JoAnne Buergler
City Clerk

Betsy Howze
Finance Director

Brian Masterson
Director of Public Safety

John McArthur
Director of Public Works and
Community Services

Mary Grace Pawson
Director of
Development Services

Victoria Perrault
Human Resources Director

City Selection Committee
c/o Darin A. Bartow, Clerk
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

Re: Re-selection as a Candidate for Consideration by the Board of Supervisors for
the Golden Gate Bridge, Highway & Transportation District Seat

Dear Mr. Clerk,

I am writing to request your support for my re-appointment to the Golden Gate Bridge, Highway & Transportation District (District) Board of Directors. It has been my pleasure to serve you as the Mayors and Councilmembers representative on this board for the past four (4) years.

We have made some significant safety improvements including the installation of the movable median barrier and are working diligently to further the construction and installation of the suicide barrier.

But there is more work to do; specifically, continuing to address the growing demands for increased transportation services here in Sonoma County. I would appreciate the opportunity to further the progress we have made by continuing my service in this capacity. As such, I am seeking to serve Sonoma County for another two year term as the Mayors and Councilmembers representative for the Golden Gate Bridge, Highway & Transportation District.

Please call me should you have any questions at (707) 888-2724, or feel free to e-mail me at gbelforte@rpcity.org. I appreciate your support.

Thank you,

Gina Belforte
Robert Park Mayor



City Council

Jake Mackenzie
Mayor

Pam Stafford
Vice Mayor

Amy O. Ahanotu
Gina Belforte
Joseph T. Callinan
Councilmembers

Darrin Jenkins
City Manager

Don Schwartz
Assistant City Manager

Michelle Marchetta Kenyon
City Attorney

Alexandra M. Barnhill
Assistant City Attorney

JoAnne Buegler
City Clerk

Betsy Howze
Finance Director

Brian Masterson
Director of Public Safety

John McArthur
*Director of Public Works and
Community Services*

Mary Grace Pawson
*Director of
Development Services*

Victoria Perrault
Human Resources Director

December 20, 2016

City Selection Committee
c/o Darin A. Bartow, Clerk
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

Re: Letter of Interest - Remote Access Network (RAN) Board

Honorable Mayors and Councilmembers,

I am writing to respectfully request your support for my appointment to the Remote Access Network Board (RAN). I am a strong supporter of the principles that guide this statewide network system designed to allow local law enforcement agencies direct access to the California Identification System.

I have great appreciation for the importance of maintaining a comprehensive RAN collaborative here in Sonoma County and I would be honored to serve on this Board. I believe that with my experience serving in local government and my strong commitment to enhancing local law enforcement practices, I would be a productive member of the RAN Board.

Thank you for your consideration of my request for appointment to the RAN Board. Please call me should you have any questions at (707) 548-3419, or feel free to e-mail me at jmackenzie@rpcity.org. I appreciate your support.

Sincerely,

CITY OF ROHNERT PARK

Jake Mackenzie
Mayor

File: Mayors & Councilmembers Association



December 1, 2016

Sonoma County Mayors and Councilmembers Association
 City of Rohnert Park
 JoAnne Buerger, City Clerk
 130 Avram Avenue
 Rohnert Park, CA 04029

RE: Letter of Intent from Julie Combs
 ABAG Regional Planning Committee

JULIE COMBS
 Council Member

I am writing to ask your support of my appointment to the ABAG Regional Planning Committee. I am currently serving as Vice Chair of Regional Planning and as Chair of the Housing Subcommittee. In this role, we have been successful in increasing the responsiveness to the needs of our county and North Bay Region. The allocation of funds from the ABAG regional entities to our rural communities requires a passionate, local advocate for Sonoma County and Santa Rosa.

I believe I can continue to fairly represent the interests of our rural county and the City of Santa Rosa in the context of the Association of Bay Area Governments.

Thank you for your consideration.

JULIE COMBS
 Council Member

Crump, Katie

From: Combs, Julie <jcombs@srcity.org>
Sent: Thursday, December 29, 2016 2:05 PM
To: Crump, Katie
Subject: Re: Appointment Letters for Mayors' & Councilmembers' Association

Please consider this a letter of application to Mayors and Councilmembers for the Child Care Planning Council. I am very interested in working within our county to increase availability of affordable child care for our residents. We have lengthy wait lists of children with child care vouchers but no facilities available to take them. Our cities can work in partnership to improve our childcare resources to all our benefit. This is one of my top 4 priorities for the next 4 years. Please consider me for this position.

Thank you
Julie Combs
Councilmember Santa Rosa

December 24, 2016

Board of Directors
Sonoma County Mayors' and Councilmembers' Association
c/o Katie Crump, Executive Assistant
Sent via e-mail: kcrump@ci.petaluma.ca.us

Re: Request for Appointment to North Bay Division of League of California Cities

Please accept this letter asking your support for my appointment to the North Bay Division of League of California Cities.

My background in commercial real estate finance, covering all of California, will be an asset as a voice for our region.

Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Hagele', with a large, stylized initial 'D'.

David Hagele
Healdsburg City Council

JOHN J. SAWYER
1608 DEER RUN
SANTA ROSA, CALIFORNIA 95405

December 28, 2016

Board of Directors
Sonoma County Mayors' and Councilmembers' Association
c/o Ms. Katie Crump, Executive Assistant
Sent via Email: KCrump@ci.petaluma.ca.us

Re: Alternate Position, North Bay Division, League of California Cities

Dear Mayors and Councilmembers,

I respectfully request your support to fill the vacant position as your

Alternate Regional Representative / North Bay Division / L.O.C.C.

I believe my ten years of service on the Santa Rosa City Council, including the last two as Mayor, my established relationships with the region's elected officials and my supportive reputation with the League of California Cities, well prepares me for this roll.

Thank you in advance for your consideration.

Sincerely,

John Sawyer

Councilmember

City of Santa Rosa

City of Sonoma

No. 1 The Plaza
 Sonoma, California 95476-6618
 Phone (707) 938-3681 Fax (707) 938-8775
 E-Mail: cityhall@sonomacity.org



Sonoma Sister Cities:

Aswan Egypt
 Chambolle-Musigny France
 Greve Italy
 Kaniv Ukraine
 Patzcuaro Mexico
 Penglai China
 Tokaj Hungary

December 15, 2016

Sonoma County Mayors and Councilmembers

I am writing to request your support for a four-year term on the Sonoma County Agriculture and Open Space District Board. I've served on the Sonoma City Council for the past four years and was Mayor of our great city in 2015. This November I was reelected for another four-year term on the council.

Being a fourth-generation farmer, I realize that it is important to protect our natural habitats and support the ongoing protections that Sonoma County has made.

My goals are the same as the mission statement for this district.

