

Attachment F

Addendum

Public Comment – Written

March 11, 2021 at 2:30 PM

Through

March 15, 2021

From: [Chris Gralapp](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Cannabis Ordinance
Date: Thursday, March 11, 2021 2:59:41 PM
Attachments: [March 10 2021 letter to Planning Commission.docx](#)

EXTERNAL

March 10, 2021

Dear Planning Commissioners,

I am writing in opposition to the proposed cannabis ordinance. Curiously, not much has been reported on this ordinance in the local press. I have had to do a bit of digging to find out anything at all, but now that facts are starting to surface, you need to put the brakes on this massive rule change.

Like many ‘down-winders’ our property has been subject to the intense and inescapable skunky smells generated by these grow operations, for many months on end. A neighbor 500 feet away had rows of (illegal) hoop houses on her land, and it was impossible to peacefully enjoy our property, where our family has owned our home for over 50 years. Sitting outside on a summer evening was impossible, and being inside was not much better.

These changes in the nature of Sonoma County’s agriculture landscape are egregious for many reasons:

- the smell is intolerable, the terpenes are irritating and asthma-inducing
- the increased vehicular activity, dust and noise
- the increase incidence of crime associated with the operations, due to cash economy, etc.
- danger to wildlife and water via intensive fertilization, pesticides, rodenticides and other dangerous poisons. Organics can kill fish and birds, too...
- the razor wire, the intense lighting, the weaponization of the operations is ominous, dangerous and not good for our residents’ well-being.
- These smelly operations will affect the wine industry, and interfere with tasting, an important part of the economy—several tasting rooms in Santa Barbara County have closed—we don’t want this in SoCo.

The county is planted in 63,000 acres of grapes. This proposed ordinance is over-ambitious in allowing for up to 65,000+ acres of marijuana—where does the water come from? According to a *Mother Jones* article by Tom Philpott in 2014, the *Press Democrat* reported on three Mendocino operations of 30,000 plants each to gauge water usage. Philpott writes:

“According to the *Press Democrat*, researchers estimate each plant consumes 6 gallons of water a day. At that rate, the plants were siphoning off 180,000 gallons of water per day in each [30K plant] watershed—all together more than 160 Olympic-sized swimming pools over the average 150-day growing cycle for outdoor plants.” And that was just a fraction of the grow operations.

In my rural neighborhood, a nearby new vineyard began pumping ground water from a shared aquifer—and in the next couple of years, most of the wells in our neighborhood went dry—the water table had dropped from 150’ to nearly 1000’ below ground. If all of these new thirsty cannabis farms are allowed to proliferate, the aquifers will be sucked dry. We are in a semi-permanent state of drought as it is.

These specifics of the proposal are especially troublesome:

- Allowing unbridled marijuana development and inevitable traffic on our narrow rural roads, especially in fire-prone areas of the county
- Issuing permits without public knowledge or participation.
- Removing the health, safety, and nuisance protections so neighbors have no recourse when subjected to noise, traffic and stench.
- Allowing greenhouses that resemble self-storage units and white hoop houses to blight our scenic vistas
- Retaining inadequate setbacks from neighboring properties

The county should analyze all of the environmental impacts of the proposal as required by the California Environmental Quality Act. It is obvious that adding 65,733 acres of outdoor cultivation and over 8,000 acres of greenhouses would have enormous effects on our beautiful landscapes, air quality (odor), rural roads and noise levels.

Reject this ordinance.

Laura C. Galapp

Santa Rosa

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Reject this ordinance.

Respectfully,

Laura C. Gralapp
Santa Rosa

From: [Delia Rojas](#)
To: [Cannabis](#)
Subject: Cannabis Permitting Process Virtual Town Halls
Date: Thursday, March 11, 2021 2:31:14 PM

EXTERNAL

Good afternoon,

I greatly appreciate the time the County is taking to engage the public on the review and development of the new commercial cannabis ordinance. Thank you for the time and continued efforts to build a viable cannabis industry in Sonoma County.

Are the town hall meetings recorded and available to watch at a later time?

Thank you in advance for your assistance.

Warmest regards,

Delia Rojas | Attorney
EMERGE LAW GROUP
3558 Round Barn Blvd., Suite 200
Santa Rosa, CA 95403
O: 707.203.5350 | **F:** 503.200.1124 | **E:** delia@emergelawgroup.com
▶▶ emergelawgroup.com

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From: [Delia Rojas](#)
To: [Cannabis](#)
Subject: RE: Cannabis Permitting Process Virtual Town Halls
Date: Thursday, March 11, 2021 3:39:26 PM

EXTERNAL

Hi McCall,

Thank you for such a quick response. I will follow up next week. Have a wonderful day!

Delia Rojas | Attorney
EMERGE LAW GROUP
3558 Round Barn Blvd., Suite 200
Santa Rosa, CA 95403
O: 707.203.5350 | **F:** 503.200.1124 | **E:** delia@emergelawgroup.com
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From: Cannabis <Cannabis@sonoma-county.org>
Sent: Thursday, March 11, 2021 3:23 PM
To: Delia Rojas <delia@emergelawgroup.com>
Subject: RE: Cannabis Permitting Process Virtual Town Halls

Hello Delia,

The virtual town hall meetings are being recorded. A link to the videos will be available next week. Please send me an email then.
Thank you.

McCall Miller

Sonoma County Cannabis Program
County Administrator's Office
Cannabis@sonoma-county.org

From: Delia Rojas <delia@emergelawgroup.com>
Sent: Thursday, March 11, 2021 2:21 PM
To: Cannabis <Cannabis@sonoma-county.org>
Subject: Cannabis Permitting Process Virtual Town Halls

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Are the town hall meetings recorded and available to watch at a later time?

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Warmest regards,

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Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

From: [Irene Gillooly](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance
Date: Thursday, March 11, 2021 3:57:00 PM

EXTERNAL

Dear Board of Supervisors and County Staff,

We hope this finds you healthy and safe. We appreciate your attention to the below amendments to the Sonoma County Cannabis Ordinance Draft.

You released a draft copy of the zoning regulations and an amendment of the general plan, but they contradict each other.

- In the zoning regulations under the definition of "crop production" please remove "except cannabis" to match the General Plan amendment.
- I support and appreciate the change in the General Plan to classify cannabis as agriculture.

After reviewing the Chapter 38 draft ordinance, I have the following comments:

- Please align the Sonoma Cannabis Ordinance where applicable to state laws.
- As state laws continue to evolve, the Sonoma County ordinance should change with it.
- Nurseries should be prioritized as there is a local supply chain shortage and traveling and spending monies outside our county. That is money that is leaving our county and creating unnecessary carbon impact. Let's keep our money and our farming in Sonoma County.
 - Please clarify that the new ordinance removes the sqft. cap on nurseries
- Please create an advisory committee for cannabis or agriculture in general. There

must be more transparency between county staff and the industry.

- **Please create a pipeline for the original applicants that have been stuck in line at PRMD. Give priority to them without additional fees. They were supposed to have a head start and get priority processing, but are stuck in queue. Now you are allowing 10% canopy without getting them permits first.**
- I support 5-year permits and the allowance of ministerial permits in LIA and RRD.
- I would like to see RR and AR added back, as a right to farm in Sonoma County. (Small farming is essential in our agricultural county.)
- Please release the site-specific environmental documents that will be used to satisfy CEQA at the state level.
- The state already has strict enough restrictions for water use. Please remove the new water restrictions you have added and treat us like other agriculture commodities.
- Please don't put caps on propagation. If it is used on-site, it should not be limited by square footage. Plants grow very quickly and must be held until they are used. We have strain banks and Mother Stock that must be kept alive. This requires extra space.
- Regarding the language around forests in 2016, please allow an exception for areas deforested via wildfires. These areas no longer have living trees on them and should not be disqualified.
- Please link interactive maps for the "Important Farmlands" and "Critical Watersheds" so those areas are known and easily referenced in the Sonoma County Code.
- Please remove the requirements for plant screening of Cannabis farms. (Other crops are not subjected to this) They draw attention to the fact that there is a cannabis farm behind a fence as opposed to a horse or dog, they cost extra money, and they use extra water.
-

Please remove the requirement of carbon/air filters for indoor, greenhouse and nurseries on ag and resource properties. These smells are already mitigated by large parcel sizes. Also, many if not all of these properties will be eligible for outdoor growing making the filters a moot point. They are expensive and a waste of carbon and energy resources. Lastly, hemp is now allowed and also smells the same as cannabis, because they are essentially the exact same plant.

- Please remove the requirement for an emergency to be government declared (**Example:** There may be a power outage on a single parcel that will still create an emergency for that farmer. They must be able to pump water or turn on lights to save their crop.)
- **Please treat us like other ag and don't threaten us with misdemeanors.**
- Don't give "Stop Work" orders unless there is due process. This may allow a whole year's worth of crop to be lost over a misunderstanding. This should only occur during the most serious offense and after arbitration.
- We should be allowed to truck in recycled water to reduce pressure on groundwater. It should actually be encouraged. Water catchment systems should also be incentivized.
- Please remove the plant count (25 Plants) for cottage outdoor permits. - Align with the state which has removed the plant count.
- How will the county deal with the Board of Forestry's new Fire Safe Ordinance? Will farms be required to have 20 foot wide roads? Will that only be required if there is new construction? Or are you changing the zoning code to classify us as an agricultural crop?
- Will Self-Transportation be allowed for cultivators?
- Will Self-Transport be allowed for Nursery Operators?
- How will renewals be handled?

Thank you for the considerable staff time it took to organize and edit these documents. I look forward to continuing to advocate for the cannabis industry.

Sincerely,
Irene Gillooly

Irene Gillooly
707-328-2385 | beanmhor@msn.com

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Warning: If you don't know this email sender or the email is unexpected,
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From: [Janus MATTHES](#)
To: [Cannabis](#)
Subject: Questions for cannabis "workshop"
Date: Thursday, March 11, 2021 7:23:14 PM

EXTERNAL

1. Where is the **up to date** water studies and cumulative impacts studies presented?
2. State will require a full CEQA review for this project. When can we expect this to be completed? Why would you make any decisions until such time this is completed?
3. The AG commissioner until this week was 1 year and 9 months late getting out the annual Crop Report. What makes you think that department has the staff and resources to handle this new industry?
4. The state calls cannabis a product and not a crop as you are proposing. This needs to be a use permit, are you prepared for state litigation? If not how will the County be in compliance?
5. How are you planning on better monitoring and who is paying for that monitoring, how much monitoring to be required? Self monitoring is a non-starter.
6. Name one example of a net zero waste project using over a million gallons of water a year that has worked in our dry state with out impacts? **We have limited access to wastewater as you propose.** Sounds like a big loophole that was used in Southern California for oil frackers to have access to potable water. Can you tighten this up?
7. Trucking in water on already damaged roads in this county, who pays for road repair when water tankers rip up our roads? A small water tanker holds 1,000 gallons and one gallon of water weighs 8.34 pounds. That's over 80,000 pounds of water just in the truck crumbling our roads. Our rural roads are in horrible shape will the County not issue permits on bad roads?
8. We are in a megadrought starting in 2020, NOAA (drought.gov) has assessed this as factual so any water use **cannot** affect local well users. Who will pay for well drilling when wells dry up like they have when vineyards have moved in? The Public Trust Doctrine applies to this situation.
9. 30 days review for such an **impactful new industry** is not enough time, can we get more time to review?
10. By allowing permits for 5 years, unintended consequences should be expected. Why is the County not learning from previous problems in other counties (Santa Barbara is the poster child for problems) by anticipating them? Why would the County not issue permits for 1 year with review by officials and allow residents to weigh in? If they are in compliance and being good neighbors they can get a longer permit after a public hearing.
11. Is there a caveat in the regulations that would allow for public to request permit revocation? If not why?
12. Will the county reassess for lower property values when this new industry moves in? Isn't that a "public taking" by policy?

Thank you, Janus Matthes

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From: [Kyle Andrada](#)
To: [Cannabis](#)
Subject: Hessele Farmers Grange Member
Date: Thursday, March 11, 2021 10:18:30 PM

EXTERNAL

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Sincerely,

Kyle Angel Andrada
Hessle Farmers Grange

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From: [Rachel Zierdt](#)
To: [Cannabis](#)
Subject: ordinance reimagined
Date: Thursday, March 11, 2021 5:09:21 PM

EXTERNAL

I have some grave concerns about this new ordinance in many areas. We have been asked for input. Below please find a short listing of questions that need to be addressed since the ordinance is silent on these aspects re: water usage and hoop houses allowances.

1. If plumbing is allowed in hoop houses, will there be a need for a permit?
2. The same question applies to electricity.
3. How many harvests will be allowed in hoop houses per year? Is the 180 days allowable going to be contiguous?
4. How many months of odor can be expected if more than one crop will be allowed?
5. Who will monitor and how will the 180 days be monitored? Surely not by the grower themselves.
6. Enforcement issues arise - growers not putting tarps at night, glow worms arising from non covering. With advance notification allowed, voila these issues go away until they come back after the inspection.
7. How will impermanent be defined in this case? Will they be allowed foundations as well as electricity, plumbing, and there are no requirements that I can see for odor filtration?
8. It appears CEQA issues not being dealt with if plumbing, electrical, and other mechanical features are allowed in this de facto changing hoop houses into what in essence are greenhouses.
9. In fact, how will odor from hoop houses be stopped?
10. Has there been any consideration of having automated well water metering systems as a requirement to comply with Sustainable Groundwater Act?

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From: no-reply@sonoma-county.org
To: [Cannabis](#)
Subject: Comments: Cannabis odor objection
Date: Thursday, March 11, 2021 3:52:35 PM

Sent To: County of Sonoma

Topic: Comments

Subject: Cannabis odor objection

Message: I just heard that the county is considering relaxing the rule that requires mitigation of the skunk odor from escaping the boundaries of the property by requiring indoor grows and filtration systems.

I strongly object to any change in requiring this. 300 foot setbacks do NOT contain the odor and even 1,000 foot setbacks don't work. My house is already here and we don't need this obnoxious and sickening smell invading our space.

Please do the right thing and don't succumb to the temptation of more tax revenue from pot or all the donations they provide to your campaigns.

Sender's Name: Steve

Sender's Address:

CA 95403

From: [Valorie Dallas](#)
To: [Cannabis](#)
Subject: Comments for 9:00 am Friday Update Meeting
Date: Thursday, March 11, 2021 5:10:42 PM [↓](#)

EXTERNAL

Dear Sonoma County Cannabis Program,

I am scheduled for Friday 9 am Sonoma County Cannabis Permitting Policy Update meeting. Due to my computer illiteracy and difficulty multi tasking, I am concerned I will not be able to keep up with typing in my questions and unable to include my drawing (below). I am submitting the following questions and solutions, hoping to have them put in for me. I appreciate your assistance in helping me in participating in such an important public comment period.

Thank you,

Valorie Dallas

Here are my questions and solutions:

We live in Bloomfield, and the proposed cannabis grow has brought to our town's attention all the issues in both the old and new county ordinances in regards to cannabis growing. We thought it would be productive to use our situation to expose them. Many of our questions use Bloomfield as an example, for that reason.

Water:

As we have previously shown. Bloomfield floods from all the surrounding hills. That flood water goes into our watershed, onto the streets (which have only shallow ditches to direct them, often resulting in flooded streets. At times, the entire downtown floods) and the Estero Americano. The majority of the water runoff comes from the hills of the proposed cannabis grow. How can we know what chemicals will be in that runoff, and how will it affect those waterways?

Solution: Require a CUP and CEQA for every permit.

How does the county plan to address the impacts on underground water without any studies?

Solution: Do a study like Napa did, before the ordinance is completed.

Neighborhood Compatibility:

Why did you take this out of the ordinance?

“The proposed amendments are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry

consistent with state regulations, foster a healthy, diverse and economically viable cannabis

industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.”

Solution: Put it back in.

Ag crop:

Do you know that the wholesale price of an acre of cannabis is 1 million dollars; whereas grapes is \$11,000, potatoes are \$17,000, and tomatoes are \$30,000? The security plan for such operations is "private". How can we be assured that, as neighbors located quite a distance from enforcement agencies, we are safe?

Solution: Write an ordinance that protects neighbors from crimes associated with such a highly-valued crop. Add 1000 foot buffers/setbacks around residential areas.

How does the county plan to get around the fact that California State Law states that cannabis is a product and is not protected by the Right to Farm law?

Solution: Keep commercial cannabis as a product.

Why is there no effort to address the concentration of cannabis grows?

Solution: Include, in the ordinance, limits to neighborhoods and towns.

Expanded ministerial permitting:

Didn't the Bloomfield permit show how Ministerial permitting was a way to avoid consideration of commercial cannabis's impact on a town's roads, its residents, the environment, and stifles the voice of the community?

Solution: Require a CUP for all commercial cannabis

Mitigated Negative Declaration:

Is it true that a cannabis processing facility can operate 24/7 with security, lights, noise, etc., just 300 feet from my residential home-and less-from where my kids play; and that is mitigated by the Negative Declaration of Environmental Impacts?

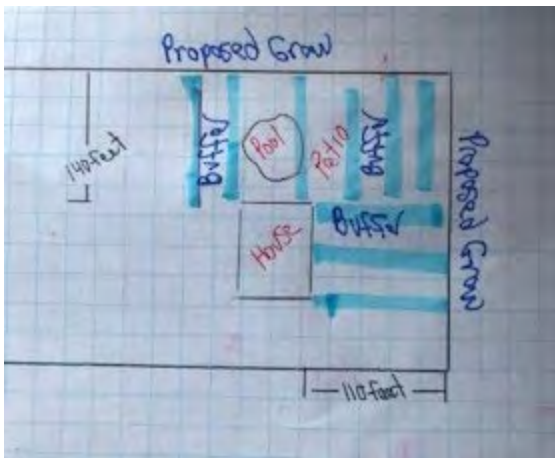
Solution: Require a CEQA for all commercial cannabis grows. Require a 1000 foot buffer zone/setback from residential property lines.

Why would there be no need for CEQA, when the Bloomfield ministerial permit was denied and a CEQA will be required in the CUP?

Solution: Require a CEQA for all commercial cannabis grows.

Buffers/setbacks:

Why does the ordinance ask for a 300 foot buffer/setback starting at the residence? And why does it make sense for that buffer/setback to begin on my property? Here is an example of what the 300 foot buffer/setback will be on my residential property in Bloomfield:



We have a pool and patio in that exact proposed buffer/setback zone. Our annual Easter party and boat race occurs there, my niece got married there last year, and my daughter is getting married there this summer. My grandkids and the neighborhood kids swim and play in that buffer zone. Why does the 300 foot buffer/setback claim the residential property owner's outdoor living space?

Solution: Provide a 1000 foot buffer zone/setback around all residential property boundaries in unincorporated towns.

Our town of Bloomfield and its 400 residents has lots of public and private spaces that are not considered in this ordinance. We meet up on the road, walk in the graveyard, and socialize in what will be considered a buffer space. Where is that taken into consideration?

Solution: Provide a 1000 foot buffer zone/setback around all public and private areas in unincorporated towns.

Over 50 percent of my property in Bloomfield would be considered a buffer/setback zone the way this ordinance is now written. What percent of a resident's property is fair to claim as a buffer/setback zone?

Solution: Provide a 1000 foot buffer around all public and private areas in unincorporated towns, starting at property/fence lines.

Roads:

How will not requiring the state minimum road width make us safe in emergencies?

Solution: Require the state minimum road width of 20 feet for any access roads to cannabis operations.

And, My Final Question:

What is the reason not to postpone adopting Part 2 of the ordinance before inconsistencies within the document are corrected, and before neighborhood compatibility has been addressed?

Solution: Postpone and fix the ordinance!

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From: [Arthur Deicke](#)
To: [Cannabis](#)
Subject: Comments to ORD20-0005
Date: Friday, March 12, 2021 12:10:50 PM
Attachments: [Comments to Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment.pdf](#)

EXTERNAL

Sonoma County:

Please accept my comments to ORD20-0005.

Arthur Deicke
aedeicke@gmail.com

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12 March 2021

Subject: Comments to Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment

File No. ORD20-0005

Generally, references for indoor and greenhouse cultivation should be omitted or specifically referred to Chapter 26. Several sections include discussion of indoor and greenhouse cultivation, which is not applicable to the proposed chapter. This is noted in Sections 38.12.030, 38.12.040, 38.12.060 and other sections.

Section 38.12.040 – Setbacks.

Comment: Chapter 26 Section 26-88-254(f)(6) includes language:

“This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park.”

Proposed Chapter 38, Section 38.12.040 does not include this language. It seems proposed Chapter 26 should at least point to Chapter 38, so the applicant can choose the ministerial permit pathway.

Comment: Section 38.12.040.A.3. appears to conflict with Section 38.12.010.D.3. While Section 38.12.040.A.3. states “outdoor or hoop house cultivation, the cultivation area must be set back a minimum of 1,000 feet from the property line of a parcel...with a public park of Class I Bikeway...”, but Section 38.12.010.D.3. states “no outdoor canopy can be visible from a public right of way”. Which is it? Is it both? If both, then clarifying language should be placed in both sections.

Section 38.12.050 – Protection of Historic and Cultural Resources

Comment: Section 38.12.050 states:

“A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.”

There are various levels of mitigation recommended by cultural resource surveys, which can place restrictions on where construction can occur or that a monitor needs to be present. Minor and non-invasive mitigation measures should not trigger a discretionary permit.



Section 38.12.060 – Tree, Timberland and Farmland Protection

Comment: Section 38.12.060 does not allow for diseased or fire damage trees to be removed. A licensed arborist can be required to determine if the tree(s) is diseased or fire-damaged and allow for removal by a license professional.

Section 38.12.070 – Protection of Biotic Resources

Comment: Section 38.12.070.A.3. states:

“A use permit will be required if the qualified biologist in the biotic resources assessment required by this chapter recommends mitigation measures.”

Biotic resource assessment invariably have recommendations for mitigation measures, but these vary in degree. Recommended mitigation measure can be that construction cannot occur during a specific time period with noise levels above a certain level or if trees are to be trimmed, a biologist must first confirm the absence of nesting birds. Non-invasive mitigation measures should not trigger a discretionary permit.

Comment: Section 38.12.070.C. states:

“Cannabis cultivation and related structures and development cannot be located within Biotic Habitat Combining Zone, pursuant to Section 26-66 of Chapter 26 of the Sonoma County Code.”

However, Section 26-66-020 – Standards for biotic habitats states:

“A biotic resource assessment to develop mitigation measures may be required where the Director determines that a discretionary project could adversely impact a designated habitat area.”

In keeping with the requirements of Chapter 26, Section 26-66-020, cultivation proposed with a Biotic Habitat Combining Zone should simply trigger a discretionary permit application.

Section 38.12.080 – Fire Protection and Hazardous Materials

Comment: Section 38.12.080.A. states:

“The fire prevention plan must state how the development will comply with chapters 13 and 13A of this code, and”

Perhaps, for clarification and continuity of the language within this proposed chapter, it should state:



“The fire prevention plan must state how the development will comply with chapters 13 and 13A of the Sonoma County Code”

Section 38.12.110 – Air Quality, Odor, Noise, Occupational Safety

Comment: Section 38.12.110.C.1. discusses restrictions for electrical power for indoor and greenhouse cultivation; however, proposed Chapter 38 does not include provisions for indoor and greenhouse cultivation. Indoor and greenhouse cultivation requirements are in Chapter 26 of the Sonoma County Code.

Section 38.12.110.C.2 seems to refer to primary power generators or possibly continuous use generators sometimes used for water wells, but with language that appears to be all-inclusive for generators does not allow a small mobile generator commonly used for power tools. These generators are used throughout agriculture, ranch, park and open space activities and would set an infeasible precedent.

Section 38.12.140 – Water Use

Comment: This is a confusing section. Section 38.12.140.A.4. states that a groundwater well is subject to all standards and requirements listed below; however, in subsection 38.12.140.A.4a., the requirement is a net zero water plan or documentation of one of the following. Stating all requirements must be met, then providing different options is contradictory in an already highly technical and confusing section.

Section 38.14.020 – Activities Allowed with a Ministerial Permit

Comment: Section 38.14.020.A. appears to contradict Section 38.14.020.B. ‘A’ discusses outdoor processing activities, while ‘B’ states: “*Processing is required to be indoors.*” If this is the case, then, indoor processing could trigger discretionary review.

Please do not hesitate to contact me (707-322-2015 or aedeicke@epsh2o.com)

Sincerely,

A handwritten signature in blue ink that reads 'A. Deicke'.

Arthur Deicke
Owner, Environmental Pollution Solutions, LLC
Rohnert Park, California

From: [Bill Krawetz](#)
To: [Cannabis](#)
Subject: Question for Townhall
Date: Friday, March 12, 2021 1:01:52 PM

EXTERNAL

Reporting on the effects of pot legalization on Colorado home prices, Realtor.com said, “homes within a half-mile of a marijuana business often have lower property value than homes in the same county that are farther out” and that “neighborhoods with grow houses are the least desirable, with an 8.4 percent price discount.” What are the proposed regulations doing to protect my property value against this?

Thanks Bill

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From: [Bill Krawetz](#)
To: [Cannabis](#)
Subject: Tourism question
Date: Friday, March 12, 2021 1:21:43 PM

EXTERNAL

Why aren't the terms around cannabis TOURISM being spelled out in a Cannabis Ordinance? Stating "events ... are not prohibited" does not provide enough guidance for the public to analyze the impacts and provide comments (aye or nay).

Thanks again
Bill

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From: [Chris Cena](#)
To: [Cannabis](#)
Subject: Proposed ordinance letter
Date: Friday, March 12, 2021 12:12:02 PM

EXTERNAL

Dear Board of Supervisors and County Staff,

We hope this finds you healthy and safe. We appreciate your attention to the below amendments to the Sonoma County Cannabis Ordinance Draft.

You released a draft copy of the zoning regulations and an amendment of the general plan, but they contradict each other.

- In the zoning regulations under the definition of "crop production" please remove "except cannabis" to match the General Plan amendment.
- I support and appreciate the change in the General Plan to classify cannabis as agriculture.

After reviewing the Chapter 38 draft ordinance, I have the following comments:

- Please align the Sonoma Cannabis Ordinance where applicable to state laws.
- As state laws continue to evolve, the Sonoma County ordinance should change with it.
- Nurseries should be prioritized as there is a local supply chain shortage and traveling and spending monies outside our county. That is money that is leaving our county and creating unnecessary carbon impact. Let's keep our money and our farming in Sonoma County.
 - Please clarify that the new ordinance removes the sqft. cap on nurseries
- Please create an advisory committee for cannabis or agriculture in general. There must be more transparency between county staff and the industry.

- **Please create a pipeline for the original applicants that have been stuck in line at PRMD. Give priority to them without additional fees. They were supposed to have a head start and get priority processing, but are stuck in queue. Now you are allowing 10% canopy without getting them permits first.**
- I support 5-year permits and the allowance of ministerial permits in LIA and RRD.
- I would like to see RR and AR added back, as a right to farm in Sonoma County. (Small farming is essential in our agricultural county.)
- Please release the site-specific environmental documents that will be used to satisfy CEQA at the state level.
- The state already has strict enough restrictions for water use. Please remove the new water restrictions you have added and treat us like other agriculture commodities.
- Please don't put caps on propagation. If it is used on-site, it should not be limited by square footage. Plants grow very quickly and must be held until they are used. We have strain banks and Mother Stock that must be kept alive. This requires extra space.
- Regarding the language around forests in 2016, please allow an exception for areas deforested via wildfires. These areas no longer have living trees on them and should not be disqualified.
- Please link interactive maps for the "Important Farmlands" and "Critical Watersheds" so those areas are known and easily referenced in the Sonoma County Code.
- Please remove the requirements for plant screening of Cannabis farms. (Other crops are not subjected to this) They draw attention to the fact that there is a cannabis farm behind a fence as opposed to a horse or dog, they cost extra money, and they use extra water.
- Please remove the requirement of carbon/air filters for indoor, greenhouse and nurseries on ag and resource properties. These smells are already mitigated by

large parcel sizes. Also, many if not all of these properties will be eligible for outdoor growing making the filters a moot point. They are expensive and a waste of carbon and energy resources. Lastly, hemp is now allowed and also smells the same as cannabis, because they are essentially the exact same plant.

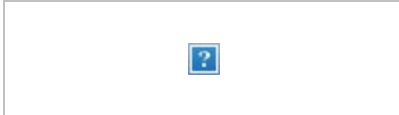
- Please remove the requirement for an emergency to be government declared (**Example:** There may be a power outage on a single parcel that will still create an emergency for that farmer. They must be able to pump water or turn on lights to save their crop.)
- **Please treat us like other ag and don't threaten us with misdemeanors.**
- Don't give "Stop Work" orders unless there is due process. This may allow a whole year's worth of crop to be lost over a misunderstanding. This should only occur during the most serious offense and after arbitration.
- We should be allowed to truck in recycled water to reduce pressure on groundwater. It should actually be encouraged. Water catchment systems should also be incentivized.
- Please remove the plant count (25 Plants) for cottage outdoor permits. - Align with the state which has removed the plant count.
- How will the county deal with the Board of Forestry's new Fire Safe Ordinance? Will farms be required to have 20 foot wide roads? Will that only be required if there is new construction? Or are you changing the zoning code to classify us as an agricultural crop?
- Will Self-Transportation be allowed for cultivators?
- Will Self-Transport be allowed for Nursery Operators?
- How will renewals be handled?

Thank you for the considerable staff time it took to organize and edit these documents. I look forward to continuing to advocate for the cannabis industry.

Sincerely,
Chris Cena
965 Solutions

--

Chris Cena
Chief Executive Officer
Mobile: (916) 213-6376
<https://www.965solutions.co/>



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From: [Cameron Hattan](#)
To: [Cannabis](#)
Subject: cannabis odor
Date: Friday, March 12, 2021 9:45:17 AM

EXTERNAL

Terpenes, which give cannabis as well as every other plant it's smell are on the FDA's "GRAS list" (generally recognized as safe) why are people saying they are toxic?

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From: [Cameron Hattan](#)
To: [Cannabis](#)
Subject: water uasge
Date: Friday, March 12, 2021 9:50:24 AM

EXTERNAL

Just last week, New Frontier Data released a study showing that cannabis water use is .003 acre feet per million in California, which is particularly remarkable when compared to other agriculture such as orchards (6.95 acre feet per million); vegetables (2.85 acre feet per million); and pasture (.87 acre feet per million). See more here:

<https://newfrontierdata.com/cannabis-insights/legal-cannabis-cultivations-footprint-sinks-common-assumptions-about-comparative-water-use/>

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From: [Craig Litwin](#)
To: [Cannabis](#)
Subject: This question keeps being asked
Date: Friday, March 12, 2021 10:24:43 AM

EXTERNAL

erich pearson 10:23 AM

Scott, we want to make sure the PC considers all options for changes to the ordinance that our industry has been lobbying for. How can we make sure the PC considers our options so that the BOS has the authority to vote on them without the issues going back to the PC?



Craig Litwin

CEO & PRINCIPAL

421 Group

c (707) 849-1622

o (707) 861-8421

craig.litwin@421.group

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From: [Craig Litwin](#)
To: [Cannabis](#)
Subject: permit-
Date: Friday, March 12, 2021 10:06:18 AM

EXTERNAL

The investment is huge for a cannabis permit that takes years to get. Five year renewable permits are better than what we have now.



Craig Litwin

CEO & PRINCIPAL

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c (707) 849-1622

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From: [Deborah Eppstein](#)
To: [Larry Reed](#); [Todd Tamura](#); [Gina Belforte](#); [Greg Carr](#); [Caitlin Cornwall](#); [Pamela Davis](#); [John Lowry](#); [Cameron Mauritson](#); [Jacquelyne Ocana](#); [Cannabis](#); [PlanningAgency](#)
Cc: [Susan Gorin](#); [David Rabbitt](#); [Chris Coursey](#); [district4](#); [Lynda Hopkins](#); [Tennis Wick](#); [Scott Orr](#); [Christina Rivera](#); [McCall Miller](#); [Andrew Smith](#)
Subject: Cannabis ordinance revisions
Date: Friday, March 12, 2021 7:25:58 AM
Attachments: [Eppstein Comments on Cannabis Ordinance 3-12-21 PDF.pdf](#)

EXTERNAL

Dear Planning Commissioners,

I hope you are able to devote the time needed to carefully read the 108 page Subsequent Mitigated Negative Declaration in conjunction with the proposed new Chapter 38 for converting most cannabis cultivation applications to a ministerial permitting process, as well as the revisions to chapter 26 to redefine cannabis as an agricultural crop. There are major flaws with these 3 documents, both in terms of factual content and going against state law, as well as the many unsupported conclusions of 'no significant impact' in the SMND (eg, odor, fire risk, energy, traffic, water usage, aesthetics) when even the very discussion in the SMND requires the opposite conclusion. The staff report does not address any of the numerous inconsistencies, errors and unsupported conclusions, many of which I have detailed in the attached analysis.

It is ironic that the staff report states that this is designed to 'remove barriers for smaller scale cultivators', when in reality it will attract large scale operations from out of county and out of state, likely pushing out the smaller local operations.

The county needs to conduct a full EIR as originally authorized by the Board of Supervisors in 2019 but unfortunately then deauthorized, to determine where cannabis cultivation operations can be safely conducted without huge negative impacts to the environment and the residents. Proper analysis under CEQA is needed for operators to obtain the required state license. It was quite shocking to read these documents which in addition to ignoring environmental impacts, completely ignored neighborhood compatibility despite all supervisors declaring in 2018 that this was their top priority in revisions to the cannabis ordinance.

Thank you for your careful reading and analysis of these far reaching issues. Please let me know if you wish to discuss any of these points before the March 18 meeting.

With best regards,
Deborah Eppstein, PhD
Sonoma County
801-556-5004

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Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

This proposed cannabis ordinance fails to address critical issues, including environmental impacts, fire danger, and public safety. The Board of Supervisors unanimously asserted in April 2018 that ‘neighborhood compatibility’ was the highest priority and would be the subject of the Phase 2 revisions to the Cannabis Ordinance to be undertaken later in the year.

The Board of Supervisors voted in 2019 that a full EIR would be undertaken by Permit Sonoma that would guide much needed revisions to the Cannabis Ordinance, to address both environmental issues and neighborhood compatibility including setbacks. However, no EIR was ever completed, nor analysis of appropriate locations for cannabis cultivation. Instead, a Subsequent Mitigated Negative Declaration (SMND) was prepared in its place. A revised ordinance was drafted (including revisions to Chapter 26 of the General Plan) with input from the cannabis industry who had multiple meetings with County Staff (confirmed with records obtained from Public Records Act request), No consultation with neighborhood or environmental groups occurred. There was no outreach to neighborhood groups despite the County knowing these groups were advocating for neighborhood compatibility. The County ignored the voices of rural residents over a two-year period.

Regarding the revisions, there are numerous inconsistencies and contradictions in all three documents. The SMND completely fails to prove the points it repeatedly states, that the various impacts are either less than significant or less than significant with mitigation, as discussed herein. In fact, its statements speak to just the opposite, that there are major significant impacts to the environment and public health and safety that have not been mitigated. The following three examples show obvious contradiction, with more discussed further on in the document:

i) SMND states (p96) that “large scale new cannabis uses could potentially exceed energy supply”, but then states that no new utility lines would be needed (p100).

ii) Concerning odor, the county concedes that in many cases odors from outdoor grows will not be adequately diffused, and proposes Mitigation Measure AIR-3 (SMND, p34) to address odor problems on a case-by-case basis. Where there is a “a substantial adverse effect on sensitive receptors,” the county “would review additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems)” to reduce odors to a less than significant level. SMND, p. 34. The SMND provides no data on the efficacy of this system for large outdoor cultivation, because there are none. Furthermore, chapter 38 contains no requirement to implement AIR-3. Yet the SMND concludes that with the 100/300 ft setbacks and AIR-3, there would be a less than significant effect of odor on sensitive receptors.

iii) SMND recognizes that cannabis operations have high fire risk, have caused structure fires in rural areas, use large amounts of electricity which increases fire risk. and have large numbers of employees and many daily vehicle trips, all of which increase wildfire risk. Yet it concludes that just by requiring the applicant to

Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

prepare a Fire Prevention Plan, there would be a less than significant impact on wildfire related hazards.

The changes shown for the General Plan, Chapter 26, were done on the prior chapter 26 that was replaced by the Board of Supervisors on February 9, effective on March 11. There are many changes between these two versions of chapter 26 (eg, the definition of hoop houses), but the proposed revisions are only shown on the outdated version. Again, there are many internal inconsistencies, including the attempt to redefine cannabis as an agricultural crop, which contradicts itself in many places in chapter 26. The County wants to redefine cannabis as an agricultural crop so it will fall under the Right to Farm laws, which the SMND states will prevent the public from filing nuisance complaints (p16). This statement is blatantly false, as Right to Farm laws allow an operation to be declared a nuisance if it was a nuisance from the start, and this declaration can be made in the first three years after start of operations. This also violates the state cannabis laws, which applicants must abide by in order to get the required state license. The State of California, under Proposition 64, declare cannabis as a product, not an agricultural crop. Cannabis must not be classified with other agriculture, as it is very different: it requires 24/7 security, requires full fencing to keep people out, its high value attracts crime and its pungent odor, caused by VOC Terpenes which is very different from farming odors, creates a nuisance for residents living adjacent to cannabis cultivation sites.

The Health and Safety Clause has been removed which formally acknowledges the County neither cares about nor will protect the health and safety of its rural residents. The County knows cannabis negatively impacts neighbors (eg odor, traffic, noise, safety, water drawdown) and wants to remove or restrict the rights of residents from enjoying their property or file nuisance complaints. This is inexcusable.

The County wants to allow up to 10% of available agricultural and RRD zones, approximately 65,000 acres, to be converted to outdoor cultivation. This number is astounding. The County wants to include the unrestricted use of 'hoop houses' for outdoor cultivation and allow the hoop houses to have electricity and basically function as unpermitted greenhouses to enable multiple harvests per year. It wants to make these major operations only subject to Ministerial Use Permits, not the Conditional Use Permits it currently requires. This is a major new change to the Cannabis Ordinance that is highly significant. Without a full CEQA analysis on each new application, this violates CEQA and will prevent applicants from getting the required state license. Also, there are numerous requirements of discretion by County officials noted throughout the SMND, and numerous requirements of conditions to be imposed on the applicant based on certain outcomes, again requiring the CUP process.

Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

Chapter 26, Chapter 38 and the SMND need to be discarded and a full, proper EIR must be conducted to adequately analyze the true environmental impacts of cannabis cultivation in rural, Sonoma County, including impacts on health and safety of the public.

I have only highlighted some of the issues and inconsistencies below to aid in your evaluation. Unfortunately, there are many more which you will find as you read through all three documents.

Major Issues Include:

- 1) Changing from conditional use to a ministerial use is not justified. There are numerous places where judgment by staff is required, and conditions imposed on an applicant. This also violates requirements to obtain a state license, which requires CEQA analysis.
- 2) Increasing maximum size of outdoor cultivation to 10% of parcel size and additively increasing indoor cultivation area to 1 or more acres- to provide up to more than 70,000 acres of indoor + outdoor cannabis cultivation, surpassing the 60,000 acres in vineyards. This is enough cannabis for a global supply.
- 3) Allowing hoop houses to have electrical, plumbing and mechanical equipment, letting them function as unpermitted greenhouses which will enable multiple crops per year, significantly blight our scenic vistas and create significant challenges for neighboring residents. The water use alone could draw down already scarce water sources.
- 4) Confirming through the SMND that sensitive receptors, including children, the elderly and acutely or chronically ill residents, are also located in residences, yet keeping 100 ft setbacks to residence property line, rather than the 1000 ft setback to school property lines. Removing the 600 ft setback from indoor grows to schools, although the SMND stated this was retained (p19).
- 5) Allowing large operations with 100-200 employees in high fire hazard zones without ensuring fire safety from added infrastructure and electrical grids or without ensuring sufficient evacuation routes for residents and employees.
- 6) Allowing large operations to use ground water in water scarce zones, with 6X (true outdoor cultivation) to 18X or greater (indoor and hoop houses) the water usage per acre of vineyards.
- 7) Allowing up to 65,000 acres of hoop houses, creating a huge blight to the landscape with no screening requirements, pollution of the environment due to torn plastic and no enforcement to remove these when an operation ceases.
- 8) Very weak enforcement provisions, including giving notice before inspection. No ability to terminate a license even if there are multiple unresolved odor, traffic, noise or other nuisance complaints.

Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

- 9) Canna-tourism and events would now be allowed, further increasing traffic, congestion and incidences of impaired driving, and further disturbing near-by residents.
- 10) Redefining Cannabis to be an Agricultural Crop, in violation of state law, substantially reducing rights of neighbors to file nuisance complaints. Residents would be forced to sue the County to enact change and the onus would be placed on them vs the County and the cannabis business. Tax payer dollars would be channeled into several County lawsuits that could have been avoided if the County adhered to State laws.
- 11) Removing Health and Safety clause to support a “cannabis first” policy.

Other Points:

- 1) **Items missing from or inconsistent in Chapter 38.** The SMND discusses several mitigation measures that it states are in Chapter 38, yet they are not. This includes vegetative screening VIS-1 (p23), AIR-1 (p17), AIR-2 (p35), and WF-2 (p101). Furthermore, it lists AIR-3 (p35) dealing with odor complaints as a Best Management Practice (BMP), not even requiring it to be part of the ordinance. Many other mitigation measures (BIO- 1 Tree Replacement Plan (p43); ENERGY-1 (p50); GEO-1 (p59); HAZ-1 (p65); NOISE-1, 2 and 3 (p81-82); TRANS-1 and 2 (p90); WF-1 (p101) are only listed as BMPs. BMPs are arbitrary, are only included if stated so by the Ag Commissioner, and may be amended or rescinded solely by the Ag Commissioner.

ENERGY-1 (SMND p51) states that Permit Sonoma will verify all energy studies prior to issuing grading permits, but this is not in Chapter 38.

The SMND (p21) states that a use permit will be required if a permanent structure is visible from a scenic corridor, but that is not in Chapter 38.

38.14.020 says outdoor processing is allowed from 8 am-5 pm (how many days a week?), but then says processing is required to be indoors.

38.14.020 addresses self transport of cannabis products produced on site, but gives no specifics about manufacture and does not prohibit use of volatile solvents. This is an industrial process that is rightly only allowed in industrial zones, with non-volatile solvents, in the current ordinance.

The SMND (p21) states that a use permit will be required if a permanent structure is visible from a scenic corridor, but that is not in Chapter 38.

- 2) **Issues with Implementation**

The Ag Commissioner has sole authority to interpret the ordinance, and to issue official written interpretation (38.02.050), essentially modifying the ordinance with no public comments period or approval by the County Supervisors. The Ag Commissioner also has sole authority over what is in the

BMPs, whether to include them or even to delete them (38.02.060). There is no option to suspend or terminate a license even if the welfare of residents is negatively impacted, as long as the circumstances have not changed (38.16.080). Thus, even though there may be numerous unresolved, verified complaints, many likely due to setbacks being too short and odor being overpowering, that would not be a condition to revoke a license as the short setbacks were part of the original circumstances. Suggest issuing permits for 1-year duration, renewable if no unresolved complaints.

- 3) Hoop Houses and Permanent Structures.** Hoop houses now can have electrical, plumbing and mechanical equipment, and now allow for mixed light cultivation, all of which were forbidden in current ordinance. They thus will function as inexpensive and unpermitted greenhouses, allowing multiple harvests per year on many acres, up to 10% of parcel size. The added impacts of 2-3X higher water usage and strong odors for 6-8 months of the year due to multiple harvests are highly significant yet were not analyzed or even discussed in the SMND.

Screening is required for fencing around cultivation areas, but hoop houses up to 12 ft tall and greenhouses can be fully visible to the public. The only mitigation discussed in the SMND is the requirement is to screen the fences with vegetation (that itself may require many years of vegetative growth), but there is no requirement to screen the hoop houses or greenhouses. Even to screen fences, SMND recommended planting fast growing evergreen trees such as juniper, which are known to increase fire risk and are even banned in some fire-prone communities in Sonoma County. As hoop houses can occupy the full allocated outdoor limit on a site (eg, up to 10 acres) and be fully visible to the public, this is a significant change for which no mitigations were offered. In contrast, the current ordinance requires that all outdoor cultivation, which includes hoop houses and is limited to 1 acre, not be visible to the public. Thus, allowing up to 10 acres of fully-visible hoop houses is a major un-researched change from the current ordinance. In addition to adverse visual impacts, hoop houses are noisy as the plastic covers flap in the wind. Plastic is degraded by UV in sunshine. The environmental impacts of thousands of acres of plastic that will need to be replaced every few years has not been studied. Sonoma County bans plastic grocery bags for environmental reasons; the plastic in hoop houses is a much larger problem. In addition to causing environmental harm, hoop houses are a huge visual blight to the hills and there are no requirements for anti-glare plastic sheeting which likely does not exist. They will destroy our beautiful vistas and negatively impact tourism. When an operation ceases to operate (eg, as prices fall due to overproduction and with less expensive production in other states), these structures will continue to blight the countryside.

Furthermore, the decision of what constitutes “screened from view” is a

subjective decision by the County, again not allowed under the ministerial process. For example, there are examples under the current ordinance where canopy was clearly visible from a public right of way, the County used discretion in saying it was not a violation due to the distance despite being clearly visible. Likewise, discretion is required by the county in determining if “little or no light” escapes- what constitutes “little”? Both require subjective decisions, and are not a check-list item required under a ministerial permit.

Visibility: The SMND (p21) states that a use permit will be required if a permanent structure is visible from a scenic corridor, but that is not in Chapter 38. There is no requirement that hoop houses or permanent structures be screened from public view, including from public parks. Although no light is supposed to escape, in reality many operators will fail to cover their hoop houses after dark, resulting in the hills being covered with giant ‘glow worms.

The increase in outdoor cultivation area to up to 65,000 acres which could be all hoop houses, which function as unpermitted greenhouses, with substantial increases in water and electrical usage, and odor generation, are all major un-researched and unmitigated changes from the current ordinance. A full EIR must be done.

- 4) Air Quality, Odor and Setbacks.** As noted above in (1), AIR-1 and AIR-2 are not in Chapter 38 as stated in the SMND. AIR-2 would require daily inspection of filtration equipment to ensure it is working properly, and documentation of any noticeable odor outside the indoor cultivation/greenhouse and processing buildings (p35). This is to ensure that no odor leaves the parcel boundary as required in 38.12.110(B).

However, there is NO requirement whatsoever that odor from an outdoor grow/hoop house be contained within the parcel boundaries. This is a huge inconsistency in the SMND, as it recognizes for indoor grows that odor leaving the parcel is a major issue that must be prevented. The only discussion of odor from outdoor grows is AIR-3 (p35) which is only a BMP and thus not required, which says (underlining added)

“Permit Sonoma staff shall perform a site inspection to verify any odor complaint received and shall evaluate odor complaint history, whether the outdoor cultivation operation is creating objectionable odors affecting at least several people. If this is the case, Permit Sonoma staff shall require that the project go back to the Board of Zoning Adjustments for review of additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems).”

This is very problematic, and again requires many subjective decisions by the

Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

County and the implementation of conditions, which are not allowed under the ministerial process. What objective ministerial standard can there be for odor other than confirming there is no odor by quantitating the concentration of odor-causing terpenes at the parcel boundary using analytical chemistry? Nicel states that an objective measure is determining that the 10 min average should be that 1 odor unit is not detectable 99.5% of the time by the most impacted sensitive receptor (Atm Environ 43(1) p1960206, 2009). As proposed in the SMND, the assessment and resolution of odor complaints is problematic on all fronts. First, what constitutes a 'verified' odor complaint? And who decides what is 'objectionable odor'? And how many people are 'several'? Does one person living in a house next door have no rights? Do two? Or three- or is several a larger number of people? It has been shown that people exposed repeatedly to noxious odors become sensitized to that odor, resulting in it causing greater distress to them. Odor varies with atmospheric conditions (temperature, time of day, wind). Odor complaints need to be responded to when they are made, not at some later date. The County should provide the NasalRanger odor measuring device to residents who have filed odor complaints, to enable them to quantitate the odor at the time of occurrence. The county should also designate people who have been trained on the NasalRanger to be available 24/7 to travel to a site complaining of odor; that is the only way to verify an odor complaint. The only effective mitigation of odor from an outdoor grow is distance (Ortech Environmental Consultants). Fog systems are designed for indoor/greenhouse cultivation, not for acres of outdoor cultivation, which often is on hills and subject to winds blowing the odor towards residences. Furthermore, subjecting neighbors to breathing the Fog odor neutralizing, aerosols that contain either organic oils or oxidizing agents, is a clear violation of public health. Aerosols from the Fog system have not been subject to long term safety testing for chronic inhalation. Health problems have been reported by a group of residents in Carpinteria who have been breathing the Fog chemicals and have complained about eye irritation and worsening asthma. The companies providing the Fog systems confirm that they have not been tested for long term inhalation safety. Even if efficacy could be obtained for destroying odor from a 1-10 acre outdoor grow (which has not been shown), long term safety testing would need to be conducted on pregnant women, babies, children, the elderly, people with illnesses (eg, asthma, diabetes, heart disease). Such studies would require tens of thousands of subjects over years of exposure. Is the County prepared to fund such studies before recommending Fog systems?

The only safe and effective mitigation for odor from an outside grow is distance, ie long setbacks. Odor-causing cannabis terpenes are detectable over 3000 ft from the source (Ortech Environmental Consultants). Vegetation does not reduce odor. Other county EIRs have recommended 1000 ft minimum setbacks from sensitive receptors (including residences),

for grows of only 1 acre in size. The Sonoma County Cannabis Ordinance requires a 1000 ft setback from sensitive receptors in schools, yet children spend more time at home than in school.

The discussion under AIR-3 also highlights how much discretion will need to be made by public staff and the BZA on all aspects of odor control, as well as imposing conditions on the grower, none of which is allowed under the ministerial permitting process. Separately, the SMND refers to four AQ mitigation measures (p103) but instead it provides three AIR mitigation measures; this appears to be sloppy cut and paste from other documents.

Concerning setbacks, 38.10.020 further removes property rights of neighbors in stating that setback requirements do not apply in permit renewals if the cultivation site has not changed. Thus if a homeowner wanted to open a home day care, or build a residence, the ordinance setbacks would not apply. That is wrong and takes away property rights of neighbors. If 1000 ft setbacks to property line were required, this would not be an issue.

The Conditional Use Permit process must remain in place, as ministerial use permits will not adequately protect the environment and neighbors from the detrimental impacts of cannabis cultivation, especially without the proper assessments. There are numerous additional areas in the SMND that require discretion by county employees in imposing conditions on the growers, some of which are discussed below.

The County needs to do a full EIR and determine areas in the county that are suitable for cannabis cultivation taking into account distance from residences, water availability, fire safety including road access and safe and effective evacuation routes for residents and employees.

5) Biological resources

The SMND and Chapter 38 require that a “qualified” biologist determine that the proposed development will not impact sensitive species and habitat. Confirming that the biologist is “qualified” and evaluating this report requires discretion by the County; it cannot just be ‘checked off’ the ministerial check-list as being completed. Even if the County ultimately determines that the report is sufficient after its evaluation, that determination requires discretion by the County, violating the requirements of a ministerial permit. This need for discretion in judgment by the County affirms that Conditional Use Permits must be required for all applications.

6) Energy Use and Fire Risk

The SMND acknowledges that indoor and mixed light operations (which can include thousands of acres of hoop houses which it now allows to have electrical, plumbing and mechanical equipment, thus functioning as

unpermitted greenhouses) will use significant amount of electricity. Installation of electrical, plumbing and mechanical equipment in hoop houses and use of hoop houses for mixed light is prohibited in the current ordinance. Although 38.12.110(C) requires use of renewable energy for indoor and greenhouses, strangely there is no such requirement for hoop houses. However, even using renewable energy does not mitigate the need for increased infrastructure to the power grid, especially in remote rural areas that are often in high fire risk zones. The SMND fails to mitigate added fire risk from such increased electrical power usage. SMND states (p96) that 'uses could potentially exceed energy supply', but then states with no data that no new utility lines would be needed (p100). Allowing hoop houses to become mixed light structures covering up to 10% of a parcel size, plus allowing at least another acre of indoor cultivation per parcel (over 8000 acres of new indoor cultivation) which has very high energy demands, create significant fire hazard risks that have not been analyzed or mitigated. Options that could be considered include prohibiting indoor and mixed light cultivation in high fire risk areas, and not allowing electricity in hoop houses.

A full EIR needs to be conducted.

7) Water

Cannabis uses 6 times more water than vineyards, assuming one harvest per year. Indoor, green houses and hoop houses all will enable multiple harvests per year; thus, water usage can increase to 12-18X or more per acre than for vineyards. The SMND does not properly state or analyze water usage and does not even address increased water usage from mixed light operations that have multiple harvests per year. It also does not consider what effects acres of plastic-coated hoop houses can have on water runoff instead of being absorbed into the ground and recharging ground water basins. The requirements for surface water use do not account for the fact that ground water and surface water are intertwined. 38.12.140 has a requirement for protection against well interference for wells within 500 ft, ignoring other wells in the same aquifer. A qualified hydrologist should make that determination with a full hydrogeological assessment. However, a hydrogeology report is only required in a Priority Groundwater Basin. Analyzing such a report by the County requires discretion in determining the quality of the report and the qualifications of the hydrologist, not just accepting the conclusion carte blanche. We know from the current cannabis ordinance that the hydrogeology reports were often 'cloned' reports, sometimes even with the wrong address listed. This discretion required by the County prevents a ministerial application.

8) Fire Risk, Transportation and Safety of the Public

The new ordinance will bring large numbers of employees (stated in the SMND as 100-200 per large operation) into high fire risk areas. These

Comments on Draft Cannabis Ordinance Chapter 38 and Chapter 26

Deborah A Eppstein

March 11, 2021

employees will generate hundreds to thousands of additional vehicle trips per day. For each 1-acre outdoor cultivation or each 0.25-acre of indoor cultivation, the County estimated in its 2016 Mitigated Negative Declaration (p44) that 12-15 employees would be required at peak season. Thus for 1 acre of outdoor plus 0.25 acre of indoor, there would be 24-30 employees making 48-120 trips per day. Even for only 20 acres of outdoor and 5 acres of indoor in a similar area, this is 960-2400 daily vehicle trips during peak fire season, often on remote subpar roads. Multiplying by 10 to achieve 200 acres outdoor and 50 acres indoor is staggering - 9600-24,000 daily vehicle trips- and this is a small fraction of what could be allowed. It is well established that people (and motor vehicles) increase fire risk and cause many wildfires.

The new ordinance would also allow canna-tourism, bringing in even greater number of people to fire-prone areas.

In addition, wildfires are very common here, requiring large-scale evacuations of big swaths of rural Sonoma County in three of the last four fire seasons. Evacuation routes and evacuation times need to be evaluated before allowing cannabis operations in fire-prone areas. The SMND discounted increased traffic as an environmental risk (p88), but the reason stated is incorrect, and under CEQA it cannot ignore the potential loss of life from evacuation bottlenecks or increased fire hazard due to people and vehicles. If there are bottlenecks discovered in these analyses, projects should not be approved unless the road infrastructure can be improved to provide safe evacuation of residents and employees. The SMND (p85) states that most employees will already be residing in the Bay Area, and thus since new housing subdivisions won't be needed, there is no need for increased fire protection. This is a faulty argument as discussed above, as adding hundreds, thousands of new employees, driving daily into high fire risk areas, inherently increases fire risk. Evacuation is also made more difficult and roads are more likely to suffer serious traffic clogging with the additional thousands of cars needing to evacuate from wildfires. The employees as well as the public are placed at significantly increased risk.

The SMND discussed two mitigation measures, TRNNS-1 and TRANS-2 (p91) for increased traffic, with the requirement that the County determine if certain thresholds are reached, then the applicant needs to implement Vehicle Miles Traveled reduction measures. This requires discretion by the County in analyzing the reports, and the reduction measures to be imposed are conditions of use, which are not allowed under a ministerial permit.

38.12.080 states that the fire prevention plan must comply with both local fire code (chapter 13) as well as state standards, which include the Title 14 Fire Safe Regulations. However, the County has a proven track record of

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Deborah A Eppstein

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specifically not requiring applicants to comply with the minimal road specifications required by the Title 14 regulations. Meeting these road specification requirements must be included in any check-list for obtaining a cannabis permit, both ministerial and conditional use permits.

In addition, the new ordinance allows operations to conduct an industrial process to manufacture THC oil on site, with no additional permit or oversight. The current cannabis ordinance restricts such manufacture of cannabis products (ie, containing extracted THC oil) to industrial zones, requires a use permit, and prohibits flammable solvents. The language in chapter 38 only talks about such cannabis products manufactured on site (38.14.202) with no requirements for non-flammable solvents or a use permit. This should be removed from chapter 38, and restricted to industrial zones as in the current ordinance.

Mitigation Measure WF-1 and WF-2 (p101) both require discretion by the County to determine when these measures need to be followed- eg, determining how near to a steep slope and what is a steep slope, determining what activities have potential to ignite wildfires during red-flag warnings, and landslide risk, and determining if all mitigation measures have been properly implemented. This discretion by Permit Sonoma and the conditions of approval are not allowed under a ministerial permit.

Summary: A full EIR needs to be conducted under CEQA, and a revised chapter 26 needs to be prepared with input from the public, to address environmental issues, neighborhood compatibility and health and safety of the public.

From: [Dustin Gibbens](#)
To: [Cannabis](#)
Subject: Proposed ordinance letter
Date: Friday, March 12, 2021 10:43:49 AM

EXTERNAL

Dear Board of Supervisors and County Staff,

We hope this finds you healthy and safe. We appreciate your attention to the below amendments to the Sonoma County Cannabis Ordinance Draft.

You released a draft copy of the zoning regulations and an amendment of the general plan, but they contradict each other.

- In the zoning regulations under the definition of "crop production" please remove "except cannabis" to match the General Plan amendment.
- I support and appreciate the change in the General Plan to classify cannabis as agriculture.

After reviewing the Chapter 38 draft ordinance, I have the following comments:

- Please align the Sonoma Cannabis Ordinance where applicable to state laws.
- As state laws continue to evolve, the Sonoma County ordinance should change with it.
- Nurseries should be prioritized as there is a local supply chain shortage and traveling and spending monies outside our county. That is money that is leaving our county and creating unnecessary carbon impact. Let's keep our money and our farming in Sonoma County.
 - Please clarify that the new ordinance removes the sqft. cap on nurseries
- Please create an advisory committee for cannabis or agriculture in general. There must be more transparency between county staff and the industry.
-

Please create a pipeline for the original applicants that have been stuck in line at PRMD. Give priority to them without additional fees. They were supposed to have a head start and get priority processing, but are stuck in queue. Now you are allowing 10% canopy without getting them permits first.

- I support 5-year permits and the allowance of ministerial permits in LIA and RRD.
- I would like to see RR and AR added back, as a right to farm in Sonoma County. (Small farming is essential in our agricultural county.)
- Please release the site-specific environmental documents that will be used to satisfy CEQA at the state level.
- The state already has strict enough restrictions for water use. Please remove the new water restrictions you have added and treat us like other agriculture commodities.
- Please don't put caps on propagation. If it is used on-site, it should not be limited by square footage. Plants grow very quickly and must be held until they are used. We have strain banks and Mother Stock that must be kept alive. This requires extra space.
- Regarding the language around forests in 2016, please allow an exception for areas deforested via wildfires. These areas no longer have living trees on them and should not be disqualified.
- Please link interactive maps for the "Important Farmlands" and "Critical Watersheds" so those areas are known and easily referenced in the Sonoma County Code.
- Please remove the requirements for plant screening of Cannabis farms. (Other crops are not subjected to this) They draw attention to the fact that there is a cannabis farm behind a fence as opposed to a horse or dog, they cost extra money, and they use extra water.
- Please remove the requirement of carbon/air filters for indoor, greenhouse and nurseries on ag and resource properties. These smells are already mitigated by large parcel sizes. Also, many if not all of these properties will be eligible for

outdoor growing making the filters a moot point. They are expensive and a waste of carbon and energy resources. Lastly, hemp is now allowed and also smells the same as cannabis, because they are essentially the exact same plant.

- Please remove the requirement for an emergency to be government declared (**Example:** There may be a power outage on a single parcel that will still create an emergency for that farmer. They must be able to pump water or turn on lights to save their crop.)
- **Please treat us like other ag and don't threaten us with misdemeanors.**
- Don't give "Stop Work" orders unless there is due process. This may allow a whole year's worth of crop to be lost over a misunderstanding. This should only occur during the most serious offense and after arbitration.
- We should be allowed to truck in recycled water to reduce pressure on groundwater. It should actually be encouraged. Water catchment systems should also be incentivized.
- Please remove the plant count (25 Plants) for cottage outdoor permits. - Align with the state which has removed the plant count.
- How will the county deal with the Board of Forestry's new Fire Safe Ordinance? Will farms be required to have 20 foot wide roads? Will that only be required if there is new construction? Or are you changing the zoning code to classify us as an agricultural crop?
- Will Self-Transportation be allowed for cultivators?
- Will Self-Transport be allowed for Nursery Operators?
- How will renewals be handled?

Thank you for the considerable staff time it took to organize and edit these documents. I look forward to continuing to advocate for the cannabis industry.

Sincerely,

Dustin Gibbens
dustin@965solutions.com

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From: [Eddie Otis](#)
To: [Cannabis](#)
Subject: 1000 foot setback
Date: Friday, March 12, 2021 10:46:11 AM

EXTERNAL

Why does the draft provide less protection to my family at home than in public? The BOS understood the problems and specifically amendment the setback requirements to 1000 feet for Schools, Parks, and Bikeways. The draft retains the 100 foot setback from personal residences. The BOS saw the wisdom to increase the setbacks to 1,000ft, the same setbacks are appropriate from neighboring property lines.

As a Real Estate broker for 25 + years I can guarantee these Cannabis grow operations will dramatically affect the value of homes adjacent to a grow operation. Unsightly grow houses, potential crime, odor and security cameras lights etc. The minimum lot size should be increased to 20 acre minimum to address the 1000 foot set backs and hopefully preserve some views.

Eddie Otis

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From: [Erich Pearson](#)
To: [Susan Gorin](#); [Susan Gorin](#); [Gregory N Carr](#)
Cc: [Andrew Dobbs-Kramer](#); [Cannabis](#)
Subject: Upcoming PC Meeting for Draft Cannabis Regulations
Date: Friday, March 12, 2021 12:45:07 PM
Attachments: [20210312154012_001.pdf](#)

EXTERNAL

Dear Supervisor Gorin and Commissioner Carr. Please find attached letter.

-erich

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Erich Pearson | CEO
975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



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March 3, 2021

VIA E-MAIL

Supervisor Susan Gorin & Planning Commissioner Greg Carr
575 Administration Drive, Room 100A & 102A
Santa Rosa, CA, 95403

RE: Comments on the Revisions to Sonoma County Cannabis Ordinance

Supervisor Gorin & Planning Commissioner Carr,

We are pleased that the County is considering revisions to the cannabis ordinance that will recognize cannabis cultivation for what it is - agriculture. We hope these revisions will increase participation and open more opportunities for other less capitalized farmers. While the proposed changes are a good start, they do not address some of the most pressing items needed to allow traditionally agricultural farms to enter the market and maximize their potential. Sparc echoes the sentiment of many others, in that we do not feel cannabis should have environmental regulations that other crops do not have. However, the purpose of this letter is to focus on just a few issues that directly affect our organization's operations at The Gordenker Ranch, in Glen Ellen.

Allow Retail in Agriculturally Zoned Land

Allowing retail in agriculturally zoned land is one of the ways the County can allow farmers to add value to their products and compete with cannabis cultivators throughout the state. The wholesale cannabis market is commodity driven and does not place the same premium on craft cultivation that the end consumers do. Allowing farmers to sell directly to the consumers on the same property where they cultivate the cannabis will allow them to tell their story to consumers and showcase the agricultural bounty of Sonoma County. From a public policy perspective, the County should aim to have the highest average value of cannabis in the state, not the largest total production, just as it does wine. Allowing sales in agriculturally zoned land with a CUP will support this goal, and balance the needs of the farmer and the community in which they farm.

Remove Senseless Setbacks

Removing setback requirements when both parcels in question are commonly owned is another way to encourage thoughtful, environmentally responsible cultivation on larger agricultural



properties. Many large farmlands are actually made up of multiple parcels, and requiring setbacks to property lines in these cases achieves nothing other than inefficiencies. Cultivators should be encouraged to locate their cultivation sites in the areas of their property that are the least environmentally sensitive, present the best growing conditions, and are setback from real neighbors, and should not be limited by arbitrary setbacks when the adjoining parcels are commonly owned.

Allow Centralized Processing for the Individual Farmer

This is difficult to explain, so bear with me.... The draft ordinance allows for cultivations of up to 10% of the size of the parcel, but creates no path for the construction of a facility to dry the cannabis that doesn't take many years via a CUP. 1 acre of cannabis needs 5,000 sf of building to dry it. When a cultivator applies for more than one acre of cannabis as the draft ordinance allows, the State requires that the farmer submit multiple 10,000 sf permits if the cultivation is larger than 1 acre. This is called "stacking" permits. So, a 3 acre cultivation would require about 13 - 10,000 permits from the State to be stacked. ($43,560 \text{ sf/acre} \times 3 \text{ acres} = 130,000 \text{ sf}$ / $10,000 \text{ sf/permit} = 13 \text{ permits from the State}$). **The State does not allow cannabis from more than one permit to be dried in a common space unless the drying facility has a "central processing" license.** These facilities are currently only allowed with a Use Permit in Sonoma County. It took us 4 years to receive this permit at our farm in Glen Ellen. However, we plan to farm on a different farm when this ordinance passes, and need more dry space to do this, as well as any other farmer that plans to cultivate more than one acre. **How can we or anyone else increase cultivation if we have no reasonable process to build a facility to dry it?** Without allowing cultivators to dry the cannabis they cultivate legally, it moves to the illicit market - and that is what an ordinance that allows up to 10% canopy on a parcel with no path to a dry facility promotes. The County gets their tax revenue from illicit growers, and the legal market suffers as a result.

In order for the farmer to dry his or her cannabis from multiple 10,000 sf permits in one building, the County should authorize as-of-right an unlimited number of centralized processing permits to farmers and condition (by law) these permits to only allow cannabis to be processed/dried in these facilities from a single farmer/applicant, on the same or commonly owned and adjoining parcels that the cannabis is cultivated on. By creating this limitation, you prevent the "crush pad" model that is permitted with a Use Permit from happening without the proper conditions a use permit places. Here we are only allowing a farmer to dry his or her own cannabis, and on his or her own property. **This is a technicality that staff has overlooked, and must be rectified or all this cannabis will go to the illicit market due to a lack of legal space to dry as it does in Lake County.**



In summary, we are aligned with the wishes of the broader community, and feel cannabis should be regulated like other ag, and not be held to higher standards. However, it is the above 3 concerns that are a priority for our organization and as our representative, we ask that you strongly consider.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Erich Pearson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. Erich Pearson, CEO

From: [Sellu, George](#)
To: [Cannabis](#)
Subject: RE: Comment-Dr. George Sellu
Date: Friday, March 12, 2021 9:09:25 AM
Attachments: [Statement for Cannabis Ordinance_Sellu.docx](#)

EXTERNAL

My name is Dr. George Sellu, and I am an agriculture educator and faculty at Santa Rosa Junior College. I coordinate the hemp agriculture program at SRJC, and I played an integral role in developing the hemp ordinance in Sonoma County.

I believe the current hemp ordinance allows for hemp farmers to be wonderful neighbors with other farmers. Sonoma County hemp ordinance is so robust that it has been used by several other counties to develop their hemp and Cannabis ordinances. I have personally consulted for several counties that have used Sonoma County hemp ordinance as a roadmap to develop their local hemp and Cannabis ordinances. This is because our current hemp ordinance addresses concerns around odor/smell, California Environmental Quality Act (CEQA), water use efficiency, and co-existence with other farmers.

I also want to remind this body that all the hemp that has been cultivated in Sonoma County since the hemp ordinance was enacted has been CBD hemp, which is physically identical to THC Cannabis. I believe we can use several provisions in our current hemp ordinance to develop our Cannabis ordinance. I believe the first step in the process is to recognize Cannabis as an agricultural crop in Sonoma County and moving the permitting process to the Agriculture Commissioner's Office. I believe that Sonoma County Agriculture Commissioner can assemble a strong team of scientists, experts, farmers and other stakeholders to develop a strong common-sense Cannabis ordinance that allows hemp, Cannabis, Winegrape and vegetable farmers to co-exist. Creating a Cannabis policy outside the context of agriculture (without the perspective of other crops) creates misalignments that could hinder the co-existence of Cannabis and other agricultural crops. Developing the Cannabis ordinance within the context of other agricultural crops (i.e., within the Agriculture Commissioner's Office) would help identify gaps, inefficiencies, concerns for other farmers and allow agriculture policymakers to recommend Best Management Practices (BMPs) to address such concerns. Otherwise, the local Cannabis ordinance will always be met with resistance because it lacks the agricultural context.

Being part of the hemp ordinance advisory team has allowed me to continue researching Best Management Practices (BMPs) for hemp cultivation and sharing those findings with the Agriculture Commissioner and local stakeholders. I have also led a team of researchers to study terpene drift between hemp and winegrapes over the last two seasons. The reports from this research are being used across California to inform hemp and Cannabis policies. My goal is to continue working with the Agriculture Commissioner's office to conduct research to answer questions related to hemp and Cannabis ordinances. This way, we will ensure that our policies are based on science and best practices.

I will be happy to speak to the Board of Supervisors about my position regarding the classification of Cannabis as an agricultural crop and moving the Cannabis permitting process

to the Sonoma County Agriculture Commissioner's Office.

Sincerely,

George Sellu, PhD

George Sellu, Ph.D.
Agriculture Instructor,
Program Coordinator,
Agribusiness & Hemp Agriculture
Santa Rosa Junior College
gsellu@santarosa.edu
Phone:707-527-4648

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I will be happy to speak to the Board of Supervisors about my position regarding the classification of Cannabis as an agricultural crop and moving the Cannabis permitting process to the Sonoma County Agriculture Commissioner's Office.

Sincerely,

George Sellu, PhD

From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: Greenhouses
Date: Friday, March 12, 2021 9:40:40 AM

EXTERNAL

Why is a hoop structure considered "canopy"?

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Cc: [Heidi Mclean](#)
Subject: Setback
Date: Friday, March 12, 2021 9:47:44 AM

EXTERNAL

Is the setback proposal sufficient to mitigate the wind events that happen and which naturally disperse the odor.

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: setback
Date: Friday, March 12, 2021 9:51:34 AM

EXTERNAL

Is the setback enough to mitigate the noise pollution from these operations?

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: water
Date: Friday, March 12, 2021 10:00:34 AM

EXTERNAL

I believe that water usage is an unresolved problem in Sonoma County when it comes to agriculture and runoff. A full CEQA report would help this conversation.

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: water
Date: Friday, March 12, 2021 10:02:10 AM

EXTERNAL

How is the sustainability of these proposed changes being addressed in the ordinance?

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Cc: [Heidi Mclean](#)
Subject: Review
Date: Friday, March 12, 2021 10:04:14 AM

EXTERNAL

I prefer the annual to moving it to 5 years.

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: Permit time
Date: Friday, March 12, 2021 10:08:11 AM

EXTERNAL

I prefer the one year because then there is a good way to monitor operations. What is the revenue source for the monitoring?

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Cc: [Heidi Mclean](#)
Subject: General comment on the process being used for this ordinance change proposal
Date: Friday, March 12, 2021 10:15:42 AM

EXTERNAL

To everyone,

This appears at first glance to be a very, very, rushed process. Is there a rationale for this speedy process. Some of us are still trying to recover from the wildfires and this proposal might impact us severely. I hope that the process for public input is slowed down and that there is more information easily available. Having illustrations of changes for ridgetop cultivation would be very helpful. I'm very sure that there are other parts of this proposal that could use real "pictures".

Heidi McLean

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From: [Heidi Mclean](#)
To: [Cannabis](#)
Subject: allowed activities
Date: Friday, March 12, 2021 10:18:30 AM

EXTERNAL

Can farmers sell cannabis on their properties? I'm confused by your presentation and by the comments.

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From: [Joan Conway](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance
Date: Friday, March 12, 2021 6:34:37 PM

EXTERNAL

Dear Planning Commissioners,

I live in one of Sonoma County's 5 impaired watersheds, Mill Creek, a heavily forested area with redwoods, madrones, firs and tan oaks as the dominant species. I have a number of serious concerns about the Cannabis Ordinance Chapter 38 proposal under consideration:

Odor: Several years ago there was an illegal cannabis cultivation site over 1 mile from my house. During the summer and fall months whenever I stepped outside, I was overwhelmed by a strong cannabis odor emanating from this site. I spend most of my day every day gardening outdoors and had, at that time, over 500 lavender plants in bloom but the only thing I could smell was the skunk-like odor of cannabis. What are the PROVEN methods for insuring that no odor will be detected off-site of the cannabis cultivation site? Are there any? What does odor mitigation mean? At what measurable level is an odor considered mitigated?

Security Risks: It has been stated by supporters of cannabis cultivation that "Cannabis is just another agricultural crop". What other agricultural crop requires armed guards? The security risks to residents should be given utmost consideration: in emergency situations the response time from the Sheriff's Dept. can be an hour or longer. Do the perceived potential benefits of cannabis cultivation in this remote area outweigh the risks to residents' security?

Fire Concerns: Mill Creek is a designated Extreme Fire Danger area and was severely impacted by the Walbridge Fire in 2020. Many of the roads in the Mill Creek community, including the primary road, Mill Creek Road, are dead-end roads with sections that are one lane only and as such, insufficiently wide to allow incoming and outgoing vehicles to drive simultaneously. Obviously this situation could have disastrous results in the event of a fire. Do the perceived potential benefits of cannabis cultivation in this remote area outweigh the increased fire risks?

Water Concerns: Mill Creek is one of the 5 impaired watersheds. We are currently experiencing a severe drought and water levels in our creeks are extremely low. Given this fact, what would be the benefits to the county in allowing a high water usage crop in an area of such extreme water stress? Do the perceived potential benefits of cannabis cultivation in this remote area outweigh the increased water stress impacts?

I participated in 2 of the zoom sessions on this subject and found it notable that the moderators and other county representatives repeatedly asked for suggestions and reports on cannabis cultivation in other locations outside of Sonoma County. What research was conducted by those who drafted this proposed ordinance? What were their sources? Were they relying heavily on the pro-cannabis lobby and stakeholders? Did they conduct their own independent research? Were the potential risks and benefits to the entire population of Sonoma County taken into consideration? I believe these questions need to be asked and thoroughly answered.

Sincerely,
Joan Conway

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From: [Jazmin Finnigan](#)
To: [Cannabis](#)
Subject: Webinar
Date: Friday, March 12, 2021 3:18:08 PM

EXTERNAL

I was unable to attend the cannabis permitting webinars this week. Will there be a recording I can watch?

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From: [Joe Howard](#)
To: [Cannabis](#)
Subject: Cannabis ordinance
Date: Friday, March 12, 2021 12:16:20 PM

EXTERNAL

My concerns are about proliferation of electrified lighted hoop houses and the negative impact they will have on preserving the night sky for humans and animals.

What is the County doing to quantify the existing night sky? And what will the impact of these hoop houses be on our night sky in the future?

1. The BOS set a 1000 feet setback for Schools, Parks, and Bikeways. Why shouldn't a residence have the same protection of 1,000 ft.? Same folks occupy both spaces.
2. The current draft provides a permit for 5 years. This too long! The County, growers, and neighbors need to be able to re-evaluate the impacts and adjust accordingly. A 1 year permit is plenty during this initiate rollout period

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From: [John Piccirilli](#)
To: [Cannabis](#)
Subject: Response to Cannabis Draft Ordinance
Date: Friday, March 12, 2021 1:52:08 PM

EXTERNAL

Good Afternoon,

I would like to see the ordinance pass to allow all involved in agriculture with agriculture zoned property in Sonoma County to have a choice to cultivate cannabis on their land.

I support the cannabis farmers being licensed, monitored and taxed by the Agriculture Department not the Planning and Zoning Commission.

I believe the Agriculture Department should control cannabis production in Sonoma County. I am a home owner, business owner and voter.

Thank you, John

John Piccirilli
President/Founder
Cutting Edge Solutions LLC
(O) 707-528-0522
(F) 707-528-0422
john@cuttingedgesolutions.com
www.cuttingedgesolutions.com

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From: [Janet Waring](#)
To: [Cannabis](#)
Subject: Sonoma County Cannabis Permitting Policy
Date: Friday, March 12, 2021 12:00:15 PM

EXTERNAL

To Sonoma County Board of Supervisors,

I am opposed to ministerial permitting for cannabis in Sonoma County. There are way too many issues regarding this that need to be addressed case by case. This is not a normal agricultural crop. Just a few of the issues are:

Environmental impacts
Odor
Water use
Security
Visual pollution
Light pollution
Neighborhood character

I am also opposed to the rushed manner in which this is taking place. Take the time to do the studies and make the right decisions and avoid lawsuits which will cost the county a lot of money!

Janet Waring
Unincorporated Sonoma County

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis Odor
Date: Friday, March 12, 2021 10:23:17 AM

EXTERNAL

The state of Colorado has a loss of property value near cannabis operations of up to 75%. Can we have our property's revalued to reflect the loss in value? We shouldn't be paying property taxes on a value that doesn't exist.

Sent from my iPad

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis Ordor
Date: Friday, March 12, 2021 12:24:34 PM

EXTERNAL

Cannabis is not a crop. It is a controlled substance and should not be managed by the Ag dept. We need it to be grown in a warehouse where we are safe and so is it.

Sent from my iPad

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis Odor
Date: Friday, March 12, 2021 12:32:42 PM

EXTERNAL

Are 15 foot private easement roads appropriate for a pot operations? How will neighbors exit with blocked roads.

Sent from my iPad

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis Odor
Date: Friday, March 12, 2021 12:55:07 PM

EXTERNAL

We do NOT want tours and events in our neighborhoods with stoned people wandering throughout our neighborhoods or on our properties. If an example of the numbers of people is similar to winery's, we will be inundated, with traffic on our private easement roads inappropriate.

Sent from my iPad

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis Odor
Date: Friday, March 12, 2021 12:58:48 PM

EXTERNAL

Our family use of our property involves children riding their horses an outdoor use. How will we us our property with the stink. We need pot to be grown in WAREHOUSES.

Sent from my iPad

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From: [Kim Roberts-Gutzman](#)
To: [Cannabis](#)
Subject: Cannabis
Date: Friday, March 12, 2021 1:09:43 PM

EXTERNAL

Cannabis is NOT a regular crop it is a controlled substance

Sent from my iPad

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From: [Lisa Lai](#)
To: [Cannabis](#)
Subject: Draft Ordinance
Date: Friday, March 12, 2021 11:42:33 AM

EXTERNAL

March 12, 2021
Sonoma County Board of Supervisors
575 Administration Drive
Room 100 A
Santa Rosa, CA 95403
cannabis@sonoma-county.org

RE: Cannabis Draft Ordinance

Dear Supervisor Hopkins and Other Honorable Members of the Board:
Thank you for moving forward with the difficult process of drafting a cannabis ordinance that will serve all Sonoma County citizens fairly and well.

As you are more than aware, Sonoma County agriculture has dealt with numerous and unprecedented challenges over the past several years, including multiple wildfires, market fluctuations, and a pandemic that has severely restricted agricultural tourism.

Now more than ever, it is vitally important that the county adopt the right policies - and in a timely fashion - that will keep our farmers and ag lands viable as a key economic sector and backbone of our community.

As a vital part of economic recovery for agricultural landowners in Sonoma County, I urge the Board of Supervisors, especially with new state cannabis appellation laws in effect, to take action that will give landowners and farmers the opportunity to remain viable and competitive across the largest and most formidable cannabis market in the United States.

I support the expansion of ministerial permitting in agricultural and resource lands, and believe that the permitting of cannabis farms is appropriately placed under the authority of the Agricultural Commissioner.

Retail ag is an important marker of a successful agricultural community and allowing cannabis farmers to conduct direct to consumer sales, as do our brethren in the wine industry, is paramount.

Thank you for moving to bring cannabis into the agricultural realm where carrots and tomatoes, wine grapes and Gravenstein apples reside. Ours is a richly agricultural county and adding cannabis to our roster of offerings is a natural next step.

I thank the Board of Supervisors for considering these comments in the interest of maintaining economic viability for agricultural and resource lands in Sonoma County.

Thank you for your consideration.

Sincerely,

Lisa Lai
Sonoma

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From: [Linda](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance
Date: Friday, March 12, 2021 12:39:28 PM

EXTERNAL

As a concerned citizen I have the following questions/input into the cannabis growth issue.

The use of water is alarming. 7 x as much as vineyards. I see my neighbors and myself doing measures to curtail water use in drought conditions and yet you are proposing an industry that will use an excessive amount of water.

