

# FALLBROOK COMMUNITY PLANNING GROUP

## AD-HOC CANNABIS ORDINANCE COMMITTEE

**Chair Eileen Delaney**  
eileendelaneymail@gmail.com

Regular Meeting  
Monday, May 10, 2021  
5:30 PM  
Zoom Meeting

**Meeting ID: 816 4886 6166 – Passcode: AVOCADO – Dial in by Phone: 669-900-9128 (Phone Passcode: 4665015)**  
<https://us02web.zoom.us/j/3981698290?pwd=RkFMc1lCN0wxWjVaY2FTSENkOG9Udz09>

### OFFICIAL MINUTES

*Adopted June 14, 2021*

**PRESENT:** Chair Eileen Delaney, Secretary Ross L. Pike, Jeniene Domercq, Victoria Stover, Stephani Baxter, Kim Murphy, Steve Brown, Robyn Dahlson, Denise Shadle, Jim Mendelson, Tyler Geffeny.

**ABSENT:** Angela King, Robert Bruins (left during the beginning of the discussion of Agenda Item 4).

**EXCUSED:** None.

1. Call to order.

The meeting was called to order by Chair Delaney at 6:03 PM. The meeting began late due to some technical difficulties.

2. **PUBLIC FORUM.** Opportunity for members of the public to speak to the Ad-Hoc Cannabis Ordinance Committee on any subject matter within the Committee's jurisdiction but not on today's agenda. *Three-minute limitation. Non-discussion and non-voting item.*

Chair Delaney provided an update on the progress ordinance from her work with the Fallbrook Planning Group Chair Jack Wood. Also provided updates on meetings with the North County Gang Commission for a perspective from those who were affected by the laws. Chair Delaney also expressed concerns about cross-pollination with hemp farming.

Murphy offers a comment on her recent sale of a property that contained illegal hemp farming where cross-pollination was an issue.

Camille von Kaenal from iNewsSource shared that she is a reporter working on stories for hemp farming.

3. Approval of previous meeting minutes. **Voting item.**

*Motion by Murphy to adopt the revised minutes provided by Pike. Motion passes. 8-0-3. Abstaining were Stover, Bruins, and Geffeny.*

~~Chair Delaney thanked Pike for providing the detailed meeting minutes that are now 7 pages.~~

~~Pike offered a comment that the meetings are recorded and recommended to committee members that careful deliberation be taken prior to making comments to ensure this is a welcoming space to the community and the committee members are being respectful.~~

~~Chair Delaney asked that members identify themselves before speaking for accurate recordkeeping.~~

*These minutes were amended by Steve Brown on June 14, 2021 to remove the comments seen here as stricken.*

4. Continuing discussion and recommendations on the social equity portion of the County Cannabis Ordinance. Discussion and recommendations on zoning. Discussion and recommendations on local input and control. Discussion and recommendations on other cannabis-related board directives and recommendations. County Planner: Donald Chase (donald.chase@sdcounty.ca.gov). **Ad-hoc Cannabis Ordinance Committee. Community Input. Voting Item.**

Chair Delaney asked Mendelson to read an excerpt from his statement that indicated the Fallbrook Planning Group opposes the inclusion of social equity in the ordinance.

Shadle spoke of her experience living next to a former hemp farm and her fear that it could become a cannabis farm as a result of this new ordinance; requesting a case-by-case basis review for applications; spoke against convicted felons given priority for dispensaries.

Domercq advocates for a case-by-case review process for applicants.

Brown would prefer a case-by-case review process for applicants; shared support for Mendelson's position paper; questions the cost for this program.

Geffeney thanks Mendelson for the position paper and says it isn't harsh enough; advocates that race or prior convictions do not play a role in the application process.

Murphy asks that any social equity program be eliminated from the proposed ordinance; advocating that the County encourage and incentivize private shareholders to educate and prioritize cannabis inequities created from the war on drugs; taxpayers should not be responsible for paying for the social equity portion of the ordinance.