- Maintain the county's rich rural character and the unique qualities of each city and areas throughout the county that help provide our sense of community.
- Support the economic vitality of working farms to preserve the agricultural heritage and diversity of the county.
- Protect the ridgetops, coastal bluffs, hillsides, and waterways that create the county's striking natural beauty.
- Provide connections between urban areas, parks, and natural areas throughout the county for both people and wildlife.
- Preserve diverse natural areas that provide habitat for wildlife.
- Protect the waterways and natural lands that maintain water quality and supply.
- Partner with local agencies and organizations to leverage funding for land protection, foster stewardship, and provide opportunities for recreational and educational experiences.

Thank you,

David Cook by RB

David Cook
 Councilmember
 City of Sonoma

December 20, 2012

Sonoma County Mayors' and Councilmembers' Association

Re: Request for Appointment to the Citizens Advisory Committee of the Sonoma County
Agricultural Preservation & Open Space District

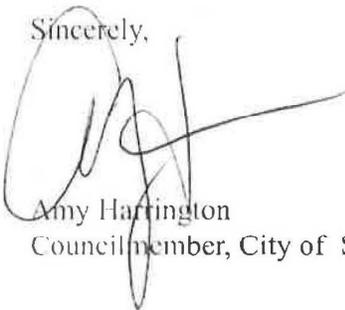
Dear Mayors and Councilmembers,

I am writing you to ask for your support for a seat on the Sonoma County Agricultural Preservation & Open Space District (District) Citizens Advisory Committee. I would be honored to have the opportunity to represent our cities. I think that my background of being a probate attorney and California Probate Referee appraising real estate for the California Superior Court gives me an excellent understanding of open space and land use issues in the Bay Area. I am very familiar with the laws relating to conservation easements, the Williamson Act and other techniques for maintaining family farms.

I am an avid outdoors person and it would be a great honor to contribute to the future of our County by protecting and preserving open space. I want to ensure that the physical beauty and natural resources of Sonoma are preserved for the generations to come.

I respectfully ask for your vote to appointment me to this committee. Please feel free to contact me if you have any questions at 707-343-4711 or amyharringtonlaw@gmail.com

Sincerely,



Amy Harrington
Councilmember, City of Sonoma



December 21, 2016

Sonoma County Mayors' and Councilmembers' Association
 City of Rohnert Park
 JoAnne Buegler, City Clerk
 130 Avram Avenue
 Rohnert Park, CA 94928

Re: Request for Appointment to the Citizens Advisory Committee of the Sonoma County Agricultural Preservation and Open Space District

Dear Mayors and Councilmembers:

As a new councilmember, it would be an honor to represent our cities on the Sonoma County Agricultural Preservation & Open Space District that preserves natural resources, shapes our built environment, and impacts our local economy.

Though new to elected office, my seven years on the Cloverdale Planning Commission and five years on the Sonoma County Economic Development Board have given me solid experience in land use, local economic issues, and the value of community partnerships. During my recent campaign, I was endorsed by organizations across the political spectrum including the Sierra Club, Sonoma County Conservation Action, and the Cloverdale Police Officers Association demonstrating my long history of activism and community involvement. I'm seeking this appointment because I believe that each land use decision impacts our economy and that this perspective is vital to our long-term sustainability and quality of life.

I first became involved with local land use issues when Cloverdale was developing its Urban Growth Boundary. It was this interest that led me to serve on the planning commission, lobby for Community Separators, and ultimately run for office. When I'm not working as a technology consultant, I can often be found at one of Cloverdale's few open spaces like the Porterfield Creek trail, the River Park, or the beautiful City Park. They are a handful of gems in the north county's sparse park and open space inventory. Having grown up in Larkfield-Wikiup and currently living in Cloverdale, I know what it's like to live in a community underserved by parks and open space and will bring this perspective to my work for the cities of Sonoma County. It is my hope that the Association will consider making this and all appointments geographically diverse to ensure representation from all districts.

Thank you for your consideration in supporting me for a seat on the Sonoma County Agricultural Preservation & Open Space District.

Sincerely,

Melanie Bagby

Councilmember, City of Cloverdale



Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492-0100
Phone: (707) 838-1000
Fax: (707) 838-7349

Mayor
Dehora Fudge

Vice Mayor
Dominic Foppoli

Councilmembers
Mark Millan
Bruce Okrepkie
Sam Salmon

Town Manager
Linda Kelly

December 22, 2016

Board of Directors
Sonoma County Mayors' and Councilmembers' Association
c/o Katie Crump, Executive Assistant
Sent via email: kcrump@ci.petaluma.ca.us

RE: Request for Appointment to Sonoma County's Agricultural Preservation and Open Space District

Dear Mayors and Councilmembers:

I am asking for your support for appointment to the Sonoma County Agricultural Preservation and Open Space District. I consider conserving Sonoma County's diverse agricultural land, natural resources, and scenic open spaces a vital mission. Therefore, I would like to have the opportunity to be more involved in addressing the importance of these areas and their significant impact on our quality of life.

My experience and involvement in the County community has given me a broad understanding of the various needs of the Cities here in Sonoma County. I grew up on a farm in Sonoma County and am still a farmer by profession. I sit on the Board of Directors of the Russian River Valley Wine Growers. Due to this, I have a unique perspective and passion to preserve the agricultural and open space of Sonoma County.

I would like to offer my experience, and would appreciate your support for the opportunity to serve. If you have any questions, please feel free to contact me at (707) 484-3985 or via email at dfoppoli@townofwindsor.com.

Thank you for your consideration in appointing me to the Sonoma County Agricultural Preservation and Open Space District.

Sincerely,

Dominic Foppoli
Dominic Foppoli
Vice Mayor

cc: Town Council
Linda Kelly, Town Manager



City of Sebastopol
 7411 Bolinas Avenue
 Sebastopol, CA 95472
www.cityofsebastopol.org

Neysa Hinton

December 23, 2016

Sonoma County Mayors' and Councilmembers' Association
 c/o Katie Crump, Executive Assistant

Re: Request for Appointment to Sonoma County's Agricultural Preservation and Open Space District

Dear Mayors and Councilmembers:

It would be my honor to serve in one of the open seats on the Sonoma County's Agricultural Preservation and Open Space District Committee.

My background and past experiences qualify me for the role. Born in Petaluma and raised in the countryside outside of Sebastopol, I know the importance of having open land for public access and community dividers. Raised on a 100+ acre ranch purchased in 1945 that is still in our family today and protected the Williamson act, I come from a family of ranchers where agriculture and the preservation of land for the next generation was instilled in us since childhood.

The district works strategically acquiring important open space land that is near or adjacent to other protected land. When reviewing land already acquired, I noted that many land clusters are close to Sebastopol and/or in West County. I actively support continuing this work and would add any assistance I could to this effort.