Using recycled water is a problem in and of itself. It will bring minerals and other pollutants that will ultimately soak down to the aquifers. Not to mention the use of large trucks using fossil fuels and polluting the environment.

As a victim of the recent wildfires, how can you justify the overuse of water and allowing growing in areas along poorly maintained roads. Not to mention the damage that large trucks bringing reclaimed water will do to the roads?

Why are you not looking at other counties to learn what impact this industry has had on the environment and the citizens who live in growth areas.

Concerned,
Linda Troutfetter

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From: [Nancy Citro](#)
To: [Cannabis](#)
Subject: Cannabis ordinance
Date: Friday, March 12, 2021 12:09:06 PM

EXTERNAL

I concerned about the proposed change of process in permitting the cannabis industry in Sonoma County. Changing the process from PRDM to the Ag Commission office is a huge jump in deregulation that swings too far in the other direction.

The visual impact of hoop houses and plastic greenhouses dotting out scenic roads and hillsides is something I never hope to see here in Sonoma County. Please take a look at what the Central Coast area has become with the loss of their rural hillsides and valleys becoming invaded with hoop house and green house operations. This is a preview of what we can avoid by NOT allowing green house/hoop grows on farming parcels.

Supervisor Gore is looking for “the ground truth”, in where the right location and wrong places to allow it. Start by only allowing plants growing IN the ground, not on the ground in houses on farming parcels. Greenhouses belong on industrial zones NOT rural parcels in fire prone hills and valleys.

Pivoting from a permitted process to a ministerial process because it was clogging the system? Bad policy being created here. We need a middle ground that allows for site specific review.

It looks to me like some of these regulation can't even be enforced, smells for example being contained on site.

Another one - Zero net water consumption. How is that even possible? The City of Healdsburg has approved cannabis for their reclaimed waste water. Does this mean tank loads from their treatment plant hauled throughout the county for the net zero water requirement?

How will water usage our watershed, our fire prone areas? I have witnessed first hand the drying up of the Van Duzen River late summers because of pot growers in Humboldt county. Water is a precious commodity, how can we fairly share it with this water intense industry? Knowing cannabis is a water intense plant is concerning.

I look forward to hearing how our Planning Commissioner check in on this process. Will they support this elimination of their public and their review?

Somewhere there is a middle ground in this process, but right now, this ordinance is missing some key components, with some General Plan objectives being ignored.

Sonoma County has an opportunity here to find a balance, let's learn from our nearby countries. What would the Central Coast, Humboldt, and Napa policy makers have to say and what can we learn prior to jumping ahead with this terribly unbalanced proposed change in policy.

Why is this not part of the General Plan update?

Best regards,
Nancy Citro

Sent from my iPad

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From: [Patrick Corrigan](#)
To: [Cannabis](#)
Subject: odor control question
Date: Friday, March 12, 2021 9:08:49 AM

EXTERNAL

How can there be any justifiable difference in how hemp is regulated versus cannabis in regards to odor mitigation for outdoor or greenhouse farms? The hemp ordinance clearly states:

Sec. 37-11. - Nuisance.

Odor from a registered industrial hemp site cannot be considered a nuisance if the site is operated in accordance with this chapter, required and recommended best management practices, and state industrial hemp laws.

(Ord. No. [6298](#), § IV(Exh.), 2-4-2020)

Hemp and cannabis are both cannabis sativa, the same plant, and are only defined as being different by the rate of production of THC occurring late in the season. If there is no distinguishable difference in the odors produced why would they be regulated differently?

Thank You,

Patrick Corrigan

Sonoma County resident

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From: [BOS](#)
To: [Cannabis](#)
Subject: FW: Chapter 38 Sonoma County Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance
Date: Friday, March 12, 2021 1:18:31 PM

From: P Oakes <bcoplo@comcast.net>
Sent: Thursday, March 11, 2021 9:25 PM
To: BOS <BOS@sonoma-county.org>
Subject: Chapter 38 Sonoma County Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance

EXTERNAL

Members of the Sonoma County Board of Supervisors,

I am a resident of West County and have lived in my home since 1972. My home is on 3.24 acres and is zoned RR. The properties adjacent to my home are zoned DA and would qualify for cannabis cultivation based on the proposed ordinance.

Having read the preliminary draft for the above mentioned ordinance I have the following concerns:

1. **Sec. 36.12.040- Setbacks** The setback minimum proposed is 100 feet. Why would it be acceptable to have cannabis cultivation within 100 feet of my property where my grandchildren play but not acceptable where they go to school? The setback minimum for schools is 1000 feet, with good reason. When originally promoted by the members of the board, particularly Lynda Hopkins, voters were told that the setback minimums for all situations would be at least 1000 feet. Why has this changed? A 100' setback is simply not reasonable.
2. **Sec. 38.12.010 – Design, Lighting, Security and Screening** As long as I have lived in my home I have felt safe. Having an industry adjacent to my home that requires, by statute, the level of security measures that are indicated in the proposed ordinance seems outrageous. The danger is further acknowledged in the document by preventing the public disclosure of security measures because doing so would “present unreasonable risks to site security”. What about the unreasonable risks to the residents in the area? Why would the members of the Board of Supervisors ever consider imposing a recognized danger upon the members of their community?
3. **Sec. 38.12.110 – Air Quality and Odor** The odor that is emitted from cannabis cultivation certain times of the year is overwhelming and certainly can travel 100 feet. The proposed ordinance requires filtration but I am highly skeptical that filtration would eliminate the odor and prevent it from traveling to neighboring residences.

There are at least two legal concerns that I have for the County as well should they pursue the ordinance as proposed. The first is that they are creating a clear nuisance. The legal definition of a

nuisance is “anything which annoys or disturbs the free use of one’s property, or which renders its ordinary use or physical occupation uncomfortable... it extends to everything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable or comfortable use of property.” Clearly the danger that is inherent with cannabis cultivation and the stench that accompanies the process meets the definition of nuisance. Courts consider surrounding population and location, prior use of the property, degree of harm and whether the offending entity predated the impacted community when evaluating an alleged nuisance. Introducing a cannabis cultivation to a preexisting community clearly meets the test. The second concern is an illegal taking, as interpreted by the U. S. Supreme Court of the takings clause in the Fifth Amendment of the U.S. Constitution. It is clear that the introduction of a dangerous nuisance into a community will have a negative and quantifiable impact on the property values of the surrounding parcels. The County will be guilty of an illegal taking and liable for the fair market value of the diminution of the impacted properties.

It is my fear that the Board of Supervisors is desperate to find revenue wherever possible and have abandoned their constituents on behalf of the potential for tax revenue from the cannabis industry. I am particularly disappointed in Supervisor Hopkins for her lack of dedication to the principals that she promoted when campaigning. The citizens deserve advocacy and their concerns are being ignored. I strongly oppose opening up the unincorporated areas of Sonoma County to cannabis cultivation and would hope that the members of the Board would reconsider their proposal.

Respectfully,

Pamela Oakes

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From: [Christina Rivera](#)
To: [McCall Miller](#); [Cannabis](#)
Subject: FW: Town Hall fiasco (Not In the Written Comments Doc)
Date: Friday, March 12, 2021 11:15:39 AM
Importance: High

From: Rachel Zierdt <rzierdt@gmail.com>
Sent: Thursday, March 4, 2021 2:23 PM
To: Chris Coursey <chriscoursey@sbcglobal.net>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Christina Rivera <Christina.Rivera@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@sonoma-county.org>; PlanningAgency <PlanningAgency@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>
Subject: Town Hall fiasco

EXTERNAL

I am sending you my response to your email to Dr. Eppstein's query. I want this placed in the public record.

"Hola Deborah,

Although your message was directed to McCall, it is (in my view) more appropriate for me to respond to your observation re: the voting Zoom function being planned as part of the virtual town halls.

The webinar logistics plan was recommended by our outside facilitation consultant. As I understand it, the focus is on "Yes" voting so that folks can express their ditto, rather than re-typing. The No votes, will not exclude that comment/observation from being summarized for the Planning Commission and the Board of Supervisors deliberation on the policy updates.

Gracias!"

Dear Christina,

I appreciate your response to Debby, but how you address her seems inappropriate here with the seriousness of the situation. It is easy to blame the outside facilitator as to the format of the meeting. The county could have easily opted for a more interactive option if the county really wanted a true assessment of sentiment.

I am not interested in anyone summarizing my ideas as you suggest will happen. Nor do I find anything to give a thumbs up for. I want to be able ask questions, hear answers and then ask rebuttles in real time....This Town Hall is not a give and take as it should be. The county has spent the last few years hearing cannabis industry telling them what they want and need. It is evident in this document that there has been NO effort to listen to, let alone incorporate, any concerns that neighbors might have...In fact the document moves so far away from what neighbors need that the county is indeed tone deaf.

I have no need to hear what the supervisors want to spout to justify this abomination of a document and am frustrated beyond belief that my elected officials do not want to hear what we have been trying to have them do for years.

This is a PR stunt done so that the sups can merely point to the fact, that even after the ordinance was proposed that they let neighbors have input. Really?????
Disgusting...fix the format of the town hall, repeal what was released, take the time to redo the ordinance, unveil a new, improved version.

Rachel Zierdt

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From: [Rachel Zierdt](#)
To: [Cannabis](#)
Subject: cannabis ordinance flaws
Date: Friday, March 12, 2021 5:14:30 PM

EXTERNAL

Below, please find a quote from an email by Niki Berrocol to a “friend” (obtained by a PRA) advising her on how to circumvent the CUP process and obtain AG permits. This ordinance revision does nothing to stop this process of piling multiple grow permits on the same parcel....by doing this all sorts of environmental mitigations are avoided by the applicant and the grow is allowed to proceed in direct opposition to CEQA regulations. This needs to be addressed and amended in the new ordinance.

Rachel Zierdt

As well, she may consider an alternative path, as she is not in Penalty relief, and she wants to cultivate this season. Could you discuss with her a bit, or refer her to Ag to let her know her options for moving forward with multiple 10,000 sf permits sooner than a CUP? This may be a much easier alternative.

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From: [Stefan Bokaie](#)
To: [Cannabis](#)
Cc: [Carol Bokaie](#)
Subject: Moderation of the Zoom calls
Date: Friday, March 12, 2021 10:03:18 AM

EXTERNAL

Somehow, there should be a method to moderate the zoom chats better than allowing one person to drown out others voices by constant copy and paste. May be limit the number of comments by an individual to a certain number similar to giving only few minutes to each individual during a live session. Additional comments can always be forwarded in writing. Just a thought. Thank you.

Stefan

Stefan Bokaie
767 Herrerias way
Petaluma, CA 94954

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Cannabis Odor Control.....
Date: Friday, March 12, 2021 9:05:57 AM

From: Susanna Nathan <susannanathan@gmail.com>
Sent: March 11, 2021 7:19 PM
To: [PlanningAgency](mailto:PlanningAgency@sonoma-county.org) <PlanningAgency@sonoma-county.org>
Cc: Deborah Eppstein <deppstein@gmail.com>; craigspencerharrison@gmail.com
Subject: Cannabis Odor Control.....

To the Planning Commissioners,

We are sending this little note in regard to cannabis odor control. We voted for the legalization of cannabis and support the use.

Our Cougar Lane neighborhood in the Mayacama Mountains is a very tight knit community. We all know each other very well, meet on a regular basis, help each other out and have a neighborly relationship.

Although we really like and support our cannabis growing neighbors (750' away), the smell of the plants are unbearable. We all lived in paradise without light, noise or smell pollution until the grow got too large (half an acre). It became impossible to have any windows open anymore and to enjoy the outdoors. I have Asthma and fresh air is essential for my health. Because of the odor I was unable to sooth my illness with the most natural element there is: air.

Maybe this comparison can make it easier to understand: Many of us enjoy having meat in our diet, but nobody wants to live next to the slaughterhouse listening to the cry of animals and the smell of dead flesh.

The residences were in their neighborhoods first, otherwise they could not have become what they are today: a community. It is just not fair to rape many different neighborhoods with something the residents did not buy into in the first place.

Susanna Nathan

Below a photo of the properties in relation to each other



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From: [Richter Susan](#)
To: [Cannabis](#)
Subject: Please send
Date: Friday, March 12, 2021 4:42:20 PM

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From: [Richter Susan](#)
To: [Cannabis](#)
Subject: Is this on replay somewhere?
Date: Friday, March 12, 2021 4:40:09 PM

EXTERNAL

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From: [sica](#)
To: [Cannabis](#)
Cc: [BOS](#)
Subject: Chapter 26 to chapter 38 transition pathway- Cannabis ordinance changes
Date: Friday, March 12, 2021 8:44:06 AM

EXTERNAL

Hello,

Here is a recommendation about a viable transition pathway for those applicants who wish to/ are eligible to transition from a chapter 26 permit to a chapter 38 permit.

Please consider adding these changes to the new ordinance revisions for those still stuck in the chapter 26 use permit process.

Transition to Chapter 38 Pathway.

1. An applicant who, as of the date of the adoption of this ordinance, has applied for a commercial cannabis cultivation permit under Chapter 26 and who would also qualify to submit an application pursuant to this Chapter 38 may request for their project to be reviewed under this Chapter instead (an "application track transition"). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern application track transitions, which shall include, at a minimum: (i) a description of the process and any required forms; (ii) a method for prioritizing application track transitions above new applications; and (iii) a waiver or reduction of the normal application fees to reflect the fees that have already been paid to process the original application.
2. A holder of a commercial cannabis cultivation permit under Chapter 26 who would also qualify for a permit under Chapter 38 shall, prior to renewal of their permit, have the option to continue with their Chapter 26 permit or to submit a request to transfer their project to be regulated according to Chapter 38 (a "compliance track transition"). Such requests shall be granted if the requester meets the criteria for a cultivation permit under Chapter 38. The Agricultural Commissioner shall develop and promulgate specific rules to govern compliance track transitions, which shall include, at a minimum: (i) a description of the process and any required forms and (ii) a method for allowing permitted operators to continue their operations while their request is considered.

Thank You,
Sica Roman

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From: [Susan Stover](#)
To: [Cannabis](#)
Subject: Just same no
Date: Friday, March 12, 2021 12:21:51 PM

EXTERNAL

Questions for the webinar and to be included in the county records:

1. Cannabis water use is recorded as 6 times the amount of vineyard. As Sonoma County continues into a drier climate, how will the county address limited available water sources?
2. Commercial cannabis cultivation in residential neighborhoods is a plain bad idea. How will neighborhoods be able to address their concerns when commercial grow sites are allowed? Water use, odor, safety?
3. Set backs- as I read it, commercial grow sites will be allowed within 300 feet of a residence. That is too close. 1000 feet set-back is a minimum from a residence.
4. Is this really the path forward for Sonoma County? Is the projected short-term economic incentive with no guarantees for county-wide economic gain, the vision of this county?

As a long-term resident with a small organic farm, I'm convinced this is not the future of the county that I am deeply involved in.

Thank you,
Susan Stover

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From: [Tess](#)
To: [Cannabis](#)
Subject: cannabis
Date: Friday, March 12, 2021 10:30:11 AM

EXTERNAL

Hi,

I am very concerned about the amount of water cannabis uses and how that will affect the wells in my neighborhood.

I am very concerned about the odor.

I am very concerned about the traffic on our gravel drive.

I am very concerned about the noise of the large trucks coming and going.

I am very concerned about the ugly plastic greenhouses dotting the landscape.

I am very concerned about the chemicals used for growing.

I am very concerned about bad players, like what we have in our neighborhood.

I want to see a full environmental impact report.

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From: [Valorie Dallas](#)
To: [Cannabis](#); [David Rabbitt](#)
Subject: Fwd: Comments for 9:00 am Friday Update Meeting
Date: Friday, March 12, 2021 12:36:14 PM

EXTERNAL

Good Afternoon,

I wanted to again mention that some of us are not quick enough to put our comments in at the correct time. I did my best, but could not listen, comment to other's comments and put mine in. It creates short comments. I understand the complexity of this situation and all I am asking is please consider my comments as equally important.

Thanks,
Valorie Dallas

----- Forwarded message -----

From: **Valorie Dallas** <valoriedallas@gmail.com>
Date: Thu, Mar 11, 2021 at 5:10 PM
Subject: Comments for 9:00 am Friday Update Meeting
To: <cannabis@sonoma-county.org>

Dear Sonoma County Cannabis Program,

I am scheduled for Friday 9 am Sonoma County Cannabis Permitting Policy Update meeting. Due to my computer illiteracy and difficulty multi tasking, I am concerned I will not be able to keep up with typing in my questions and unable to include my drawing (below). I am submitting the following questions and solutions, hoping to have them put in for me. I appreciate your assistance in helping me in participating in such an important public comment period.

Thank you,

Valorie Dallas

Here are my questions and solutions:

We live in Bloomfield, and the proposed cannabis grow has brought to our town's attention all the issues in both the old and new county ordinances in regards to cannabis growing. We thought it would be productive to use our situation to expose them. Many of our questions use Bloomfield as an example, for that reason.

Water:

As we have previously shown. Bloomfield floods from all the surrounding hills. That flood

water goes into our watershed, onto the streets (which have only shallow ditches to direct them, often resulting in flooded streets. At times, the entire downtown floods) and the Estero Americano. The majority of the water runoff comes from the hills of the proposed cannabis grow. How can we know what chemicals will be in that runoff, and how will it affect those waterways?

Solution: Require a CUP and CEQA for every permit.

How does the county plan to address the impacts on underground water without any studies?

Solution: Do a study like Napa did, before the ordinance is completed.

Neighborhood Compatibility:

Why did you take this out of the ordinance?

“The proposed amendments are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry

consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.”

Solution: Put it back in.

Ag crop:

Do you know that the wholesale price of an acre of cannabis is 1 million dollars; whereas grapes is \$11,000, potatoes are \$17,000, and tomatoes are \$30,000? The security plan for such operations is "private". How can we be assured that, as neighbors located quite a distance from enforcement agencies, we are safe?

Solution: Write an ordinance that protects neighbors from crimes associated with such a highly-valued crop. Add 1000 foot buffers/setbacks around residential areas.

How does the county plan to get around the fact that California State Law states that cannabis is a product and is not protected by the Right to Farm law?

Solution: Keep commercial cannabis as a product.

Why is there no effort to address the concentration of cannabis grows?

Solution: Include, in the ordinance, limits to neighborhoods and towns.

Expanded ministerial permitting:

Didn't the Bloomfield permit show how Ministerial permitting was a way to avoid consideration of commercial cannabis's impact on a town's roads, its residents, the environment, and stifles the voice of the community?

Solution: Require a CUP for all commercial cannabis

Mitigated Negative Declaration:

Is it true that a cannabis processing facility can operate 24/7 with security, lights, noise, etc., just 300 feet from my residential home-and less-from where my kids play; and that is mitigated by the Negative Declaration of Environmental Impacts?

Solution: Require a CEQA for all commercial cannabis grows. Require a 1000 foot buffer

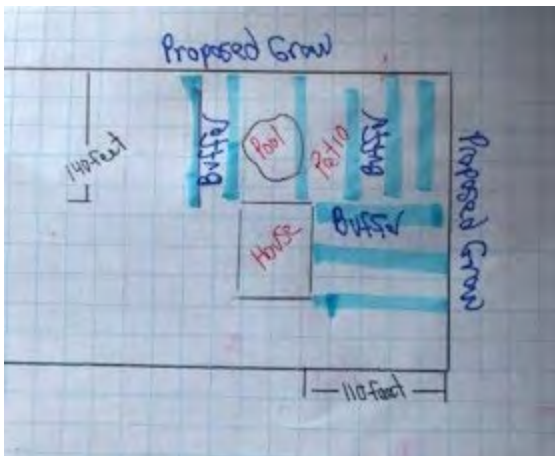
zone/setback from residential property lines.

Why would there be no need for CEQA, when the Bloomfield ministerial permit was denied and a CEQA will be required in the CUP?

Solution: Require a CEQA for all commercial cannabis grows.

Buffers/setbacks:

Why does the ordinance ask for a 300 foot buffer/setback starting at the residence? And why does it make sense for that buffer/setback to begin on my property? Here is an example of what the 300 foot buffer/setback will be on my residential property in Bloomfield:



We have a pool and patio in that exact proposed buffer/setback zone. Our annual Easter party and boat race occurs there, my niece got married there last year, and my daughter is getting married there this summer. My grandkids and the neighborhood kids swim and play in that buffer zone. Why does the 300 foot buffer/setback claim the residential property owner's outdoor living space?

Solution: Provide a 1000 foot buffer zone/setback around all residential property boundaries in unincorporated towns.

Our town of Bloomfield and its 400 residents has lots of public and private spaces that are not considered in this ordinance. We meet up on the road, walk in the graveyard, and socialize in what will be considered a buffer space. Where is that taken into consideration?

Solution: Provide a 1000 foot buffer zone/setback around all public and private areas in unincorporated towns.

Over 50 percent of my property in Bloomfield would be considered a buffer/setback zone the way this ordinance is now written. What percent of a resident's property is fair to claim as a buffer/setback zone?

Solution: Provide a 1000 foot buffer around all public and private areas in unincorporated towns, starting at property/fence lines.

Roads:

How will not requiring the state minimum road width make us safe in emergencies?

Solution: Require the state minimum road width of 20 feet for any access roads to cannabis

operations.

And, My Final Question:

What is the reason not to postpone adopting Part 2 of the ordinance before inconsistencies within the document are corrected, and before neighborhood compatibility has been addressed?

Solution: Postpone and fix the ordinance!

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From: [Walt and Jenny](#)
To: [Cannabis](#)
Subject: cannabis growing is NOT agriculture
Date: Friday, March 12, 2021 1:46:28 PM

EXTERNAL

1. The economics of cannabis growing will dictate where the product will be sold. How much will a shipment to Georgia, Alabama or Mississippi bring the grower, as opposed to processing “medical” cannabis?
2. Since the cost of recreational cannabis is still high, there will be raids on grows for personal use AND resale. Nothing like that happens with wine grapes or apples. Will the Sheriff say “I won’t enforce your f-ing rules”, like he did with the health ordinances?
3. If we are headed into a serious drought, this is obviously NOT the time to be encouraging mega grows by out of state developers. There is SO much money to be made, huge corporations will quickly put up mega grows, and will quickly circumvent ANY limits you put in place.

Walt Frazer

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From: [Anna Ransome](#)
To: [Cannabis](#)
Subject: Link to first two town halls
Date: Saturday, March 13, 2021 10:55:29 AM

EXTERNAL

Please provide a link to the March 8 and March 12 town halls. Thank you.

Anna Ransome

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From: craigspencerharrison@gmail.com
To: [Cannabis](#)
Cc: [Scott Orr](#); [Tennis Wick](#)
Subject: Mitigation Measures and Protections in the Revised Cannabis Ordinance Are Illusory
Date: Saturday, March 13, 2021 8:10:06 AM
Attachments: [Poor Implementation.pdf](#)
[4050 and 4065 Grange Rd Inspections 06112020.pdf](#)
[20210108 letter to cdfa re cannabis enforcement copy.pdf](#)

EXTERNAL

Dear Commissioners:

Please take this into consideration in your meeting to consider the proposed cannabis ordinance and accompanying CEQA documents.

Thank you.

Craig S. Harrison
4953 Sonoma Mountain Road
Santa Rosa, CA 95404
707-573-9990
<https://www.craigsharrison.net/>

Commissioner Carr District 1
Commissioner Belforte District 3
Commissioner Mauritsen District 4
Commissioner Davis District 5
Commissioner Reed District 2, Chair

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Mitigation Measures and Protections in the Revised Cannabis Ordinance Are Illusory

March 12, 2021

Introduction. The Bennett Valley Citizens for Safe Development (BVSD) is a neighborhood group of almost 300 Bennett Valley residents who have signed a petition to make Bennett Valley a commercial cannabis-free exclusion zone. BVSD is a member of Save Our Sonoma Neighborhoods (SOSN), and is concerned that any mitigation measures and protections in the revised cannabis ordinance are illusory and will not protect residents from the reasonably foreseeable environmental consequences of the proposed revisions to the cannabis ordinance.

As detailed in the case studies described herein, there is substantial evidence to support a fair argument that the proposed revisions may have a significant effect on the environment, among other things with regard to odor, visibility, traffic, and water. The county must undertake a full environmental impact report to fully evaluate the impacts of the proposed ordinance.

Moreover, the permits cannot be converted to ministerial under *Protecting Our Water & Environmental Resources v. County of Stanislaus*, 10 Cal.5th 479 (2020) because county officials make many discretionary decisions on every cannabis project, including analyzing reports for compliance. The case studies below reveal that for four years county officials have turned even objective decisions into discretionary ones. County officials exercised discretion when a cultivation site was ineligible because it was too close to a park on the county's own maps, and decided it could become eligible (example 8). They decided that a cultivation site that is plainly visible from the entrance of Hood Mountain State Park is insignificantly visible (example 4). They exercised discretion to allow growers to cultivate without appropriate state licenses or, in some cases, any state licenses at all in violation of law (examples 4, 5, 6, 7, 10, 11, 12, 16). They exercised discretion to allow cultivations to continue despite violations of objective setback standards (examples 17, 18). They allowed cultivation when a grower had failed to provide evidence of a valid easement that is required under a conditional use permit (example 6). They exercised discretion in allowing or even encouraging growers to cultivate more acreage or plants than allowed in their permits (examples 5, 6, 9, 10, 11, 12). They exercise discretion in ignoring or deferring action for years on code violations with respect to grading, cutting trees, lighting, electric wiring, greenhouses, and water hauling (examples 1, 4, 6, 14, 15, 16, 18).

For four years, Sonoma County has allowed or encouraged significant harm to the environment by refusing to enforce the terms of the current ordinance. When the county allows growers to cultivate without a state license, the county becomes an enabler if not a partner (being paid by tax collections) of black-market cannabis sales. Such behavior is the opposite of the intent of Proposition 64 and the stated intent of the cannabis ordinance—to foster legal activity. The county protects the cannabis industry at the expense of ordinary residents and the environment who are harmed by the refusal or failure of county officials to take action. Given the history described below, any commitments the county seems to make with respect to implementing mitigation or enforcing the provisions of the ordinance should be ignored because the county will

not faithfully implement them. It has not done so for four years, and residents and the environment should not be put at further risk.

County officials seek to “find ambiguity in a Stop sign,” and invent twisted ways of “thinking” to explain why they can and should allow growers to violate county and state requirements. Their decision making is ad hoc, opaque, arbitrary, capricious, and contrary to law. The county’s approach to most anyone who objects to a grower not complying with the cannabis ordinance or other law is “sue me” and, as one supervisor said in a public meeting “if you don’t like it you can move somewhere else.” The county thinks that few will file expensive suits and ask a judge to provide some adult supervision. The county’s irresponsible behavior is exacerbated by its use of indemnification procedures, such as proposed § 38.06.050, that growers will pay any litigation expenses assessed against the county.

There are several plausible explanations for the county’s poor implementation: (1) PRMD and the Department of Agriculture are overwhelmed and have inadequate staff or financial resources; (2) the cannabis program officials, county counsel, PRMD, and the Department of Agriculture lack the will to enforce the law because they desperately want a failing program to succeed; (3) county staff are incompetent. It doesn’t matter which explanations are correct. The end result is identical for residents and the environment who are harmed by marijuana cultivation. Sonoma County officials are not to be trusted to protect the environment or its residents, and should be allowed no or little discretion in implementing its cannabis program.

Penalty Relief Program. The temporary code enforcement penalty relief program (PRP) was instigated in 2017 with little notice to or involvement from the public. The PRP has explicit requirements that county officials frequently ignore or overrule without legal authority. Building code, grading, nuisance, and other violations are not addressed until a permit decision is made, a period now of almost four years and counting. The authorizing ordinance does not empower the county to ignore illegal greenhouses, wiring, grading, tree removal, or other code violations. Growers had to commence cultivation by July 5, 2017 and were explicitly forbidden to increase the size of their grow after that date. Yet many growers cheat brazenly, and officials look the other way or refuse to assess meaningful penalties. The county could easily investigate many violations using satellite imagery from the comfort of the office and at the expense of the grower.

Dozens of growers got a “get out of jail free card” for the first growing season in 2017 by submitting one-page PRP forms without even a fig leaf of an application for a permit, let alone submitting any of the required reports. When confronted, county officials took no action to shut down the illegal grows.

What follows are eighteen examples of problems with the implementation of this program. One could write a treatise on this subject.

Example 1. 885 Montgomery Road, Sebastopol (UPC18-0001). Since July 2017, the non-resident owner of a ten-acre parcel near Sebastopol has allowed a third-party company to grow about an acre of commercial marijuana. Forty-seven properties surround the cannabis business within a 1,000-foot radius, and seven of them border the flag lot on all sides. Thousands of

outdoor plants are located just a few feet from gardens, barbeques, a horse dressage arena, and homes. The stench, noise, and fear of an armed conflict has made the lives of neighbors miserable. One family tried to sell their home and failed. Some wear masks when they spend more than fifteen minutes outside to avoid feeling nauseous or getting a headache. For a year, county officials have ignored neighbor complaints about odor, noise, night light pollution, and security cameras trained on neighboring homes. The county failed, neglected, and refused to verify false statements in the grower's Penalty Relief Application Form -- that they had 38,484 square feet of cannabis cultivation. The operator secretly denuded, graded, and terraced an acre of hillside in June 2017, without a county grading permit to create their initial outdoor cannabis cultivation site. No outdoor cannabis plants existed until mid-July, 2017. The county refused to shut down the operator after receiving evidence that the operator never qualified for the PRP. The county has allowed the grower to conduct indoor cultivation in three structures which lack a building permit, exposing neighbors to fire risks. The operator has harvested at least 4 outdoor crops and at least 15 indoor crops without a county permit. County officials tricked the CalCannabis to issue the operator a temporary state license to allow it to sell cannabis. For over three years, the county has shown no desire to stop activities that are ruining the ability of neighborhood residents to enjoy their property. This failure to enforce the law is allowing significant environmental harm to occur.

Example 2. 1700 Barlow Lane (APC20-0079 and APC20-0080). From March 2020 and continuing into 2021, the neighbors surrounding 1700 Barlow Lane alerted Permit Sonoma Code Enforcement and the Department of Agriculture as to why two ministerial cannabis applications should be denied based on at least 10 witnessed and evidenced code violations. The Department of Agriculture and Code Enforcement exercised their judgment to issue one ground disturbance violation with no monetary fine, and applied discretion in order to overlook the other violations in order to issue one permit. "Zoning Permits for Cannabis Cultivation - Guidelines for Ministerial Review" is the county's guidelines that provides a checklist that county staff must use to determine consistency with the Zoning Code. It applies fixed and precise standards or objective measurements for a ministerial project. The guidelines state, "To the extent a project deviates from such standards and regulations in a manner that would require Staff to exercise judgment or deliberation to determine whether the project conforms to the standards and regulations, the project may be subject to discretionary review and additional analysis under CEQA." County Staff exercised judgment or deliberation in determining whether the project conforms to the standards and regulations throughout the application process. The county failed to require additional environmental analysis, in violation of the current cannabis ordinance, its own guidelines, and CEQA. This failure to enforce the law is allowing significant environmental harm to occur.

Example 3. 3062 Adobe Road, Petaluma (UPC18-0018). Sonoma County's enforcement of its marijuana cultivation program is so poor that four families in Petaluma had to file a federal Racketeer Influenced and Corrupt Organizations Act (RICO) suit to shut down a grow that was wreaking havoc on their homes. They suffered noxious odors that caused significant breathing

problems, including to a young paraplegic who uses a breathing tube and an asthmatic.¹ The illegal grow was reported to the county in April 2018, and the county sent a notice ordering the company to cease all cannabis activities on May 29, 2018. Yet in late August marijuana was still being grown and causing environmental problems for neighbors. The county settled the case after the RICO suit was filed by agreeing to let the grow continue until November 1st when the growers agreed to pay the county a \$400,000 penalty. To many, the penalty seemed to be a bribe that allowed the grower to sell millions of dollars of marijuana on the black market at the expense of neighbors who endured several more months of environmental harm. The county lacks the will or the legal tools to shut down an illegal grow for six months,² harming residents and the environment.

Example 4. 2260 Los Alamos Road, Santa Rosa (UPC18-0037). For 44 months, the county has allowed the applicant to grow marijuana without complying with the Cannabis Ordinance. Satellite images indicate the small grow in June 2017 more than doubled to 47,000 square feet in October 2017, then to 69,000 square feet in 2018, and then to 80,600 square feet in 2019. Satellite images also confirmed unpermitted tree removal between February-May 2018, which is prohibited by the cannabis ordinance. Despite submitting an application that omitted ten required items, the county allowed the grower to continue past the June 2018 deadline required for a complete application. The county took a month to declare the application incomplete, and then extended the deadline another month. The county eventually sent a cease-and-desist letter, but the grower appealed. By this time, satellite imagery shows he had illegally expanded to 1.5 acres. At this point, the county could have assessed \$280,000 in penalties but instead stopped the proceeding. He was allowed to grow without a state license for well over a year, so any sales were on the black market. Despite failing to provide a hydro-geo report and having insufficient water, the county has granted his request to drill a third well. Although it is not supposed to be used for cannabis irrigation, the county did not confirm the well monitoring logs. Despite being shown satellite images showing the illegal constructions of a 3,000 square foot likely drying and processing structure, the county refused to cite him. He exceeded the one-acre limit, and paid taxes on only 35,000 square feet of cannabis for four years despite the Ag Commissioner being aware of the increased canopy size. He violated the ordinance by being plainly visible from the entrance of Hood Mountain State Park. A county official confirmed the visibility but said it was insignificant. The county performed a road evaluation and applied outdated regulations despite being informed that his operation is in violation of the state Fire Safe Regulations. Despite all of these transgressions, the county has refused to terminate this operation or even hold a public hearing. The county is eager to cater to illegal growers at the expense of the environment and neighbors.

¹ Julie Johnson, "[Neighbors file federal lawsuit to shut down Sonoma County cannabis grower.](#)" Press Democrat (Aug. 31, 2018).

² Julie Johnson, "[Petaluma-area cannabis farm whose neighbors sued agrees to shut down.](#)" Press Democrat (Aug. 31, 2018).

Example 5. 4050 Grange Road, Santa Rosa (UPC17-0085). This Bennett Valley property seems to have been allowed in the Penalty Relief Program under false pretenses. It was conveyed to Bennett Rosa LLC in late August 2017. The operator, Sonoma Grange Farms LLC, claimed on its Penalty Relief Application forms that the grow began June 30, two months before Bennett Rosa LLC owned the land and just before the July 5 deadline for eligibility. None of the LLCs were registered with the Secretary of State before mid-July. John Chen, who pled guilty in 2012 to six felonies related to defrauding the state and environmental crimes, owns the property and the operating company through his alter ego LLCs. Satellite imagery shows that the grow on the adjacent 4.9-acre parcel (4065 Grange Road) had not begun on July 9, 2017. The county allowed the 2018 harvest to be sold despite an absence of a State license, so any marijuana sold would be on the black market. The Department of Agriculture conducted a compliance inspection on June 11, 2020. The attached report for that inspection notes for this property

there were two mixed light hoop houses. The permit is for outdoor cultivation only. I also noticed an indoor grow in one of the barns, and noticed that the other barn was also equipped for indoor operations. There was a tremendous amount of garbage and debris on the property ...My estimate of the total square footage of canopy is 20,000 sq. ft. Well over the 10,647 sq. ft. allowed under the penalty relief agreement. They DO NOT have a valid state license with the CDFA for that site. There are no porta-potties or bathrooms on site

The Department of Agriculture failed to shut down the site for non-compliance with the terms of the penalty relief agreement, including having twice the allowable amount of marijuana and having mixed light and indoor grows. Failing to have a state license violates state law. Despite these egregious violations, the county issued “no penalties.” The county’s failure to enforce not only allows environmental harm, it encourages growers to ignore regulatory because there are no consequences for violations.

Example 6. 4065 Grange Road, Santa Rosa (UPC17-0082). The County allowed the 2018 harvest of this Bennett Valley property to be sold despite the fact that the growers lack State licenses and any marijuana sold without a license would be on the black market. Despite the likelihood that this grow was improperly allowed in the Penalty Relief Program under false pretenses, the Board of Zoning Adjustments approved a conditional use permit in November 2019. The permit includes Condition 35, which requires the owner and operator to show it has a valid access easement within 90 days. This has never been done, and may be impossible to accomplish. Nevertheless, the operator grew marijuana again in 2020. A neighbor compliant prompted the Department of Agriculture to conduct a compliance inspection on June 11, 2020. The attached report for that inspection notes for this property

there “were no METRC tags on any of the plants and my estimate is that there will be approximately 6000 sq. ft. of canopy at maturity. Their license is for 5000 sq. ft. The plants were directly under the drip line of the oak trees which had been severely cut back. There are no porta-potties on site.

The Department of Agriculture failed to shut down the site for non-compliance with the terms of the conditional use permit. Other violations of the county ordinance include cutting down trees without a permit and planting more marijuana than the permit allows. Failing to tag the plants violates state law, which is intended to discourage black market sales by tracking individual plants. Despite these violations, the county issued “no penalties.” The county’s failure to enforce not only allows environmental harm, it encourages growers to do so because there are no consequences for violations.

Example 7. 8105 Davis Lane, Penngrove (APC17-0011). This vacant non-conforming 5.5-acre property is zoned diversified agriculture and is contiguous to agricultural (AR) and residential-zoned parcels. No one in the unincorporated residential neighborhood of small properties engages in commercial agriculture. An investor in Sebastopol leased the parcel in mid-2017, and without advance notice to surrounding neighbors, or any opportunity for them to object in a public hearing, the county issued a “ministerial” permit in February 2018. The permit allows the investor to grow commercial marijuana outdoors because the applicant merely satisfied a short list of perfunctory requirements. The neighbors had no opportunity to protest beforehand or appeal afterwards, and the only remedy was expensive litigation. The operators have no house on site, so an invader could easily mistake the home of an innocent neighbor as a location of large amounts of cash or marijuana. The majority of the risks and undesirable effects, such as loss of property value and noxious odors, are all borne by the neighbors. The supervisors increased the minimum lot size of commercial grows to ten acres in October 2018, but did nothing to void this permit or discontinue future use of similar ministerial permits. During 2019 the operator purchased the property and was “grandfathered” to continue operations although they were required get a conditional use permit; that process would allow for neighborhood objections to be considered. The operator applied for a use permit in 2020, and the County allowed the owner to grow while waiting for a Board of Zoning Adjustments (BZA) hearing to decide whether to issue a use permit. They harvested two crops during 2020, and because they lack a state license any sales would have been on the black market. At last report, the assigned county planner indicated that the operator is waiting for ordinance revisions before choosing to continue the BZA process. Residents have no justice and must endure foul smells without due process, contrary to SCC § 26-92-070(a) (use cannot be not detrimental to the health, safety, peace, comfort or welfare of the neighborhood or the general public). There is great apprehension that the permit might be not only renewed in 2021 but extended for 5 years.

Example 8. 3803 Matanzas Creek Lane, Santa Rosa (UPC17-065). This Bennett Valley property was purchased by Chicago investors in February 2017 who immediately began cultivating marijuana under the county’s Penalty Relief Program. In September 2017, Permit Sonoma issued a Notice of Violation to the owner for building a greenhouse without a permit and did nothing to resolve it for a year. The county should have shut the project down on January 1, 2018 because the property was not setback 1,000 feet from a park as required by § 26-88-254(f)(3). On March 4, 2018, senior county officials, including the director of Permit Sonoma and Supervisor Susan Gorin, were asked to consult the county’s Cannabis Site Evaluation Map and confirm that this parcel was categorically ineligible for cultivation. They agreed. For the next five months the county did nothing to stop the owner from growing marijuana while the county

considered the owner's specious argument that North Sonoma Mountain Regional Park isn't really a "park." On July 31, 2018, Permit Sonoma sent a notice of violation to the operator. The grower continued to cultivate and harvest marijuana. On September 10, 2018 Permit Sonoma sent a "Notice & Order—Unlawful Commercial Medical Cannabis Use" to the owner and demanded the marijuana be removed within seven days. The owner appealed and the process dragged out until the owner harvested his entire marijuana crop. Then Permit Sonoma rescinded its Notice and Order because a revised ordinance took effect in November 2018 that allows the setback from parks to be relaxed. County staff secretly decided that this project qualified for the relaxation without public participation. There was no explanation as to why a parcel that was ineligible in January 2018 could now qualify for the PRP that had a deadline of July 5, 2017 to qualify. Neighbors continue to experience the environmental harm caused by excess traffic on a narrow lane, and after four growing seasons the county has failed to hold a public hearing or issue a permit.