*Bruins has left the meeting.*

Baxter offers excerpts from newspapers around the world stating that social equity programs have not been successful due to the rise of the black market and underground operations; race and prior convictions should not play a role in the application process.

Dahlson asks to speak later in the meeting.

Stover asks that race not play a part in the ordinance.

Pike recognizes that social equity programs are difficult to enact; offered statistics; California has already given San Diego County \$75,000 to develop the social equity portion of the ordinance; states we do not have enough information at this time to make a recommendation either way; states he is in the minority and not likely to have his recommendations make it to the final recommendation.

Pedro Cardenas, a community member, offers insight that social equity is the job of the government to address; asks the committee to issue a statement opposing the comments made by Bruins in the last meeting that "black and brown people who are more likely to break laws."

Delaney states that was the opinion of one committee member and not reflective of the entire committee and could have been misinterpreted.

Brown offers that the verbiage on this matter is critical; asks that clarity be given from the county on this matter of the intent of the county on this ordinance.

Delaney states this is a sensitive issue and that Bruins is not present to speak to his comments.

Cardenas asks the Planning Group members on this committee to issue the statement, not the community members on the community.

Delaney states that, speaking on behalf of herself and for the entire Fallbrook Planning Group, "we unequivocally are looking at this issue from a fair and unbiased position."

Delaney asks any other community members if they would like to speak. Hearing none, Delaney offers the committee will go into deliberations on the recommendations of the committee.

Geffeney asks Murphy for clarification on her recommendation.

Murphy states that private businesses and the private sector should be the ones handling this issue of making things fairer. Murphy states she agrees with Pike in that social equity is now intertwined in everything that we do including housing, and that this social equity portion will not be going away, but it is the job of us to provide a message to the county of how we feel.

Delaney asks what is the purpose of giving preferential treatment to those unfairly affected by cannabis, but how also to be fair when “big bucks” is what driving this initiative.

Geffeney cautions that straw people will be placed as figureheads to secure special treatment versus people wanting to this honestly; cautions that a reparations issue is not something to be done in the cannabis industry; compares cannabis to what if ice cream shops are primarily owned by white persons, how is that addressed?

Delaney asks Cardenas if this is the right way to achieve equity by placing people who already have convictions in a volatile industry like cannabis. Cardenas states that equity is meant to level the playing field and elevate people up to be fair.

Mendelson states government shouldn't be involved in social equity; Fallbrook shouldn't be involved in involving social equity if it doesn't apply to the community; who will be paying for this?; anything beyond simple possession should require evaluation in the application process; asks for clarification on the purpose of the committee's recommendation.

Delaney is trying to collectively create a recommendation reflective of the entire committee.

Dahlson states she agrees with Pike in that she feels she is in the minority of this committee with her input not likely to make it to the final recommendation; in response to Cardena's comments, states there was a missed opportunity to address his comments rejecting the comments of another committee member; shares she is a local business owner; compares the current situation to prohibition; supports that there should be a social equity component in this ordinance.

Stover recognizes that a social equity portion will be in this ordinance; concerned with the verbiage of the terms used to recognize race in the ordinance; asks why Asians were not included in this ordinance; shares that most crime statistics are coming from brown communities with relation to gang activity; requests that “black and brown” be removed from the ordinance.

Cardenas asks Stover to research the term “yellow” and why it is not acceptable. Stover agrees that the term is offensive and that color should not be included in the ordinance.

Delaney asks the Sheriff's Department for any statistics relating to drug arrests or convictions in Fallbrook or in unincorporated areas.

The Sheriff's Department was not able to provide specific information and suggests that Delaney reaches out to the Crime Analysis Department and does not have any input.

Delaney states that there are differing views on the committee and now it is our job as committee members to find out what is best for the community of Fallbrook; reminds the committee that the community plan in Fallbrook is able to be more restrictive with regulations; expresses concerns with people who have prior convictions to go to the head of the line; asks how to proceed.