My commitment to supporting local open space and agricultural lands as a 3rd generation Sonoma County resident has spanned my whole life. During my childhood, I was actively involved in 4-H. Later I helped start the Sebastopol Farm Market and served as the first chairperson. In addition, as an event coordinator and fundraiser for the Sonoma County Farmlands Group, I helped bring awareness to the need for open space prior to the establishment of the Sonoma County Open Space District.

Today we are lucky to reap the rewards of having protected farmland, as well as access to woodland and coastal trails in communities throughout Sonoma County. I feel deep appreciation for the wonderful times I have spent hiking with friends through the Willow Creek area in West County, and plan to hike the new LandPaths trail from Duncan Mills to Shell Beach this spring.

As a new councilmember in Sebastopol, I was recently appointed to the Laguna de Santa Rosa Stakeholders Committee as our council's liaison to the Laguna Foundation. The expertise I will gain from this committee will be one more way I can make a valuable contribution to the Sonoma County Agricultural Preservation and Open Space District.

I respectfully ask for your support.

Sincerely,

Neysa Hinton
 Sebastopol City Councilmember
NeysaCouncil@gmail.com
 (707) 495-9087

To the Sonoma County Mayors and Councilmembers Association

I am writing to humbly request your consideration for appointment to the Sonoma County Agriculture Preservation and Open Space District's Citizen's Advisory Committee. I have been a resident of Sonoma County for 26 years, and I have a deep appreciation for the natural beauty of this county. Understanding the intrinsic and economic value our agricultural lands and open space provides us, I believe that we must continue to protect the beauty that defines this county.

Prior to being elected to the Santa Rosa City Council, I have served as a member of the City's Board of Public Utilities, where I was among seven board members tasked with managing the utility department's \$146 million enterprise fund budget. In addition, I currently serve on the advisory board for Parks Now, an advocacy group that seeks to expand access to California State Parks and meet the needs of an increasingly urban, diverse, and young California.

Taking these experiences and my passion for Sonoma County, I believe I would make a positive addition to the Citizen's Advisory Committee.

Thank you for your consideration.

Best wishes,

Jack Tibbetts

hjtibbetts@srcity.org
(707) 495-7438



Town of Windsor
 9291 Old Redwood Highway
 P.O. Box 100
 Windsor, CA 95492-0100
 Phone: (707) 838-1000
 Fax: (707) 838-7349
www.townofwindsor.com

Mayor
 Mark Millan

Vice Mayor
 Debora Fudge

Councilmembers
 Dominic Foppoli
 Bruce Okrepkie
 Sam Salmon

Town Manager
 Linda Kelly

December 1, 2016

Sonoma County Mayors and Councilmembers:

I am writing to request your support for another term on SMART as the non-SCTA member. My seat expires in March 2017, and the vote to fill this seat will be at the February 9, 2016 Mayors and Councilmembers' meeting.

I have served on SMART since March of 2005, when the member from Santa Rosa stepped down and supported me for the seat. I have worked very hard to get the train rolling, working as a Board member through two ballot measures, through two years of designing the rail cars, through a threatened recall, and so much more. I was Chair during our toughest year in 2010, the year we needed to shorten the initial operating segment and work toward hiring a new General Manager. Also that year we selected Nippon Sharyo's bid for construction of the rail cars. It is my signature on that \$58m contract.

In the past six years, we have worked diligently on construction and toward startup of the rail and pathway system. We were able to add two more stations to our plan: Santa Rosa North at Guerneville Road, and the Airport Road station. As well, we built the Rail Operation Center at the Airport Road location in Sonoma County.

I ask for reappointment for a few reasons. The first is that my hard work, passion and dedication to see this project through has no end. I have the background and historical knowledge that is called upon frequently by nine newer Board members and the General Manager. The second is that I think it's important that the unserved cities have voices – that being Windsor north to Cloverdale. As you may know, Windsor is the next planned station to be brought online. Third, it would mean the world to me to be a Board member when the trains roll later this spring. I had hoped we could meet our initial start date of December, but with the replacement of the engines in all 14 rail cars, our new start date is now late Spring 2017.

As always, I promise to be accessible to all of you, and to represent the interests of the entire 70-mile line. I would very much appreciate one last term as your non-SCTA SMART Board member.

Thank you,

Debora Fudge
 Vice Mayor, Windsor



December 19, 2016

Sonoma County Mayors and Councilmembers:

I respectfully request your appointment to the Board of Directors of the Sonoma-Marin Area Rail Transit District for a four-year term.

Santa Rosa, which is by far the largest city on the SMART rail line, has not had a representative on the Board for more than a decade. As SMART prepares to begin revenue service in 2017, the city with the largest projected ridership deserves a seat at the table and a voice on the 12-member Board.

I will bring a unique perspective to the position. I went to work for SMART in 2007 at a time when the agency had only five employees and was struggling for survival after a defeat at the polls of a 2006 sales tax measure. As Director of Public Information and Outreach, I helped frame a message that won the support of nearly 70 percent of Marin and Sonoma County voters in 2008.

As a senior staff member until 2011, I became intimately familiar with the SMART project. I have followed it closely ever since, and will bring that experience and knowledge to the Board.

My goals for SMART include a successful start-up in 2017, followed closely by an opening of the San Rafael-to-Larkspur segment. I will make it a priority to then fulfill our promise to the voters by pursuing funds to expand the line (and the multi-use pathway) north to Windsor, Healdsburg and Cloverdale.

Thank you for your consideration of this request.

Chris Coursey
Mayor
City of Santa Rosa



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 17, 2017

SUBJECT: Consideration of three Professional Services Agreements related to the City Hall Addition and Alteration Project

PREPARED BY: Heather Ippoliti, Assistant City Manager

STRATEGIC INITIATIVE(S):
Infrastructure & Facilities

RECOMMENDED ACTION(S):

(1) Receive report and (2) adopt a Resolution approving three agreements related to the City Hall Addition and Alteration Project, the first for architectural and engineering services to Gelfand Partners Architects in an amount not to exceed \$171,780, the second for geotechnical and special inspection services to Kleinfelder, Inc. in an amount not to exceed \$89,721, and the third to Alameida Architecture for on-site construction administration in an amount not to exceed \$100,800 and authorizing the City Manager to execute the agreements

BACKGROUND:

On December 19, 2016, the Council adopted a resolution awarding the construction agreement to Carr Construction Services, Inc. in an amount not to exceed \$4,675,704; authorizing the City Manager to execute the construction contract. In addition Council also approved a budget amendment increasing appropriations to cover the cost of the project in whole, including the contracts proposed for approval in this report.

At that meeting staff presented information to Council informing them that additional agreements would be forthcoming. Part of the delay in bringing these additional agreements forward is clarifying responsibilities, and avoiding duplication.