Example 9. 5730 Bodega Avenue, Petaluma Dairy Belt. In 2020 the Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. The maximum that is allowed is 40,000 square feet. An aerial photograph of the site taken on October 11, 2020 shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet. While the county has issued notices of violation for some of this, it ignored, even after a site visit, 93,954 square feet of unpermitted outdoor cannabis. The county facilitated the grower receiving a state license, and the piecemeal process fails to comply with environmental review under CEQA. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 10. 4235 Spring Hill Rd, Petaluma Dairy Belt (APN 022-240-007/008/009, 022-260-003).

In June 2020 the county issued 4 ministerial permits to growers working in concert, using a piecemealing approach to avoid environmental review under CEQA. Apparently, the Department of Agriculture encourages this approach. The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow, yet a photograph shows the total area under cultivation to be 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses. In October 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels and cited the owners for failing to obtain building or fire department permits for the hoop houses. Yet the county ignored the fact that mixed light cultivation was not authorized on this property. It also ignored violations on an adjacent parcel where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 11. 3215 Middle Two Rock Road, Petaluma Dairy Belt (APN 021-160-011). This grower is operating under the PRP, which entitles him to grow, without a permit, until the county acts on the permit application on the condition that the grower not cultivate more cannabis than

would be allowed under the permit for which it has applied. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower lacks a state license for indoor or mixed light cultivation. A photograph shows 18,356 square feet of mixed light cultivation, a state law violation because he lacks a license for it and a violation of the PRP because he is growing almost double the amount allowed by the permit for which he has applied. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 12. 334 Purvine Road, Petaluma Dairy Belt. San Francisco investors purchased this 37-acre property in a peaceful stretch of the Petaluma Dairy Belt in June 2017. The grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. A photograph shows outdoor cultivation consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation. This grower has previously ignored applicable law. In 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license, which was upheld on appeal. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 13. 7900 Petaluma Hill Road, Penngrove (UPC18-0025). The growers at this site cultivated and harvested marijuana in 2018. On March 11, 2019, Permit Sonoma notified the operator that the site is located within designated critical habitat for the California tiger salamander, and the applicants could not get incidental take permits from the federal and state



agencies. The applicants withdrew their permit proposal in mid-2019. An unsightly wooden fence that surrounds the 1-acre grow setback 200 feet from Petaluma Hill Road continues to blight the otherwise scenic landscape almost two years later. This failure of county officials to enforce the law is allowing significant environmental and aesthetic harm to occur.

Example 14. 6583 St. Helena Road, Santa Rosa (UPC17-0043). For over eighteen months, neighbors of this grow were fearful for their safety due to the growers' possession of firearms and threats of home invasions. The county issued notices of violation for three illegally-constructed greenhouses and unpermitted electrical installations in September 2017, but did little to resolve them. The electrical violations could have caused wildfires. The growers installed unpermitted high-intensity electric lights without coverings. On foggy nights the illumination appears to be a wildfire. On one occasion, three fire departments deployed for a false alarm. In August, three men were arrested for kidnapping and attempted murder there.³ They had a rifle on the premises, contrary to the ordinance. The county issued a notice to the operator to stop growing in August 2018, and the operator appealed. A hearing was held in September 2018, and an agreement was reached to shut down the grow. It took over eighteen months to resolve an intolerable situation during which the environment and residents were damaged.

Example 15. 7777 Cougar Lane, Santa Rosa (no cannabis application). Since at least 2008 the owner has been reported multiple times for illegal construction and electrical violations. The Fire Marshall, Sheriff, and Permit Sonoma could see the illegal activity but refused to act without a warrant. In 2011, at the urging of Supervisor Brown, Permit Sonoma ordered the unpermitted construction to be removed, but the county never enforced the order. Similar complaints were filed in 2013 but the county failed again to act. The county issued citations for illegal construction in February 2018 and for illegal cannabis in May 2018 and the marijuana was then removed. The owner failed to appear for a hearing on his illegal construction in September 2018 but there was still no abatement. Finally, in 2019 the county required him to remove the unpermitted structures, and although he dismantled them, he left the trash on the site. The county's countenance of unlawful behavior for a decade has been an invitation to illegal marijuana grows.

Example 16. 5364 Palmer Creek, Healdsburg (UPC17-0067). Since the purchase of the property in June 2016, the operator has never had a legal source of water yet is now completing his second harvest season. Contrary to § 26-88-250(g)(10) and the PRP, the operator exclusively used trucked water. The operator has been hauling recycled waste water day and night and a commercial potable water supplier has been delivering water daily to the grow. Residents have been reporting violations to code enforcement since November 2017. The county allowed the operation to continue unabated until recent complaints resulted in an agreement to shut down. The county allowed the 2017 harvest to be sold despite the fact that the grower has no state license so any sales were on the black market in violation of California and federal law. While the environmental harm may have stopped, the county allowed it to occur for years.

Example 17. 2108 Schaeffer Road, Sebastopol (ZPC17-0009). This 2.4-acre property that is zoned DA had been used to cultivate marijuana long before the 2016 Cannabis Ordinance was adopted. It has had innumerable building code violations for years. The county allowed the growers to continue to cultivate under the protections of the PRP when they applied for a

³ Susan Minichiello, [Three men arrested for kidnapping, attempted murder at Santa Rosa marijuana farm](#) (Aug. 13 2018).

commercial cannabis permit. The property has only a 21-foot setback when the zoning code requires 50 feet, and this defect cannot be cured. The county failed to act responsibly to shut down the grow immediately. In late 2018, the county stated it would tell the operator that the permit will be denied. While this is now shut down, the neighbors were subjected to an illegal marijuana grow for two years since the Cannabis Ordinance was adopted while the environment suffered. Much of the property remains a mess, and the county has failed to make the owner clean it up or to do so itself.

Example 18. 5000 Lakeville Highway, Petaluma (UPC17-0023). For about two years, residents on a small lane were subjected to noxious marijuana odors. The grower was operating within the 300-foot setback to a home, contrary to law. Code enforcement officers failed, neglected, and refused to shut down the grow because it was in the “penalty relief program” which allows growers to operate without a permit or complying with regulations. The neighbors were also exposed to vicious dogs that got loose when a security gate was left open. Contrary to the ordinance, they illuminated bright lights on many nights when no one at Permit Sonoma was on duty. Permit Sonoma does not investigate complaints on weekends, holidays, or between 5 PM in the evening and 8 AM in the morning, while growers operate constantly. It took almost two years for Permit Sonoma to shut down the grow, during which time neighbors and the environment suffered the consequences.

Conclusion. Sonoma County has a dismal record of protecting the environment and its residents with respect to implementing the cannabis ordinance. No one should rely on commitments that Sonoma County makes to implement any mitigation measures or protections in the current or revised cannabis ordinance. It should undertake a full environmental impact report to fully evaluate the impacts of the proposed ordinance. All permits should be discretionary because county officials make even objective decisions into discretionary ones.



Sonoma County Department of Agriculture/Weights & Measures
Andrew F. Smith, Agricultural Commissioner/Sealer of Weights & Measures
133 Aviation Blvd., Suite 110, Santa Rosa, CA 95403-8279
Phone: (707) 565-2371 Fax: (707) 565-3850
Website: sonomacounty.ca.gov/AWM

Inspections conducted at 4050 and 4065 Grange Rd. 6/11/2020

Maggie Furlong

Today, June 11th, I conducted a compliance inspection at 4050 and 4065 Grange Rd. UPC17-0085 and UPC17-0082 respectively, as a result from neighborhood complaints. I was accompanied by Jesse Cablk from Code Enforcement. As I conducted the inspection I immediately noticed that there were two mixed light hoop houses. The permit is for outdoor cultivation only. I also noticed an indoor grow in one of the barns, and noticed that the other barn was also equipped for indoor operations. There was a tremendous amount of garbage and debris on the property. A Uhaul van was being stored on site full of garbage and debris. The neighbor attested that the van had been going in and out all day before we arrived. Across the driveway on a steep hillside, visible from the neighbor property, was approximately 1700 plants amongst the abandoned vineyard. My estimate of the total square footage of canopy is 20,000 sq. ft. Well over the 10,647 sq.ft. allowed under their penalty relief agreement. They DO NOT have a valid state license with the CDFA for that site. There are no porta-potties or bathrooms on site that we observed during inspection.

At 4065 Grange Rd. just up the driveway was their other site. They DO have a valid state license for that site, CCL19-0003471. There were no METRC tags on any of the plants and my estimate is that there will be approximately 6000 sq. ft. of canopy at maturity. Their license is for 5000 sq.ft. The plants were directly under the drip line of the oak trees which had been severely cut back. There are no porta-potties on site.

Inspection report information from Code Enforcement

VCM20-0647

6/11/2020 Site inspection with Maggie Furlong from AG and John Chen 415-999-7388.

4050 Grange Rd. The operation is over canopy by approximately 10,000 square feet, and is using light deprivation on one hoop house, and growing indoors inside of the barns on site.

John also does not have a state license yet.

Junkyard conditions are also present on site.

On 6/15/2020 I issued a Notice and Order at the request of the AG department, giving John 5 days to get the cannabis back into what he is allowed under penalty relief.

I received photos from John on 6/19/2020 showing that the property is now in compliance. Per AG, no penalties if the property is in compliance within five days. Ok to close violation.

Follow up 6/23/2020

Jesse Cablk

On 4050 Grange road, John Chen sent me photos showing compliance in terms of light deprivation, indoor cultivation, and excess canopy was removed. I closed the violation without penalties per Ag Department Request.

BLOCK & BLOCK

ATTORNEYS

January 8, 2021

By Electronic Mail

Tabatha Chavez, Chief
Compliance and Enforcement Branch
CalCannabis Cultivation Licensing
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
calcannabis@cdfa.gov

By Electronic Mail

Tennis Wick, Director
Sonoma County Permit and Resources Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403
tennis.wick@sonoma-county.org

By Electronic Mail

Andrew Smith
Sonoma County Agricultural Commissioner
Department of Agriculture/Weights and Measures
133 Aviation Boulevard, Suite 110
Santa Rosa, CA 95403
andrew.smith@sonoma-county.org

Dear Ms. Chavez, Mr. Wick and Mr. Smith:

I am writing to bring to your attention systemic violations of state and local cannabis law that are occurring in the Middle Two Rock neighborhood of Sonoma County, where my clients live. The undue concentration of permits in this area, as evidenced by the attached aerial photograph (Exhibit A), imposes an unfair burden on area residents. Their burden is compounded by growers' widespread cultivation of cannabis beyond legal limits and by the lack of any sustained or effective enforcement effort by the relevant authorities.

The photographs attached to this letter are evidence of egregious and easily detectable violations of state and local cannabis law. Enforcement by cannabis regulatory and law enforcement authorities, however, has been practically non-existent. This lack of enforce-

ment gives non-compliant growers an unfair advantage in the marketplace, deprives state and local authorities of tax revenue, undermines the cannabis regulatory system, infringes on local residents' property rights and quality of life, and generally breeds cynicism and distrust concerning California's experiment with legal cannabis.

I ask that you investigate the violations and properties identified in this letter and take swift and certain action to hold the responsible parties to account for past violations and ensure compliance in the future. I also ask that this evidence be taken into account in connection with any permit reviews or license renewals.

A. The Witt Property
5730 Bodega Avenue
APN 022-090-002

Between May 31 and July 23, 2020, the Sonoma County Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. One of the applicants – Sennin Soul, LLC – has four provisional state licenses for small outdoor cultivation. The others do not have any state licenses. Thus, the maximum amount of cannabis that may be cultivated on this site is 40,000 square feet, all of it outdoors.

Attached is an aerial photograph of the site taken on October 11, 2020 (Exhibit B). It shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet.

On November 2, 2020, the county issued notices of violation for thirteen 4,000 square foot hoop houses at 5730 Bodega Avenue. These hoop houses alone account for 52,000 square feet of mixed light cultivation, none of which was authorized by Sennin Soul's permit or license.

Next to the hoop houses was 93,954 square feet of unpermitted outdoor cannabis, which was in plain sight of county officials when they inspected the hoop houses. Yet the county has failed to cite anyone for patently illegal outdoor or mixed light cultivation. County officials deliberately looked the other way.

Sennin Soul should never have received a state license. Section 26050.2 of the Business and Professions Code provides that the Department of Food and Agriculture may issue a license if CEQA review of the application is either complete or underway. Because the County classifies the permits granted to Sennin Soul as ministerial, there was and never will be any CEQA review. There is also no neighborhood notice, public hearing, or meaningful appeal of ministerial permit applications.

The issuance of ministerial permits in this case is improper. Even a cursory review of the documents, and the cultivation infrastructure on-site, reveals that the applicants are working in concert to pursue a single large cannabis project. The project was clearly “piecemealed” – separated into 16 different applications – to qualify for ministerial permits and avoid environmental review. The county has condoned this ruse for some time and is now embroiling the state in this illegal behavior.

B. The Western Dairy Property
4235 Spring Hill Road
APN 022-240-007/008/009, 022-260-003

A similar ploy was used by the applicants at 4235 Spring Hill Road. On June 15 and 16, 2020, the county issued ministerial permits for 10,000 square feet of outdoor grow on four separate parcels to four applicants. All four list Vanessa Calhoun as organizer or agent and use the same address in Santa Rosa, adjacent to CannaCraft’s headquarters. A principal in one of the applicants, Melissa Huynh, is listed as a CannaCraft director.

The county should have considered these applications together, consistent with CEQA’s requirement to evaluate the “project as a whole.” Instead, it enabled the applicants to evade environmental review by splitting a single project into 16 applications. The state has now issued provisional licenses for this property, effectively ratifying the county’s CEQA violation.

Attached is an October 11, 2020 photograph of cultivation on the four Spring Hill Road parcels (Exhibit C). It shows (i) 78,716 square feet of mixed light grow on APN 022-240-007; (ii) 61,287 square feet of mixed light grow and 15,584 square feet of outdoor grow on APN 022-240-008; (iii) 66,480 square feet of outdoor grow on APN 022-240-009; and (iv) 41,500 square feet of mixed light grow on APN 022-260-003.

The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow. The total area under cultivation in the photograph is 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses.

On October 21 and 23, 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels: (i) eight on APN 022-240-007 totaling 70,400 square feet; (ii) five on APN 022-240-008 totaling 42,000 square feet; and (iii) four on APN 022-260-003 totaling 33,600 square feet. Shockingly, while citing the owners for failing to obtain building or fire department permits for the hoop houses, the county ignored the fact that mixed light cultivation was not authorized on this property at either the state or county level.

At the same time, the county ignored violations on an adjacent parcel, APN 022-240-009, where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet.

C. The Drips Property
3215 Middle Two Rock Road
APN 021-160-011

According to county records, this grower is operating under the Penalty Relief Program (“PRP”). The PRP entitles an eligible grower to continue growing, without a county permit, until the county acts on the grower’s cannabis permit application on the condition that the grower not cultivate more cannabis than would be allowed under the permit for which it has applied.

The county has not yet acted on the grower’s permit application, so cultivation is still subject to the terms of the PRP. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower does not have a state license for indoor or mixed light cultivation.

The attached photograph (Exhibit D), taken on October 11, 2020, shows 18,356 square feet of mixed light cultivation. This is (1) a state law violation because the grower does not have a license for mixed light cultivation, and (2) a violation of the county’s PRP because the amount of mixed light cultivation shown in the photograph is almost double the amount allowed by the permit for which the grower has applied.

D. The Highland Canopy Property
334 Purvine Road
APN 022-230-020

This grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. The attached photograph from October 11, 2020 (Exhibit E) shows outdoor cultivation at 334 Purvine Road consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation.

This is not the first time the grower on this property has ignored applicable law. In February 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license (Exhibit F). The court’s decision was based on aerial photographs from July 2018, similar to the photographs attached to this letter, showing illegal cultivation occurring before the grower

had received either a county permit or a state license. The injunction was upheld on appeal.

E. Conclusion

Two facts stand out about cannabis cultivation in the Middle Two Rock neighborhood. First is the scope and brazenness of the violations. Growers feel free to grow as much as they want wherever they want, confident that there will be no consequences.

Their brazenness is related to the second remarkable fact – the obvious indifference of the authorities. It is absolutely clear that Sonoma County lacks the will to reign in illegal grows and is deliberately turning a blind eye to large-scale, easily detectible violations. The utter lack of enforcement of cannabis rules raises troubling questions about the influence of the cannabis lobby on local decision-makers.

I earnestly request that the state and county work in tandem to hold the responsible parties accountable for the violations identified in this letter and to put in place a more aggressive enforcement program to improve compliance in the future. Doing so is the only way to ensure a steady flow of tax revenue, neighborhood compatibility, public confidence in cannabis regulation, and the ultimate success of the legal cannabis market.

Sincerely,



Kevin P. Block

cc:

Stacey Roberts, Supervising Deputy AG, Cannabis Control Section (stacey.roberts@doj.ca.gov)
Richard Parrott, Director, CalCannabis (richard.parrott@cdfa.ca.gov)
Margaret Cornell, CalCannabis Licensing (margaret.cornell@cdfa.ca.gov)
David Rabbitt, Sonoma County Supervisor (david.rabbitt@sonoma-county.org)
Patrick McGreevy, LA Times (patrick.mcgreevy@latimes.com)

EXHIBIT A



EXHIBIT B

Address: 5730 Bodega Ave.
Feature Type: Large Greenhouses
Area: 79325.04 Square Feet
Perimeter: 1129.64 Linear Feet

Address: 5730 Bodega Ave.
Feature Type: Outdoor Cultivation
Area: 70674.78 Square Feet
Perimeter: 1121.65 Linear Feet

Address: 5730 Bodega Ave.
Feature Type: Outdoor Cultivation
Area: 23279.3 Square Feet
Perimeter: 628.01 Linear Feet

Address: 5730 Bodega Ave.
Feature Type: Large Greenhouses
Area: 48164.29 Square Feet
Perimeter: 878.49 Linear Feet

EXHIBIT C



Address: 4235 Springhill Blvd.
Feature Type: Outdoor Cultivation
Area: 15584.38 Square Feet
Perimeter: 788.43 Linear Feet

022-240-009

Address: 4235 Springhill Blvd.
Feature Type: Outdoor Cultivation
Area: 66430.07 Square Feet
Perimeter: 1113.27 Linear Feet

022-240-008

Address: 4235 Springhill Blvd.
Feature Type: Large Greenhouses
Area: 61287.04 Square Feet
Perimeter: 1070.78 Linear Feet

Address: 3803 Springhill Blvd.
Feature Type: Large Greenhouses
Area: 41500.14 Square Feet
Perimeter: 1060.95 Linear Feet

022-260-002

022-240-007

Address: 4235 Springhill Blvd.
Feature Type: Large Greenhouses
Area: 78715.77 Square Feet
Perimeter: 1266.61 Linear Feet

022-260-003

022-250-001

EXHIBIT D

Address: 3215 Middle Two Rock Road
Feature Type: Outdoor Cultivation
Area: 1489.36 Square Feet
Perimeter: 162.18 Linear Feet

Address: 3215 Middle Two Rock Road
Feature Type: Small Greenhouses
Area: 10054.53 Square Feet
Perimeter: 494.45 Linear Feet

Address: 3215 Middle Two Rock Road
Feature Type: Small Greenhouses
Area: 1585.94 Square Feet
Perimeter: 165.12 Linear Feet

Address: 3215 Middle Two Rock Road
Feature Type: Large Greenhouses
Area: 6715.46 Square Feet
Perimeter: 362.73 Linear Feet

Address: 3215 Middle Two Rock Road
Feature Type: Outdoor Cultivation
Area: 11176.82 Square Feet
Perimeter: 442.37 Linear Feet

EXHIBIT E

Address: 334 Purvine Road
Feature Type: Indoor Cultivation
Area: 1284.32 Square Feet
Perimeter: 152.95 Linear Feet

Address: 334 Purvine Road
Feature Type: Barn/Mixed Light Cultivation
Area: 1550.26 Square Feet
Perimeter: 173.1 Linear Feet

Address: 334 Purvine Road
Feature Type: Mixed Light Cultivation
Area: 616.93 Square Feet
Perimeter: 104.25 Linear Feet

Address: 334 Purvine Road
Feature Type: Outdoor Cultivation
Area: 45374.26 Square Feet
Perimeter: 912.24 Linear Feet

EXHIBIT F

**ENDORSED
FILED**

FEB 25 2019

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

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and BRITT CHRISTIANSEN
9

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SONOMA
12

13 NO POT ON PURVINE, an unincorporated
14 association; SANJAY BAGAI; PHOEBE
15 LANG; AYN GARVISCH; AUTYMN
GARVISCH; BRITT CHRISTIANSEN,

16 Plaintiffs,
17

18 v.

19 PETALUMA HILLS FARM, LLC a
20 California limited liability company;
SONOMA HILLS FARM, LLC, a
21 California limited liability company;
22 THE SONOMA COUNTY EXPERIENCE,
LLC, a California limited liability company;
23 SAMUEL J. MAGRUDER; GIAN PAOLO
24 VERONESE; MICHAEL W. HARDEN;
and DOES 1 through 25, inclusive,

25 Defendants.
26
27
28

Case No. SCV263292

[PROPOSED]
**ORDER GRANTING PRELIMINARY
INJUNCTION AND PRELIMINARY
INJUNCTION**

Hon. Patrick Broderick
Complaint Filed: October 9, 2018
Trial Date: Not Set

ORDER GRANTING PLAINTIFFS' PRELIMINARY INJUNCTION

1 Plaintiffs' Motion for a Preliminary Injunction came on for hearing in Courtroom 16 of
2 this Court on February 1, 2019. All parties appeared through their counsel of record.

3 After considering the moving and opposition papers and the arguments of counsel, the
4 Court adopted its tentative ruling as its final order and ruled as follows:

5 **Motion for Preliminary Injunction Granted.** Plaintiffs expressly seek to enjoin only
6 illegal operations in violation of the Sonoma County Code, which defines these actions as a
7 nuisance and for which an injunction is expressly available. Plaintiffs demonstrate that
8 Defendants lack the required permit for commercial cannabis operations and provide evidence of
9 such conduct which requires a permit. The injunction is expressly limited to illegal conduct.
10 The court notes that it does not bar any legal personal cannabis cultivation by Defendant Jared
11 Rivera for his own personal use which Defendants claim is the limit of the cannabis conduct.
12 Plaintiffs must post a bond of \$100 because the injunction, being limited to illegal conduct,
13 inherently appears to have no likelihood of causing any actionable or recoverable damages.

14 IT IS SO ORDERED.

15
16 **PRELIMINARY INJUNCTION:**

17 Defendants, their employees and agents, and persons acting on their behalf or in concert
18 with them, are enjoined and restrained pending trial of this action from:

19 (a) engaging in the commercial cultivation of cannabis for medicinal or recreational
20 purposes at 334 Purvine Road, Petaluma, California without a cannabis permit from the County
21 of Sonoma and a cannabis license from the State of California in violation of the Sonoma County
22 Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety
23 Act, and applicable state and local regulations; and

24 (b) engaging in the cultivation of cannabis for medicinal or recreational purposes at
25 334 Purvine Road, Petaluma, California for personal use in violation of the Sonoma County
26 Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety
27 Act, and applicable state and local regulations; and
28

1 (c) hosting, sponsoring, organizing, holding or participating in tastings, promotional
2 activities or events related to cannabis uses at 334 Purvine Road, Petaluma, California in
3 violation of section 26-88-250(c) of the Sonoma County Code.

4 Plaintiffs shall file with the Clerk of the Court an undertaking, or cash in lieu thereof, in
5 the amount of \$100 pending trial of this action.

6 IT IS SO ORDERED.

7 **PATRICK M. BRODERICK**

8 February ²⁵ 2019

9 _____
10 Judge

From: [Edy Bishop](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance Changes
Date: Saturday, March 13, 2021 2:23:00 PM

EXTERNAL

First let me preface my comments by saying I am not against the Cannabis Industry. But I do feel that certain things should take precedent when making regulations re. outdoor cannabis grows. Our homes are our comfort zones, our safe zones and what many strive for in life to own. Our homes need to be protected from any business “encroaching” on our personal property in our neighborhoods.

Regulations need to protect the homeowner foremost, not the industry:

- Setbacks need to be at the maximum, 1000 feet for schools, but not homes? It should be the same. 100 feet is not acceptable. 300 feet from a residence, not acceptable.
- 10 acres for outdoor grow minimums?, it should be at least 20 acres. This would help in alleviating odors, security lighting infringing on residences, and allow greater setbacks from residences.
- Security? Face it, bad things have happened surrounding cannabis, nobody can guarantee that a rural grower might not have issues with undesirables in their rural neighborhoods.
- Home values, it’s been proven that the home you worked so hard to purchase will lose value due to the cannabis business next door.

I understand the cannabis industry brings money into the coffers of Sonoma County, but it will still do that with strict regulations that protect rural residences.

Edyth Bishop
Concerned Homeowner,
Cazadero Resident

Sent from [Mail](#) for Windows 10

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From: [Hiedie Conner](#)
To: [Cannabis](#)
Cc: [Andrew Smith](#); [David Rabbitt](#); [Chris Coursey](#); [Susan Gorin](#); james.gore@sonoma-county.org; lynda.hopkins@sonoma-county.org; ccobloomfield@gmail.com; [PlanningAgency](#)
Subject: Phase 2 Sonoma County Cannabis Ordinance
Date: Saturday, March 13, 2021 2:30:26 PM

EXTERNAL

3/13/21

**Dear Ladies and Gentlemen of the Sonoma County Board of Supervisors,
Andrew Smith Agricultural Commissioner and Cannabis Program Manager**

My name is Hiedie Conner and I am a 35 year resident of Sonoma County, specifically the town of Bloomfield. I am deeply concerned with most of the proposed changes to the Sonoma County Cannabis Permitting processes most specifically how the changes will impact the rural communities of our county.

You are indeed aware of the Phase 2 application for the impending Cannabis grow in the town of Bloomfield. At this point I also realize that listing ALL the negative repercussions, approval of this project would bring to my community and similar communities in Sonoma County, is like "beating a dead horse". Not much new can be said, from our narrow town roads (10'to 12' not including streets lined with parked cars), to the increased water consumption of a Cannabis grow on our town wells (some only 25' deep), to the Health and Safety of a community of young families and ageing population (that walks, bikes narrow streets daily) with increased traffic and no ability to accommodate trucks/tourists etc., to odor, pesticides, lighting, drones, on and on!

Over and above ALL the examples I have listed and those Also important ones so obvious, I want to question and discuss: PUBLIC GOOD. Not just for the proposed Bloomfield Project but for Sonoma County in general. When a Cannabis project is proposed IN or near an established community, where is the "Public Good" in even considering such a project? We are NOT

"NIMBIES", in fact throughout our town several residents have been know to grow a few plants for their personal use. No one has a problem with considerate personal "gardens". Sure Sonoma County does not reap revenue from these gardens, but there is seldom push back from neighbors as long a one does not infringe on another. Where is the "Public Good" in all the changes that are being proposed. Why is one industry allowed to come into a community and dictate how things will be? Is it NOT your job as Supervisors, and Commissioners to protect the residents? Granted, you must consider revenue, but residents are tax payers which are also revenue! The proposed cannabis grow is NOT for OUR "common good"! You have heard a resounding "NO" here! Let there be responsible planning, giving established communities protection from life altering businesses and corporations, whose production will forever change the "landscape" of the communities they boundary, from decreased property values, to health and safety. Are we, the residents and neighbors, the sacrifice you are willing to make to possibly fill your coffers?

Please walk a mile in our shoes. Consider how YOU would feel if this was happening to your beloved community. Consider the Legacy each and every one of you will be leaving with your vote. Take the time to review other similar counties and their restrictions and challenges. Finally, Why would Sonoma County rush into a plan that was would "streamline" the permit process of something that is NOT for the "common good", can adversely affect so many, and increase the litigation exposure to the County of Sonoma.

Sincerely

Hiedie S, Conner hiedieconner@gmail.com

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From: [Hiedie Conner](#)
To: [Cannabis](#); [Scott Orr](#); [PlanningAgency](#); [David Rabbitt](#)
Cc: ccobloomfield@gmail.com; [Tennis Wick](#); [Andrew Smith](#)
Subject: Cannabis Phase II
Date: Saturday, March 13, 2021 5:42:49 PM

EXTERNAL

Dear Sonoma County Board of Supervisors, Planning Commission Directors and Commissioners,

I would like to voice my angst regarding the new Phase II proposed changes to the Cannabis permitting and operating requirements and how it will adversely affect so many people in Sonoma County.

First, how can cannabis be re-categorized an Ag product like tomatoes or corn when it, in EVERY way, is treated, protected and valued differently than any other AG product? From being a "cash" and processing on site product, to the odor emitted, to the clientele it attracts! when you down grade cannabis to simply an AG product, you take away the limited protections and requirements we have as mere residents; fencing, some odor protection, etc. To decrease the "set backs" from neighboring properties to the "grows", will ONLY hurt the neighbors, destroy their property values even more, increase the possibilities for violence, and litigation and make a large portion of the rural residential Sonoma County uninhabitable for tax paying residents. Set backs should be a minimum of 1000' to 1500' as some neighboring counties have already learned is a must. Mendocino county (the original Green Triangle) has forbidden any cannabis from Rural Residential areas.

Secondly, why are you proposing to increase the size of plant-able grows? Do we as Sonoma County residents want our rural landscapes, pastures, hiking trails, tourist attractions etc. to be completely consumed with Large corporate grows and massive 24 hour a day lighted, noisy generator driven processing plants? Or our hills and pastures covered with acres and acres of hoop or outdoor grows. Take a lesson from Santa Barbara and their out of

control grows and processing. Is this what Sonoma County wants to be known for?

Thirdly, what protection do rural residential communities have to protect their water? Rural communities are most always on wells, expensive to drill and operate. Now you add Cannabis grows to the mix with their money to drill deeper and more wells. In low water or aquifer area, resident wells will and HAVE gone dry or become so polluted that they can't be used. What recourse does one have when the water is drawn down by a wealthy. attorney backed cannabis consortium's. Does the county have a responsibility to protect all equally, even the "little guy"? Does this not further involve the county in litigation and fights? Why can't the permitting for Cannabis be on a case by case basis, considering the repercussions and location of each proposed grow?

Fourthly Why won't the county require an EIR for each proposed grow in a rural residential area to factually show the impact these endeavors have on pollution, the environment and the species that make their homes in our hills and pastures? Why is the county even considering a 5 year permit when a grow, out of compliance , can destroy a neighboring residential community in a few months. The growers, leased or owner operated, simply dissolve their LLC and leave! A new poverty area has been identified...now what?

Fifthly Plan! Plan! Plan, an area where Cannabis can be grown and processed without negatively affecting our long standing, historical Rural Communities! Plan an industrial area where there can be trucks and tastings and selling, like a "BIG BARLOW" or the Graton Casino. Where all sides can live in harmony and residents can be safe from inadequate fire roads, lighting and noise and pesticide pollutants.

Lastly why are new Cannabis Grows given priority and a say in the rules and guidelines governing them, over rural communities who would MOST CERTAINLY have "seniority" over the "new comers". This is when, I believe the "greater good of the communities should trump the cannabis industry! People have and will work all their lives for their "small piece of ground". The Phase II changes

threaten homes and communities!

I ask you to help restore our faith in our government. Do what is right . Protect our rural communities and take the opportunity to plan a County of the future with areas where we all can live in harmony.

Regards,

**Forest Houtz
houtz4@aol.com**

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Disclaimer:

Thank you for your effort and hard work holding agencies for so many different interests.

This is a single letter with the page numbers 1, 2, and 3, we have it attached at 0000 County Street.

We have it in response to Part 1 of the American County Executive Conference.

It is not a response to Part 2 of the American County Executive Conference.

Each part of the conference is a separate document.

The County Board of Supervisors is required to properly study and address the impacts of commercial activities on residential areas and neighborhoods. This will include all the time and money spent by growers and neighbors alike.

With gratitude,
David, Andy and Sage



From: [kkyates](#)
To: [Cannabis](#)
Subject: ordinance
Date: Saturday, March 13, 2021 11:41:10 AM

EXTERNAL

Hello,

I live in dairy country, and know what that smells like, how far the odor travels, and for how long. I also have had someone adjacent to me grow and harvest several pot plants, so I know what that smells like, how far it travels, and for how long.

To consider this an ag crop akin to alfalfa or potatoes is to fail to realize the intensity and duration of odor emitted from pot plants on a commercial scale. Cannabis is more akin to pig and dairy farms, but they are not permitted in 10 acre parcels in a residential neighborhood.

These grow operations need to be put away from neighborhoods.
thank you

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From: [Que Sera sera](#)
To: [Cannabis](#)
Subject: cannabis ordinance
Date: Saturday, March 13, 2021 11:58:37 AM

EXTERNAL

Please please dont do this - it isnt thought through. It will have terrible effect, more people need to know.

Mary Jenkins

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From: dollysdays@yahoo.com
To: [Cannabis](#)
Subject: pot farms
Date: Saturday, March 13, 2021 11:51:24 AM

EXTERNAL

I hear you are trying to push through a change in the pot ordinance really fast. This is suspicious. It seems to me this sort of change will have such huge consequences that a change belongs on a county ballot measure, not with a few town halls a month before you vote, so hardly anyone knows.

I thought you were public servants. This is more like self servants. Shame

Peter

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From: [Russell G. Wells](#)
To: [Cannabis](#)
Subject: Comment on Cannabis regulation
Date: Saturday, March 13, 2021 5:26:42 PM

EXTERNAL

To Whom It May Concern:

Cannabis cultivation and distribution has become so obstructed by regulations and fees that only the wealthiest parties can participate.

All this has been done in the name of protecting consumers. The consumers are supposed to be protected by knowing that samples of whatever they're buying have been analyzed in approved facilities, so they can be confident of how much of the ingredients THC, CBD, etc., are in their purchase.

For this assurance, they are paying all the costs associated with it: the initial permit fees, the tax on each plant, the transport by approved delivery companies, the lab analyses of the samples, the transport back to the place of sale, and finally the sales taxes.

It does not seem to have occurred to any of the planners that there may be some consumers who don't care about all this knowledge and its background reassurances. They just want to get high, or out of pain, or they need to relieve tension or depression. But they do care about the high prices.

How about some consumer choice? This is supposed to be the great virtue of democracy and freedom, "Freedom to Choose", as Milton Friedman put it. As things are, whoever wants to remain within the law must pay for all these background assurances, desired or not. True freedom to choose would give consumers the option of buying highly analyzed, certified product at a high price, or completely unverified product at a much reduced price.

This idea would seem pretty obvious if one were concerned about freedom of choice. But if, on the other hand, one were mostly concerned about how much taxation could be extracted, then this would be counter-productive. Your choice is between the principle and the money. Is there any question which should prevail? Or which will?

Russell Wells

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From: [Shayne Khajehnoori](#)
To: [Cannabis](#)
Subject: Sonoma Cannabis
Date: Saturday, March 13, 2021 9:04:34 AM

EXTERNAL

Dear Board of Supervisors and County Staff,

We hope this finds you healthy and safe. We appreciate your attention to the below amendments to the Sonoma County Cannabis Ordinance Draft.

You released a draft copy of the zoning regulations and an amendment of the general plan, but they contradict each other.

- In the zoning regulations under the definition of "crop production" please remove "except cannabis" to match the General Plan amendment.
- I support and appreciate the change in the General Plan to classify cannabis as agriculture.

After reviewing the Chapter 38 draft ordinance, I have the following comments:

- Please align the Sonoma Cannabis Ordinance where applicable to state laws.
- As state laws continue to evolve, the Sonoma County ordinance should change with it.
- Nurseries should be prioritized as there is a local supply chain shortage and traveling and spending monies outside our county. That is money that is leaving our county and creating unnecessary carbon impact. Let's keep our money and our farming in Sonoma County.
 - Please clarify that the new ordinance removes the sqft. cap on nurseries
- Please create an advisory committee for cannabis or agriculture in general. There must be more transparency between county staff and the industry.
-

Please create a pipeline for the original applicants that have been stuck in line at PRMD. Give priority to them without additional fees. They were supposed to have a head start and get priority processing, but are stuck in queue. Now you are allowing 10% canopy without getting them permits first.

- I support 5-year permits and the allowance of ministerial permits in LIA and RRD.
- I would like to see RR and AR added back, as a right to farm in Sonoma County. (Small farming is essential in our agricultural county.)
- Please release the site-specific environmental documents that will be used to satisfy CEQA at the state level.
- The state already has strict enough restrictions for water use. Please remove the new water restrictions you have added and treat us like other agriculture commodities.
- Please don't put caps on propagation. If it is used on-site, it should not be limited by square footage. Plants grow very quickly and must be held until they are used. We have strain banks and Mother Stock that must be kept alive. This requires extra space.
- Regarding the language around forests in 2016, please allow an exception for areas deforested via wildfires. These areas no longer have living trees on them and should not be disqualified.
- Please link interactive maps for the "Important Farmlands" and "Critical Watersheds" so those areas are known and easily referenced in the Sonoma County Code.
- Please remove the requirements for plant screening of Cannabis farms. (Other crops are not subjected to this) They draw attention to the fact that there is a cannabis farm behind a fence as opposed to a horse or dog, they cost extra money, and they use extra water.
- Please remove the requirement of carbon/air filters for indoor, greenhouse and nurseries on ag and resource properties. These smells are already mitigated by large parcel sizes. Also, many if not all of these properties will be eligible for

outdoor growing making the filters a moot point. They are expensive and a waste of carbon and energy resources. Lastly, hemp is now allowed and also smells the same as cannabis, because they are essentially the exact same plant.

- Please remove the requirement for an emergency to be government declared (**Example:** There may be a power outage on a single parcel that will still create an emergency for that farmer. They must be able to pump water or turn on lights to save their crop.)
- **Please treat us like other ag and don't threaten us with misdemeanors.**
- Don't give "Stop Work" orders unless there is due process. This may allow a whole year's worth of crop to be lost over a misunderstanding. This should only occur during the most serious offense and after arbitration.
- We should be allowed to truck in recycled water to reduce pressure on groundwater. It should actually be encouraged. Water catchment systems should also be incentivized.
- Please remove the plant count (25 Plants) for cottage outdoor permits. - Align with the state which has removed the plant count.
- How will the county deal with the Board of Forestry's new Fire Safe Ordinance? Will farms be required to have 20 foot wide roads? Will that only be required if there is new construction? Or are you changing the zoning code to classify us as an agricultural crop?
- Will Self-Transportation be allowed for cultivators?
- Will Self-Transport be allowed for Nursery Operators?
- How will renewals be handled?

Thank you for the considerable staff time it took to organize and edit these documents. I look forward to continuing to advocate for the cannabis industry, and I look forward to continuing to cultivate in Sonoma County!

Sincerely,

Shayne Khajehnoori
Sonococann, Inc - Penalty Relief

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From: [Sonia Taylor](#)
To: [Larry Reed](#); [Todd Tamura](#); [Gina Belforte](#); [Greg Carr](#); [Caitlin Cornwall](#); [Pamela Davis](#); [John Lowry](#); [Cameron Mauritson](#); [Jacquelyne Ocana](#); [Cannabis](#); [PlanningAgency](#)
Cc: [Tennis Wick](#); [Scott Orr](#); [Lynda Hopkins](#); [Chris Coursey](#); [district4](#); [Susan Gorin](#); [David Rabbitt](#); [Robert Pittman](#); [Andrew Graham](#); [Johnson, Julie](#); [Jim Sweeney](#); [Suzanne Doyle](#); [Steve Birdlebough](#); [Michael Allen](#); [Janis Watkins](#); [Teri Shore](#); [Padi Selwyn](#); [Judith Olney](#); [SCTLC list](#); [Will Carruthers](#)
Subject: Re: Cannabis Operations on Voter Protected Community Separator Lands
Date: Saturday, March 13, 2021 4:57:12 PM
Attachments: [3_13_21_cannabis_community_separator_ltr_final_1.pdf](#)

EXTERNAL

Gentlepersons:

Attached to this email is my letter discussing cannabis cultivation and other activities on voter protected Community Separator lands, and requesting the explicit prohibition of same.

As always, I am happy to discuss this request with any of you -- please do not hesitate to contact me.

Thank you for your consideration.

Sonia

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

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

13 March 2021

Larry Reed, Chair, District 2
Todd Tamura, Chair, District 2
Gina Belforte, District 3
Greg Carr, District 1
Caitlin Cornwall, District 1
Pam Davis, District 5
John Lowry, District 5
Cameron Mauritson, District 4
Jacquelynne Ocaña, District 3
Sonoma County Planning Commission

McCall Miller -- cannabis@sonoma-county.org

PlanningAgency@sonoma-county.org

Via email

Re: Draft Cannabis Ordinance and Draft Subsequent Mitigated Negative Declaration
Planning Commission Hearing Scheduled for March 18, 2021

Gentlepersons:

If this proposed Draft Cannabis Ordinance goes into effect as written, I believe it will allow cannabis cultivation, as well as permanent greenhouses, temporary 6 months/year hoop houses with artificial lighting capability, 8' solid security fencing, night and other lighting, structures with an industrial appearance, events, and more, on voter protected community separator lands.¹

I consider this unacceptable, and doubt that I am alone in this belief.