Pike asks what recommendations the county is seeking from us; when will the county be at our meeting to give us an update. Delaney states that staff was unable to attend and will attend the next meeting. Pike asks if the committee should wait on making a recommendation until we hear from the county.

Delaney suggests that the committee take time to reflect on what was discussed and make recommendations at our next meeting.

Murphy is concerned that there are no statistics available for Fallbrook when it is available for the entire county; according to a 2019 news article, 30% of the population in San

Diego is Latino with 47% of arrests for cannabis from Latino persons/ 5.5% of the population is black with 29% of cannabis-related arrests are black persons/44% of the population is white while 34% of cannabis-related arrests are white persons; race doesn't determine the use of cannabis; we need statistics for our community because we are a unique community; questions the race of the owners of the local illegal dispensary that was just shut down.

Delaney asks the Sheriff's Department to help us provide us with more information.

Delaney asks about unjustly (Brown corrects to say "disproportionately") arrested persons, are they major dealers? Pike 89.6% arrests are just for possession. Delaney asks if those persons served jail time and asks how they are disproportionately affected? Mendelssohn states simple possession does not typically include jail time. Cardenas states it will likely be difficult to get conviction statistics but black and brown communities typically have a higher police presence and also receive a longer sentence or will likely receive repeated arrests in the future which adds up; social equity would be allowing people to "reset" their life to rejoin society. Pike asks Delaney to get the statistics for Fallbrook from the County for proper review of the committee. Delaney states she will reach out to the county for that information.

Delaney asks Pike to make a motion for a continuance if that was what he was asking. Pike asks Delaney to ask for statistics not only to Fallbrook, but unincorporated areas as a whole since this ordinance applies to all unincorporated areas in San Diego County.

Delaney asks that the committee work together to do what is best for the community.

Geffeny asks what impact local statistics would have on deliberations, stating that he personally would still oppose social equity and that a delay may be a disservice to the community. Delaney states there is no disservice because we do not have a deadline; our decisions should be informed and we need to do our homework before we make a recommendation.

Pike asks if the committee will be taking a field trip to gain more information. Delaney states she will reach out to a grower on the way to Julian. Dahlson says she hasn't had any luck yet to find a host for a field trip; states she asked Delaney for the information from the representative who attended the meeting of the Fallbrook Planning Group but hasn't received that information yet; explains there are multiple types of growing operations and asks how in-depth the community is looking to be; recommends that the committee visits a legal dispensary as well as a legal medical dispensary; asks guidance of how to proceed given recent comments if committee members are not openminded to receive more information.

Delaney states the more education and experiences offered to provide for better recommendations; states the committee should not visit an illegal dispensary; states she has never visited a dispensary and it may be something to not be afraid of.

Pike offers support to Dahlson if she needs it.

Kathleen Lippit, a community member spoke in support for March & Ash, a local dispensary in Vista that is conscious of not selling to minors; questions the priority level of this ordinance by the county supervisors; questions who will receive the benefits of this ordinance; equity is equality.

~~Delaney asks Anna Strahan if she has anything to add. Pike reminds Delaney that Strahan is not permitted to speak due to the Brown Act and her presence would create a quorum of Fallbrook Planning Group members.~~

~~Baxter commends the dialogue this evening and asks for more time, education, and research before making a recommendation.~~

~~Delaney asks Cardenas that if he knows anybody that has been affected by cannabis or would benefit from a social equity program, to please have them join the next committee meeting.~~

*These minutes were amended by Steve Brown on June 14, 2021 to remove the comments seen here as stricken.*

*Motion by Pike to postpone any actions towards recommendations regarding the new cannabis ordinance pending further information and more education for the committee members. Delaney asks for a friendly amendment to include it as a continuance to our next meeting. Pike agrees. Motion passes. 11-0-0.*

Delaney asks Shauna Jengo, a community member, who is in attendance if she has anything to add. Jengo shares she lives in De Luz and recognizes there are growers in the area and appreciates Pike sharing this information on social media and thanks Pike for his work as Secretary sharing information online to increase knowledge of the Fallbrook Planning Group operations.