In addition to the above information it is important to note when Council adopted the City of Healdsburg's Strategic Plan, Pathway to Sustainability, on July 21, 2013. Goal 5.1 under Initiative 05 – Infrastructure and Facilities included an action plan item to evaluation the feasibility of constructing the City Hall Annex in lieu of the ongoing CDC lease.

In April 2016, as part of the presentation of the Capital Improvement Plan for the fiscal year 2016-18 biennial period, Council provided direction to staff to move forward with the proposed City Hall Addition and Alteration Project, and Gelfand Partners Architect proceeded with the preparation of construction documents, more specifically, plan and technical specifications which accompanied the City's front end construction project template, and bid documents.

The Community Development Center ("CDC") currently houses 22 professional staff. The 7,000 sf leased metal warehouse space was always considered a temporary solution. The space has serious HVAC issues, where it is unable to maintain reasonable temperature in summer heat, insufficient needed space for staff, insufficient noise dampening and overall operationally inefficient.

The City Hall facility analysis found an inefficient plan layout, a failing HVAC system, a Council Chambers requiring acoustic improvements, ineffectual windows, needed roof repairs, and needed acoustic absorption.

The approved project includes the construction of an approximately 4,300 square-foot, two story addition to the existing 9,200 square foot City Hall building, interior remodeling of the existing City Hall and related site improvement, including parking lot modifications. In order to accommodate the new building, approximately 1,300 square-foot of the existing City hall building will be demolished. This remodel option optimizes the floor plan minimizing the footprint of the addition and increasing the functionality of the operations.

As mentioned above, on December 19, 2016 the Council approved the construction bid, the Information Services agreement, and project budget appropriations including the contracts proposed for approval in this report.

DISCUSSION/ANALYSIS:

Staff requested proposals from Gelfand Partners Architects, Kleinfelder, Inc. and Alameida Architecture for architectural administration, on-site construction administration, and engineering and special inspection services needed to proceed with the project. These proposals were not ready in time to make the December 19th Council agenda.

The Gelfand Partners Architects team includes ZFA Structural Engineers, Integral Group for mechanical, electrical and plumbing, and Adobe Civil Engineering. The not-to-exceed amount is \$171,780 and will take the Project through to close-out.

The Kleinfelder, Inc. scope includes a plan review of the rammed aggregate pier (or equivalent) plans, preconstruction meetings and engineering consultation, geotechnical inspection services, and special inspection services. The not-to-exceed amount for the scope is \$89,721.

The Alameida Architecture scope includes construction management assistance through to close out for a not-to-exceed amount of \$100,800. The purpose of the construction manager is to control a project's time, cost and quality. A couple of the scope responsibilities include validation of the contractor's change order submissions, and evaluation of the claims and payment requests.

The three detailed proposals are attached.

ALTERNATIVES:

The City Council can reject the proposal, in which case staff asks that the Council provide additional direction.

FISCAL IMPACT:

Appropriations for the project were approved at the Council's December 19, 2016 meeting. The project cost estimate and budget included the proposed services.

ENVIRONMENTAL ANALYSIS:

The Project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14, the California Code of Regulations, Section 15302(c).

ATTACHMENT(S):

Resolution

Proposal - Gelfand

Proposal - Kleinfelder

Proposal - Alameida

CITY OF HEALDSBURG

RESOLUTION NO. ____-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING THREE AGREEMENTS RELATED TO THE CITY HALL ADDITION AND ALTERATION PROJECT: THE FIRST FOR ARCHITECTURAL AND ENGINEERING SERVICES TO GELFAND PARTNERS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$171,780, THE SECOND FOR GEOTECHNICAL AND SPECIAL INSPECTION SERVICES TO KLEINFELDER, INC. IN AN AMOUNT NOT TO EXCEED \$89,721, AND THE THIRD TO ALAMEIDA ARCHITECTURE FOR ON-SITE CONSTRUCTION ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$100,800 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on December 19, 2016 the Council awarded the construction agreement to Carr Construction Services, Inc. and increased the budget to cover the cost of the project in whole; and

WHEREAS, at the December 19th meeting staff presented additional information to Council informing them additional agreements would be forthcoming; and

WHEREAS, staff requested proposals from Gelfand Partners Architects, Kleinfelder, Inc. and Alameida Architecture for architectural, construction administration, engineering and special inspection services needed to proceed with the project; and

WHEREAS, the Gelfand Partners Architects team includes ZFA Structural Engineers, Integral Group for mechanical, electrical and plumbing, and Adobe Civil Engineering; and

WHEREAS, the Gelfand Partners Architects' proposal not-to-exceed amount is \$171,780 and will take the Project through to close-out; and

WHEREAS, the Kleinfelder, Inc. scope includes a plan review of the rammed aggregate pier plans, preconstruction meetings and engineering consultation, geotechnical inspection services, and special inspection services; and

WHEREAS, the Kleinfelder, Inc's proposal not-to-exceed amount for the scope is \$89,721; and

WHEREAS, the Alameida Architecture scope includes on-site construction administration services; and

Resolution No. _____-2017

Page 2

WHEREAS, the Alameida Architecture proposal not-to-exceed amount for the scope is \$100,800; and

WHEREAS, the Project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14, the California Code of Regulations, Section 15302(c).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Healdsburg hereby:

1. Awards the agreement for geotechnical and special inspection services for the City Hall Addition and Alteration Project to Kleinfelder, Inc. in an amount not to exceed \$89,871.
2. Awards the agreement for architectural and engineering services for the City Hall Addition and Alteration Project to Gelfand Partners Architects in an amount not to exceed \$171,780.
3. Awards the agreement for construction administration services for the City Hall Addition and Alteration Project to Alameida Architecture in an amount not to exceed \$100,800.
4. Authorizes the City Manager to execute the Professional Services Agreements.
5. Finds the Project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14, the California Code of Regulations, Section 15302(c).

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Healdsburg this 17th day of January, 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

SO ORDERED:

ATTEST:

Shaun McCaffery, Mayor

Maria Curiel, City Clerk

Attachment: Resolution (1453 : City Hall Addition & Alteration Project)



Gelfand Partners

A R C H I T E C T S

December 22, 2016

Ms. Heather Ippoliti
City of Healdsburg
401 Grove Street
Healdsburg, CA 95448

Project: Community Development Center and City Hall
Subject: Mod 6, City Hall and CDC Improvements, Architectural and Engineering Construction Related Services

Dear Heather:

Thank you for giving us the opportunity to propose architectural and engineering services for construction administration of the addition and renovation of the Healdsburg CDC and City Hall. Based on the accepted bid of \$4,675,704 from Carr's Construction Service Inc. for the construction of the project and a 14 month construction period for the project Gelfand Partners Architects proposes the following fees:

We propose fees as follows:

Construction Administration	\$140,000
Close out	\$10,000
Fundamental Commissioning	\$21,780
Total	\$171,780

Please see the attached excerpt from the AIA B101-2007 Owner Architect agreement as a description of the services provided in construction administration. The Gelfand Partners team includes ZFA Structural Engineers, Integral Group for mechanical, electrical and plumbing, and Adobe Civil Engineering. In addition fundamental commissioning is a requirement based on requirements of the California Buildings Standard Title 24 CalGreen code. It applies to HVAC systems and controls, domestic hot water systems and controls, lighting systems and controls and the irrigation system. The process will result in a more reliable and efficient building that performs and operates per the City's requirements. It will be performed largely by Integral Group.