The current "cannabis package" includes the proposed Draft Cannabis Ordinance – Chapter 38, Amendments to Chapter 26, Draft Subsequent Mitigated Negative Declaration (hereinafter MND), and proposed General Plan Amendments, that you will be considering on March 18, 2021 (hereinafter collectively referred to as the "cannabis package").

¹ Of course, unless the County amends the current Chapter 26 sections of the Zoning Code that went into effect on March 11, 2021, this entire proposed cannabis ordinance is an exercise in futility, and is in violation of the California Environmental Quality Act. See my March 1, 2021 letter that covers this topic much more fully.

The MND herein is misleading. By the proposed changes to the Agricultural Resources Element of the General Plan, all cannabis activities will be permitted on voter protected Community Separators, which is neither admitted nor evaluated by the MND.

Community Separators are defined as lands that need to remain “open or retain a rural character.” Nonetheless, Community Separator lands include LIA, LEA, DA and RRD lands, and the Open Space and Resource Conservation Element of the General Plan explicitly defines these lands as including “agricultural” lands, and allows “commercial and industrial uses” that are permitted by the agricultural land use category. The changes proposed by this cannabis package – specifically to the General Plan Agricultural Resources Element² – would allow all cannabis operations on voter protected Community Separators.

Over 173,000 Sonoma County voters approved Measure K, the 2016 renewal of Community Separator protections, to preserve rural open space and agricultural lands.

County Counsel’s impartial analysis of Measure K stated:

Community separators are open space and agricultural lands located around cities that maintain community identities, prevent sprawl, protection natural resources, provide visual separation between cities and unincorporated communities, and are zoned for low density and low intensity uses.

While Measure K intends to protect open spaces and agricultural lands, the text of the measure makes clear what type of agricultural lands the voters were contemplating protecting, as contained in:

Article XIII, section 8 of the California Constitution encouraging the “conservation, preservation and continued existence of open space lands” for “recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber.”

It is therefore clear that the voters intended to protect Community Separator lands for, with regard to agricultural uses, low density and intensity agricultural uses that are for the production of food or fiber.

However, as the MND states about the compatibility of the cannabis operations proposed by Chapter 38:

Although cannabis appears similar to vineyards and other row crops, it often involves the use of visible structures, including temporary hoop houses to protect outdoor cannabis from rain; greenhouses for mixed light cultivation; indoor cultivation in structures with an industrial appearance; and structures for drying, trimming, and packaging. In addition, the high value of cannabis as a crop creates the need for solid fencing, screening, and restroom facilities to serve employees, which may affect scenic views. Cannabis structures have potential to be visible from scenic corridors and could contrast with the general form, scale, and bulk of other structures or vegetation in rural

² Again, it is impossible to evaluate any proposed changes to the current Chapter 26 of the Zoning Code, because it has not been amended. Future proposed changes to the current Chapter 26 could also allow all cannabis activities on voter protected Community Separator lands.

areas. Greenhouses and hoop houses, especially, can have highly visible light-reflective materials.³

I seriously doubt that the majority of the 173,000 voters who approved Measure K would agree that the type of cannabis operations contemplated by Chapter 38 is something they intended on these protected Community Separator lands.

I believe it is impossible for you (or the MND, if it had considered same, which it did not) to find that the cannabis uses contemplated by Chapter 38 are low intensity agricultural uses⁴, and obviously cannabis is neither food nor fiber.

With this letter I request that you explicitly prohibit any type of cannabis cultivation and other cannabis related activities, including events, on all protected Community Separator lands currently existing and those that may be added in the future.

Thank you for your attention to this matter. As always, please do not hesitate to contact me if you have any questions or would like additional information.

Very truly yours,

Sonia E. Taylor

Cc: Tennis Wick, Permit Sonoma Director
Scott Orr , Permit Sonoma Deputy Director
Sonoma County Board of Supervisors
Robert Pittman, Sonoma County Counsel
Andrew Graham, Press Democrat
Julie Johnson, Press Democrat
Jim Sweeney, Press Democrat
Will Carruthers, the Bohemian
Sierra Club
Sonoma County Conservation Action
Greenbelt Alliance
Preserve Rural Sonoma County
Sonoma County Transportation and Land Use Coalition

³ Mitigation Measure VIS-1 does not adequately address visual impacts of cannabis operations on voter protected Community Separator lands. Conclusions of “less than significant impact” reached throughout the MND are inadequate and erroneous.

⁴ Further, because the permits Chapter 38 proposes for cannabis are ministerial, cannabis operations will not have to comply with the Policy for Rural Character contained in the General Plan, which was not evaluated in the MND. There are also questions unasked and therefore unanswered/unevaluated by the MND regarding other sections of the General Plan policies because Chapter 38 contemplates only ministerial permits for cannabis operations.

From: [Shellie](#)
To: [Cannabis](#)
Subject: Letter from a Sonoma County Citizen
Date: Saturday, March 13, 2021 5:43:48 PM

EXTERNAL

Saturday, March 13, 2021

Sonoma County Supervisors:

We have the experience of our neighbors in Santa Barbara/Carpinteria to show Sonoma County officials the necessity of proceeding cautiously regarding the Cannabis Cultivation Ordinance. We already have fragile wine and agriculture industries that use large volumes of water. We don't know exactly how much yet because wine grows and ag properties have yet to be monitored. Add the drought times and red flags pop up in my mind when I hear about adding another potentially water-guzzling cannabis industry. THIS IS MY NUMBER ONE CONCERN.

Not to mention the use of insane amounts of plastic for the plastic hoop houses popular for the grows. In my mind, these marijuana houses are ugly, ugly, ugly. Do we want to see large swaths here?

Now add in the noxious smell and the potential for high-crime activity that marijuana has historically brought with it, and I say tread cautiously, so you don't have to back track and remediate land and regulations that have been destroyed or or deal with illegal activity that is bound to come as a result of these operations.

Don't be tempted by the well-paying jobs argument and incoming money generated by this new enterprise. How much animus will be generated to the adjacent farms, wineries, tourist spots being affected?

I recommend putting in place strict monitoring, and make sure there's \$ to EFFECTIVELY monitor compliance. Also, strict penalties and a fast track plan for non-compliance.

You can always add if things work out. It's a lot harder to do damage control and take back allowances.

Thank you,

Shellie Urmini

3400 Wallace Creek Road

Healdsburg, CA 95448

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From: tcmartinmail@comcast.net
To: [Cannabis](#)
Subject: Link to the Zoom Video Recordings,
Date: Saturday, March 13, 2021 12:34:45 AM

EXTERNAL

I would like to receive a link to the Zoom Video Recordings for March 8 and March 12 Virtual Town Halls.
Thank you!

Sent from my iPhone

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From: [Anne Seeley](#)
To: [Susan Gorin](#); [Cannabis](#)
Subject: New Cannabis Policy
Date: Sunday, March 14, 2021 10:15:04 PM

EXTERNAL

Dear Planning Commisioners:

When you consider this proposed policy change, please keep in mind the powerful forces of the cannabis industry lobby in this county and how willing they are to sacrifice the peace, sanctity and safety of local residents in order to turn a little of their cash into considerable profit.

If only ministerial approvals are required, the residents of neighborhoods close to new grow developments and processing facilities will not have an opportunity to comment on the need for site changes and appropriate oversight for these new sites.

Please represent all of us who will see our much-loved rural lands turned into production facilities, when you vote whether to loosen requirements for investigations into appropriate planning and oversight.

Thank you!

Anne Seeley, Chair of Concerned Citizens for Santa Rosa and Bennett Valley resident

--

Anne Seeley

Please note my new email address: aseeleysr@gmail.com

Tel: (707) 526-3925

Mobile (707) 484-8722

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From: [Anne Seeley](#)
To: [Cannabis](#)
Subject: New Cannabis Policy
Date: Sunday, March 14, 2021 10:34:59 PM

EXTERNAL

To Planning Commissioners:

When you evaluate the proposal to give approvals for cannabis industry projects using only a ministerial process, PLEASE consider whether you want this to happen in your residential area.

Not only is the county considering making rural roads less safe during wildfire season, authorizing cannabis grows and processing facilities using inadequate evaluation and oversight is grossly unfair to area residents, in service to entities that create not food but a commercial drug product.

Please reject this intrusion in our rural lands.

Thank you!

Anne Seeley, Chair of Concerned Citizens for Santa Rosa and Bennett Valley Resident

--

Anne Seeley

Please note my new email address: aseeleysr@gmail.com

Tel: (707) 526-3925

Mobile (707) 484-8722

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From: [BARBARA DUNHAM](#)
To: [Cannabis](#)
Subject: Regulating the Cannabis industry
Date: Sunday, March 14, 2021 12:58:35 PM

EXTERNAL

To whom it may concern:

I am writing to ask that the county take a stricter stand on the growing of cannabis. Our county is beautiful and that is why so many people want to live here and why tourists come to this area for recreation, wine tasting and to just enjoy being in the country.

I am sure you are aware of the cannabis blight in Santa Barbara County. This happened because of a lack of restrictions by its Board of Supervisors. Hoop houses proliferate the hills and the odor of cannabis is prevalent near schools and homes.

The health and welfare of the taxpayers of Sonoma County should be the main concern of the Sonoma County Board of Supervisors, not the lobbyists of the cannabis industry and the revenues it might bring.

1. Our water issues are of concern for climate change has altered the amount of snow in the Sierras and rain in our county. The cannabis industry will use a tremendous amount of water from our aquifers and rivers.

2. The odor of cannabis will permeate our air.

3. The setbacks for growing need to be at least 1000 feet from schools, playgrounds, homes, bike trails and public parks to protect people.

4. There should be constrictions on growing cannabis in areas where the roads are narrow, have dead ends, and create heavy traffic and noise to the residents in the area.

I could name a few more issues that should make you reflect on your actions, especially in changing the granting of permits without public notice and not having hearings so that your constituents can make their voices and concerns heard.

If money is the issue here and you think you will bring more revenue to the county, there will be unforeseen costs down the road. Infrastructure related costs for heavy traffic on our roads, reduced tourism, unhappy tax payers and devaluation of property which will lead to less property taxes for the county are but a few of the ramifications that might occur.

This is a time for the Board of Supervisors to consider the direction of this county. I first moved here in 1967 and a lot has changed here, some for the better, some for the worse. The wine industry has made an impact on this county but the unregulated cannabis industry could really change this wonderful, beautiful county into an industrial cannabis blight.

I ask that you reconsider how permits are granted and to keep strict setbacks for the growing and harvesting of cannabis, especially when it impacts homes, schools and public areas.

Sincerely,
Barbara Dunham
411 Eleanor Avenue
Sebastopol, CA 95472

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From: [Bill Krawetz](#)
To: [PlanningAgency; Cannabis](#)
Subject: Cannabis Draft ordinance - Planning Commission 1pm March 18th meeting
Date: Sunday, March 14, 2021 8:21:31 AM

EXTERNAL

Hi

I understand The Planning Commission will hold a hearing on the draft ordinance at 1:00 PM on Thursday, March 18. Can you send the call-in information?

Thanks Bill Krawetz

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From: [Lauren Giddings](#)
To: [Cannabis](#)
Cc: [David Rabbitt](#)
Subject: Draft Ordinance Comments/Concerns
Date: Sunday, March 14, 2021 4:51:18 PM

EXTERNAL

March 14, 2021

Dustin and Lauren King
11720 Mill St
Petaluma, CA 94952

Dear Planning Commission,

We are personally reaching out in hopes you will address our community's shared concerns over the recent revisions (Part 2) to the Sonoma County Cannabis Ordinance.

We respectfully request a minimum 1000 foot buffer/setback zone to be required around residential property lines in all unincorporated towns and neighborhoods of Sonoma County. Further, we request the County consider requiring all cannabis processing to occur in a commercial zone district.

We feel a ministerial permitting process should not be used for approving cannabis permits immediately next to rural towns and unincorporated communities. Finally, we politely request the County to require an Environmental Impact Report to properly study and reduce the impacts of commercial cannabis on residential towns and neighborhoods. This will eliminate all the time and money spent by growers and neighbors alike.

As neighborhood compatibility and community engagement are supposedly points of emphasis in this Phase, please let our voice be heard.

Sincerely,

Dustin and Lauren King

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From: [Diane](#)
To: [Cannabis](#)
Cc: [David Rabbitt](#); CCOBloomfield@gmail.com
Subject: Feedback for Sonoma County Cannabis Ordinance 38
Date: Sunday, March 14, 2021 9:49:10 AM

EXTERNAL

Dear Sonoma County Planning Commissioners and staff:

I understand you are in the process of revising the Sonoma County Cannabis Ordinance 38. When I first heard of your new focus on assuring neighborhood compatibility with cannabis grow proposals, I was confident that changes would be made that would address the current problems in the existing ordinance. Imagine my surprise when the ad hoc committee remained silent on the very issue of neighborhood protection that they purported to be changing in order to help growers and neighbors live together peacefully.

There are many issues involved that could be simply and easily addressed by one key change: require a 1,000-foot setback/buffer zone that begins *at the property lines* between rural neighbors and grows and processing plants. Yolo and Humboldt counties have already done this, very successfully. Why can't we?

Note that I emphasize 'property lines'. I understand that current discussions would place such a setback/buffer at the residence on each property. Why should the buffer affect my use of my property, over a neighbor's use of theirs? Why have a property line at all, if setback/buffer zones begin over that line and fully on my property? A property line designation as a start point would be fairer for all—and much clearer. It makes use of what the property line already intends: to serve as both a dividing point separating properties and a starting point/reference for use.

This minimum 1000-foot buffer/setback zone should be expanded to a greater distance depending on locally prevailing conditions, and needs to be required around residential property lines in all unincorporated towns and neighborhoods.

I live in the rural town of Bloomfield. Such a setback/buffer zone would place the proposed grow and its activities far enough away that it would have

minimal impact not just on my property, which abuts this proposal, but on the entire town. This one simple requirement alone would address and resolve many conflicts and issues.

While a lesser setback/buffer figure might seem logical for a dense urban neighborhood where structures are located close to the property line, consider the rural nature of the grow areas proposed for Sonoma County. In the countryside, 300 feet from a residence located in the center of a rural property too often places the proposed operations right on the fence line, from roads and processing plants to lighting and 24/7 operations. Would this be acceptable in a city? I think not.

There are other issues involved in allowing commercial operations that propose 24/7 activity to be accessed through the narrow, one-lane, side-ditched roads of Bloomfield, and these should involve the county's fire departments and fire marshall, to adopt regulations that would protect the town. There are special issues of water resource preservation and wildlife habitat that are also key to how this particular development is used, which should be part of any assessment of appropriate locales for cannabis.

But, this all should begin with a minimum 1,000-foot buffer zone/setback that starts at the property line. This one simple rule will go far to mitigate future problems between neighbors and grows, and should be an intrinsic foundation change made to the ordinance. If it is instigated, many concerns on both sides will vanish.

Additionally, putting all cannabis processing facilities in a commercially-zoned district and requiring a cannabis permit not be issued inside neighborhoods and towns until a CEQA study is done will also support what this Ordinance revision was supposed to address and assure—better compatibility and harmony between cannabis concerns and surrounding residents' quality of life.

Sincerely,

Diane Donovan
12424 Mill Street
Bloomfield, CA 94952

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From: [Hank Ford](#)
To: [Cannabis](#); [Andrew Smith](#)
Subject: cannabis ordinance
Date: Sunday, March 14, 2021 11:07:09 PM

EXTERNAL

PUBLIC COMMENT:

to whom it may concern, Ag Dept, PRMD, BOS

Thanks for taking on this process. We appreciate you standing up for sonoma county family farmers. The minority is extremely vocal and aggressive. But, the local county farmers are in the vast majority who support cannabis and support local cannabis farmers. Since starting the transition to a licensed industry almost all the legacy and heritage cannabis farmers have been driven out of buisness and out of the county where they once flourished and contributed to the vibrant culture of the county and the local economy. The local cannabis farmers have endured the vocal minority and the rocky transition through PRMD long enough. we need to be able to use our land to farm to feed our families. we need to be able to plan our businesses without a vocal minority bullying and threatening us all the time. we need to be treated with compassion for what we have already endured. we need to be treated fairly like any other county farmer. please remove the platform for hateful spiteful neighbors to make up every reason in the book to hold back the cannabis industry. they will not compromise. they only want to bully their neighbors.

property value has been on a rocket to the sun since 2016 when the county started allowing cannabis farming, manufacturing, and dispensaries. any minority opinion cannabis hater who says that cannabis is harming property values has shown themselves as illogical. they will never be satisfied. I read that someone couldn't sell their house in Santa Barbara for two years. In this housing market I have a very hard time believing that for one moment. my gut would call that an outright lie. cannabis haters make up facts and stories as scare tactics. This is what a bully does to manipulate people to get their way.

i have read the public comments and emails that are on the record and i saw that kim roberts-gutzman sent a number of emails talking about the intolerable smell of cannabis. she moved into our neighborhood and dumps her horse crap (sorry) in her back yard mixed will fill to do an unpermitted land fill. it smells like the worse horse crap (sorry again) ever and there is now a horsefly infestation in the nieghborhood. these aggressive horseflies havent ever been on my property before they moved in and started dunmping horse crap in their back yard. its is utterly ironic and rediculous that kim roberts-gutzman say anything about an undesirebale smell. her property stinks with horse and donkey crap piles land fill litterally all over her back yard. she moved to the property approximately 2 years ago and thinks she owns the place. she is a cannabis hater and just wants to bully her nieghbors. this is typical of the very vocal minority on this issue. by the way if i am not mistaken kim roberts-gutzman's family are the local family that own and operate Kringle's Corner and Punky's Pumpkin Patch on the 101 next to the luther burbank center. i know i will be Cancelling Kringmgle's Corner and my family will spread the word how much these sonoma county business people are against the local sonoma county cannabis farmer. ms roberts-gutzman is a hypocrit and if you are around her property all you will smell is crap. she could never smell cannabis. using lies to manipulate and bully is what cannabis haters do. we are all good to remember that they are a very vocal MINORITY.

people like ms roberts-gutzman should not be allowed to harm sonoma county cannabis farmers anymore. please stand up for us and recognize that these dishonest hateful manipulators should not be given a platform anymore.

There are always winners and losers. The law should not cater to the vocal minority when that penalizes licensed farmers and families trying to farm and live their lives. the county should stick to the closest interpretation of the state law for cannabis. the county should treat cannabis like any other agriculture crop like it always has been. This is the only fair way to treat this issue. you must minimize the minority influence in this process to be fair to the majority.

local farms and landowners have rights to farm without being tormented by hateful bullies and enforcement officers that treat cannabis farmers like hardened criminals.

Johnathon Silva is an ex-cop and an enforcement agent for the CDFCA cannabis enforcement office. go ahead and do a google search of Mr. Silva and you will see videos of him beating the crap out of an old man with a heart condition and brutally beating a man in a library who wouldn't answer his question in an acceptable way. There are two videos of this "gentleman" totally flipping out and violently beating two helpless men. Why is it that an ex-cop with a record like this is doing enforcement for cannabis in Sonoma county? do our local officials have the ability to ensure our family's safety when people like this are given the right to do zero-day raids at 8am that they call inspections. are the local cannabis farmers agriculture farmers or are we hardened criminals who should live in fear of however many "inspections" these agencies demand. we should be treated with compassion and like human beings. why do we give up our rights to privacy and safety when we choose to be a licensed cannabis farmer? we contribute and help the community in many ways. we do not deserve to be treated like this. did you watch the Jonathan Silva videos yet? The locals didn't want him on their police force but now local sonoma county family farms must let this guy on their properties. be careful to answer his questions the right way.

the only reason the cannabis haters are going for a 20 acre parcel minimum is that they want all cannabis farms to be ineligible and that is their first step. this started at less than 5 acres and some heritage farmers like Jamie Ballacino started PRP at that time. it is unfair to him and many others that the parcel minimum was raised to 10 acres. that was wrong. it absolutely should NOT be done again. people have planned their futures from the 10 acre minimum and changing that would crush most of the remaining legacy farmers in the county. parcel size shouldnt matter for indoors. and for outdoor the restrictions are already too damaging.

for outdoor farming 300 feet from a house is unfair for cannabis farmers. that is treating cannabis unfairly and giving bully neighbors (who are in the minority) too much. anyone who says they want 500 feet will want 1000 feet next. they will never be happy. please stand up to these bullies for the local family cannabis farmers. legally this setback should be the same as any other crop. anything more restrictive is unfair to owners of agriculture land and cannabis farmers.

smell. it is a personal opinion and should be able to be used by these bullies in the minority opinion about cannabis. i don't like the smell of horse crap. Does anyone care? some don't like the smell of all kinds of things. The law and the policy should not give any thought to the smell of what a farmer grows. that is his business on his land. God gives him the right to farm and feed his family.

The county seal says "agriculture, industry, recreation". This county has a great opportunity to take the restraints away from the cannabis industry and allow them to bring this county back to what it used to be. the wine industry is fading or at least passed its recent prime. cannabis is the next generations' wine. the culture should be embraced. please try to save the endangered sonoma county heritage "OG" farmers. There were some great pioneers and beautiful families that were crushed by allowing the vocal minority to have their way for so long. it's time to understand that nothing will ever satisfy them. Sonoma county should not allow a vocal minority disrupt the legal and licensed cannabis agriculture, industry and tourism.

I agree with most of the proposed changes and enjoyed the process of the webinars and moderators. they were very professional and provided for a great chance to air things out a bit. The SOS and other anti-cannabis (this is the MINORITY viewpoint) used scare tactics and dishonesty to achieve their selfish goals to impose their viewpoint on everyone else or make them suffer. we need to agree to disagree and let these people think whatever they want. but we should not let these bullies reverse the laws and harm the quiet majority of Sonoma county residents who are pro-cannabis.

hoop houses should not be limited to 180 days. that is a huge waste of labor, time, money, energy, and other valuable resources. The fire permit should be edited to allow for year-round hoops houses. or there should be some help from the ag dept to allow for this. hoop houses hide the crop from neighbors and mitigate any potential odor problem if you really must talk about smells (how ridiculous for a farmer to deal with this issue). hoop houses preserve water so this should make the cannabis haters happy but you will find that they really don't care at all about water use. they only want to bully their neighbors. hoops should be able to have permitted electric for fans and other needs. This would maximize the taxable canopy by minimizing mold. Hoops should be able to use electricity for artificial light as long as they are tarped and there is no light leak.

the state law defines outdoor cultivation as "the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time. artificial lighting is permissible only to maintain immature plants outside of the canopy area." did you see that second sentence? it was omitted from the county definition of outdoor cultivation under the current ordinance 6245. This sentence must be included in the county definition if the county is trying to be consistent with state law. outdoor cultivators need to have a defined immature plant area where they may use artificial light to keep their immature plants from flowering in a non canopy area. to restrict outdoor farmers from this is keeping them from their rights to farm outdoor cannabis as the state law defines. This light is what farmers need to prepare immature plants for their crops. Why was the second sentence of the state definition removed? was it to satisfy someone in the minority opinion who was very very vocal? This is harming local outdoor farmers and should be corrected. farmers can propagate and use artificial light to keep plants from flowering. it is totally unreasonable to not understand this. light will never need to be seen by any bully neighbors because farmers will gladly use blackout tarps to prevent any possible light leak if given the freedom to farm as the state law intended.

i may have missed this in the proposed changes but i would like to recommend an adjustment to the agricultural housing rights of agriculture zoned parcels above 10 acres. there are housing rights such as "caretaker unit", "seasonal farmworker housing", "temporary farmworker camps", and "year-round and extended seasonal farmworker housing". These rights should be allowed for cannabis farms as well. There are criteria that explain the

requirements for different types of farms. cannabis should be fairly added to this list.

cannabis tourism is going to be a big thing here. it's the combination of the beautiful county, the cannabis, the food, the arts, and the wine. We need to allow this generation of hard working farmers to do what they will to make this county flourish and thrive into the future.

jamie ballacino has been working to get through this crazy industry transition for a long time. he has been through a lot. and he has trusted the county to help him and his farm. i hope that the county thinks about permitting jamie once and for all. there are so many like jamie who didn't make it this long. they are gone and no one will ever know their story. did anyone think that legalization would extinct the heritage growers like jamie and myself? was that what we voted for? once we are all gone the culture will never be the same in many parts of the county. trying to satisfy neighbors who feel the need to impose their beliefs on everyone else for one reason or another is not the answer. those people arent going to help this county's economy and culture. they dont speak for sonoma county residents. ever poll and every vote show massive support for cannabis. why does the county keep allowing these folks to bully everyone else?

the proposed changes are a good step in the right direction. ignore the haters. stand up for hard working family farmers and the average sonoma county citizens.

don't forget to CANCEL KRINGLE'S CORNER and PUNKY'S PUMPKIN PATCH because kim roberts-gutzman is working against the local sonoma county farmers.

thanks for your consideration,
Hank Ford

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From: [Hank Ford](#)
To: [Andrew Smith](#); [Cannabis](#)
Subject: thoughts
Date: Sunday, March 14, 2021 11:25:46 PM

EXTERNAL

andrew and county staff,

thanks for your work on this. we appreciate you.

i agree with the majority of the proposed changes and think it was well done.

these are a couple items that i would like addressed if possible in the proposed changes and/or ag dept policy.

hoop houses should be able to remain year-round. (saves water, minimizes smell and visibility)

the county's outdoor cultivation definition should be consistent with the definition in the state law. the second sentence clearly allows for artificial light to keep immature plants from flowering in a non-canopy area. it is wrong to omit this critical sentence.

agricultural housing rights should be updated to allow cannabis farms to have the several types of agricultural housing rights including temporary and year-round farmworkers housing.

lessen restrictions on setbacks to houses and property lines to the same as any other agricultural crop. 300 feet is way too much. farmers have rights to use their agriculture lands whether or not someone enjoys a certain smell.

farm stands and other rights of ag properties should treat cannabis the same as grapes or anything else.

please minimize the ability for a very vocal minority to harass cannabis farmers. we have families and deserve the same rights as any other farmers.

there will always be a group of people that will yell and scream to get their way even if they are a small minority opinion. please remember that there is a relatively silent majority who support the local cannabis industry and famers. it is not fair to give the minority too much consideration at the majority's expense. we are counting on the county to stand up for local farmers and landowners. please treat cannabis operators with compassion. we are good people with families to support. the smell of the crop we grow should not be a determining factor. please stop trying to satisfy the NIMBY's because you will create the monster we all have to live with. they do NOT have more rights than anyone else.

thanks for your consideration,
Henry Ford

i am happy to remain anonymous to insulate my family from the bullying of the intolerant anti-cannabis minority. if you would like to speak i am happy to call.

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From: [Joyce Ferreira](#)
To: [Cannabis](#)
Subject: Pot Growth
Date: Sunday, March 14, 2021 7:05:53 PM

EXTERNAL

To Whom it May Concern,

As a tax paying citizen, I am against the idea of adding the thousands of acres of pot growing in our county. A number of years ago we had a neighbor growing it in his backyard. It stunk and the behaviors of those in/around the house were not very welcome to our neighborhood.

Why is this not being voted on?

Please do not bring these additional crops into Sonoma County. We certainly have enough other problems to contend with and improve. Ie, the homeless situation.

Thank you,

Joyce Ferreira

Sent from my iPhone

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From: john7777777@yahoo.com
To: [Cannabis](#)
Subject: I would like a like to the zoom videos
Date: Sunday, March 14, 2021 2:48:40 PM

EXTERNAL

I would like a like to the zoom videos

Thanks

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From: [Mercy Sidbury](#)
To: planningagency@sonoma-county.org; [Cannabis](#)
Subject: cannabis proposal
Date: Sunday, March 14, 2021 12:59:52 PM

EXTERNAL

To Whom It May Concern:

It has come to my attention that Sonoma County's proposed cannabis ordinance is both outside California's legal regulations for growing and producing cannabis and that the failure to follow the state laws has a strong potential to adversely affect the quality of life in Sonoma county as well as the safety of those living here.

Projects that are in full operation in other counties, like Santa Barbara, show the potential eyecore and alteration of our county's signature natural appeal. White plastic hoop houses pouring through our rural landscape can never mix in with the natural surroundings. On top of that, these white rivers have added nighttime lighting, security fencing and alarm protections that are permanent to the operation which will not only decimate the rural residential experience for miles around, but drastically affect the wildlife for which Sonoma County is home. All this with only a required setback of 300 feet from residences, parks and schools.

With the current administrations's stated directive to 'green' Sonoma county into the future, the enormous water demands, pesticide uses and half year permeating odor are some of the invisible degradations that come with this quantity of production. As much as 65,000 acres are eligible for this type of treatment which increases the current quantity of cultivation by a factor of 1300! How can this not but be a blight on the quality of life here and none of it in the direction of "going green."

The proposed cannabis ordinance and "supplemental mitigated negative declaration" fails to adequately analyze the environmental impacts of the proposal as required by the California Environmental Quality Act.

Many of these issues would be addressed on an individual project level if the county resists the move to label cannabis an agricultural crop. The push to do this is an obvious work around to these issues and leaves the public with no redress should any given project be outstandingly inappropriate for a given location. Ministerial oversight doesn't even qualify as oversight in a county with "right to farm" ordinance. Functionally, nothing would be off limits and I imagine, over time, this would impact Sonoma County's attractiveness to a diversity of economic investment as well as to those of us who live here.

Additionally, It is truly astounding to me that, given all the concern about fire safety and preparedness that the county government is rightly imploring its citizens to take on, the county itself would consider bypassing a Fire Safety State regulation which requires **minimally** the capacity for simultaneous egress and ingress of traffic in all residential, commercial, and industrial development. Taking this requirement away assures devastating consequences to anyone living on small minimally developed lanes, and of which there are many.

Please reconsider both the proposed cannabis ordinance and the acceptance of the supplemental mitigated negative declaration and, instead, include your stated intention of

moving our county to a greener, more sustainable future. In its current form, we will be headed in the opposite direction.

Thank you for taking the time to read my letter.

Sincerely,
Mercy Sidbury
5th District

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From: [Patrick Rafferty](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Cannabis Ordinance
Date: Sunday, March 14, 2021 6:02:32 PM

EXTERNAL

Dear County Officials,

I do not support the proposed cannabis ordinance. An over the counter permit for a grow operation is unacceptable. We are headed into yet another year of potential drought. A new water hungry crop, increased commercial traffic, no fire regulations, no odor enforcement strategy and the possibility of unchecked expansion is untenable.

Grow operations need to be widely scattered, safe, and few. Please do not pass this ordinance.

Thank you,

Patrick Rafferty
7001 Bennett Valley Rd

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From: [Pam Ress](#)
To: [Cannabis](#)
Subject: Cannabis ordinance
Date: Sunday, March 14, 2021 5:22:49 AM

EXTERNAL

Dear Planning Commissioners,

Thank you for the opportunity to comment on the proposed revisions to the Cannabis Ordinance. I read through the revised Chapter 26, the new Chapter 38, and the SMND and was both alarmed by the changes that favor the cannabis industry and disappointed by the fact that our repeated complaints about inadequate setbacks and odor have fallen on deaf ears. I also found it challenging to read through all of the documents to understand what the County was actually recommending because there were inconsistencies throughout the documents.

As a long term resident of Sonoma County who has lived in my current home in Sebastopol since 1998, I care about the revisions to the Cannabis Ordinance. It has been three years since an unpermitted cannabis business with both indoor and outdoor cultivation sites popped up overnight in my neighborhood. To be more specific, the 1 acre outdoor cultivation site is 630 feet from my kitchen and the indoor cultivation sites are even closer. This cannabis business is part of the Penalty Relief Program and has not had a Permit Hearing to date. The pungent odor overwhelms my home year round and has adversely impacted my family and our ability to enjoy our property.

I have previously engaged the County to educate them on the impacts of cannabis odor. Lynda Hopkins has been out to my home and walked my yard in 2018. I also attended a special study session with the Board of Supervisors in April 2018, where the Board promised residents that they would do more to protect rural residents in Phase 2 of the Cannabis Ordinance. Each supervisor gave compelling reasons about improving neighborhood compatibility at the end of the session that gave me hope. Supervisor Gore explained his concern when a cannabis business popped up 200 feet from his home. He said, *"I turned in a grow that was 200 feet from my house"*. Supervisor Gorin said, *"Move the cultivation away from impacting residential neighborhoods."* And, Supervisor Hopkins said, *"We really need to focus on the impacts of cannabis cultivation."*

And, here we are, three years later, and the revisions to the ordinance do nothing to protect neighbors and improve neighborhood compatibility. If Supervisor Gore was unhappy with a cannabis business 200 feet from his home, how is a 100 foot setback to the property line adequate? How can he support such inadequate setbacks given his own personal experience?

Please address the concerns of rural residents and increase setbacks to match those for schools and other sensitive areas.

Thank you,
Pam Ress
Anita Lane

Sent from my iPad

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From: [R.W.](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Proposed Cannabis Ordinance
Date: Sunday, March 14, 2021 5:48:20 PM

EXTERNAL

I strongly object to the proposed cannabis ordinance and am appalled that the County would even consider its approval.

R. M. White

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From: [Rich Wolf](#)
To: [Cannabis](#)
Subject: Don't destroy our rural community
Date: Sunday, March 14, 2021 5:43:18 PM

EXTERNAL

To whom it concerns,

Commercial Cannabis growing needs to be taken slowly. Why leap in with unmanageable cannabis growing which will threaten the very fabric of our beautiful rural county?

What could make our supervisors open up Commercial Cannabis with little or really no permitting safe guards, no community input, protection of our schools, parks and neighborhoods?

The Plastic grow houses, the lights, the odor, the crime, the security issues, the excessive demand for water, the increased traffic has got to be considered and addressed!

The county has already pushed the limits of our rural roads, our water table, our rural law enforcement departments, etc. Also with wildfires, it concern me that the county is open to aggressively expand a crop / industry prone to fires!

We need strong restrictions, significant set back, and ongoing community input!

Please don't jeopardize our homes, property values and standard of living to embrace the Commercial Cannabis industry!

Richard Wolf
Resident

Sent from my iPad

Sent from my iPad

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From: [Sarah](#)
To: [Cannabis](#)
Subject: Proposed Marijuana Ordinance
Date: Sunday, March 14, 2021 9:54:15 AM

EXTERNAL

Hello,

I do not support the commission voting on this ordinance without further study. To allow over 67,733 acres of cultivated land is too much. Along with everything it will involve (too much water usage,greenhouses, smell, nuisance ordinances about noise being removed, no analyzation of long-term effects, leaving the county open for lawsuits).

Having moved to this area recently, I am concerned that the reasons I chose to move here (natural beautify, charm, grapes) will be lost.

Sarah Vital

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From: [Veva Edelson](#)
To: [Cannabis](#); [David Rabbitt](#); [Andrea Krout](#)
Cc: [concerned citizens](#)
Subject: Public Comment on Part 2 of the Cannabis Ordinance- Provide 1000ft Setback/Buffer from Property Line of RR to any Commercial Cannabis Operation
Date: Sunday, March 14, 2021 7:59:50 PM

EXTERNAL

My letter is in response to Part 2 of the Sonoma County Cannabis Ordinance.

My home in Bloomfield is not just the house I share with my family but also the land that we tend around it and the community that we are a part of. Our homes are at least as sensitive as schools, treatment centers and houses of worship and are occupied 24/7. Humboldt and Yolo County have seen fit to provide a 1000- foot buffer/setback zone from residential enclaves. I request a minimum 1000- foot buffer/setback zone and that expansion to a greater distance, depending on locally prevailing conditions, is required around residential property lines in all unincorporated towns and neighborhoods.

The County of Sonoma can eliminate wasted time and money spent by residents, growers and staff alike by not permitting commercial cannabis within the 1000ft setback/ buffer to a residential enclave. The tensions between growers and residents will ease once consideration for land use directly adjacent to residential neighborhoods is addressed by the ordinance. If we are not permitted to grow commercial cannabis on RR parcels it therefore follows that one would not allow commercial cannabis directly adjacent to RR parcels. Establishing this 1000ft buffer/setback is a step in the right direction toward simplifying the permitting process for growers, encouraging legal grows and building the green economy.

I ask to put all cannabis processing facilities in a commercial zone district of an incorporated city. Incorporated cities have infrastructure for industrial and commercial scale uses, unlike our town of Bloomfield with substandard streets and no such infrastructure and are therefore better suited for the processing of commercial cannabis.

I do not agree that cannabis is the same as any other AG crop. When it costs the same and doesn't need high security perhaps a stronger argument could be made for it to be classified as an AG crop. Would there be so many growers willing to pay high prices to purchase or rent parcels that meet the requirements for commercial cannabis if they did not see the potential to make more money by a factor of 10 than any AG crop? Please keep cannabis classified as an AG product. I believe that it is a mistake to lump cannabis in with any other AG crop and bi-pass the process involved to identify sites that are suitable based on a set of planning criteria for commercial cannabis in Sonoma County.

The new ordinance must address neighborhood compatibility by providing a 1000 ft setback/ buffers zone. We live rurally and are deeply invested in the land and being outside on the land. The proposed 300 ft setback from our residences subjects us to substantial and unknown impacts without proper environmental study provided by an EIR. This is shocking and scary. We in Bloomfield are unsettled by this development and saddened to feel the lack of concern for our health and well being in the writing of this proposed ordinance. Our elected officials must resolve this by adopting 1000 ft setback/buffer zone and that expansion to a greater distance, depending on locally prevailing conditions, is required around residential property lines in all unincorporated

towns and neighborhoods under part 2 of the ordinance.

I call on our county government to be thoughtful about land use decisions in ways that align with good public policy and address environmental impacts during our climate crisis. Please invest the time needed to govern well by completing a program EIR and by identifying sites suitable for commercial cannabis under the general plan rather than waiting till there is a problem with a site and opposing interests are fighting over whether or not a site is suitable. This is not a good strategy and it is creating friction and wasting resources. The ordinance needs to do a lot better than what has been proposed if Sonoma County is going to be a good place to live for generations to come.

Thank you,
Veva Edelson CCOBloomfield Member

The care of the earth is our most ancient and most worthy, and after all our most pleasing responsibility. To cherish what remains of it and to foster its renewal is our only hope. - Wendell Berry

Carbon Farmer/ Artist
Piano Farm
Bloomfield CA
415 640-8837

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From: [Scott Orr](#)
To: [Cannabis; PlanningAgency](#)
Subject: FW: Cannabis Cultivation- Industrial Zones
Date: Monday, March 15, 2021 9:17:58 AM
Attachments: [Comments- Industrial Zoned Cannabis Cultivaiton.pdf](#)
[Planning Commission Staff Report 03-18-2021 \(1\).pdf](#)

From: Greg Carr <Greg.Carr@sonoma-county.org>
Sent: Saturday, March 13, 2021 8:17 AM
To: Scott Orr <Scott.Orr@sonoma-county.org>
Subject: Fw: Cannabis Cultivation- Industrial Zones

additional comments. she says that you already have them

From: Amber Morris <amber.morris@norcalcann.com>
Sent: Friday, March 12, 2021 5:32 PM
To: Greg Carr
Cc: Susan Gorin
Subject: Fwd: Cannabis Cultivation- Industrial Zones

EXTERNAL

As a follow up to my request for a meeting below regarding sqft limitations for cannabis cultivation in industrial zoning, I have inserted comments into the Staff Report (linked [here](#), also attached for your reference) for next week's PC meeting to point out where this issue is being overlooked and how easy solutions can be applied to get this resolved (see comments on pages 3,6,9 and 11).

This particular important issue is being overlooked because it is in Chapter 26. It is critical that this cultivation also be addressed now to ensure large indoor cultivation is not pushed to ag and resource zones. I recognize you are receiving lots of input and commit to being efficient with your time. I look forward to hearing back from you with your earliest availability.

Kindly,

Amber

----- Forwarded message -----

From: **Amber Morris** <amber.morris@norcalcann.com>
Date: Wed, Mar 10, 2021 at 2:17 PM
Subject: Cannabis Cultivation- Industrial Zones
To: <greg.carr@sonoma-county.org>, <caitlin.cornwall@sonoma-county.org>

Cc: <Susan.Gorin@sonoma-county.org>

Commissioners Carr and Cornwall,

Attached are comments and suggestions regarding **industrial zoned** cannabis cultivation.