Delaney asks Shadle to share her experience of living next to a hemp farm with regard to the odor at the next committee meeting.

5. Adjournment.

The meeting was adjourned at 7:47 PM.

**Attachments for these minutes:**

Mendelson offered a position paper regarding social equity.

Pike offered statistics regarding cannabis.

Respectfully submitted,



Ross L. Pike

Committee Secretary

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**MENDELSON POSITION PAPER**

May 9, 2021

From: Jim Mendelson

To: The Fallbrook Community Planning Group Ad-hoc Cannabis Ordinance Committee

Subj: Proposed input in response to San Diego County's intent to include a social equity component in their approval for cannabis operations in unincorporated areas.

1. **Basis:** This discussion is limited to the applicability and operation of social equity as it pertains to permitting the sales, cultivation, and consumption of cannabis products within the community of Fallbrook. It does not indicate an endorsement of any proposal to permit such activities.
2. **Applicability of Social Equity:**
  - a. It is well established that social equity programs which dominate the landscape in the legalization of marijuana, are based on the damage that cannabis laws did to local neighborhoods before it was legalized. To wit, the disproportionate prosecution of minorities (black and browns).
  - b. This presupposes that such law enforcement is applicable to the communities at issue. Is it applicable to unincorporated San Diego County communities, and Fallbrook in particular? The county should produce relevant statistics to support this allegation. Specifics narrowly tailored to apprehension, arrests, and prosecution for marijuana Health and Safety Code provisions, in our case within Fallbrook by federal and state law enforcement agencies. Care must be exercised in the development of such a

statistical analysis as figures can be easily manipulated and not normalized for the population of the community at issue.

- c. It is respectfully submitted that the burden on providing such an analysis such be on the proponent of the program. This committee is very skeptical that marijuana enforcement in Fallbrook was disproportionate, and accordingly our community should not have to pay the price of such a program which has become the trademark of the marijuana lobby throughout the nation.
3. If Social Equity is Mandated. (This is not an assumption which the Fallbrook Community Planning Group concedes to!):
    - a. Multi-state operators (MSOs) need to become invested in social equity programs. They represent multi-billion-dollar businesses. While currently they have little incentive to invest in equity programs, they are the logical source of capital for such programs. Local governments (city, county, or state) are not in the best position for the costly funding of such programs.
    - b. This is not entirely without precedence. *Benzinga*, a market news tool reports that *Eaze* a “weed” delivery service operating in California has one of the more visible corporate social equity programs. It runs a *Momentum* Business Accelerator and Social Equity Program that supports diversity and equality in the cannabis industry which provide grants and a host of other benefits for participants.
    - c. San Diego County needs to research and undertake a concerted effort to transfer the onus of social equity to the MSOs who will clearly profit from the expansion of cannabis operations to the county’s unincorporated areas.
  4. In any Social Equity Program there should not be blanket preference to individuals who have committed marijuana crimes:
    - a. While in San Diego County alone, a Superior Court judge has reduced felony marijuana convictions to misdemeanors for nearly 26,000 individuals (as reported in the *San Diego Union Tribune* on March 7, 2021), this does not erase the fact that 26,000 people had no disregard for the law to the extent they flagrantly violated it, committing in most cases crimes of *moral turpitude* which is defined as a willingness to do evil.
    - b. Any cannabis permitting program in this county will be replete with a host of regulations that must be complied with. It is an illogical leap to conclude that past criminals will in all cases be equipped and or willing to deal with the certain plethora of bureaucratic requirements.
    - c. Marijuana crimes are found in the California Health and Safety Code. Previously at one end of the scale were violations of Section 11357 (an infraction for less than 28.5 grams of marijuana, or a misdemeanor for more than 28.5 grams). These simple possession crimes should obviously not be in and of themselves disqualifying.
    - d. On the other hand, previous felony marijuana crimes included the unauthorized cultivation, possession for sale, transportation, sale, import, gift, employing or selling to minors (Health and Safety Code Sections 11358 – 11361), of marijuana along with sentencing enhancements for prior convictions. These crimes should be presumptively disqualifying for obvious reasons. Only by reviewing records on a case-by-case basis of those who have committed these crimes can a proper determination be made that the candidate is sufficiently rehabilitated so as to not pose a risk of recidivism to the detriment of the community at large.
    - e. While this flies in the face of criminal justice reform around the country in select jurisdictions, it is obvious that crime will not be reduced by such actions. The jury is still out on the effect of opening prison gates and the lack of enforcement of laws currently on the books; initial indications are as can be reasonably expected ~ not good.
    - f. To sum it up: “past criminals should not be given preferential treatment for permits [on a blanket basis].”
  5. The effect on illegal cannabis actions: It is premature to conclude that allowing legal cannabis activity in the more remote, less populated unincorporated areas of the county will reduce illegal operations. There will very likely be continued interplay with criminal syndicates, cartels, and furnishing of the underage market at a minimum.