Gelfand Partners and the Gelfand Partners team will coordinate with additional consultants that the City of Healdsburg may retain independently such as construction managers, surveyors, hazardous materials testing and monitoring and geotechnical engineering.

We will bill monthly for tasks completed to date. We expect that this proposal, once accepted, will be added as an exhibit to the existing professional services agreement.

Thank you,
Gelfand Partners Architects

Lisa Gelfand, FAIA, LEED AP
Principal

Cc: file

Attachment: Proposal - Gelfand (1453 : City Hall Addition & Alteration Project)

§ 3.6 CONSTRUCTION PHASE SERVICES

§ 3.6.1 GENERAL

§ 3.6.1.1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth below and in AIA Document A201™–2007, General Conditions of the Contract for Construction. If the Owner and Contractor modify AIA Document A201–2007, those modifications shall not affect the Architect’s services under this Agreement unless the Owner and the Architect amend this Agreement.

§ 3.6.1.2 The Architect shall advise and consult with the Owner during the Construction Phase Services. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the Architect be responsible for the Contractor’s failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect’s negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.

§ 3.6.1.3 Subject to Section 4.3, the Architect’s responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates on the date the Architect issues the final Certificate for Payment.

§ 3.6.2 EVALUATIONS OF THE WORK

§ 3.6.2.1 The Architect shall visit the site at intervals appropriate to the stage of construction, or as otherwise required in Section 4.3.3, to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. On the basis of the site visits, the Architect shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and report to the Owner (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work.

§ 3.6.2.2 The Architect has the authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have the authority to require inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Contractor, Subcontractors, material and equipment suppliers, their agents or employees or other persons or entities performing portions of the Work.

§ 3.6.2.3 The Architect shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect’s response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.

§ 3.6.2.4 Interpretations and decisions of the Architect shall be consistent with the intent of and reasonably inferable from the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and decisions, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions rendered in good faith. The Architect’s decisions on matters relating to aesthetic effect shall be final if consistent with the intent expressed in the Contract Documents.

§ 3.6.2.5 Unless the Owner and Contractor designate another person to serve as an Initial Decision Maker, as that term is defined in AIA Document A201–2007, the Architect shall render initial decisions on Claims between the Owner and Contractor as provided in the Contract Documents.

§ 3.6.3 CERTIFICATES FOR PAYMENT TO CONTRACTOR

§ 3.6.3.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts. The Architect’s certification for payment shall constitute a representation to the Owner, based on the Architect’s evaluation of the Work as provided in Section 3.6.2 and on the data comprising the Contractor’s Application for Payment, that, to the best of the Architect’s knowledge, information and belief, the Work has progressed to the point indicated and that the quality of the Work is in accordance with the Contract Documents. The foregoing representations are subject (1) to an evaluation of

the Work for conformance with the Contract Documents upon Substantial Completion, (2) to results of subsequent tests and inspections, (3) to correction of minor deviations from the Contract Documents prior to completion, and (4) to specific qualifications expressed by the Architect.

§ 3.6.3.2 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

§ 3.6.3.3 The Architect shall maintain a record of the Applications and Certificates for Payment.

§ 3.6.4 SUBMITTALS

§ 3.6.4.1 The Architect shall review the Contractor's submittal schedule and shall not unreasonably delay or withhold approval. The Architect's action in reviewing submittals shall be taken in accordance with the approved submittal schedule or, in the absence of an approved submittal schedule, with reasonable promptness while allowing sufficient time in the Architect's professional judgment to permit adequate review.

§ 3.6.4.2 In accordance with the Architect-approved submittal schedule, the Architect shall review and approve or take other appropriate action upon the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by the Architect, of any construction means, methods, techniques, sequences or procedures. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component.

§ 3.6.4.3 If the Contract Documents specifically require the Contractor to provide professional design services or certifications by a design professional related to systems, materials or equipment, the Architect shall specify the appropriate performance and design criteria that such services must satisfy. The Architect shall review Shop Drawings and other submittals related to the Work designed or certified by the design professional retained by the Contractor that bear such professional's seal and signature when submitted to the Architect. The Architect shall be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications and approvals performed or provided by such design professionals.

§ 3.6.4.4 Subject to the provisions of Section 4.3, the Architect shall review and respond to requests for information about the Contract Documents. The Architect shall set forth in the Contract Documents the requirements for requests for information. Requests for information shall include, at a minimum, a detailed written statement that indicates the specific Drawings or Specifications in need of clarification and the nature of the clarification requested. The Architect's response to such requests shall be made in writing within any time limits agreed upon, or otherwise with reasonable promptness. If appropriate, the Architect shall prepare and issue supplemental Drawings and Specifications in response to requests for information.

§ 3.6.4.5 The Architect shall maintain a record of submittals and copies of submittals supplied by the Contractor in accordance with the requirements of the Contract Documents.

§ 3.6.5 CHANGES IN THE WORK

§ 3.6.5.1 The Architect may authorize minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract Time. Subject to the provisions of Section 4.3, the Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.

§ 3.6.5.2 The Architect shall maintain records relative to changes in the Work.

§ 3.6.6 PROJECT COMPLETION

§ 3.6.6.1 The Architect shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion; issue Certificates of Substantial Completion; receive from the Contractor and forward to the Owner, for the



Owner's review and records, written warranties and related documents required by the Contract Documents and assembled by the Contractor; and issue a final Certificate for Payment based upon a final inspection indicating the Work complies with the requirements of the Contract Documents.

§ 3.6.6.2 The Architect's inspections shall be conducted with the Owner to check conformance of the Work with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor of Work to be completed or corrected.

§ 3.6.6.3 When the Work is found to be substantially complete, the Architect shall inform the Owner about the balance of the Contract Sum remaining to be paid the Contractor, including the amount to be retained from the Contract Sum, if any, for final completion or correction of the Work.