We would like to emphasize that though the discussion to date has focused on the proposed language of Chapter 38, there are significant impacts to cultivation that will remain under Chapter 26 (industrial zoned). The disparities that are being created by allowances drafted in Chapter 38, and draft changes to Chapter 26 must be addressed simultaneously **to avoid large indoor cultivation from being pushed to ag and resource zoning.**

I would like to request a few minutes of your time for a virtual meeting to review the attached comments and answer any of your questions prior to the March 18 Planning Commission meeting. Please let me know your soonest availability.

Kind regards,



AMBER MORRIS | Director of Government Affairs
916-606-0771 | amber.morris@norcalcann.com
[NorCal Cannabis Company](#)

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Sonoma County

Draft Commercial Cannabis Cultivation Language (County Code, Chapter 26 and 38)

Summary of Legislative Action

On February 16, 2021, Sonoma County released draft amendments to County Code, Chapter 26, and Chapter 38, a new chapter that would expand ministerial permitting for commercial cannabis cultivation in agricultural and resource zones. These changes were made at the direction of the Board of Supervisors who sought to explore changes to improve cannabis cultivation permitting in Sonoma County.

Industrial Zoned Cultivation- More Restrictive than Agricultural and Resource Zones

Based on their directive, staff focused on creating Chapter 38 to address improvements for agricultural and resource zoned cultivation only. Importantly, all industrial zoned cultivation activities were excluded from the migration of commercial cultivation to Chapter 38. Through the amendments to Chapter 26 and introduction of Chapter 38, the County is proposing to make land use requirements more restrictive for commercial cannabis cultivated in industrial zones by creating significant inconsistencies with maximum cultivation areas.

Maximum Cultivation Area Disparities- Comparisons and Solutions

As detailed below, draft changes will create a significant disparity between indoor cultivation in agricultural and resource zones vs. industrial zones and will result in migration of indoor cultivation to agricultural and resource zones for those who seek higher cultivation area limits.

Chapter 38 significantly expands maximum cultivation area in agricultural and resource zones for indoor cultivators, while changes to Chapter 26 further limit maximum cultivation area for indoor cultivation in industrial zones (see Table 1 comparison below).

Table 1- Comparison of Cultivation Area Limitations			
	Chapter 26 (Current)	Chapter 26 (Draft)	Chapter 38 (Draft)
Maximum Cultivation Area	Agricultural (LIA, LEA, DA) 5,000 sqft	Industrial (MP, M1, M2, M3) 22,000 sqft (not to exceed 10% of the parcel size)	Agricultural & Resources (LIA, LEA, DA, RRD) <ul style="list-style-type: none">Existing permanent structures- square footage is not limitedNew or expanded permanent structure<ul style="list-style-type: none">10-20 acres- cannot exceed 43,560 sqft of new building coverage20 acres or more- cannot exceed 43,560 sqft or 50% of the max lot coverage prescribed by base zone, whichever is greater
Indoor Cultivation & Indoor Nurseries	Resources (RRD) 5,000 sqft Industrial (MP, M1, M2, M3) 22,000 sqft Ref. Table 1A-D Allowed Cannabis Uses and Permit Requirements	Ref. Sec. 26-88-254(f)(2)	Ref. Sec.38.12.030(A)(2-3)

Solution for Maximum Cultivation Area Limitations

Align language from Chapter 38 with cultivation remaining in Chapter 26 to create parity in all zones by amending the language as follows:

Sec. 26-88-254(f)- Language Comparison and Solution	
<p>Current Language</p>	<p>(2) Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.</p>
<p>Draft Language (Feb 16, 2021)</p>	<p>(2) Multi-Tenant Operations. Multiple permits may be issued <u>under this section</u> for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements. <u>In no case may the total permitted cultivation area exceed 10% of the parcel area, regardless of the number of permits.</u></p>
<p>Solution* Replace current language to mirror allowances in Chapter 38. Sec.38.12.030(A)(2-3)</p>	<p>(2) Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.</p> <p>(2) <u>Existing Permanent Structures. Permits issued under this section for indoor cultivation, greenhouse cultivation, and nursery cultivation in an existing permanent structure, canopy is not limited. An existing permanent structure is a structure that is legally constructed prior to January 1, 2021, and includes those structures that have been or will be reconstructed or renovated, provided there is no modification to the building footprint, nor expansion of the square footage of the structure.</u></p> <p>(3) <u>New or Expanded Permanent Structures. Permits issued under this section for indoor cultivation, greenhouse cultivation, and nursery cultivation in new or expanded permanent structures, canopy cannot exceed 43,560 square feet or 50% of the maximum lot coverage prescribed by the base zone, whichever is greater. A new permanent structure is a structure legally constructed on or after January 1, 2021. An expanded permanent structure is an addition or expansion to an existing permanent structure, as defined in paragraph 2 of subsection A of Section 38.12.030, that results in a modification to the building footprint or an expansion of the square footage of the structure. New building coverage means building coverage legally constructed on or after January 1, 2021.</u></p> <p>* The 'Table 1C: Allowed Cannabis Uses and Permit Requirements for Industrial Zoned' would also need to be updated to reflect canopy allowances in (2) and (3) above.</p>

To provide consistency with the recommended solution above for maximum cultivation area, existing and draft ownership limitations would need to be addressed simultaneously as described below to avoid conflict within the final ordinance changes.

Sec. 26-88-254(e)- Language Comparison and Solution	
Current Language	(e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, provided that the total combined cultivation area within the county does not exceed one (1) acre. For the purposes of this provision, the entire cultivation area of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder.
Draft Language (Feb 16, 2021)	(e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, provided that the total <u>permitted cultivation area for any parcel does not exceed 10% of the parcel, regardless of the number of permits issued for the parcel.</u> combined cultivation area within the county does not exceed one (1) acre. For the purposes of this provision, the entire cultivation area of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder.
Solution	(e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, provided that the total combined cultivation area within the county does not exceed one (1) acre. For the purposes of this provision, the entire cultivation area of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder.



Sonoma County Planning Commission STAFF REPORT

FILE: ORD20-0005
DATE: March 18, 2021
TIME: At or after 1:10 pm
STAFF: Andrew Smith, Agricultural Commissioner-Sealer
Christina Rivera, Assistant County Administrator

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma: County Administrator's Office, Department of Agriculture/Weights & Measures, Permit Sonoma

Location: The Cannabis Land Use Ordinance applies to agricultural, industrial, commercial, and resource zones within the unincorporated area of Sonoma County outside of the coastal zone.

Subject: Cannabis Cultivation Ordinance Amendments, and General Plan Amendment

Proposal: Consideration of amendments to the County Code, Chapter 26 and new Chapter 38, to allow expanded ministerial permitting for commercial cannabis cultivation in agricultural and resource zoned areas.

In addition, a General Plan Amendment is proposed to revise the Agricultural Resources Element to explicitly recognize cannabis cultivation as an agricultural use.

Environmental Determination: An Initial Study and Mitigated Negative Declaration were prepared and circulated for a 30-day public comment period from February 16, 2021 through March 18, 2021. The proposed Land Use Ordinance update and General Plan Amendment include modified siting criteria, operational standards, and best management practices to fully mitigate any potential impacts.

General Plan: Agriculture and Resource Land Uses (excluding the Coastal Zone)



RECOMMENDATION

Recommend to the Board of Supervisors to approve the proposed General Plan Amendment, changes to Chapter 26 of the Zoning Code, and the creation of Chapter 38 to govern the ministerial permitting of cannabis cultivation.

EXECUTIVE SUMMARY

As directed by the Board of Supervisors and the Cannabis Ad Hoc, County staff prepared draft amendments to the County's zoning code and general plan to accomplish certain goals. These goals are divided into the general and overlapping categories of permit streamlining and alignment of cannabis cultivation uses with other agricultural uses.

Permit streamlining provisions are designed to remove barriers for smaller-scale cultivators, consolidate permitting for different elements of the supply chain, make the permit process more predictable, and implement standards to streamline permitting requirements and make more cultivation projects ministerial. This includes changes that provide for better alignment with state regulatory requirements, mitigate environmental impacts, enhance protections for sensitive uses, and provide more certainty to permit applicants and the public.

- Adopt amendments to change more cultivation permitting and design review from discretionary to ministerial approval upon compliance with updated objective ministerial standards that are protective of the public health, safety, welfare, and environment;
- Revise setback and fencing requirements for greenhouses and use Best Management Practices to ensure design compatibility and odor control standards;
- Revise screening requirements for fencing if not visible from the public right-of-way;
- Revise lighting requirements at night unless needed for security purposes to reduce potential wildlife and night sky impacts;
- Clarify and enhance protections for air quality and odor control;
- Clarify and enhance protections for trees, and add ridgeline protections;
- Clarify and enhance watershed and groundwater protections;
- Clarify and enhance waste, wastewater, and erosion management measures;
- Maintain and emphasize protections for biotic resources, wildlife habitat, farmland, timberland, and fire safety;
- Revise cultural resources standard to accommodate ministerial permitting and requirement to submit a cultural resources report with the application;
- Revise measurement technique for sensitive use setbacks (i.e.: parks and schools) from parcel line of sensitive use to land use activity per an approved site plan, instead of parcel line to parcel line in the current Ordinance.
- Revise ordinance definitions and/or adopt state regulatory definitions to provide more clarity and congruency for compliance

Agricultural alignment provisions bring the cannabis cultivation more in line with the County's diverse and robust agricultural sector activities. These provisions eliminate restrictions and prohibitions that currently apply only to cannabis cultivation, which were originally implemented out of an abundance of caution. As County staff have increased their understanding of cannabis cultivation operations and related laws, some restrictions have become antiquated, burdensome, and of minimal usefulness.



- Extend cannabis cultivation permit term limits from 1 year to 5 years;
- Remove operator qualifications for cultivation activity;
- Remove one person cap for cultivation use (currently 1-acre per person or operator);
- Allow cultivators to transport their own product to other permittees/licensees;
- Allow cannabis cultivation area to rotate around a parcel per an approved site plan;
- Allow propagation incidental to cultivation;
- Revise limitations on indoor and greenhouse cultivation and limit accessory structures by limiting all new structures to a percentage of lot building coverage;
- Remove square foot limitations on mixed light and indoor cultivation utilizing existing structures;
- Expand the cannabis cultivation area allowed per parcel from 1 acre to 10 percent of the parcel;
- Remove cannabis-specific restrictions on tours, promotional events, and farmstays;
- Update definitions to distinguish between different types of “mixed-light cultivation”, such as between light deprivation and greenhouse cultivation; and
- Include nursery (wholesale only) production as cultivation in agricultural and resource zones subject to ministerial permitting

ANALYSIS

BACKGROUND

State Law

In 1996, voters adopted Proposition 215, entitled the Compassionate Use Act, which allowed for the use of marijuana for medicinal purposes by qualified patients, and for caregivers to provide medical marijuana and receive reimbursement for their costs. In 2004, SB 420 established a County Health ID card program, collective and cooperative cultivation, and safe harbor amounts for cultivation and possession. Following these developments, many new land uses evolved, but the interplay between federal, state, and local law was unsettled.

The Medical Cannabis Regulation and Safety Act (Medical Cannabis Act) was enacted in October 2015 and provided a framework for the regulation of medical cannabis businesses. The Medical Cannabis Act eliminated the cooperative/collective model and replaced it with a commercial licensing scheme under which operators are required to obtain both local permits and state license approvals. The Medical Cannabis Act retained local control over land use and where and whether commercial cannabis businesses are allowed and under what conditions.

On November 8, 2016, the voters of California passed the Adult Use of Marijuana Act (Adult Use Cannabis Act) legalizing non-medical adult use cannabis. On June 27, 2017 the state passed Senate Bill 94 which consolidated the regulations in Medical Cannabis Act and Adult Use Cannabis Act into the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cannabis Act). The Cannabis Act created one regulatory system for medicinal and adult-use cannabis. The three state cannabis licensing authorities, California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and the Manufactured Cannabis Safety Branch, issued their comprehensive emergency regulations on November 16, 2017 creating the current cannabis regulatory structure.



Sonoma County Cannabis Ordinance History

The County began permitting medical cannabis dispensaries in 2007 and currently permits dispensaries pursuant to Sonoma County Code Section 26-88-126. The Board amended this code section in 2012 to limit the number of dispensaries in the unincorporated County to a cap of nine. There are currently five permitted medical cannabis dispensaries and four in the application process.

In 2016 due to the new state cannabis law, the Board of Supervisors directed staff to bring forward a comprehensive cannabis ordinance. A Board of Supervisors Ad Hoc on Cannabis was formed. The Ad Hoc and staff conducted extensive community outreach in order to develop the Cannabis Ordinance. This outreach included town hall meetings in each supervisorial district, the establishment of a website, email list serve, project-dedicated email, online survey, and meetings with various stakeholder interest groups. An estimated 750 people attended the town hall meetings and over 1,100 people responded to the online survey.

Through these efforts, the Ad Hoc and staff received feedback indicating that many Sonoma County residents support a regulatory framework that legalizes commercial medical cannabis, supports safe and affordable access to medicine, and provides opportunities for existing local cannabis operations to come into compliance. Many residents also expressed concern about crime, public safety, odor and nuisance, and other associated environmental impacts of the cannabis industry. These concerns were particularly heightened for residential neighborhoods and related most often to cultivation.

In October and November, 2016 the Planning Commission held public workshops and public hearings to gather input and make recommendations on the proposed Cannabis Ordinance based on Board direction and public comment. On November 16, 2016 the Commission provided their recommendation. In December, 2016 the Board of Supervisors held another series of workshops and public hearings and adopted a series of ordinances establishing a comprehensive local program to permit and regulate the complete supply chain of medical cannabis uses, including: cultivation, nurseries, manufacturers, transporters, distributors, testing laboratories, and dispensaries. Sonoma County's ordinances regulating cannabis businesses include:

1. The Cannabis Ordinance (Ordinance No. 6245), setting forth permit requirements on where and how each cannabis business type may operate;
2. The Cannabis Health Ordinance, establishing regulations and permitting for medical cannabis dispensaries and edible manufacturing to address product safety, labeling and advertising; and
3. The Cannabis Tax Ordinance, imposing a tax on both medical and nonmedical commercial cannabis businesses operating in the unincorporated County.

CANNABIS ORDINANCE IMPLEMENTATION

Since Ordinance adoption, staff have focused on implementing the cannabis program. County departments hired and trained staff, developed specific rules and guidelines based on the ordinance, created support materials for businesses such as checklists and fact sheets, and built out multi-departmental online permitting, tax collection, and database systems. The County also initiated extensive public outreach and education efforts, and was involved in the creation and staffing of the Cannabis Advisory Group.

2018 Board of Supervisors and Cannabis Ad Hoc Direction

On April 10, 2018, the Board conducted a Cannabis Ordinance Study Session and adopted a Resolution of Intention to update the existing Cannabis Ordinances.



The Ordinance amendment process was split into two parts. The first update had a limited scope and was focused on amending the ordinance to align with requirements of state law. These changes were approved by the Board of Supervisors on October 16, 2018 and implemented by staff.

The scope of this second update was developed over an extended period of time, and consists of a broad revision of the ordinance to achieve multiple goals. The Cannabis Advisory Group (CAG) was a diverse group of stakeholders initially convened in 2017 at the direction of the Board to provide expertise and guidance to staff and Supervisors in developing the County’s cannabis policy. The scope of this second ordinance update was developed through extensive collaboration with the Cannabis Advisory Group and the public input provided at regular Cannabis Advisory Group public meetings. The last meeting of the Cannabis Advisory Group was held on June 26, 2019 and the group’s recommendations for the ordinance update were transmitted to the Board of Supervisors and staff.

The CAG provided recommendations pertaining to economic vitality and neighborhood compatibility. Recommendations pertaining to economic vitality focused on revising development and operational standards to ensure that small operators can compete with large corporate entities operating in the region. Recommendations on neighborhood compatibility focused on addressing potential negative impacts to sensitive receptors.

On December 17th, 2019, the Board approved direction for staff to implement certain changes related to the cannabis program and its management. The primary direction was to amend the Cannabis Land Use Ordinance to expand opportunities for ministerial cannabis cultivation permits to be administered through the Department of Agriculture/Weights and Measures.

In May 2020, the County Administrator’s Office, in collaboration with the Department of Agriculture/Weights & Measures (Agricultural Commissioner), and Permit Sonoma, began drafting this second update to the Ordinance with consideration to all the recommendations of the Ad Hoc and the Cannabis Advisory Group.

In an effort to be as transparent as possible, staff released preliminary working draft documents (working drafts) of the Cannabis Ordinance and Subsequent Mitigated Negative Declaration) on January 31, 2021. Those working drafts were revised, and approximately two weeks later, on February 16, 2021, the public review draft documents, including the draft Cannabis Ordinance, draft Subsequent Mitigated Negative Declaration, draft revisions to Chapter 26, and the draft General Plan Amendment, were released for public review (hearing drafts). Four virtual town hall webinars were held the week of March 8, 2021, facilitated by an outside consultant.

DISCUSSION OF ISSUES

Project Description:

The current Cannabis Ordinance allows commercial cannabis cultivation, including outdoor, indoor, and mixed light cultivation and associated drying, curing, grading, and trimming facilities. Ministerial zoning permits for outdoor cultivation may be issued by the Agricultural Commissioner. Ministerial zoning permits and discretionary use permits for all other cultivation activities are issued by Permit Sonoma.

The proposed Cannabis Land Use Ordinance update would allow commercial cannabis cultivation uses in agricultural and resource zoned areas outside of the coastal zone to be approved as a ministerial permit by the



Agricultural Commissioner if specific development and operational standards are met. Proposed cultivation in such agricultural or resource zoned areas that does not qualify for a ministerial permit under the proposed code changes would still be able to pursue a use permit for that activity. The proposed ordinance changes are discussed in the table below. They focus on establishing standards and requirements, streamlining the permit process, and modifications to align the use more closely with other types of crop cultivation.

CANNABIS CULTIVATION LAND USE REGULATORY PROGRAM*	
* Regulation of non-cultivation cannabis land uses, such as manufacturing, dispensaries or testing facilities, remain subject to use permit requirements under Chapter 26, and is not part of the proposed code update. The update is focused on cultivation activities only.	
MINIMAL CHANGES	
CURRENT ORDINANCE	PROPOSED CHANGE
Parcel Requirements	
<ul style="list-style-type: none"> Minimum parcel size 10 acres 	<ul style="list-style-type: none"> No change to minimum parcel size
Zoning Districts	
<ul style="list-style-type: none"> Agricultural and Resource Zones (LIA, LEA, DA, RRD) (indoor / outdoor cultivation) Industrial Zones (MP, MI, M2, M3) (indoor cultivation only) 	<ul style="list-style-type: none"> No change to zone districts in which cultivation permitted. However, expansion of ministerial permit options for parcels zoned LIA, LEA, DA, RRD only.
Biotic Resources	
<ul style="list-style-type: none"> Habitat and Special Status Species require a biological assessment and that no “take” of a protected wildlife species occur 	<ul style="list-style-type: none"> Clarifications to qualified biologist findings and the requirement for a Use Permit if mitigation measures are recommended
Riparian Resources	
<ul style="list-style-type: none"> Structures shall be located outside of RC setback Riparian Setbacks based off agricultural setbacks in Sec 26-65-40 Prohibited within Biotic Habitat Zone (BH) Conform to wetland setbacks in Sec 36-16-120 unless a Use Permit is obtained 	<ul style="list-style-type: none"> No change to RC, BH, or wetland setback requirements Chapter 38 breaks these out from one paragraph into three for clarity No longer possible to obtain a Use Permit for reduction in wetland setback
Timberland & Farmland Protection	
<ul style="list-style-type: none"> Prohibits timberland conversion Land Conservation Contract (Williamson Act) compliance Farmland protection 	<ul style="list-style-type: none"> No change to timberland conversion prohibition Cannabis remains a compatible but not qualifying use under the Uniform Rules for Agricultural Preserves and Farmland Clarifications relating to structure requirements and limitations



<ul style="list-style-type: none"> • Tree protection limited to timberland conversions and general tree protection within Ch 26 	<ul style="list-style-type: none"> • Added protection for trees greater than 20 inches diameter at breast height (dbh) and for “Protected trees” at 9 inches dbh
Grading & Slope	
<ul style="list-style-type: none"> • Grading subject to Ch 36 and 11 and limited to a slope of 15% or less 	<ul style="list-style-type: none"> • No change to grading requirements. • Addition of Ridgetop protection setback: <div data-bbox="862 562 1369 871" style="text-align: center;"> </div> <p>Ridge means a slope that is greater than 50% and greater than 50' in slope length; the diagonal distance one would travel walking uphill. The slope break is the point at which the slope of the land changes from 50% slope to a slope less than 50%. The setback is 50' horizontally from the slope break point.</p>
Air Quality, Odor, & Energy	
<ul style="list-style-type: none"> • Dust control required for all access roads and ground disturbing activities • Odor control required through filtration and ventilation for permanent mixed light and indoor cultivation • Renewable energy required 	<ul style="list-style-type: none"> • No change to dust control requirements • New standard requires off-site odor to be addressed in all cultivation types • No change to renewable energy requirement.
Waste & Runoff	
<ul style="list-style-type: none"> • Waste Management Plan • Wastewater Management Plan • Stormwater Management Plan 	<ul style="list-style-type: none"> • No change to waste management requirements • No change to waste water management plans • Applicant must submit erosion and sediment control plan that ensures runoff



	containing sediment or other waste or by-products does not drain to the storm drain system, waterways, or adjacent lands (This used to be a development standard and has been changed to submittal requirement)
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MODERATE CHANGES	
CURRENT ORDINANCE	PROPOSED CHANGE
Cultural Resources	
<ul style="list-style-type: none"> • Cultivation sites shall avoid impacts to significant cultural and historic resources • Use Permit required if mitigation is recommended by cultural resource survey or local tribe • Stop work upon discovery of human remains 	<ul style="list-style-type: none"> • Addition of requirement that applicant submit a Cultural Resource Survey for any application proposing ground disturbance. • Addition of requirement that applicant submit a Historic Resources Survey when any modification to structures over 45 years old proposed • No change to stop work requirements for accidental discovery but expanded scope to include cultural resources
Fire Prevention	
<ul style="list-style-type: none"> • Fire Prevention Plan required to show emergency vehicle access and turn-around, vegetation management, and fire break maintenance • Hazardous Materials 	<ul style="list-style-type: none"> • Clarified that the Fire Prevention Plan must also state how the development complies with Ch 13, Ch 13A, and other applicable local and state standards • Cultivation prohibited on sites listed as a hazardous material site, no longer possible to get a Use Permit as an alternate path forward
Design & Security	
<ul style="list-style-type: none"> • Security Plan • Lighting must be downward casting, not spill onto neighboring properties, or to the night sky • Fencing required for all cultivation types 	<ul style="list-style-type: none"> • Security plan requirement unchanged except motion sensor lighting is no longer required as part of security plan • No change to light pollution standard • Fencing required to screen and secure outdoor and hoop house cultivation, but not required to screen or secure indoor cultivation. Indoor cultivation required to be



<ul style="list-style-type: none"> Design standards maintained by the review authority, considered as a discretionary component of Use Permit 	<p>secure with locking doors to prevent free access.</p> <ul style="list-style-type: none"> Ministerial objective design standards to conform to natural and agricultural setting to be maintained by the Agricultural Commissioner
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SUBSTANTIAL CHANGES	
CURRENT ORDINANCE	PROPOSED CHANGE
Limitations on Canopy & Structures	
<ul style="list-style-type: none"> Maximum outdoor cultivation area per parcel is 43,560 square feet (1 acre) Maximum greenhouse size of 10,000 sq/ft Maximum reuse of existing structures of 10,000 sq/ft Temporary hoop houses classified as mixed light cultivation 	<ul style="list-style-type: none"> 10% of parcel size replaces the static 1 acre maximum Tiered approach to size of new or expanded permanent structures depending on whether parcel is larger or smaller than 20 acres. Parcel at least 10 acres but no larger than 20 acres in size: limit of 43,560 sq ft. Parcel 20 acres or larger in size: limit of 43,560 sq ft. or 50% of the maximum allowed by base zone district, whichever is greater. New structures (or expansions) are those constructed after 1/1/2021. No limit on reuse of existing permanent structures for cultivation Temporary hoop houses classified as outdoor cultivation
Setbacks	
<ul style="list-style-type: none"> Sensitive use setback of 1,000 feet measured from property line of parcel with a sensitive use to property line of parcel with cultivation Sensitive uses: a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility 	<ul style="list-style-type: none"> Sensitive use setback of 1,000 feet measured from property line of parcel with a sensitive use to the boundary of the cultivation area Addition of Class I bikeway to sensitive uses (To be included in both Ch. 26 and Ch. 38.) Define childcare center to align with definition of day care center as defined by California Health and Safety Code Section 1596.76.



Water Use	
<ul style="list-style-type: none"> • Water source must be located on site and to be considered adequate the applicant must provide evidence of 1 of the following: municipal, recycled, surface, or well (groundwater). • Trucked water allowed with a Use Permit • Net zero water use required in Class 3 or Class 4 groundwater availability areas • Hydrogeologic report required in Class 3 or Class 4 groundwater availability areas or Priority Groundwater Basin showing it will not exacerbate adverse conditions of the basin/aquifer • Groundwater monitoring required 	<ul style="list-style-type: none"> • “Municipal” water redefined as “Retail” • Trucked water only allowed during a declared emergency for both ministerial cultivation permits and discretionary use permits. • Addition of dry season well yield test showing minimum yield to support the combined use of existing and proposed • In addition to overdraft, well interference, and reductions in surface water for nearby streams, add the following to the list of adverse conditions to be avoided: seawater intrusion, degraded water quality, and land subsidence • Monitoring shift from Permit Sonoma to the Agricultural Commissioner and increase in reporting frequency from 5 years to annual
Operating Requirements	
<ul style="list-style-type: none"> • 1 year permit term limit for ministerial and 5 year permit term limit for discretionary • Annual review and inspections 	<ul style="list-style-type: none"> • 5 year permit term limit for all types • No change to annual review and inspections
Allowable Activities	
<ul style="list-style-type: none"> • Self-distribution prohibited • Cannabis farm stands not allowed • All on-site propagation limited to 25% of the cultivation area • Events prohibited 	<ul style="list-style-type: none"> • Self-distribution allowed, allowing operators to transport the product off site rather than requiring a third party to transport qualifies permittee for a distribution-transport only state license • No change on prohibition of farm stands for cannabis sales; similar to existing prohibition on wine sales at farm stands. • Elimination of 25 % cap of permitted canopy propagation limit and allows for by-right propagation to meet on-site cultivation needs (does not allow for wholesale nursery propagation).



<ul style="list-style-type: none">• 1 acre per-person cap on cultivation	<ul style="list-style-type: none">• The Agricultural Commissioner does not permit events, and any agricultural events would require a separate application to Permit Sonoma and an additional state license. Depending on nature of proposed combined cannabis cultivation and event or other activities a use permit may be required.• No per-person /entity limit on cultivation
--	---

General Plan Consistency:

The proposed General Plan amendment to redefine agriculture to explicitly include cannabis cultivation would not, in itself, allow for additional cannabis cultivation in the County. The amendment to the Agricultural Resources Element is consistent with the zoning code revision, will not create an internal inconsistency in the General Plan, or inhibit the implementation of any other General Plan policies or programs.

Zoning Consistency:

The proposed ordinance update is primarily dealing with the creation of Chapter 38 to be administered by the Agricultural Commissioner. Chapter 26 will remain substantially in its current state in order to facilitate the Use Permit process for parcels that are not eligible to obtain a ministerial permit. Changes in Chapter 26 are technical in nature to achieve consistency with Chapter 38, and directing members of the public toward the most appropriate permitting route, but there would be no other new allowed uses added to Agricultural or Resource Zones outlined in Chapter 26. In certain places requirements for permits under Chapter 26 are enhanced so that they are no less protective than those of Chapter 38, including the addition of ridgetop protection setback, use of generators or trucked water for cannabis cultivation only during a declared emergency when normal sources of water and power are unavailable, alignment with water resource protection measures, odor control measures, clarification of energy off-set requirements, and addition of provisions governing accidental discovery of cultural resources.

Environmental Determination:

An Initial Study and Mitigated Negative Declaration were prepared to evaluate impacts of the proposed updated Ordinance. Several impact areas were identified that could potentially result in environmental impacts if not properly mitigated. The proposed mitigation measures would reduce all anticipated impacts to a less than significant level. These impacts and respective mitigations are summarized individually below.

Aesthetics. The updated Ordinance would allow for an increase in the acreage of cultivation within scenic vistas located outside the coastal zone. Whereas the current Ordinance restricts the total area of outdoor, mixed-light, and indoor cultivation in agricultural and resource zoning districts to no more than one acre per parcel, the updated Ordinance would instead limit cultivation by percent of parcel coverage. Plant canopy cover for outdoor cannabis cultivation and hoop houses would be limited to 10 percent of a parcel. In addition, new cannabis structures on parcels greater than 20 acres in size would be restricted to 50 percent of the maximum lot coverage prescribed for the base zone. These new provisions would allow for more than one acre of cannabis cultivation on parcels at least 10 acres in size. They would also allow for an increase in the number and size of greenhouses, indoor cultivation structures, and other supporting structures, as well as more fencing to protect



these structures. A new, reconstructed, or an expanded permanent structures that would need to comply with objective design standards adopted by the Board of Supervisors, which would reduce impacts to scenic vistas. However, the updated Ordinance could lead to an expansion of cannabis cultivation and associated structures which could impact the visual character of the surrounding area if mitigation is not applied. Cannabis would be redefined in the General Plan as an agricultural use. Agricultural uses contribute to an agrarian landscape aesthetic.

The proposed mitigation measures include standards for screening from public viewing areas with vegetation barriers, and compliance with existing design standards. To reduce the potential impact of sources of light glare, a prohibition on the use of glare producing materials for greenhouses and other structures is proposed.

Air Quality. Large-scale operations on parcels at least 60 acres in size could exceed the BAAQMD’s applicable screening criterion of approximately 5.95 acres for NOx, an ozone precursor. As a result, it is possible that cannabis operations would generate NOx emissions exceeding the Bay Area Air Quality Management District’s (BAAQMD’s) significance threshold of an average of 52 pounds per day during construction or operation, contributing to regional ozone pollution. During the construction of cannabis projects, ground disturbance and the use of construction vehicles on unpaved surfaces could cause a significant short-term increase in emissions of dust emissions, including PM10 and PM2.5. To reduce dust emissions, the updated Ordinance would require that cannabis cultivation sites “utilize dust control measures on access roads and all ground disturbing activities.” However, this provision does not specify effective, feasible measures that would substantially control dust emissions. Mitigation measures would include a screening analysis and control of NOx emissions for large projects, and stronger dust control measures.

Biological Resources and Tree Protection. Cannabis cultivation and development of new structures on agricultural parcels may require some tree removal. Currently no significant tree removal can be permitted without the issuance of a use permit. The proposed ordinance would allow for limited removal of small trees. Projects with removal of large trees or trees protected by the County tree ordinance would be required to prepare a tree replacement plan with a minimum replacement ratio of 2:1 (trees planted to trees impacted).

New requirements are established to address potential impacts to historic structures, including requiring a historic resource evaluations for any site with structures 45 years or older prior to the commencement of grading or building. Similarly, to address impacts to undisturbed cultural resources, the proposed Ordinance would require projects with new ground disturbance to submit cultural resources studies and be referred for review by local tribes and the Northwest Information Center. Where the cultural resources survey or local tribe recommends mitigation a Use Permit for the proposed project would be required to mitigate any potential impacts.

Energy. Energy usage by a cannabis operation includes relatively high electricity for lighting and climate control. In addition natural gas may be used for space heating, and gasoline for employee vehicle trips. Future cannabis cultivation projects will increase usage of gasoline, electricity, and natural gas due to additional vehicle trips and operational energy needs. The revised Ordinance would allow for larger cannabis operations that could potentially exceed energy supply during operation.

For projects projected to consume more energy than an estimated average amount for projects of this type, the updated Ordinance would require the preparation of a detailed energy demand analysis, and an Energy Conservation Plan containing measures necessary to reduce energy usage to an average level.



Geology and Soils. The updated Ordinance would not require paleontological resource studies prior to construction to effectively identify the potential for paleontological resources to occur at a project site. Mitigation would include a requirement that potential paleontological resources be identified and properly avoided prior to ground disturbing activities more than five feet below the ground surface..

Hazards and Hazardous Materials. Future cannabis cultivation projects could be located on sites in the Cortese List, which have known hazardous materials. Additionally, projects would be located on lands zoned for agricultural uses that are typically associated with the historical use of pesticides and arsenic. Project construction activities that disturb soils on-site could potentially result in the release of hazardous materials into the environment related to previous agricultural use. Mitigation would include the investigation and remediation, if necessary, of contaminated soils on the project site.

Noise. Heating, ventilation, and air conditioning (HVAC) equipment at cannabis operations may be in use over a 24-hour period. The updated Ordinance would allow for promotional events to be held at cultivation sites such as site tours, tastings, amplified music, as approved by County and State permits.

Projects within 1,000 feet of schools, residences, hospitals and other sensitive uses, would be required to implement best practices to minimize construction noise including limited construction hours and siting criteria for staging and operation of stationary equipment. Requirements for HVAC equipment include a minimum setback of 300 feet from sensitive receptors, and sound barriers around noise sources to reduce noise to meet standards. Operating standards for noise reduction would be applied to any promotional events located 1,000 feet or less from sensitive receptors through separate County-issued event permits.

Transportation. New cannabis cultivation projects would have the potential to increase total vehicle miles traveled (VMT) in Sonoma County, as a result of employees driving to and from cultivation sites. These sites would be located in rural areas of the County, where existing average trip lengths are higher than in urban and suburban areas. Individual applicants would need to provide evidence that they would generate fewer than 110 average daily trips, or alternatively provide a full analysis of potential VMT impacts. Mitigation would require an analysis of potential VMT impacts and, as needed, implementation of measures to reduce VMT.

Wildfire. The updated Ordinance would allow for an increase in acreage of cannabis cultivation and associated structures within high fire risk areas. Severe wildfires damage the forest or shrub canopy, the plants below, as well as the soil. In general, this can result in increased runoff after intense rainfall, which can put homes and other structures below a burned area at risk of localized floods and landslides. Existing fire codes and regulations cannot fully prevent wildfires from damaging structures or harming occupants.

Mitigation would include reducing the risk of wildfire for sites located near steep slopes and vegetative wildfire fuels and during construction, as well as additional project siting criteria

FINDINGS

1. CEQA
 - a. The proposed project with mitigations incorporated as described in the attached Mitigated Negative Declaration all impacts are mitigated to a less than significant level.
2. General Plan Consistency
 - a. The project includes an amendment to the Agricultural Resources Element to redefine agriculture to explicitly include cannabis cultivation.



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



- b. The proposed General Plan Amendment will not create an internal inconsistency in the General Plan, or inhibit the implementation of any other General Plan policies or programs.
3. Zoning Consistency
- a. The proposed Cannabis Land Use Ordinance update would allow commercial cannabis cultivation uses to be approved as a ministerial permit by the Agricultural Commissioner if specific development and operational standards are met.
 - b. Projects not meeting the standards will be subject to the Use Permit discretionary permitting process by Permit Sonoma to ensure all impacts are fully mitigated.
4. Additional Findings
- a. A notice of the public hearing was duly published for public review and comment at least 10 days prior to the public hearing.
 - b. The Planning Commission has reviewed and considered the staff report and presentation, and all comments, materials and other evidence presented by members of the public prior to and during the public hearing held by the Commission on March 18, 2021.

RECOMMENDATIONS

Recommend to the Board of Supervisors to approve the proposed General Plan Amendment, changes to Chapter 26 of the Zoning Code, and the creation of Chapter 38 to govern the ministerial permitting of cannabis cultivation.

ATTACHMENTS

Attachment A: Draft Resolution

Attachment B: Draft General Plan Amendment

Attachment C: Draft Chapter 38

Attachment D: Draft Chapter 26 Changes

Attachment E: Subsequent Mitigated Negative Declaration

Attachment F: Public Comment – Written

Attachment G: Public Comment – Cannabis Workshops



From: [Amber Morris](#)
To: [Cannabis](#)
Cc: [Jennifer Klein](#); [Scott Orr](#); [Andrew Smith](#)
Subject: Cannabis Comments
Date: Monday, March 15, 2021 10:50:12 AM

EXTERNAL

I would like to note my concerns that the listening sessions and staff report focused solely on Chapter 38, and that changes to cannabis cultivation remaining in Chapter 26 have been overlooked in summaries of changes and discussion.

To ensure the Commission is informed of all proposed changes, I would like to request that the staff presentation to the Commission include:

- Information about cultivation that will remain in Chapter 26
- Review of proposed changes that were made to Chapter 26, specifically language further limiting ownership and sqft limitations (Sec. 26-88-254(f)(2) and 26-88-254(e))
- Comparison of sqft and ownership allowances between industrial, ag and resource cannabis cultivation

It is critical that while the County is contemplating cannabis cultivation that all aspects, including cultivation in industrial zoning, are part of the conversation especially when glaring disparities for square footage allowances are being proposed.

Thank you for your consideration.



AMBER MORRIS | Director of Government Affairs
916-606-0771 | amber.morris@norcalcann.com
[NorCal Cannabis Company](#)

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From: [Anna Peterka](#)
To: [Cannabis](#)
Subject: Keep Sonoma clean
Date: Monday, March 15, 2021 9:22:48 AM

EXTERNAL

STOP our politicians from destroying beautiful Sonoma county. More cannabis, more homelessness, more CRIME.

These crooks, politicians need to be removed before our county is totally ruined.

Clean up Sonoma, don't destroy it

Sincerely,

Anna Peterka

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From: [Bill Burns](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Proposed Cannabis Ordinance
Date: Monday, March 15, 2021 9:04:05 AM
Attachments: [Cannabis Ord-signed.pdf](#)

EXTERNAL

To Sonoma County Planning Commission,

I wish you to know that we strongly object to the proposed cannabis ordinance and the supplemental mitigated negative declaration. Reasons for our objection are in the attached, signed letter.

Sincerely,

Bill Burns

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March 12, 2021

To: Sonoma County Planning Commission

Subject: Proposed Cannabis Ordinance

I wish you to know that we strongly object to the proposed cannabis ordinance and the supplemental mitigated negative declaration. Reasons for our objection are outlined below:

1. **Safety** - we live on Matanzas Creek Lane. Our private road is about 1.5 miles long, paid for and maintained by the residents who live Matanzas Creek Lane. The lane is about 11 feet wide at its widest. There are only a few turn-outs allowing for car to pass. This is not a lane that can safely allow for steady traffic, let alone commercial traffic.

Based on a Sonoma County estimate for traffic in its 2016 (Mitigated Negative Declaration, p. 44) used these metrics: A one-acre cultivation site or a 0.25-acre indoor operation can each require 12-15 employees during peak periods. Fifteen employees average 30 to 60 trips a day.

There are at least 60 acres of land on Matanzas Creek Lane that could qualify for outdoor cannabis cultivation. These acres could employ 720 (60 X 12) people, and generate between 1,440 (60 X 24) and (60 X 48) 2,880 trips per day. Indoor cultivation would result in even more traffic!

COMMON SENSE ALONE DICTATES TOTAL IMPRACTICALLY

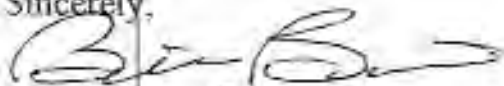
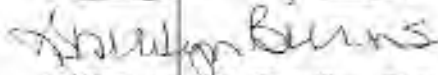
2. **Public Safety** - Matanzas Creek Lane intersects Bennett Valley Road at a dangerous curve - a site of many serious auto accidents. Traffic safety studies and road improvements needed must accompany increases in traffic and the County must foot the bill for road improvements to assure public safety
3. **Fire Safety** - the narrow roads in the County, like Matanzas Creek Lane must have access for fire trucks to get in and out when fires occur. It is a matter of life and death. The Planning Commission members will have to accept personal liability for preventable deaths resulting from decisions

compromising fire and public safety. An 11 foot wide, dead-end road will not accommodate fire safety - another COMMON SENSE consideration.

4. **Stench** - Cannabis creates a stench equivalent to pig manure. Even a relatively small growth has a horrible smell. There needs to be an environmental consideration and limit set to the amount of cannabis organically generated smell permitted in a given acreage
5. **Environmental Impact** - There needs to be an environmental impact study conducted throughout the County to determine cannabis water consumption relative to existing demands on the water basin and to determine waste production elimination - when will such a study be completed and publicized.
6. **Personal & Family Safety** - Cannabis and its cultivation is known to bring with it a increase in serious crime. Our family of children and grandchildren are frequently at our Matanzas Creek Lane property. We are greatly concerned for their safety. If the increased traffic, fire and public safety concerns are not enough, I bring to you the great concern for personal and family safety.