6. Conclusion: It is the position of Fallbrook Community Planning Group that “social equity” as currently drafted should not be a part of the proposed ordinance, without a showing of applicability to the communities concerned. Any effort to include social equity should be tailored to being funded by MSOs not state and local governments, and any preference to past felony crimes by applicants must be reviewed on a case-by-case basis.

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## **PIKE SUBMISSION RE: CANNABIS STATISTICS**

### **Cannabis Equity Data**

- Between 2012 and 2017, Black people were arrested on cannabis related-charges at six times the rate of their White counterparts in San Diego, according to a 2019 study from Mid-City Community Advocacy Network. The same study also found that Pacific Islanders and Latinos were arrested at rates much greater than White people — four times and two times, respectively.
- Of drug-related arrests in 2010, 52% were for cannabis. Since 2018, 43% of arrests have been for cannabis. 89.6% of arrests are for possession only.
- Over 7 million people were arrested for cannabis between 2001-2010, or one person was arrested every 37 seconds.
- In every state, black people are arrested at higher rates than white people for cannabis possession.
- In the United States, Marijuana use is roughly equal among Blacks and whites, yet Blacks are 3.73 times as likely to be arrested for marijuana possession. Since 2010, black people are 3.64 times more likely than white people to be arrested for cannabis.
- Enforcing marijuana laws costs us about \$3.6 billion a year, yet the War on Marijuana has failed to diminish the use or availability of marijuana.
- Between 2001 and 2010, before the recent rapid rise in the number of states legalizing cannabis, there were more than 8 million cannabis arrests (88% for possession) across the US. Overall arrests have fallen since 2010 by 18% but, according to a recent report from the ACLU, there were still more than 6.1 million cannabis arrests (90% for possession) between 2010 and 2018. Not only that, arrests seem to be on the rise again, with 100,000 more in 2018 than in 2015.
- According to the California Department of Justice, of the cannabis related arrests in 2019, 41.7% were Latino, 22.3% were black, and 21.3% were white.
- [SD Tribune](https://www.sandiegouniontribune.com/columnists/story/2021-03-23/column-san-diegos-push-for-cannabis-equity-is-encouraging-but-policy-makers-have-a-lot-of-work-ahead#:~:text=Cannabis%20equity%20efforts%20have%20gained,over%20the%20past%20few%20months.&text=The%20new%20policies%20will%20create,in%20a%20socially%20equitable%20way.): San Diego County was awarded a \$75,000 grant from the state to study the damage past cannabis criminalization laws have done to local neighborhoods, evaluate potential opportunities and constraints in the current regulatory framework, and provide policy recommendations to support equity and diversity in the still fledgling industry.  
(<https://www.sandiegouniontribune.com/columnists/story/2021-03-23/column-san-diegos-push-for-cannabis-equity-is-encouraging-but-policy-makers-have-a-lot-of-work-ahead#:~:text=Cannabis%20equity%20efforts%20have%20gained,over%20the%20past%20few%20months.&text=The%20new%20policies%20will%20create,in%20a%20socially%20equitable%20way.>)

<https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>