§ 3.6.6.4 The Architect shall forward to the Owner the following information received from the Contractor: (1) consent of surety or sureties, if any, to reduction in or partial release of retainage or the making of final payment; (2) affidavits, receipts, releases and waivers of liens or bonds indemnifying the Owner against liens; and (3) any other documentation required of the Contractor under the Contract Documents.

§ 3.6.6.5 Upon request of the Owner, and prior to the expiration of one year from the date of Substantial Completion, the Architect shall, without additional compensation, conduct a meeting with the Owner to review the facility operations and performance.



October 28, 2016
Kleinfelder Project No.: MW170321.001P

Ms. Heather Ippoliti
Assistant City Manager
City of Healdsburg
401 Grove Street
Healdsburg, CA 95448

**SUBJECT: Proposal for Geotechnical and Special Inspection Services
During Construction
Proposed City Hall Addition
401 Grove Street
Healdsburg, CA 95448**

Dear Ms. Ippoliti:

Below is an outline of our proposed scope and cost estimate to provide geotechnical and special inspection services related to the planned city hall addition at 401 Grove Street in Healdsburg, California.

Kleinfelder previously provided a geotechnical report, dated September 23, 2016 to the City of Healdsburg, and has performed a preliminary review of the project plans and specifications available as of October 27, 2016. In accordance with our recent discussions and emails this proposal is intended to include:

- A plan review of the rammed aggregate pier (or equivalent) plans
- Preconstruction meetings and engineering consultation
- Geotechnical inspection services
- Special inspection services

PROJECT DESCRIPTION

We understand that the proposed construction will include a partial demolition of the northeast corner of the building, and construction of an approximate 2,000 square foot (footprint) two-story building for additional offices, meeting rooms, and records storage. The proposed foundations for the addition include continuous perimeter spread footings with stem walls, and isolated square footings for column loads. The first floor slab will be placed approximately 3 feet above adjacent grade to match the existing building slab elevation. The new slab will be supported on upwards of 3 feet of new fill placed within the perimeter and interior foundation elements. We understand that a rammed aggregate pier design is being requested for this project in order to reduce anticipated settlements. The project will be serviced from Kleinfelder's Santa Rosa office.

BUDGETARY ESTIMATE AND BASIS OF CHARGES

The estimated man-hour breakdown and costs associated with the initial scope of work anticipated for this project are attached as Table 1. These costs are based on our estimate of what will be required during the initial project consultation as well as the inspection services related to the city hall addition. Specific schedules and quantities have not been provided to Kleinfelder, therefore the estimates are based on Kleinfelder's understanding of what will be required for this project, and the estimated construction duration of 14 months (estimate provided by 4LEAF, Inc.). Ultimately our services will be requested as needed and we must conform to the contractor's schedules, which can be unpredictable depending on job conditions and the contractor's efficiency.

Please note that our services do not include (1) supervision, direction, or acceptance of the contractor's work, (2) interpretation or modification of the project plans and specifications, or (3) job site safety.

Kleinfelder's charges will be made on a time and expense basis for testing and inspection services actually performed at the rates noted in the attached budgetary estimate. Any required overtime, re-inspection, conflict resolution, evaluation of alternative construction methods or materials, or items not included in this proposal will be charged at the rates current at the time the work is performed. Travel time and mileage for our technicians, engineers, and project managers will be billed on a portal to portal basis from our Santa Rosa office.

Our budget estimate for project consultation and geotechnical and special inspection services related to the city hall addition is presented on Table 1. We request a budget on a time-and-materials basis of \$90,000. We will not exceed that amount without consultation with the City. This budget estimate is based on our review of the project plans and specifications, as well as an estimated construction duration of 14 months (estimate provided by 4LEAF, Inc.).

In the event conditions arise which are beyond our control, unknown at the time this proposal was prepared, unanticipated based on the available information, or differ significantly from the assumptions outlined in this proposal, it will be necessary to revise our scope and estimated fee in order to complete the project. Should this occur, we would contact you for authorization prior to proceeding with any additional work.

If a portion of this proposal does not meet your needs, or if those needs have changed, Kleinfelder stands ready to consider appropriate modifications, subject to the standards of care to which we adhere as professionals. Modifications such as changes in scope, methodology, scheduling, and contract terms and conditions may result in changes to the risks assumed by you and may require adjustments to our fees.

PREVAILING WAGE PROJECT

The California Prevailing Wage Law requires payment of a local "prevailing wage" to workers on publicly funded projects. This includes projects "paid for in whole or in part out of public funds" and has been expanded to include various types of payments, credits and monetary equivalents provided by the State or public entity. The Prevailing Wage Law extends to geotechnical engineering consultants, their soils/material testing and building inspection personnel. Services subject to prevailing wage are typically non-professional field services and are applicable during design as well as construction. This law significantly increases employee wages for qualified

activities on publicly funded projects. **It is our understanding that this project falls under the definition of a prevailing wage project.** We need to be notified if certified payroll is required. Certified payroll will incur administrative processing fees in addition to those listed in this proposal.

DISPATCH COORDINATION

Kleinfelder's central dispatch for the Bay Area Region may be reached at 925.225.4575 between the hours of 7:00 AM and 3:30 PM. Please provide 24-hours' notice for us to coordinate requested site visits. For weekend and/or night work, please provide as much notice as possible so that we may accommodate your project scheduling needs.

REPORTING

Daily field reports (DFRs) will be prepared following each site visit. If requested, a copy will be left with the general contractor. Laboratory test results will be distributed upon completion. A final report summarizing all of the special inspection and testing services we performed will be prepared on request.

WORK SAFETY

The safety of our employees is of paramount concern to Kleinfelder. Our employees actively participate in onsite safety, and attend safety, tailgate, and preconstruction meetings. You will be notified if the site conditions on your project represent a potential safety concern to our employees. Unsafe conditions for fieldwork will require a modification of our estimated scope of work and associated fees. We will advise you of the additional costs necessary to mitigate these unanticipated conditions, if applicable.

LIMITATIONS

Our work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided. Even with diligent monitoring, construction defects may occur. In all cases the contractor is solely responsible for the direction and quality of the work, adherence to plans and specifications, and repair of defects.

This proposal is valid for a period of 45 days from the date of this proposal. This proposal was prepared specifically for the client and its designated representatives and may not be provided to others without Kleinfelder's express permission.

AUTHORIZATION

If this proposal meets with your approval, we understand that you will provide a purchase order in accordance with our Master Service Agreement.

CLOSURE

We thank you for the opportunity to present this proposal. If you have questions or concerns regarding our proposed scope of services or the associated budget estimate, please contact us at 707.571.1883.

Sincerely,

KLEINFELDER, INC.