With the above points, we wish to make known to the Planning Commission reasons for our rejection of the proposed cannabis ordinance.

Sincerely,

Bill Burns & Sherilyn Burns
3763 Matanzas Creek Lane
Santa Rosa, CA 95404

From: [Scott Orr](#)
To: [Cannabis; PlanningAgency](#)
Subject: FW: Regulating the cannabis industry
Date: Monday, March 15, 2021 8:35:52 AM

From: BARBARA DUNHAM <bdunhamseb@sbcglobal.net>

Sent: Sunday, March 14, 2021 10:34 PM

To: Greg Carr; Larry Reed; Gina Belforte; Cameron Mauritson; Pamela Davis

Subject: Regulating the cannabis industry

EXTERNAL

To whom it may concern:

I am writing to ask that the county take a stricter stand on the growing of cannabis. Our county is beautiful and that is why so many people want to live here and why tourists come to this area for recreation, wine tasting and to just enjoy being in the country.

I am sure you are aware of the cannabis blight in Santa Barbara County. This happened because of a lack of restrictions by its Board of Supervisors and Planning Commission. Hoop houses proliferate the hills and the odor of cannabis is prevalent near schools and homes.

The health and welfare of the taxpayers of Sonoma County should be the main concern of the Sonoma County Board of Supervisors and Planning Commission, not the lobbyists of the cannabis industry and the revenues it might bring.

1. Our water issues are of concern for climate change has altered the amount of snow in the Sierras and rain in our county. The cannabis industry will use a tremendous amount of water from our aquifers and rivers.

2. The odor of cannabis will permeate our air.

3. The setbacks for growing need to be at least 1000 feet from schools, playgrounds, homes, bike trails and public parks to protect people.

4. There should be constrictions on growing cannabis in areas where the roads are narrow, have dead ends, and create heavy traffic and noise to the residents in the area.

I could name a few more issues that should make you reflect on your actions, especially in changing the granting of permits without public notice and not having hearings so that your constituents can make their voices and concerns heard.

If money is the issue here and you think you will bring more revenue to the county, there will be unforeseen costs down the road. Infrastructure related costs for heavy traffic on our roads, reduced tourism, unhappy tax payers and devaluation of property which will lead to less property taxes for the county are but a few of the ramifications that might occur.

This is a time for the Board of Supervisors and Planning Commission to consider the direction of this county. I first moved here in 1967 and a lot has changed here, some for the better, some for the worse. The wine industry has made an impact on this county but the unregulated cannabis industry could really change this wonderful, beautiful county into an industrial cannabis blight.

I ask that you reconsider how permits are granted and to keep strict setbacks for the growing and harvesting of cannabis, especially when it impacts homes, schools and public areas.

Sincerely,
Barbara Dunham
411 Eleanor Avenue
Sebastopol, CA 95472

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From: [Bill Krawetz](#)
To: [Cannabis](#)
Subject: RE: Cannabis Draft ordinance - Planning Commission 1pm March 18th meeting
Date: Monday, March 15, 2021 3:17:32 PM

EXTERNAL

Thanks!

From: Cannabis [mailto:Cannabis@sonoma-county.org]
Sent: Monday, March 15, 2021 3:04 PM
To: 'Bill Krawetz'; PlanningAgency
Subject: RE: Cannabis Draft ordinance - Planning Commission 1pm March 18th meeting

Hello Bill,
The agenda and call-in information is available here: <https://sonomacounty.ca.gov/Planning-Commission/Calendar/Planning-Commission-Meeting-March-18-2021/>.

McCall Miller

Sonoma County Cannabis Program
County Administrator's Office
Cannabis@sonoma-county.org

From: Bill Krawetz <billkrawetz@comcast.net>
Sent: Sunday, March 14, 2021 7:21 AM
To: PlanningAgency <PlanningAgency@sonoma-county.org>; Cannabis <Cannabis@sonoma-county.org>
Subject: Cannabis Draft ordinance - Planning Commission 1pm March 18th meeting

EXTERNAL

Hi
I understand The Planning Commission will hold a hearing on the draft ordinance at 1:00 PM on Thursday, March 18. Can you send the call-in information?

Thanks Bill Krawetz

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From: [Carol Bokaie](#)
To: [Cannabis](#); [David Rabbitt](#)
Subject: Opposition Letter to the proposed cannabis ordinance and the supplemental mitigated negative declaration
Date: Monday, March 15, 2021 2:30:17 PM
Attachments: [Opposition Letter to the proposed cannabis ordinance and the supplemental mitigated negative declaration.msg](#)

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March 14, 2021

SUBMITTED VIA E-MAIL

McCall Miller
Sonoma County Planning Commission
Cannabis Program, County Administrator's Office
575 Administrative Drive, Suite 104A
Santa Rosa
California, 95403
Cannabis@sonoma-county.org

Re: Comment on proposed modification of cannabis ordinance, No. 6245, and General Plan update.

Dear McCall Miller,

Thank you for the opportunity to comment on the proposed ordinance and general plan modifications for cannabis. At the outset, we would like to make clear that this letter does not dispute the utility or value of cannabis – within reason, cannabis farmers should be allowed to grow their crops. However, the new cannabis commercialization laws cannot be to the detriment of existing homeowners in Sonoma County (Sonoma). Phase 2 of the ordinance modification was to be a “thorough” review of neighborhood compatibility issues,¹ and Sonoma has abdicated its duty to listen to, and protect, its residents. This comment letter will specifically address:

- Sonoma's failure to prepare an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA),
- Sonoma's failure to adequately mitigate odor and air quality concerns,
- Sonoma's failure to account for the serious water use concerns related to cannabis growing in California,
- Sonoma's failure to maintain proper fire safe road regulations, and
- The classification of cannabis as an agricultural crop.

I. Sonoma should have prepared an EIR.

¹ County of Sonoma, *Sonoma County Cannabis*, <https://sonomacounty.ca.gov/Cannabis/Legislative-Updates/County-Ordinances/> (last visited March 14, 2021).

Proper CEQA review is of vital importance – both to address environmental impacts and also to facilitate a flow of information between government officials and the public.² A full EIR provides a framework through which to analyze the other issues contained in this letter,³ and increases public trust in the democratic process.⁴ Sonoma’s failure to follow proper CEQA process has fostered distrust in its motivations at pushing through an inadequately analyzed ordinance and placed the county’s air and water quality in peril.

CEQA is “to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”⁵ The threshold to requiring an EIR is “low,” and any ambiguity should be resolved in favor of environmental review.⁶ CEQA review only ends at the mitigated negative declaration step when potentially significant environmental effects can be fully mitigated by changes in the project and the project applicant agrees to incorporate those changes.⁷

Sonoma has not afforded our air and water the fullest possible protections that CEQA requires. By prematurely ending environmental review at the mitigated negative declaration stage, Sonoma has failed to analyze several potentially significant impacts and has offered inadequate mitigations.

The impacts of the proposed ordinance modification are huge. Sonoma is proposing to increase the amount of land available for cannabis farming from 50 acres to approximately 65,000 acres, a *1300 factor increase*. For reference, that acreage exceeds the total acreage of vineyards in Sonoma.⁸ Sonoma has rightly conceded that there will be impacts on various parts of the environment, notably our air and water – but its conclusion that the vast acreage of new cannabis grows can be mitigated so well that the impacts will not be significant is not supported by substantial evidence. Some of the most prominent problems are discussed below in sections II-IV.

² Cal. Pub. Res. Code § 21000.

³ *See id.* § 21002.1.

⁴ *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988), as modified on denial of reh'g (Jan. 26, 1989) (The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action”).

⁵ *Id.* at 390.

⁶ *Save the Agoura Cornell Knoll v. City of Agoura Hills*, 46 Cal. App. 5th 665, 676 (2020), *reh'g denied* (Apr. 10, 2020), *review denied* (June 24, 2020).

⁷ *Id.* at 1186-87.

⁸ *See* Bill Swindell, *North Coast vineyard acreage increases slightly in 2018*, *The North Bay Business Journal* (2018), <https://www.northbaybusinessjournal.com/article/industry-news/north-coast-vineyard-acreage-increases-slightly-in-2018/> (figures from 2018).

Sonoma's decision not to prepare an EIR is at odds to other counties in California. For example, Yolo County prepared an EIR when enacting a cannabis land use ordinance.⁹ Humboldt County and Trinity County have also recently prepared EIRs for commercial cannabis laws.¹⁰

In Yolo County, far less acreage was at stake for cannabis grows, but the county nevertheless responded fairly and capably to community concerns with a comprehensive 700-page EIR.¹¹ In contrast, Sonoma's reaction to public input has been sadly lacking – very few of the reasonable suggestions of the public have been incorporated in the final draft ordinance – and the Planning Commission has attempted to evade full environmental review of its actions.

Sonoma should follow the precedent set by other counties, err on the side of environmental caution and public inclusion, and prepare an EIR. We urge Sonoma to reconsider its decision to prematurely stop CEQA at the negative declaration phase.

II. Sonoma's anemic mitigation strategies will not alleviate the threat to air quality.

Toxic air quality is the number one environmental issue that needed to be addressed in Phase 2 of the cannabis ordinance modification. It is primarily a health issue, as well as an aesthetic issue, and the proposed setbacks do nothing to mitigate either concern.

Cannabis plants emit potent volatile organic compounds (VOCs) in the form of terpenes. Each plant emits roughly 2.6g per day of VOCs into our air. The VOCs emitted by commercial cannabis operations are not insignificant or innocuous – they are measurable and form a toxic cloud that travels well over a thousand feet then sits stagnant in the air causing serious health problems to those living within its grip. Humboldt County's recent EIR stated that despite efforts to mitigate odor from cannabis operations, the impact on the environment would nevertheless be **significant and unavoidable**.¹² There is no reason to believe Sonoma cannabis will be any less potent than in Humboldt – in fact the effects will likely be worse given the proposed scale of cannabis growing in the county.

A. Cannabis farm emissions lead to serious health concerns.

The residents of Herrerias Way experienced the effects of commercial cannabis grows firsthand in the summer and fall of 2018 when Sonoma allowed two illegal grow operations to spring up in an adjacent lot and harvest crops. All four households on Herrerias Way were severely affected by the VOCs that blew directly into our homes for four months.

⁹ Yolo County, *Draft Environmental Impact Report on the Proposed Cannabis Land Use Ordinance for Yolo County* (2019), available at <https://www.yolocounty.org/government/general-government-departments/community-services/cannabis/cannabis-land-use-ordinance> (Yolo EIR).

¹⁰ Humboldt County, *Amendments to Humboldt County Code Regulating Commercial Cannabis Activities* (2018), available at <https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR-60mb-PDF>; Trinity County, *Cannabis Program Final Environmental Impact Report* (2020), available at <https://www.trinitycounty.org/node/2609>.

¹¹ Yolo EIR.

¹² Humboldt EIR at 1-3.

The impact on our health was enormous. One resident, a disabled young man with severely limited physical movement could not leave his home without having his lungs pumped. To reiterate: without having his lungs pumped. A second neighbor's asthma condition was exacerbated and they had to seek additional medical treatment. A third resident, who had never previously suffered any respiratory condition had to seek urgent care for burning chest pain, and was diagnosed with lung irritation from the air. They also experienced a constant nausea from the potent cannabis fumes. These medical issues occurred after only a few months of exposure to cannabis fumes from a one-acre grow.

Since Sonoma turned a blind eye to the illegal grows, the Herrerias Way Coalition sued under private nuisance laws and shut down both operations. The medical issues detailed above have since resolved with the elimination of the cannabis grows.

B. Sonoma's setback proposals are wholly inadequate.

Sonoma now countenances expanding the size of outdoor cultivation parcels from one acre – the size that led to the severe health problems described above – to either ten acres or 10% of the size of the parcel. The anemic setback requirements intended to mitigate air quality concerns do not provide adequate protection from the toxic air quality created by cannabis grows.

Commercial growth of cannabis at 300 feet setback from a residence is not founded in any scientific basis and does not provide protection. A 1000-foot setback from the property line of residences is a well-documented and scientifically backed solution to odor control and toxic air quality concerns. Sonoma's continued adherence to setbacks measured from residences instead of property line is a slap in the face to both science and the health of Sonoma residents. Furthermore, such setbacks are outrageous given that many people now work from home and children are schooled at home. People are in their homes 24 hours a day – private residents in that situation would be exposed longer than children in schools who are afforded a 1000-foot setback from the school's property line, and children would be safer at school than in their own homes.

By ignoring public concern at the inadequacy of the proposed setbacks and failing to expand them to a scientifically-backed safe distance from the property line, Sonoma has failed to discharge its duty to protect the health, safety, and welfare of the county's residents. Sonoma must reconsider setback requirements.

C. Sonoma's other mitigation suggestions fail to address odor and air quality concerns.

To be effective, a mitigation proposal must mitigate effects “to a point where clearly no significant effect on the environment would occur” as well as ensuring “there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”¹³

Here, it is far from clear that the mitigation effects will alleviate the environmental impacts to a point where they are clearly not insignificant. For example, Sonoma contends in its

¹³ Cal. Pub. Res. Code § 21064.5.

mitigated declaration that odor and air quality concerns are partially mitigated by the fact that odors are strongest in the two months prior to harvest.¹⁴ This is incorrect and furthermore does nothing to mitigate the odors during those two months. There clearly will be impact during the two months prior to harvest even under Sonoma's blasé assertions. As discussed above, even two months of strong odor and VOCs are enough to cause severe health problems for neighbors. Moreover, some operations have a two harvest per year schedule.

Additionally, Sonoma asserts vegetative screening will mitigate odors.¹⁵ There is not evidence that this approach will effectively block odors from travelling beyond the cannabis operation's boundaries. Vegetation is impermanent and porous, and is easily destroyed by wind or wildfire. Furthermore, wind can blow odors beyond the vegetative screen.

Finally, Sonoma concedes that there are cases where residents will be affected but requires the odor to impact "several" people before it will investigate.¹⁶ Even then, the mitigation measure only provides that Sonoma will require Vapor-Phase Systems (Fog Systems) to neutralize the odor. The problem with this approach is firstly Fog Systems are not designed for large-scale outdoor grows. Second, only the odor will be neutralized, not the VOCs themselves, and the odor-neutralizing chemical will remain in the air as well, which is a potential hazard to public health. Third, if Sonoma realizes there are likely going to be impacts from odors, it should require odor neutralizing technology as standard. Finally, coupled with the potential that cannabis farming will be protected under Right to Farm laws because of the General Plan update, which would shield cannabis operations from nuisance suits, residents will be left with little to no recourse to protect themselves should Sonoma not find the odors are affecting several people. They would have to stand idly by as their health deteriorated and their property value plummeted.

Sonoma's mitigation policies are completely inadequate for the scale of cannabis farming that will take place following this ordinance update. The mitigation measures would only have a chance of success in conjunction with proper setback requirements – only physical distance mitigates cannabis fumes. To better understand the effects of odor and VOCs on human health and to effectively mitigate those dangers, Sonoma should have completed thorough environmental review under CEQA. Furthermore, Sonoma should explicitly state that cannabis farming will never be protected under Right to Farm laws, or any other laws, from individuals bringing private action to abate nuisance.

III. Water use on cannabis crops is a significant environmental impact.

¹⁴ Negative Declaration at 34.

¹⁵ *Id.*

¹⁶ Negative Declaration at 35. Of additional concern is the fact that this process involves discretionary action from Sonoma. There is no definition of "verified complaint," "objectional smell," or "several" people. This discretionary investigation is impermissible under the ministerial system Sonoma envisages.

Cannabis grows require vast quantities of water to operate.¹⁷ One cannabis plant requires at least 6 times the water of one grape plant.¹⁸ To compare again to Sonoma’s wine industry – Sonoma could expand to 6 times as many vineyards as it currently has for the same water cost as the present ordinance affords cannabis. This is highly worrying given that California is prone to severe droughts. Humboldt County found that water demand for cannabis operations created a **significant and unavoidable impact** on public water utilities.¹⁹

Of further concern is the provision of emergency water when there is a local, state, or federally declared disaster.²⁰ This may take water away from much needed communities and Sonoma has provided no analysis of the impacts it would case to residents and the environment. Again, only a full EIR will disclose to the public the environmental impacts to water distribution and water quality, and allow county officials to make the least environmentally damaging choice.

IV. Sonoma must ensure fire road regulations are followed.

Sonoma is at high risk of wildfires, and has seen devastating blazes decimate large areas of the county in recent years. Adding 65,000 acres of a combustible crop, which is frequently surrounded by a high quantity of electrical equipment including generators, lighting, and air purifying systems, is a recipe for disaster. Adding to that, Sonoma has not ensured that existing fire road regulations will be followed.

...

V. Cannabis is not an agricultural crop and should not be given protection under Right to Farm Laws.

Sonoma seeks to designate cannabis as an agricultural crop in its General Plan update. However, this fails to take into account the marked differences between cannabis and other crops. Cannabis requires constant security, including full fencing to keep people out. Its high value attracts crime, and its potent odor creates a nuisance for residents living in the area. Cannabis is also still, federally, a Controlled Substance, which can have harmful effects if abused, especially in teenagers. We strongly urge Sonoma to resist reclassifying cannabis as an agricultural crop.

If Sonoma proceeds with this redefinition, it must ensure that the many legal exemptions agricultural crops enjoy are not applied carte blanche to cannabis. First and foremost, Sonoma must make explicitly clear that the redefinition does not mean cannabis operations will ever be protected under Right to Farm laws. Sonoma residents must continue to be able to file nuisance

¹⁷ Negative Declaration at 94 (Cannabis cultivation “has been characterized as a high-water-demand activity”).

¹⁸ Alexander Nieves & Debra Kahn, *Wine vs. Weed in Napa Valley*, Politico (Feb 18, 2020), available at <https://www.politico.com/news/2020/02/18/wine-vs-weed-in-napa-valley-115322> (citing Napa County report).

¹⁹ Humboldt EIR at 1-4.

²⁰ Negative Declaration at 95.

suits to protect themselves from cannabis operations adjacent to their homes, to protect their health and property value. It is not acceptable to strip that option from private citizens and insulate the cannabis business from liability.

Second, Sonoma must make clear that it cannot in the future use the agriculture label in order to relax setback requirements or expand the cannabis industry beyond what the current definition allows. Enforceable, scientifically backed setback requirements must be in place before cannabis is reclassified, and must remain in place afterwards.

VI. Conclusion

Sonoma has not discharged its duty to protect the health, safety, and welfare of the residents of the County. To ensure that the public's voice is heard, and all environmental impacts are properly disclosed, Sonoma must restart its CEQA analysis and complete a comprehensive EIR. In the EIR Sonoma should reconsider its mitigation strategies for air quality, water quality, and fire safety, because the current plan is inadequate. This should include 1000-foot setbacks measured from the property line of residences, not from homes themselves. Failure to produce an EIR will put Sonoma residents' health in danger and jeopardize property values across the county.

Sonoma should also reconsider its rationale for classifying cannabis as an agricultural crop. If this proposal proceeds, at the very least Sonoma must ensure that residents can still bring private claims to abate the nuisance caused by cannabis odors.

Sincerely,

Carol and Stefan Bokaie

767 Herrerias Way

Petaluma, CA 94954

From: [Scott Orr](#)
To: [Cannabis; PlanningAgency](#)
Subject: FW: New Cannabis Proposal Before You
Date: Monday, March 15, 2021 8:34:13 AM
Importance: High

From: Greg Carr <Greg.Carr@sonoma-county.org>
Sent: Monday, March 15, 2021 8:19 AM
To: Scott Orr <Scott.Orr@sonoma-county.org>
Subject: Fw: New Cannabis Proposal Before You
Importance: High

another

From: Christine Marie Field <cmfield@stanford.edu>
Sent: Sunday, March 14, 2021 8:17 PM
To: Greg Carr
Cc: chris@rewinedca.com
Subject: New Cannabis Proposal Before You

EXTERNAL

Dear Mr. Greg Carr (1st District):

The task of accepting or rejecting this new ordinance falls directly at this commission. Please act with deliberation as you consider it.

I have only lived in West County for about 1 year. We chose this area for its beauty and serenity. We are alarmed and displeased to read the proposed cannabis ordinance that has been produced by the county. So many of its provisions will destroy what we value so much here.

The allowances for possible grows at 65,000 acres is disproportionate to other crops even surpassing the growing acres of grapes.

The over-use of water resources is also a concern. We rely on well water at our house and continual tapping into this type of resource will surely deplete it for us all especially in our drought years.

The environmental issues which completely ignore CEQA are unacceptable. With a wave of the hand, the county cannot just declare the whole set of projects exempt. There have been

no concrete studies that can show the effects on so many acres of grows will not have a negative effect on the environment.

Odor is a huge concern. That it should not extend beyond the property is admirable, but setbacks proposed are inadequate to achieve that goal.

Over concentration of grows on one property or in one part of the county is not addressed. In fact, AG right now is encouraging multiple grows on a parcel to fully blow out growing power on each and every permitted area. Proposals that would usually require a conditional use permit are being allowed as 4 ministerial permits on the same property.

Allowing AG to do all the permitting is also a red herring for me. Ministerial permits are much easier to obtain and require a lot less scrutiny than the conditional use permits. Neighbors have no right to object or even be informed that a grow is being permitted next to them depriving them of their rights as homeowners.

Allowing the commissioner sole discretion to interpret what is being allowed is too arbitrary (see Commissioner's solution to avoiding CUPS).

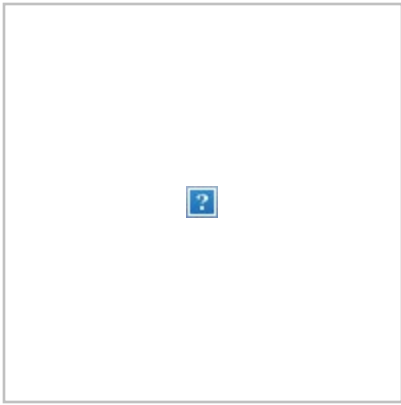
There are more and more instances in this ordinance that are disconcerting. It is my opinion that it needs to be withdrawn and redrafted. It has many inconsistencies and ambiguities that can be interpreted too broadly to be effective legislation.

Thank you for your attention.

Christine Field
chris@rewinedca.com
March 14, 2021

CHRISTINE FIELD, *Art Director*
Stanford University | Office of Development
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From: [Curt Frederickson](#)
To: [Cannabis](#)
Subject: Zoom link
Date: Monday, March 15, 2021 1:27:31 PM

EXTERNAL

Please send me the link to the Virtual Town Hall Power Point and Zoom meeting on Cannabis dated March 12.

Thanks,

Curt Frederickson
3030 Francisco Ave
Santa Rosa 95403

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From: craigspencerharrison@gmail.com
To: [Cannabis](#)
Cc: [Scott Orr](#); [Tennis Wick](#); [Larry Reed](#); [Todd Tamura](#); [Gina Belforte](#); [Greg Carr](#); [Caitlin Cornwall](#); [Pamela Davis](#); [John Lowry](#); [Cameron Mauritson](#); [Jacquelynn Ocana](#)
Subject: Impacts of Cannabis Proposal on Bennett Valley; Hearing March 18, 2021
Date: Monday, March 15, 2021 11:50:07 AM
Attachments: [BV Cannabis.pdf](#)
[bennett_valley_area_plan.pdf](#)
[SOSN NOAA Cannabis letter.pdf](#)
[Response to Mr. Block re SRA 1.18.19.pdf](#)
[BV Study on Agriculture.PDF](#)

EXTERNAL

Dear Commissioners:

The CEQA analysis failed to analyze any of the policies in the Bennett Valley Area Plan, including design review and siting requirements that are required for almost every project. Design and siting review inherently requires discretion and is inappropriate for ministerial permitting.

The proposal would allow in Bennett Valley, using ministerial permits, 470 acres of outdoor cannabis, 138 acres of new indoor cannabis, and an unknown acreage for existing buildings.

Using PRMD estimates, this proposal would employ in Bennett Valley 12,264 workers in a community of under 3,000 residents.

This proposal would generate in Bennett Valley between 24,528 and 49,056 daily traffic trips on a marginal road system.

A full EIR is needed.

Ministerial permitting is not allowed under *Protecting Our Water & Environmental Resources v. County of Stanislaus*, 10 Cal.5th 479 (2020), because county officials make many discretionary decisions on every cannabis project, including analyzing reports for compliance.

It's time to start this process over, and do normal land use planning.

Thank you.

Craig S. Harrison
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Santa Rosa, CA 95404
707-573-9990
<https://www.craigsharrison.net/>

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Opposition to Proposed Cannabis Ordinance and Supplemental Mitigated Negative Declaration

March 15, 2021

The Bennett Valley Citizens for Safe Development (BVSD) is a neighborhood group of almost 300 Bennett Valley residents who have signed a petition to make Bennett Valley a commercial cannabis-free exclusion zone. BVSD is a member of Save Our Sonoma Neighborhoods (SOSN), and endorses and fully supports the comments filed by SOSN in this proceeding. We are concerned that any mitigation measures in the Supplemental Mitigated Negative Declaration (SMND) or protections in the proposed cannabis ordinance are illusory. They will not protect residents from the reasonably foreseeable environmental consequences of the proposed revisions to the cannabis ordinance. We focus on impacts to Bennett Valley in these comments

As discussed below, there is substantial evidence to support a fair argument that the proposed revisions may have a significant detrimental effect on the environment with regard to aesthetics, odor, biological resources, water, traffic and conflicts with policies in the Bennett Valley Area Plan (BV Plan, attached). The county must undertake a full environmental impact report to fully evaluate the impacts of the proposal. Moreover, the current requirement for conditional use permits cannot be converted to ministerial under *Protecting Our Water & Environmental Resources v. County of Stanislaus*, 10 Cal.5th 479 (2020) because county officials make many discretionary decisions on every cannabis project, including analyzing reports for compliance.

The geographical area of Bennett Valley, as defined in the BV Plan, comprises about 900 parcels. Of these, 138 are over 10 acres in size and are zoned DA, LIA, and RRD (there are no LEA-zoned parcels). The total acreage of the 138 parcels eligible to cultivate commercial cannabis under the proposal is 4,702 acres: 1,586 DA, 665 LIA, and 2,451 RRD. Under the proposed cannabis ordinance, a minimum of 470 acres (10 percent of the eligible 4,702 acres) could cultivate outdoor cannabis. In addition, 138 acres of new indoor cannabis could be cultivated, and any existing buildings could grow indoor cannabis.

Checklist 1c. The proposed cannabis ordinance could substantially degrade the existing visual character and quality of public views of Bennett Valley.

Cannabis cultivation employs the construction and use of large, unattractive structures with solid fences—hoop houses for outdoor cultivation and industrial-looking greenhouses for indoor cultivation. SMND, p. 19. The fencing must be screened with vegetation that, “[u]pon maturity,” “shall largely block the view of cannabis structures from public viewpoints.” SMND, p. 23. Even when the screening vegetation reaches maturity years later, the views of the structures will only be “largely” blocked. If allowed, these commercial structures would be scattered throughout Bennett Valley and would degrade the existing visual character of our surroundings for “both public and private views.” SMND, pp. 19-20. The current screening standards are being relaxed to “remove the existing requirement to screen indoor cultivation structures from public view.” SMND, p. 22. Hoop houses, large greenhouses, indoor cultivation structures, restrooms, and solid fences will alter “the visual character of rural areas” such as Bennett Valley. SMND, pp. 21-22.

Allowing up to 470 acres of outdoor cultivation and 138 acres of greenhouses that can resemble self-storage sheds would violate the visual and scenic policies in the BV Plan. While we are raising these issues as residents, Bennett Valley is a treasure for all of Sonoma County. It is also one of many parts of Sonoma county that draws visitors for its bucolic scenery. Among the pertinent policies in the BV Plan are:

- New development throughout Bennett Valley shall be reviewed for site design and consistency with Bennett Valley development guidelines (p. 8).
- Unique scenic, visually and environmentally sensitive, and historic resources are important to the character of Bennett Valley and shall be protected (p. 9).
- Open vistas shall be protected (p. 9).
- A scenic corridor shall be established to protect views from the road (p. 10).
- The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected (p. 10).

The SMND fails to analyze any of these policies. Further study and analysis are needed to address the adverse effects on scenic vistas and corridors, especially the cumulative effects of permitting 470 acres of new outdoor cannabis cultivation and 138 acres of greenhouses. Ugly hoop houses and industrial greenhouses cannot be reconciled with the aesthetic policies in the BV Plan. A revised SMND should mitigate by forbidding such structures in Bennett Valley.

All new structures must undergo design review, and building and planting materials should be compatible with the landscape of Bennett Valley. BV Plan, p. 4. This requirement applies to agricultural appurtenances greater than 200 square feet such as hoop houses and greenhouses. BV Plan, p. 22. Development shall be sited with minimum impact on the view from the road (p. 10), and site and design structures shall be in harmony with natural surroundings (p. 14). The development standards for structures (p. 23) include roof lines that follow established lines of land and/or tree forms; utilization of color, texture, and materials that blend harmoniously with surrounding landscape; natural wood siding or shingles and natural stone for exteriors; earth-tone colors; and fire resistant and dark-toned roofs if visible. Implementing design review standards is never objective, and inherently requires public officials to exercise discretion. Even the decision whether to require design review involves discretion. A permitting process that allows the Commissioner of Agriculture unfettered discretion to decide that an unsightly hoop house covered in white plastic in his opinion meets the standards in the BV Plan is unacceptable. For this reason, all cannabis permits in Bennett Valley should be discretionary, not ministerial pursuant to *County of Stanislaus*.

Checklist 3c and 3d. The proposed ordinance will expose sensitive receptors to substantial pollutant concentrations and result in odor emissions adversely affecting a substantial number of people.

“Sensitive receptors are land uses where sensitive populations (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located,” and land uses include residences. SMND, p. 32. Accordingly, residences often if not typically house sensitive populations, including children and the elderly. Bennett Valley has about 900 parcels and a population of

2,500-3,000. Currently there are about 2.5 acres of commercial cannabis being cultivated in Bennett Valley. I have experienced the stench of cannabis while driving on Bennett Valley Road in October 2020 (possibly emanating from 5 coordinated ministerial permits comprising one acre on Wellspring Road), and many residents complain of marijuana smells in autumn. In 2017, the county allowed under its Penalty Relief Program an outdoor grow of about 5,000 square feet at 5245 Sonoma Mountain Road. I was then president of the Bennett Valley Community Association and received a dozen phone calls complaining about the odor. For several months during summer and autumn 2017 I would smell it within 1,000 feet when I drove by, and rolled up my windows. Marijuana can stink, and smelling the putrid odor at home could ruin your life.¹

Allowing up to 470 acres of outdoor cultivation and 138 acres of greenhouses will expose sensitive receptors to substantial pollutant concentrations, including odor emissions adversely affecting a substantial number of people. This is about 200 times the current acreage. Terpenes are heavy molecules that sink and could be trapped in any basin such as Bennett Valley. I have lived in Bennett Valley for almost 20 years and we frequently experience thermal inversions, especially during the warmer months. Warm air rises, and the temperatures at my home (750 feet in elevation) are often 10-15 degrees higher during summer and autumn evenings than on Sonoma Mountain Road (600-650 feet in elevation). During wildland fires, especially in October 2017, heavy smoke gets trapped in the valley, making it difficult to breath. The air quality monitors for particulates on the PurpleAir website clearly show more air pollution on the valley floor than higher elevations. Allowing a vast increase in cannabis cultivation could subject hundreds of homes to a 24/7 stench for days or weeks at a time during summer and autumn when terpenes are trapped on the valley floor.

Further study and scientific analysis are needed to address exposing sensitive receptors to substantial pollutant concentrations and odor emissions that would adversely affect a substantial number of people. In particular, BVSD would object to any revised analysis that fails to include air quality modeling for Bennett Valley under a variety of weather conditions and cannabis acreage.

Checklist 4a. The proposed ordinance will have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special status species.

The SMND fails to address the existence of or cumulative impacts on sensitive species in the Matanzas Creek watershed. Allowing up to 470 acres of outdoor cultivation, 138 acres of green houses and an unknown amount of indoor cultivation in existing structures could have devastating effects on water supply. It could adversely affect directly or through habitat modifications at least five aquatic or riparian species identified as a candidate, sensitive, or special status species.

A biological assessment for 3803 Matanzas Creek Lane prepared by Darren Wiemeyer provides much information on the biological resources in this area. He found that Matanzas Creek and its riparian corridor provides good refuge habitat for amphibians and reptiles, and identified five

¹ [Thomas Fuller, 'Dead Skunk' Stench from Marijuana Farms Outrages Californians](#) (December 19, 2018); [What it's Like to Live 100 feet from 15,000 Cannabis Plants?](#) North Bay Biz (December 3, 2020).

rare species that are found in this watershed: California giant salamander (special concern); foothill yellow-legged frog (candidate threatened); red-legged frog (federal threatened); reed-bellied newt (special concern); and California freshwater shrimp (federal endangered).

The piecemeal diminution of aquatic habitat is why the species that live in this habitat are listed as threatened, endangered, or are being considered for listing. A factor the California Department of Fish and Wildlife considers in listing a Species of Special Concern is when they occur in small, isolated populations or in fragmented habitat, and are threatened by further isolation and population reduction. That is the situation in the Matanzas Creek watershed, and it is vital to preserve this habitat to avoid further fragmentation. The cumulative effects of this and all foreseeable marijuana projects must be evaluated with respect to year-round water flows, summer water flows, and elevated water temperatures.

As emphasized in an August 30, 2018 letter from NOAA to Sonoma County (attached), the county insufficiently protects against the lowering of ground water levels. Further study and scientific analysis are needed to address the effects on the Matanzas Creek watershed of allowing up to 470 acres of outdoor cultivation, 138 acres of green houses and an unknown amount of indoor cultivation in existing structures to be irrigated. This is substantial information to make a fair argument that the proposed cannabis ordinance will have a substantial adverse effect on five species that are identified as a candidate, sensitive, or special status species.

Checklist 11b. The project will cause significant environmental impacts due to conflicts with the BV Plan.

The proposed cannabis ordinance conflicts with the BV Plan. The SMND fails to recognize the existence of, let alone analyze, the BV Plan. The Board of Supervisors adopted the BV Plan in 1979, with an overall goal of preserving and protecting the traditional rural character and natural environment of Bennett Valley. The BV Plan was supported by an environmental impact report. Policy LU-1a of the General Plan emphasizes that where the BV Plan is more restrictive, its policies supersede those the General Plan:

A Specific or Area Plan may establish more detailed policies affecting proposed development, but may not include policies that are in conflict with the General Plan. In any case where there appears to be a conflict between the General Plan and any Specific or Area Plan, the more restrictive policy or standard shall apply.

The BV Plan has three unique features that conflict with the proposed cannabis ordinance.

1. Commercial marijuana development violates Land Use Policy 2.

Land Use Policy 2 in the BV Plan, p. 8, provides “Commercial development is not considered appropriate to the rural character of Bennett Valley.” The current ordinance, § 26-02-40, defines cultivation as **commercial** cannabis activity, as does § 38.02.010 (Sonoma County **Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance**). Sonoma County Counsel has explained that the county lacks a definition of “development,” but that any discretionary approval under Chapter 26, any building permit issued under chapter 7, and any grading permit

issued under chapter 7 is “development.” Letter from Adam L. Brand, Sonoma County Deputy County Counsel, to Kevin Block (January 19, 2019), pp. 3-4 (attached).

The BV Plan, p. 9, states “[a]griculture is a vital component of the rural character and shall be encouraged and protected.” No one who developed the BV Plan over forty years ago considered marijuana to be agriculture. To the contrary, the attached Bennett Valley Study that supported the BV Plan defines “agriculture” as “orchards and vineyards.”

2. Land Use Policy 3 requires enhanced law enforcement before approving commercial marijuana development.

Land Use Policy 3 in the BV Plan, p. 8, provides “[d]evelopment **shall** be coordinated with the public's ability to provide schools, fire, police and other needed services.” Emphasis added. This policy is mandatory (“shall”). Home invasions related to marijuana grows are all too common in Sonoma County, and the risks of criminal activity is a major concern. In many cases, non-growing neighbors have been terrorized when the “wrong” home is invaded. The Board of Supervisors recognized this problem in its findings in section I, subsection O in Ordinance No. 6189. There are already insufficient sheriffs on duty, especially at night when home invasions tend to occur. It can take 30 to 45 minutes for a sheriff to respond to a call. Permitting commercial cannabis grows in Bennett Valley introduces into our community a new and dangerous activity that can attract violent criminals.

The county has done nothing to improve public safety while proposing 600 acres of commercial marijuana cultivation in Bennett Valley. Possible mitigations include establishing a sheriff’s substation in Bennett Valley; banning permits on properties located on shared access roads to minimize home invasions of innocent non-growers; and banning marijuana grows adjacent to parcels that are zoned Rural Residential, Agricultural Residential, or are less than ten acres in size to limit home invasions of neighbors not involved with marijuana cultivation.

3. Land Use Policy 3 requires improving Bennett Valley roads before approving commercial marijuana development.

Land Use Policy 3 in the BV Plan, p. 8, provides “Development **shall** be coordinated with the public's ability to provide schools, fire, police **and other needed services.**” Emphasis added. “[O]ther needed services” include roads. The road policy in the BV Plan, p. 14, provides “to avoid increasing hazard on inadequate roads, retain low density until road upgraded.” As discussed below, the proposed cannabis ordinance could increase daily traffic by 24,528 to 49,056 trips. Proposing a huge increase in traffic without addressing road improvement violates the BV Plan.

Further study and analysis are needed to avoid causing significant environmental impacts due to innumerable conflicts with the BV Plan.

Checklist 17a. The proposal conflicts with a plan addressing the circulation system.

Checklist 17d. The proposal results in inadequate emergency access.

Checklist 20. The proposal ignores wildfire evacuation issues.

The proposal allows the countywide acreage of outdoor cannabis cultivation projects to increase from under 50 acres to 65,733 acres. SMND, p. 19. Bennett Valley has 138 parcels eligible to cultivate commercial cannabis comprising at least 4,702 acres. Thus, 470 acres of outdoor cannabis and 138 acres of new indoor cannabis could be cultivated.

Sonoma County's 2016 Negative Declaration, p. 44, estimated that a one-acre outdoor cultivation site or a 0.25-acre indoor operation would each require 12-15 employees during peak periods (an indoor operation would require 48-60 employees for a 1-acre operation [4 x 12-15]). Conservatively using the lower estimates of employees, the proposal would allow 5,640 workers (12 employees x 470 acres) for outdoor cultivation in Bennett Valley. It would employ 6,624 workers (48 employees x 138 acres) for indoor cultivation. Together, outdoor and indoor cultivation would employ 12,264 employees (5,640 + 6,624).

Sonoma County's 2016 Negative Declaration, p. 44, estimated that each employee averages 2 to 4 trips per day (a roundtrip commute is 2 trips). Using this estimate and 12,264 employees, the proposal could increase daily traffic between 24,528 (2 x 12,264) and 49,056 (4 x 12,264) trips.

It is instructive to apply this analysis to Matanzas Creek Lane, a 11-12-foot-wide mile-long dead-end road that already has circulation problems. It has ten eligible parcels with about 200 acres. Under the proposal, 10 acres of indoor cultivation would be allowed, together with 20 acres (10 percent of 200 acres) for outdoor cultivation. Using the above analysis, the proposal could employ 240 workers (12 employees x 20 acres) for outdoor cultivation. The 10 acres of indoor cultivation could employ 480 workers (48 employees x 10 acres). Together, outdoor and indoor cultivation would employ 720 employees (240 + 480), and daily traffic could increase on Matanzas Creek Lane by between 1,440 (2 x 720) and 2,880 (4 x 720) trips.

Bennett Valley has an estimated residential population of 2,500 - 3,000. The increases in traffic, with four times as many employees as current residents, violate the following policies and guidelines in the BV Plan:

- Intensity of land use shall reflect the conditions character and capacity of roads (p. 10).
- Retain low densities for fire hazard mitigation (p. 13).
- To avoid increasing hazard on inadequate roads, retain low density until road upgraded (p. 14).
- private streets and driveways, both existing and proposed, are properly designed and located to carry the type and quantity of traffic generated by the proposed use and to minimize visual impact (p. 21).

The proposal conflicts with the BV Plan's circulation system and results in inadequate emergency access. Further study and scientific analysis are needed to address the circulation system in Bennett Valley, emergency access, and the violation of the BV Plan's policies.

