

Fallbrook Community Planning Group  
and Design Review Board

Special Meeting: San Diego County Cannabis Ordinance

Monday, March 1, 2021 - Via Zoom

**Official Minutes: Adopted May 17, 2021**

The meeting called to order by Chair Jack Wood at 7:00 p.m.

1. Roll Call. Present: Chair Jack Wood, 1<sup>st</sup> Vice Chair Eileen Delaney, 2<sup>nd</sup> Vice Chair Roy Moosa, Secretary Steve Brown, Mark Mervich, Kim Murphy, Victoria Stover, Stephani Baxter, Michele McCaffery, Jacqueline Kaiser, Ross Pike, Anna Strahan

Excused: Lee DeMao, Jeniene Domercq, Tom Harrington

2. Pledge of Allegiance was led by Roy Moosa.

3. Open Forum

Chair Wood reported that the bridge project on Santa Margarita Creek has been funded and construction will be complete by late summer 2022. The new bridge will allow the upstream trout migration and mitigate the flooding.

Chair Wood also reported that work on the sidewalk reconstruction on Main Street will commence the week of March 5 and that Main Street will remain open but some parking restrictions will occur.

4. San Diego County Cannabis Ordinance.

On January 27, 2021, the County Board Of Supervisors directed Staff to develop a Cannabis and Social Equity Program, which includes amending the County's Zoning Ordinance and Regulatory Code. Report of the ad hoc committee which was formed solely for discussion, recommendations, and suggestions regarding the new County Cannabis Ordinance as it pertains to Fallbrook.

**Cannabis Ad Hoc Committee, Community Input. Voting Item.**

Eileen Delaney, Chair of the Cannabis Ad Hoc Committee, reported that the ad hoc committee had met on Feb. 25, 2021. One item not addressed by the Committee was the Social Equity issue.

She noted that the Ordinance is multi layered and as such requires in depth analysis of the many layers. Depending on the Board of Supervisors vote on March 3, the ordinance will be effective in either 180 days or two years. PEIR and CEQA are major issues of focus. Two options are under consideration: an EIR for each individual project or a programmatic EIR covering all projects but a discretionary permit requirement for each project. Areas of concern included manufacturing on agricultural sites, indoor vs outdoor growth, design, setbacks, on site consumption and law enforcement. Eileen also noted that the ad hoc committee will meet monthly and coordinate with the County.

Recommendation of the ad hoc committee: Motion was made and carried to recommend to San Diego County that the County adopt a programmatic EIR at the County level as well as each applicant conduct a project level analysis for each location that tiers off County EIR project in addition to a discretionary permit process at the local level.

## **Comments from the Public**

Kathleen Lippitt commented that it was unfortunate that the priorities of the elected officials differed from those of the stakeholders and noted that assurances were given as to community input and that had not happened. Ms. Lippitt also noted the absence of any outreach by the Board of Supervisors to the medical or law enforcement communities.

Several community members commented on their support of the ordinance and related medicinal benefits of medical marijuana from personal family experiences.

Virginia Casey, communications director for 5 businesses legally engaged in the marijuana industry offered an invitation to anyone on the Planning Group or ad hoc committee to tour any of the 5 facilities. Virginia's contact information was emailed to the chair and vice chair.

Judy Strang was on a working group years ago dealing with the marijuana ordinance. The way in which the Board of Supervisors addressed this ordinance without the input from the communities and the full Board of Supervisors is inappropriate in her opinion.

Eileen Delaney and Angie King commented that the committee is not against medical marijuana. That is not the issue before us. The issue is the process of the Board of Supervisors and that the Committee is looking at the proposed ordinance on a fact basis and to determine what is best for everyone.

Public Comment was closed.

## **Comments from the Planning Group:**

Mark Mervich asked why churches are included in the setback restrictions. Eileen Delaney responded that churches are designated as sensitive areas.

Michele McCaffery asked for clarity on what we are voting on. Eileen reiterated the importance of the programmatic EIR and individual discretionary permit recommendation from the ad hoc committee.

Ross Pike clarified that the Planning Group is tasked with ratifying the recommendations of the ad hoc committee.

Victoria Stover commented that she understands the need for medical marijuana, but that it is available. The community needs protection and time to work through the process.

Stephani Baxter raised questions regarding several details of the ordinance, specifically the issue of the County absorbing all costs of legal challenges to the ordinance and reference to reducing the barriers to obtaining discretionary permits. This issue of additional law enforcement was also raised.

Eileen Delaney responded that we still need the discretionary permit process to provide for community input.

Roy Moosa noted that he does not feel that this ordinance has anything to do with medical marijuana. It has to do with the growing and production and consumption of marijuana. The lack of structure and regulation in the proposed ordinance is problematic. Roy noted that the ABC Act (alcoholic beverage) is 650 pages and is very specific on all phases of manufacture, distribution, sales and use of alcoholic beverages. Similar regulations governing the cannabis industry are essential.

Anna Strahan commented on racial equity, noted that funding has been allocated to train law enforcement and that land values should not be negatively impacted and that additional tax revenue would be beneficial.

Michele McCaffery stated agreement with Roy Moosa's comments. Feels legal marijuana is better than illegal.

Jacqueline Kaiser asked how much outreach the community would have over discretionary permits. Chair Wood commented that the Planning Group can only recommend action. Eileen Delaney added that the location is important based on design review aspects.

Steve Brown stated that he was in complete agreement with the position stated by Roy Moosa.

Jack Wood commented on the basic character of Fallbrook and that the ordinance itself shows the influence of the marijuana industry in several areas, for example the preferred treatment of formerly incarcerated. Additional concern was expressed regarding the negative impact on youth and business and permissive use at public events. Fallbrook has a family culture. The ordinance is not about medical marijuana it is about recreational use. These are the concerns of the Fallbrook community.

Ross Pike **moved to ratify the position of the ad hoc committee regarding programmatic EIRs.**

Discussion of the motion: Ross responded to questioning that he wished to bifurcate the committee recommendation into two separate motions.

Steve Brown commented that the stated mission of the Planning Group at this special meeting is to vote on the recommendation as presented by the ad hoc committee, and not to modify it.

Additional discussion followed.

Roll call vote on the motion: In favor, Ross Pike, Mark Mervich, Anna Strahan, Michelle McCaffery. Opposed, Roy Moosa, Eileen Delaney, Stephani Baxter, Steve Brown, Jack Wood, Victoria Stover, Kim Murphy, Jacqueline Kaiser. **The motion fails.**

Steve Brown made a **motion to adopt the recommendation of the ad hoc committee as presented.**

Roll call vote on the motion: In Favor: Roy Moosa, Eileen Delaney, Stephani Baxter, Steve Brown, Ross Pike, Mark Mervich, Jack Wood, Victoria Stover, Kim Murphy, Jacqueline Kaiser, Michele McCaffery, Anna Strahan. **Motion carries by unanimous vote.**

Chair Wood commented that anyone could register to call in as a member of the public on March 3 and express their opinion to the Board of Supervisors.

Eileen Delaney would be the official spokesperson for the Planning Group and present our position and recommendation to the Board of Supervisors at their meeting of March 3.

There being no further business the meeting was **adjourned** at 9:15 p.m.

Respectfully submitted by:

Stephen E. Brown, Secretary