Martin Pucci, PE
Project Engineer



William V. McCormick, CEG
Area Manager

Enclosures: Table 1 - Cost Summary
Exhibit A – Scope of Work

Attachment: Proposal - Kleinfelder (1453 : City Hall Addition & Alteration Project)



EXHIBIT A - SCOPE OF WORK GEOTECHNICAL AND SPECIAL INSPECTION SERVICES

COMPLETE PROJECT UNDERSTANDING

Our understanding of this portion of the project is based on conversations with the Gelfand Partners, ZFA Engineers, and the City of Healdsburg, as well as our review of the following project documents:

- “Bid Set Drawings, Healdsburg City Hall Addition and Alterations” dated October 21, 2016 by Gelfand Partners Architects
- “Specifications, Healdsburg City Hall Addition and Alterations, Plan Check Submittal #1”

Our understanding of the City Hall Addition elements that will require geotechnical services during construction are:

- Rough grading of site including stripping of surface soil, over-excavation, and possible lime-treatment of on-site soils
- Rammed aggregate pier construction
- Installation of underground utilities
- Finish grading for the site
- Footing excavations for the building and other foundation elements
- Paving

Our understanding of special inspections required during construction are presented in the following sections as Tasks 7 through 11.

SCOPE OF SERVICES

Task 1 – Rammed Aggregate Pier (RAP) Plan Review

The final RAP design has not been completed for this project. Once a contractor/designer has been selected and the design is completed, Kleinfelder will provide a plan review to check for conformance with our geotechnical recommendations. We will discuss the results of this review with you and the project team and will provide a letter stating that the plans are in conformance with the geotechnical report, or noting any unresolved items.

Task 2 – Preconstruction Meetings and Engineering Consultation

Although we have not been provided a detailed project schedule, we anticipate one preconstruction meeting. Additionally, we anticipate engineering consultation will be required to respond to project team questions as well as contractor RFIs. It is not possible to forecast the amount of effort that will be required for this task, therefore the estimate of labor hours for this task should be considered approximate.

Task 3 – Post-Demolition Over-Excavation Bottom Inspection

The bottom inspections will consist of the following:

- Observe over-excavation dimensions and limits per project plans.
- Inspection of over-excavation bottoms prior to the placement of engineered fill.

Task 4 – Rammed Aggregate Pier Construction Observation

Per the project specifications, full-time observation will be provided during drilling operations and RAP aggregate placement. This observation will be provided to confirm RAP dimensions, and to check actual soil conditions during excavation. Kleinfelder will also check BST (Bottom stabilization verification test) results for compliance, and will perform DCP (Dynamic Cone Penetrometer) testing as necessary during RAP construction. Additionally, Kleinfelder will observe, and document load testing to measure the installed modulus. The estimated duration of installation and testing is based on conversations with Farrell Design-Build, Inc.

Task 5 – Fill Placement Observation and Testing, and periodic paving testing

- Check that engineered fill is placed and compacted in accordance with the contract documents and the geotechnical report.
 - Over-excavation backfill
 - Lime treatment observation
 - Select fill placement observation and testing
 - Underground utility backfill testing
- Periodic paving observation and testing

Task 6 – Footing Inspections

- Provide inspection of footing excavations including isolated column, continuous, retaining wall, and elevator pit footings

Task 7 – Steel Material Identification and Welding Inspection

Our cost estimate assumes that the project welding shop and material storage shop will be within a 50 mile radius of a Kleinfelder office. If located further than 50 miles from a Kleinfelder office, then additional costs will be incurred. We have assumed the following scope.

- 4 shop visits for material identification
- 4 shop visits for welding inspection
- 4 site visits for welding inspection

Task 8 – Reinforcing Steel Inspection

We have assumed the following inspections will be necessary.

- 6 site visits for reinforcing steel, hold down, anchor bolt inspection prior to concrete placement
- 2 site visits for post-installed anchor testing

Task 9 – Periodic Concrete Testing

The project specifications require periodic concrete testing. We have assumed 6 site visits will be necessary, and that 6 sets of cylinders will be cast for subsequent compression testing.

Task 10 – Fireproofing Inspection

Fireproofing was not noted on the plans, however based on experience the need for inspection is likely. We have included 2 site visits for these services.

Task 11 – Wood Inspections

Shear nailing and seismic hardware inspections will be required. Additionally, moisture content measurements of shear elements will be required. We have assumed a total of 6 site visits for these tasks.

Task 12 – Laboratory Testing

Laboratory testing, and laboratory services required for this project included the following:

- Modified Proctor (ASTM D1557) testing to measure maximum dry density of select fill (import or lime-treated) and aggregate base.
- Sieve Analysis (ASTM D422) and Atterberg Limit testing (ASTM D4318) to check for conformance of fill soil as non-expansive select fill
- Eades and Grim Test (ASTM C977) to determine optimum lime content
- Concrete cylinder compression testing (ASTM C39) to measure compressive strength of concrete
- Pickup of samples from the site and delivery to laboratory
- Lab coordination and distribution of results to the project team

Task 13 – Project Management, Engineering, Administration, and Final Report

Kleinfelder was provided an estimate of 14 months for the duration of construction. The estimate provided for this task is based on the construction duration estimate, and typical weekly management and engineering commitments needed for projects of this type. This task includes project management, administrative tasks, scheduling, engineering support, and delivery of the final construction observation report.

**Table 1
Cost Estimate for Geotechnical and Special Inspection Services
Healdsburg City Hall Addition
Healdsburg, California**

TASK DESCRIPTION	No. of Site Visits	Hours	Quantity (Hours/test)	Rate	Total
TASK 1 - Rammed Aggregate Pier Plan Review					
1a. Project Professional	-	6	6	hr. \$175	\$1,050
1b. Principal Professional	-	4	4	hr. \$190.00	\$760
				Task 1 Subtotal =	\$1,810
TASK 2 - Pre-Construction Site Visit, Engineering Consultation and RFI Support					
2a. Project Professional	1	16	16	hr. \$175	\$2,800
2a. Principal Professional	-	4	4	hr. \$190	\$760
2b. Mileage	1		40	ea. \$0.80	\$32
				Task 2 Subtotal =	\$3,592
TASK 3 - Post-Demolition Over-excavation Bottom Inspection					
3a. Project Professional	1	4	4	hr. \$175	\$700
4b. Mileage	1		40	ea. \$0.80	\$32
				Task 3 Subtotal =	\$732
TASK 4 - Rammed Aggregate Pier Full-time Construction and Load Testing Observation					
4a. Staff Professional (installation)	5	8	40	hr. \$145	\$5,800
4b. Project Professional (installation)	2	4	8	hr. \$175	\$1,400
4c. Mileage	7		40	ea. \$0.80	\$224
4a. Staff Professional (load testing)	5	8	40	hr. \$145	\$5,800
4b. Project Professional (load testing)	2	4	8	hr. \$175	\$1,400
4c. Mileage	7		40	ea. \$0.80	\$224
				Task 4 Subtotal =	\$14,848
TASK 5 - Full-time fill placement observation and testing, periodic paving testing					
5a. Senior Technician	6	8	48	hr. \$115	\$5,520
5c. Mileage	6		40	ea. \$0.80	\$192
				Task 5 Subtotal =	\$5,712
TASK 6 - Footing Inspections					
6a. Staff Professional	6	4	24	hr. \$145	\$3,480
6b. Project Professional	2	4	8	hr. \$175	\$1,400
6c. Mileage	8		40	ea. \$0.80	\$256
				Task 6 Subtotal =	\$5,136
TASK 7 - Material I.D. and Welding Inspection					
7a. Senior Technician (shop I.D.)	4	6	24	hr. \$115	\$2,760
7b. Mileage	4		100	ea. \$0.80	\$320
7c. Senior Technician (shop welding inspection)	4	6	24	hr. \$115	\$2,760
7d. Mileage	4		100	ea. \$0.80	\$320
7e. Senior Technician (field welding inspection)	4	6	24	hr. \$115	\$2,760
7f. Mileage	4		40	ea. \$0.80	\$128
				Task 7 Subtotal =	\$9,048
TASK 8 - Reinforcing Steel, Hold Downs, Anchor Bolt Inspection, Post-Installed Anchor					
8a. Senior Technician	8	4	32	hr. \$115	\$3,680
8b. Mileage	8		40	ea. \$0.80	\$256
				Task 8 Subtotal =	\$3,936
TASK 9 - Periodic Concrete Inspections					
9a. Senior Technician	6	6	36	hr. \$115	\$4,140
9b. Mileage	6		40	ea. \$0.80	\$192
				Task 9 Subtotal =	\$4,332
TASK 10 - Fireproofing Inspection					
10a. Senior Technician	2	4	8	hr. \$115	\$920
10b. Mileage	2		40	ea. \$0.80	\$64
				Task 10 Subtotal =	\$984
TASK 11 - Wood - Shear nailing, Seismic Hardware, and moisture content measurements					
11a. Senior Technician	6	4	24	hr. \$115	\$2,760
11b. Mileage	6		40	ea. \$0.80	\$192
				Task 11 Subtotal =	\$2,952
TASK 12 - Laboratory Testing					
12a. Modified Proctor (ASTM D1557) - Select Fill and Aggregate Base			2	ea. \$240	\$480
12b. Sieve Analysis, Coarse and Fine (ASTM D422) - Select Fill			1	ea. \$160	\$160
12c. Atterberg Limit Test, (ASTM D4318) - Select Fill			1	ea. \$180	\$180
12d. Eades and Grim Test - Optimum Lime Treatment, (ASTM C977)			1	ea. \$175	\$175
12e. Concrete Compression Test (ASTM C39)			6	ea. \$124	\$744
12f. Sample pickup and delivery			6	ea. \$300	\$1,800
12g. Lab coordination, review and distribution			8	hr. \$175	\$1,400
				Task 12 Subtotal =	\$4,939
TASK 13 - Project Management, Engineering, Administration, And Final Report					
13a. Senior Principal Professional			100	hr. \$220	\$22,000
13b. Project Professional			40	hr. \$175	\$7,000
13c. Dispatch, Administration			30	hr. \$90	\$2,700
				Task 13 Subtotal =	\$31,700
TOTAL COST ESTIMATE =					\$89,721

Attachment: Proposal - Kleinfelder (1453 : City Hall Addition & Alteration Project)

Alameida
Architecture

December 23, 2016

To: Ms Tina L. Kirchner
 Administrative Services Manager
 City of Healdsburg
 401 Grove Street
 Healdsburg, CA 95448

PROPOSAL FOR ARCHITECTURAL SERVICES

City of Healdsburg - City Hall Addition - Construction Management Assistance

Project Description

Provide Construction Management assistance for the construction of the City Hall Addition.

Scope of Services:**Construction Phase Services**

- 1.1 Monitor construction phase work, evaluate contractor baseline schedule, monthly updates, and two week look-ahead schedules.
- 1.2 Review, reconcile, and validate contractor change order submissions.
- 1.3 Assist City to track all construction cost vs. budgets and report to the City on a regular basis.
- 1.4 Review quality and correctness of work and report any deficiencies not corrected by the contractor to the City and Architect.
- 1.5 Assist City with coordination of public agency permits, connections, and other related coordination work during the construction phase.
- 1.6 Schedule and attend a pre-construction meeting with the contractor and all relevant team members.
- 1.7 Verify contractor is maintaining the record documents on a regular basis. All revisions should be recorded on a single set at the construction site.
- 1.8 Established document controls for RFIs, Submittals, Change Orders, and other project logs and files.
- 1.9 Monitor the status of all submittals, shop drawings, and related correspondence to and from architect and contractor.
- 1.10 Document the progress of construction work with digital photos that document project progress, unforeseen conditions, and non-compliant work.
- 1.11 Coordinate and lead all weekly construction meetings.
- 1.12 Assist the City with Coordination of City Inspector and special inspection services performing their work per project related work.
- 1.13 Assist City with monthly reports for the project that include executive summary and detailed status of the project.

(707) 824-1219 - 555 South Main Street, Suite 2 - Sebastopol - CA 95472
 www.alameida.com

Alameida
Architecture

- 1.14 Analyze and review all change orders proposals. Verify scope and accuracy of cost and submit a recommendation to the City.
- 1.15 Evaluate all claims and make recommendations to the City on the most effective way to mitigate and/or resolve.
- 1.16 Review contractor payment applications request to assist City for further processing by the City.

2. Post Construction and Closeout

- 2.1 Coordinate with Architect and their consultants with the development of the punch list into a single document. Monitor and assist in the verification and completion of the punch list work.
- 2.2 Coordinate submission of all Contractual documentation from the Contractor to the City including Record Drawings, Warranties and Operation and Maintenance Manuals. Review and approve as appropriate.

SCHEDULE

The expected start of construction is February 2017 with a duration of fourteen months concluding in April 2018.

COMPENSATION

Alameida Architecture's total compensation consists of basic services, authorized expanded services, additional services and reimbursable expenses as follows:

Monthly fee of \$7,200 for a duration of 14 months.

It is anticipated that Alameida Architecture will dedicate, on average, 16 hours per week to the project.

ASSUMPTION:

The services proposed is to assist the City with CM services and may not include fulltime construction management responsibilities.

.

Thank you for considering Alameida Architecture for your Project.

Sincerely,



Donald R. Alameida, Architect

Attachment: Example of previous Construction Management projects.

Alameida
Architecture

Appendix A.

Experience
Example Construction Management Project

Attachment: Proposal - Alameida (1453 : City Hall Addition & Alteration Project)