BENNETT VALLEY AREA PLAN

Adopted by Resolution No. 63206A
February 27, 1979

Modified by Resolution No. 93-0337
March 9, 1993

Modified by Resolution No. 08-0808
September 23, 2008

Modified by Resolution No. 11-0461
September 30, 2011

ACKNOWLEDGMENTS

BENNETT VALLEY SPECIFIC PLAN

DUANE BUTLER, DIRECTOR OF PLANNING
PRANAB CHAKRAWARTI, FORMER DIRECTOR OF PLANNING
TOBY ROSS, Chief, Comprehensive Planning Section
CAROL WHITMIRE, Project Planner
RAY KRAUSS, Project Planner
IRENE LESLIE & TERRIE CHRYSLER, Production
GARY MANN, JORILYNN WALKER & NANCY STROVER, Graphics

REVISED BENNETT VALLEY AREA PLAN

KENNETH MILAM, DIRECTOR OF PLANNING
GREG CARR, Chief, Comprehensive Planning Division
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REVISED BENNETT VALLEY AREA PLAN 2008

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INTRODUCTION

In 1979, the County adopted the Bennett Valley Specific Plan, a planning document prepared under specific requirements of State law and intended to provide an intermediate level of detail between the 1978 General Plan and site development plans submitted to the County for approval. The 1978 General Plan focused on policies of county-wide significance and utilized generalized graphics to illustrate land use, open space and other elements.

In 1989, the County adopted an update of the 1978 General Plan. The General Plan update provided parcel-specific information concerning land use and open space. The General Plan update also included "area policies" in an attempt to focus particular attention on a specific area or parcel. Because of this level of specificity in the general plan update, the Board of Supervisors determined that several of the specific plans, including the Bennett Valley Specific Plan, were either duplicative or conflicted with the updated General Plan. The Board of Supervisors further determined that to the extent the specific plans provided policy guidance beyond that provided by the General Plan update, that such plans should be reviewed and revised to focus on such policies, and readopted as "area plans." The General Plan includes a discussion of these specific plans in Land Use Element Section 2.1.1., under Policy LU-1a.

The document was prepared pursuant to General Plan Policy LU-1a.

In keeping with the above intent, the 1993 revisions of the Bennett Valley Area Plan did not include exhaustive evaluation or reconsideration of the policies or designations contained in this plan. The scope of the revisions was limited to that necessary to achieve General Plan consistency.

In addition, during this process much of the original background language was deleted. This deletion should not be interpreted as diminishing or reducing the significance of the content of the language to the original plan. Should there be any future questions regarding the intent or basis of the policies in the revised plan, the Planning Department shall keep copies of the original plan on file for reference.

SUMMARY

Located on the southeastern border of the City of Santa Rosa, the 15,500 acre Bennett Valley Study district was established by the Board of Supervisors in 1977 in response to local resident concern about the impacts of residential development.

The eleven-person Citizens Committee, appointed by the Board of Supervisors to provide a policy framework for the 1978 plan, set as its goals provision of residential opportunities and the protection of agriculture while retaining the rural character in Bennett Valley.

The Bennett Valley Area Plan is guided by goals, objectives and policy framework of the adopted Sonoma County General Plan. Four major land use categories are used in the Bennett Valley Plan to achieve the desired balance of residential and agricultural use:

- (1) Rural Residential acknowledges residential development as the primary land use, but supports the retention of open space through density regulation, primarily to minimize public hazards.
- (2) Diverse Agriculture encourages the use of the land for agriculture by retaining larger parcels and clustering residential units on smaller parcels.
- (3) Land Intensive Agriculture recognizes agriculture as the primary land use. Dwellings are permitted to support the agricultural operation.
- (4) The Resources and Rural Development category supports agricultural and conservation uses and recognizes public safety hazards.

With the Land Use Map, the Bennett Valley Area Plan integrates a Critical Open Space Plan, a set of Development Guidelines, and implementation tools. The Critical Open Space Plan establishes visual and riparian corridors within which the development is prohibited except in special cases. The Critical Open Space Plan also designates scenic landscape units, unique biotic features and critical habitats. The Development Guidelines establish a policy of design review for all new structures in the Plan Area and recommend building and planting materials compatible with the landscape units of Bennett Valley. Other recommended implementation techniques include trust funds, assessment districts, open space easements and trusts, and special studies.

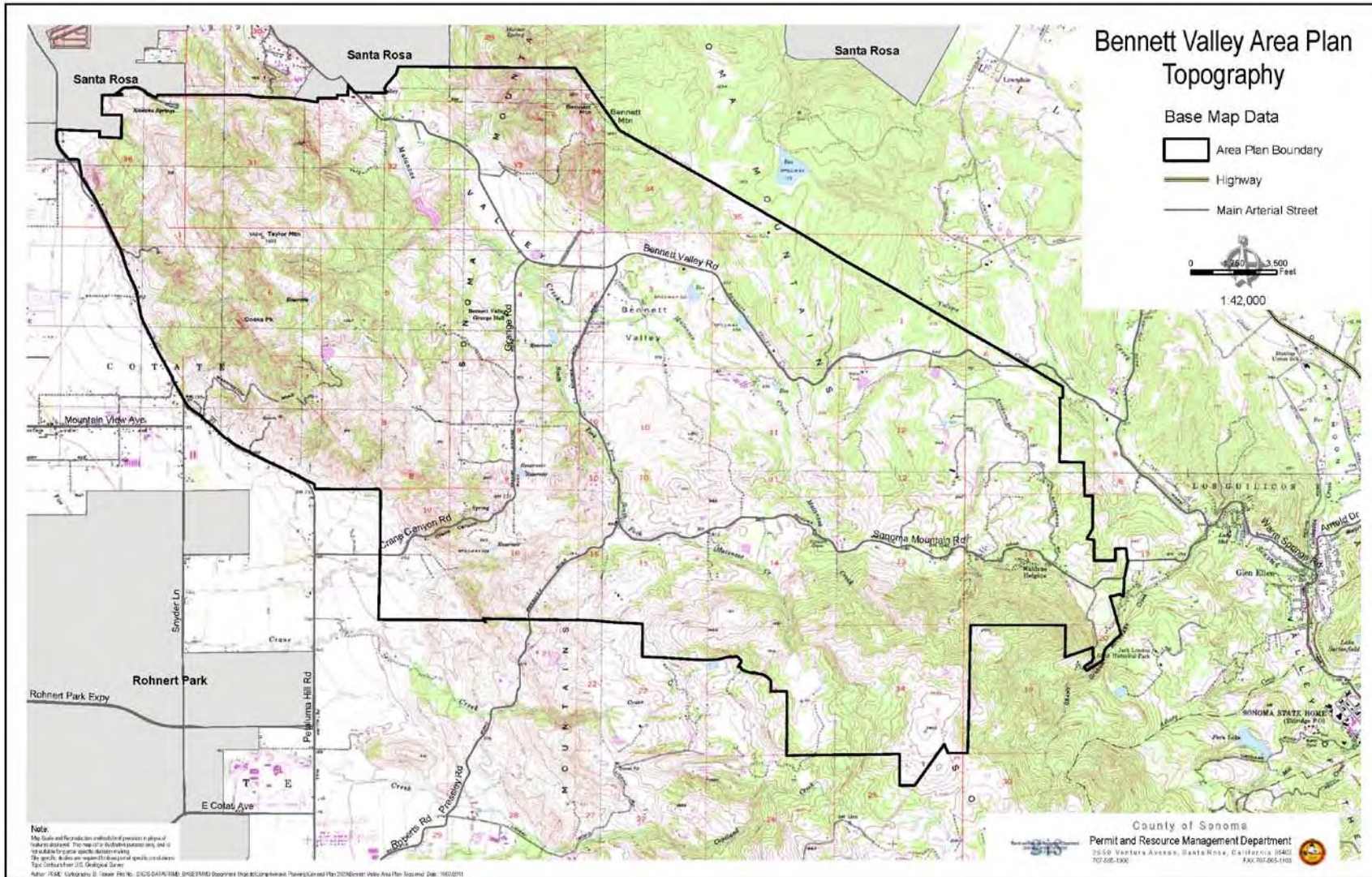
DESCRIPTION OF BENNETT VALLEY

Bennett Valley is located just southeast of the city of Santa Rosa in the County of Sonoma, known as the North Bay Region (see Location Map). Between the mountain backdrops and the valley floors lie rolling upland hills: Taylor Mountain, Bennett Mountain and the Sonoma Mountains ring the triangular shaped valley, which is drained by Matanzas Creek, a tributary of Santa Rosa Creek (see Topography Map).

Map - Location Map



Map 3 Bennett Valley Area Plan Topography



Bennett Valley Area Plan

GOALS AND POLICIES

Two major goals define the Bennett Valley Area Plan: (1) to retain and enhance the rural character, and (2) to reflect the environmental and economic constraints, suitabilities and sensitivities of the area in the determination of the location and intensity of development. The following policies were endorsed by the committee to achieve these goals:

I. LAND USE

Low density is important to maintain the rural character of Bennett Valley.

- (1) Residential densities shall reflect the extent of constraints, suitabilities and sensitivities of the area.
- (2) Commercial development is not considered appropriate to the rural character of Bennett Valley.
- (3) Development shall be coordinated with the public's ability to provide schools, fire, police and other needed services.
- (4) To minimize environmental disruption, the County Subdivision Ordinance shall be the minimum standards applied for grading, road construction, drainage, driveway construction, siting, landscaping and energy. Where development standards included in Bennett Valley Plan exceed County Subdivision Standards, the Bennett Valley Standards shall apply.
- (5) New development throughout Bennett Valley shall be reviewed for site design and consistency with Bennett Valley development guidelines.
- (6) Cluster development should be encouraged.

II. HOUSING

- (1) When methods of on-site sewage disposal permit the accommodation of multiple-family dwellings, such dwellings should be considered to satisfy the need for lower cost housing. Multiple-family dwellings should be designed to appear to be single-family dwellings and surrounded by open space.
- (2) Agricultural employee housing should be encouraged.

III. CONSERVATION (Resources)

- (1) Agriculture is a vital component of the rural character and shall be encouraged and protected.
 - a. Parcel sizes and future land division shall be consistent with economic productivity of potential and existing agriculture.
 - b. Board of Supervisors should reassess County policies implementing the Land Conservation Act to assure that they meet current needs of farmers.
- (2) Unique scenic, visually and environmentally sensitive, and historic resources are important to the character of Bennett Valley and shall be protected.
- (3) Water is a valuable and necessary resource which should be protected.
 - a. Residential densities shall reflect net safe yield of groundwater.
 - b. County Subdivision standards for areas designated as Marginal Water Availability (Groundwater Availability Map) shall be followed in Bennett Valley.
 - c. Mutual water systems should be authorized for major subdivisions only where supplies are adequate to serve existing and projected growth for the life of the system.
 - d. On existing but undeveloped lots, proof of water shall be required prior to issuance of a building permit.

IV. OPEN SPACE

A feeling of Open Space is a vital component of rural character in Bennett Valley. Where the standards below are less restrictive than the General Plan standards, compliance with the General Plan standards is required.

- (1) Open vistas shall be protected.
- (2) Development patterns and specific development shall be in harmony with natural surroundings, including, but not limited to topography and vegetation.
 - a. Skyline development shall be prohibited.
 - b. Planting of native vegetation should be encouraged to screen existing development from the road.

- (3) A scenic corridor shall be established to protect views from the road and the community should be encouraged to undertake tree-planting programs where appropriate along scenic corridors.

V. PUBLIC SAFETY

- (1) Residential development shall occur in the least constrained, most suitable areas.
 - a. Parcels within the Alquist-Priolo Zone or in geologically unstable areas shall be developed only at very low densities. Siting and foundation design of all structures in these areas shall comply with the General Plan Public Safety Element.
 - b. Structures shall be located outside of the flood inundation area.
- (2) Understanding that fire could destroy the rural character of Bennett Valley and present hazard of life and property.
 - a. New dwellings should utilize fire-resistant materials.
 - b. Roof overhangs shall be designed for fire resistance.
 - c. Densities should be reflective of degree or fire hazard as determined by fire department response time.
 - d. Site landscaping shall be managed to limit fire hazard around structures.

VI. CIRCULATION

The character of the road system is a vital component of rural character of Bennett Valley.

- (1) The character of the existing public road system shall be retained. Improvements should be made in the interest of safety.
- (2) Development shall be sited with minimum impact on the view from the road.
- (3) Intensity of land use shall reflect the conditions character and capacity of roads.

VII. SCENIC CORRIDORS

The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected.

VIII. PUBLIC SERVICES

- (1) Trust funds shall be considered to finance road construction and maintenance for public roads which are determined to be inadequate for proposed development.
- (2) School impact fees shall be considered to finance school construction and/or classroom construction when public schools are determined to be inadequate for proposed development.

IX. TRANSPORTATION

Petaluma Hill Road, Bennett Valley Road and Grange/Crane Canyon Roads are two lane rural scenic roadways. Sonoma Mountain Road, Pressley and Enterprise Road, which complete the internal circulation system within Bennett Valley, are one lane rural scenic byways. Petaluma Hill Road is classified as a Rural Minor Arterial; Bennett Valley Road and Grange/Crane Canyon Roads as Rural Major Collectors; and Sonoma Mountain, Pressley and Enterprise Roads as Local Roads. The guiding priority is to retain their basic rural character. The following recommendations from the General Plan Circulation and Transit Element are standards for the roads in Bennett Valley:

- (1) All roads should receive maintenance and hazard correction as the need arises.
- (2) All roads may in some case need to be upgraded because of safety or structural deficiencies. Proposals for major safety upgrades should be thoroughly reviewed before specific projects are undertaken, including citizen review.
- (3) All roads should be retained in their basic rural character.
- (4) Petaluma Hill Road is designated for 3 lanes where necessary to provide access from side streets, driveways, etc.

LAND USE AND CRITICAL OPEN SPACE PLAN

The Bennett Valley Area Plan is consistent with the County General Plan. It was the intention of the General Plan to assign densities to properties in this plan area which allowed the same number of residences as provided by the "PA Table" zoning in the 1979 plan.

Rural Residential (5 acre) category is characterized by residential development which precludes commercial agriculture, resource production or commercial development.

Diverse Agriculture describes the category where preservation of agriculture and agriculture potential is the highest priority but is complicated by the number of smaller residential parcels.

Land Intensive Agriculture is a category which reflects the existing and potential intensive agricultural land use. Residential development is related to the agricultural economy and can include farm labor housing as well as single-family residences. Residential density is low in this area.

Resources and Rural Development category is characterized by low level of human activity. It includes mountainous areas and other open space and agriculture.

The Bennett Valley Area Plan contains a Land Use Plan Map and Critical Open Space Plan Map.

MITIGATION MEASURES

The following section of this report discusses the rationale for the Land Use designations in this plan. While the Zoning Ordinance provides a tool for implementing land use decisions, additional tools are needed to mitigate adverse impacts that might occur with the proposed land use. The list below gives mitigation measures which respond to specific impacts. At the conclusion of each subarea analysis, the pertinent mitigating measures have been noted.

A. FOR GEOLOGIC HAZARDS

- (1) Retain very low density.
- (2) Site structure and design foundation in accord with recommendations of an engineering geologist.

B. FOR FLOOD HAZARDS

- (1) Prohibit residential structures within designated inundation area as mapped on Critical Open Space Plan.

C. FOR WATER AVAILABILITY

- (1) Encourage Board of Supervisors to authorize a monitoring of groundwater supplies in Bennett Valley.
- (2) Encourage Mutual Water Systems only when consistent with Policy PF-1h of the General Plan.

D. FOR FIRE HAZARD

- (1) Retain low densities.
- (2) Encourage major subdivisions with mutual water systems and require adequate access for fire suppression equipment.
- (3) Where minor subdivision occurs, encourage cluster development with adequate water supply and access for fire suppression.
- (4) Clear wildland grass and brush near associated structures

E. TO MAINTAIN VISUAL AMENITY

The Critical Open Space Plan Map shows designated open space areas. Where the following standards are less restrictive than General Plan standards, compliance with General Plan standards is required.

- (1) Avoid skyline development.
- (2) Site and design structures in harmony with natural surroundings.
- (3) Prohibit structures in visual/scenic corridors as mapped on the Critical Open Space Plan.
- (4) Prohibit structures in visual corridors as mapped on the Critical Open Space Plan.
- (5) Apply the Bennett Valley Design Guidelines.
- (6) Development in scenic landscape units shall comply with the General Plan and Zoning Ordinance.

F. TO MAINTAIN VALUABLE OPEN SPACE

The Critical Open Space Plan Map shows designated open space areas. Where the above standards are less restrictive than General Plan standards, compliance with General Plan standards is required.

- (1) Prohibit structures in riparian corridors and unique biotic features as mapped in the Critical Open Space Plan.
- (2) Site and design structures in harmony with natural surroundings.

G. TO PRESERVE AND PROTECT AGRICULTURE

- (1) Encourage utilization of Land Conservation Act of 1965 as amended.
- (2) Retain appropriately low densities.

H. TO AVOID INCREASING HAZARD ON INADEQUATE ROADS

- (1) Retain low density until road upgraded.
- (2) Encourage road trust funds to maintain establishment of and improve roads consistent with the transportation policy.

I. TO ASSESS IMPACTS OF PROJECTS ON PUBLIC SERVICES

- (1) To assess adequately the cumulative impact of individual projects on the public services of the area, plans for any major or minor subdivision or rezoning should reflect the ultimate potential buildout of that project.

SUBAREA MITIGATION MEASURES

To facilitate the analysis of a large and variable study district, the Bennett Valley area is divided into fifteen subareas as shown on the Subareas Map. Each subarea below is followed by a list of mitigation measures applicable therein.

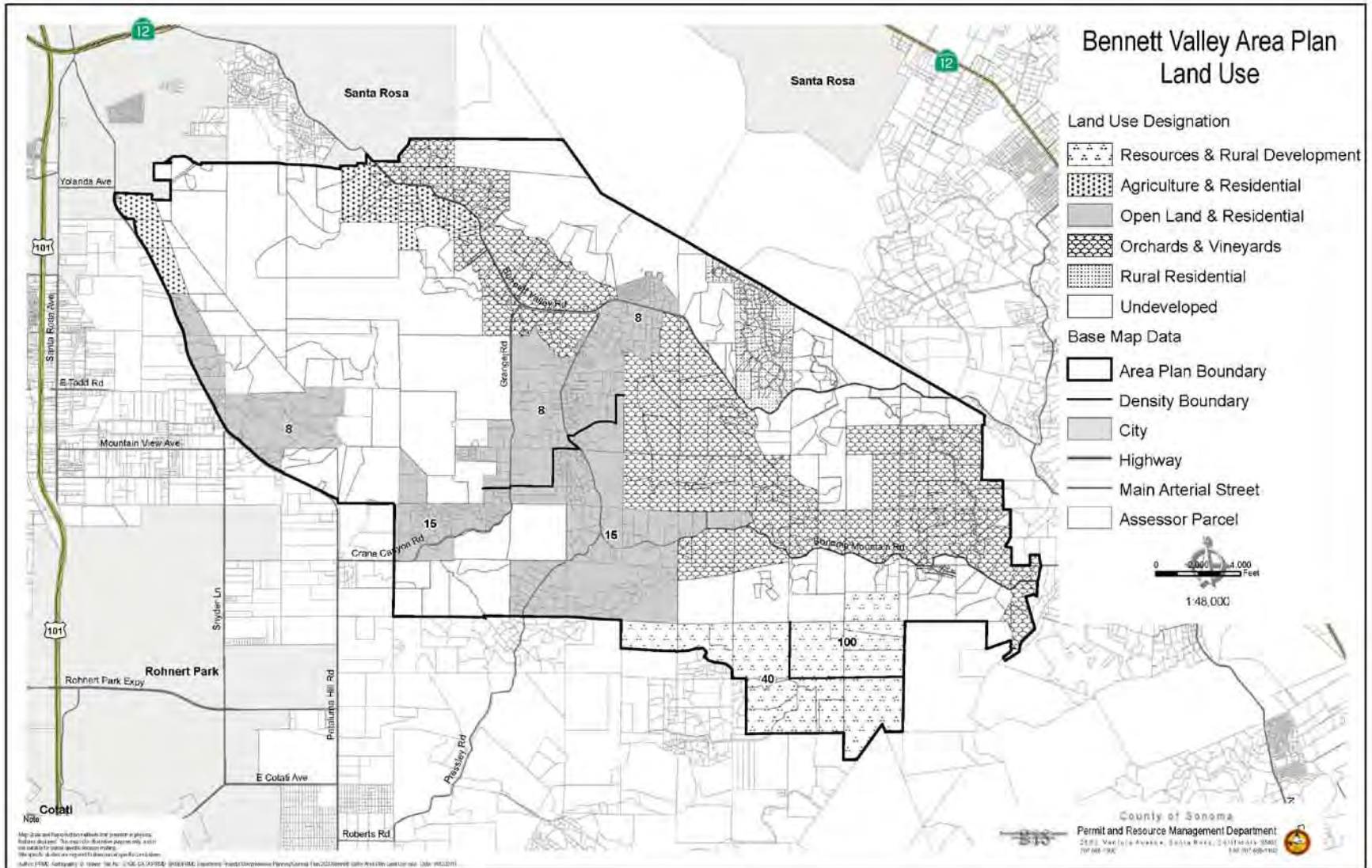
- A. Kawana Springs Road: C-1, 2; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; I-1
- B. Taylor Mountain: A-1, 2; B-1; D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; I-1
- C. Petaluma Hill Road/Warrington Road Area: A-1, 2; D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; F-1, 2; I-1
- D. Crane Canyon/Alta Monte Area: A-1, 2; C-1, 2; D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; F-1, 2; I-1
- E. Grange Road below Bennett Valley Road to Perracca and including Guenza: D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; H-1, 2; I-1
- F. Sonoma Mountain Road, North-South Alignment: C-1, 2; E-1, 2, 3, 4, 5, 6, 7; I-1
- G. Bennett Valley Road Adjacent to Matanzas Dam: A-2; B-1; D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; F-1, 2; G-1; I-1
- H. Valley Floor, Bennett Road: E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; I-1
- I. Bennett Mountain: A-1, 2; D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; I-1
- J. Jamison Road Extension: A-1, 2; C-1, 2; D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; F-1, 2; G-1, 2; H-1, 2; I-1
- K. Lower Grange Road, Pressley Road and Sonoma Mountain East-West Alignment: A-1, 2; C-1, 2; D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; H-1, 2; I-1
- L. Sonoma Mountain Road East-West Alignment: A-1, 2; C-1, 2; D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; H-1, 2; I-1

Open Land Between Bennett Valley Road and Sonoma Mountain Road (West of Enterprise): A-2; C-1, 2; D-1, 2, 3, 4, 5, 6, 7; E-1, 2, 3, 4; F-1, 2; G-1, 2; H-1, 2; I-1

M. Enterprise Road Area: D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; F-1, 2; G-1, 2; H-1, 2; I-1

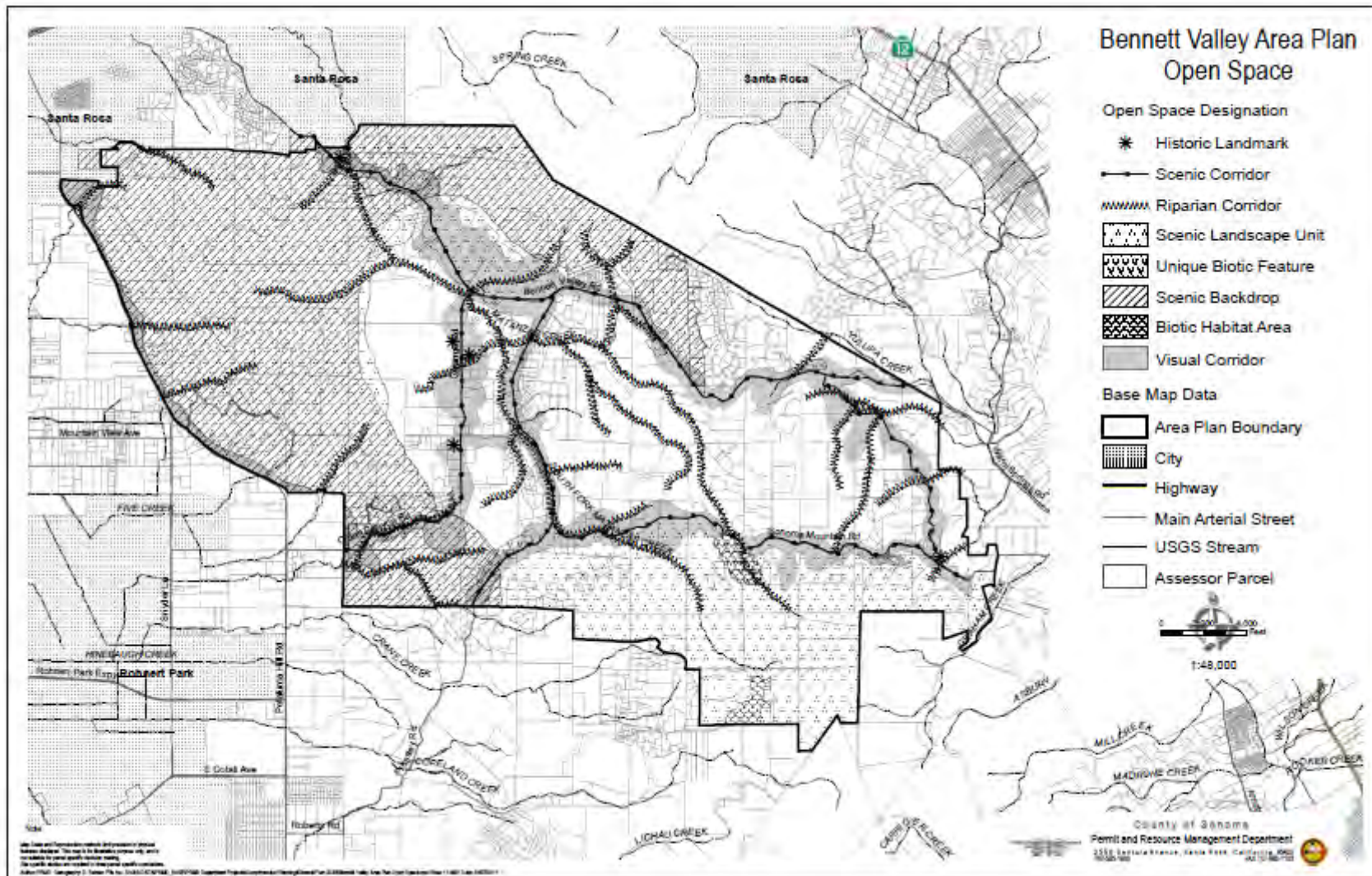
N. Bennett Ridge: A-2; C-2; D-1, 2, 3, 4; E-1, 2, 3, 4, 5, 6, 7; H-1; I-1

Map Bennett Valley Area Plan Land Use

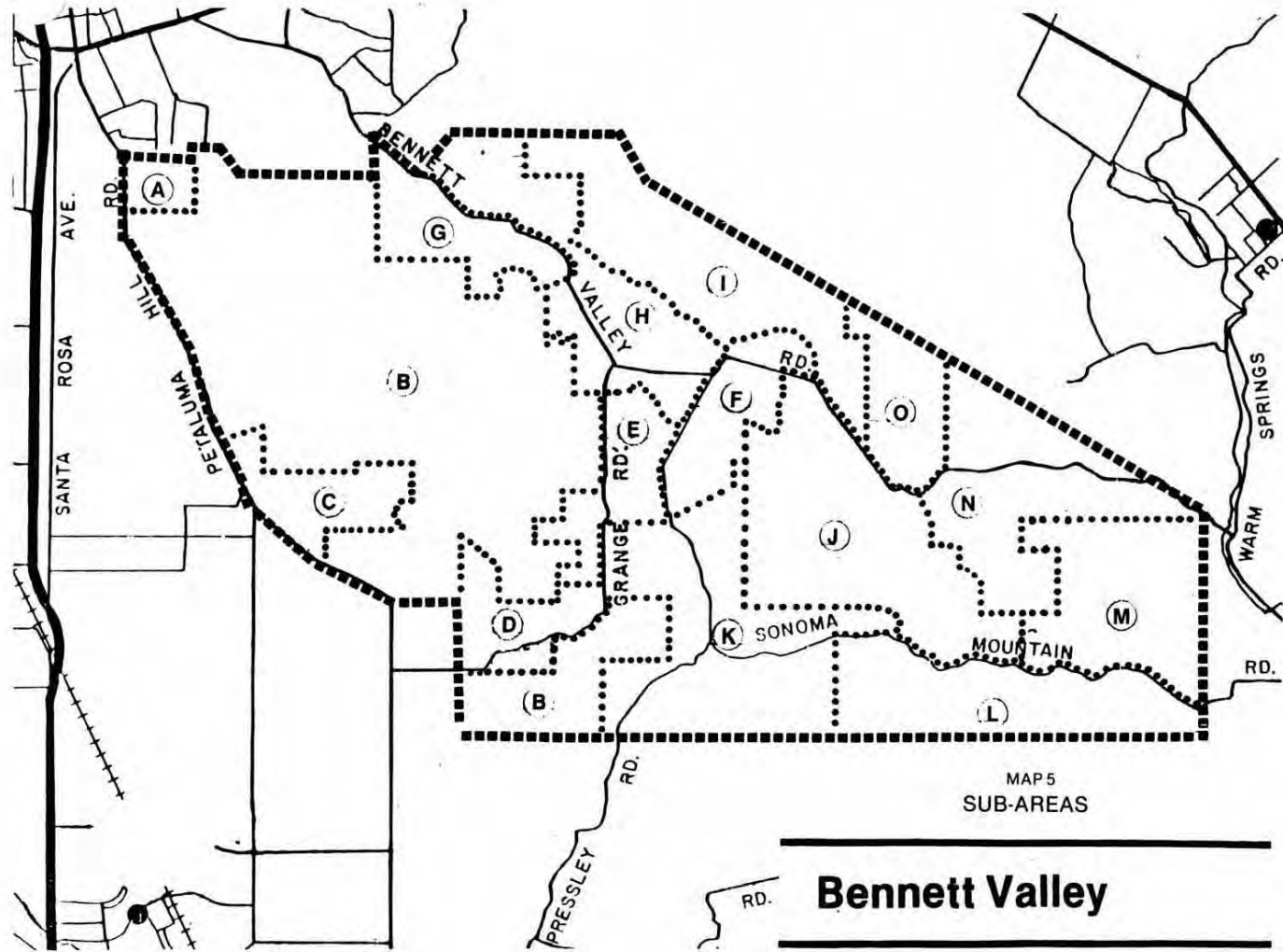


Bennett Valley Area Plan

Map - Bennett Valley Area Plan Open Space Map



Map - Bennett Valley Area Plan Sub Areas



PLAN IMPLEMENTATION TOOLS

Mechanisms in addition to zoning are needed to achieve the desired goals of a Land Use Plan. The mitigations specifically related to the subarea analysis are some of the implementation measures. Specific standards for development will also implement the goals and policies of this Plan. The following section addresses Development Guidelines, Public Service Standards, other techniques and Development Staging.

BENNETT VALLEY DEVELOPMENT GUIDELINES

DESIGN REVIEW COMMITTEE

To insure the adherence to the goals and policies set forth in this study, the Board of Supervisors should establish a Design Review Committee to advise the County regarding development within the Bennett Valley study area. All properties depicted on the Area Subject to Design Review Map shall be subject to these guidelines. However, properties outside of the Bennett Valley Area Plan boundary shall not be subject to other goals, policies and implementation measures set forth in this Area Plan.

- (1) The Bennett Valley/North Sonoma Mountain Design Review Committee shall consist of seven (7) members who shall be residents of the Area Subject to Design Review as depicted on Figure B. Members shall be appointed by the Board of Supervisors which shall take into consideration expertise in architecture, landscape architecture, site planning, engineering or other similar fields.
- (2) All meetings of the Bennett Valley/North Sonoma Mountain Design Review Committee shall be open to the public, and interested Bennett Valley/North Sonoma Mountain area residents shall be encouraged to attend sessions.
- (3) The Bennett Valley/North Sonoma Mountain Design Review Committee shall review the siting and design of subdivisions and single-family dwellings within the area depicted on Figure A except that after the Committee has reviewed a subdivision, individual single-family dwellings within that subdivision need not be reviewed a second time.
- (4) Advisory decisions by the Bennett Valley/North Sonoma Mountain Design Review Committee shall be made in writing to the Planning Director.
- (5) The following findings shall be made for any project recommended for approval by the Committee or ultimately approved by the Planning Director.
 - a. That the site is adequate in size and shape to accommodate the proposed use.
 - b. That private streets and driveways, both existing and proposed, are properly designed and located to carry the type and quantity of traffic generated by the proposed use and to minimize visual impact.
 - c. That approval of the proposed use at the proposed site will have no significant adverse effect on adjacent property.
 - d. That the proposed use is consistent with the County General Plan, and where applicable, the Bennett Valley Area Plan.

- e. That the minimum requirements are met with respect to:
 - i. Visual/scenic corridor, riparian corridor, scenic landscape unit and critical habitat and unique biotic feature setbacks.
 - ii. Height and location of fences and walls.
 - iii. Controlling erosion and screening structures with landscaping.
 - iv. Other conditions to insure conformity with the intent and purpose of this plan, where applicable.

If the Design Review Committee recommendation results in staff refusal to sign off the building permit, an applicant may appeal in the same manner provided for in Chapter 26 of the Sonoma County Code.

STANDARDS - APPLICATION

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

- (1) It is the policy of this study to preserve the natural state of the land and vegetation.
- (2) Structures shall blend with the existing landscape and vegetation to the maximum feasible extent. Therefore, minimum setbacks shall be consistent with the Sonoma County Subdivision Ordinance, the General Plan, or where applicable, with the adopted Bennett Valley Area Plan, whichever is more restrictive. No new structure shall be sited within visual/scenic corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Plan Map of the Bennett Valley Area Plan, where applicable, except in the visual/scenic corridor where the entire parcel is included within such designation or except in the visual/scenic corridor where said structure is a fence or agricultural appurtenance. Where the entire parcel is included in a visual/scenic corridor area, or where said structure is an agricultural appurtenance greater than 200 sq. ft., the Bennett Valley/North Sonoma Mountain Design Review Committee shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource. In considering mitigation measures on agricultural appurtenances, the Design Review Committee will give priority to the needs of productive agriculture. A fence or agricultural appurtenance less than 200 square feet is permitted without design review.

- (3) Site plans shall be presented to the Bennett Valley/North Sonoma Mountain Design Review Committee including:
 - a. An existing topographic map
 - b. An existing vegetation plan
 - c. Photographs of the site from four (4) directions
 - d. A proposed grading plan (if any)
 - e. A proposed landscape plan
 - f. A plan showing siting, bulk, design, color and materials of structures.
- (4) Approval of plans for new structures shall consider the relationships of the site.
- (5) All new structures shall be sited so that they harmonize with the natural surroundings, including but not limited to topography and vegetation; specifically
 - a. Roof lines shall follow established lines of land and/or tree forms;
 - b. Existing vegetation and landforms shall be utilized to screen structures from public view.
- (6) New structures should be sited to take advantage of solar energy where that siting does not conflict with the public view.
- (7) Structures shall utilize color, texture and materials that blend harmoniously with surrounding landscape. The following are recommended for harmonious development:
 - a. Materials: natural wood siding or shingles and natural stone for exteriors;
 - b. Colors: earth tone;
 - c. Roofing: fire resistant but dark toned if visible;
 - d. Roofline: considered in relationship to the total composition of structure with landscape.
- (8) Utilities shall be placed underground from source point, unless masked by existing vegetation.
- (9) Project outdoor lighting shall comply with the outdoor lighting policies of the General Plan Open Space and Resource Conservation Element.
- (10) Existing structures shall be encouraged to comply with the standards for new structures as they undergo remodeling and maintenance.
- (11) Existing neighborhoods shall be encouraged to undertake tree planting and landscaping programs to screen existing development from public view and to increase the privacy, comfort and habitability of the neighborhood (Chart 1).

Chart 1 SOIL PLANTING MATRIX

PLANTING CHOICES	MAJOR SOIL GROUPINGS IN BENNETT VALLEY					
		A	C	D	E	G
A. Choice of plants NOT LIMITED BY SOILS. Soils are deep through very deep, moderately coarse through medium textured, moderately well through well drained, moderately rapidly through moderately slowly permeable. (Soils in this group can have slight salinity or alkalinity).	Akc Bof Cca Ccb DbE GgE GgG	x x x x	 x x x 	 	 	
C. Choice of plants LIMITED BY FINE TEXTURES. Soils are deep through very deep, moderately fine through fine textured, moderately well drained, moderately slowly through slowly permeable.	GID GIE GIF GoF HcC	 	 	 x 	 	x x x x
D. Choice of plants LIMITED BY VERY SLOWLY PERMEABLE (CLAYPAN) SUBSOILS. Soils are moderately well drained, with slow or very slow subsoil permeability.	HcD LaC LaD LuA	 x x x	 	x 	 	
E. Choice of plants LIMITED BY WETNESS. Soils are somewhat poorly through very poorly drained. (Drained soil phases will be placed in appropriate group according to their current drainage status. Slight salinity and/or alkalinity may be present).	LvB MbC PeC Phb PIC PsC	x x x x x 	 	 x x	 	
G. Choice of plants LIMITED BY DEPTH. Soils are shallow through moderately deep, well drained, over hardpan, bedrock, or other unfractured reuse material.	RaC RaD RaE RnA SkC SkE SkF ToE TuE YsA ZaA ZaB	 x x x	x x x 	 x x x 	 x 	 x x

PUBLIC SERVICE STANDARDS

To maintain present standards for the schools, redistricting the elementary school boundary to take advantage of Bellevue Union's declining enrollment, relieve Bennett Valley Union's overcrowding and converting bus service to a self-supporting entity by requiring a fare should be considered.

The cumulative impact of additional development on the school system should be completely analyzed in the consideration of major and minor subdivisions and rezonings.

The Sheriff's Department foresees no need to expand facilities as a result of increased development. The Fire Department, however, will require at least an additional pumper and another firefighter. The present revenue base is not sufficient to provide the additional equipment and staff will not be funded. Other revenue sources will need to be sought.

At the densities proposed, the capacity of the roads should not be exceeded. Improvements to roads other than safety and maintenance will occur if, and only if supported by the local residents, and if designated in the General Plan Circulation and Transit Element. If road improvements are desired, funding will be generated by development fees, trust funds, state and federal government funding, or combination of these. In the case of conflict of policies of standards between the Bennett Valley Area Plan and the General Plan, the more restrictive policies or standards shall apply.

If tax revenues are insufficient to support present public service standards for future development, and if the public wishes to maintain these standards, alternative sources of funding must be generated. Both Trust Funds and Assessment Districts can be used to provide fund for schools, fire departments, roads and landscaping.

Trust Funds are a one-time assessment that can be established by the Board of Supervisors without a vote of the people. They are not expensive to administer and they place the fiscal burden on new development. Trust Funds are most appropriate for providing for one time capital expenditures.

The following procedure should be utilized to implement road trust funds:

- (1) Determine condition of roads.
- (2) Determine minimum facility that would be required by development allowed in Land Use Plan and compute cost of facility.
- (3) Develop a factor for a County share of road costs based on factors such as through traffic and typical maintenance costs before development.
- (4) Assess a per lot fee based on total construction costs minus county share of such costs, divided by the number of potential building sites.
- (5) Lot fee would be due and payable at the time of lot sale (lots in excess of 100 acres would be exempt).

Assessment Districts also generate revenues. They are taxing jurisdictions established for a particular purpose by a two-thirds vote of the residents involved. They are both expensive and difficult to establish particularly with the new taxation requirements of Jarvis-Gann, and place the burden of the assessment on the entire district, rather than the new development. Assessment Districts are continual sources of funds which can provide for ongoing operational expenditures.

Provision of permanent Open Space is a major objective of this plan. The Land Conservation Act of 1967 as amended provides a property incentive for Open Space Easements, if the County makes the findings that the preservation of the land as open space is consistent with the General Plan and is in the best interests of the County.

Permanently dedicated Open Space can also be preserved and qualify for income and estate tax benefits if the landowner deeds development rights or property to the Sonoma Land Trust.

Where land is not voluntarily restricted from development, preservation of other unique resources is complex. Sensitive archaeological sites and biotic communities could be irreversibly damaged if adequate precautions are not exercised. Specific designation of such sensitive areas might result in their destruction; thus, in concert with County policy, sensitive archaeological and biotic sites are mapped in a generalized way. Any development proposals that fall in one of the mapped locations will be referred to the appropriate experts for further investigation and mitigation as part of the project level CEQA review.



UNITED STATES DEPARTMENT OF COMMERCE
National Ocean and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

August 30, 2018

Tennis Wick, Director
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Mr. Wick:

This letter communicates NOAA's National Marine Fisheries Service's (NMFS) concerns regarding Permit Sonoma's current protocol for analyzing and permitting cannabis cultivation in Sonoma County, California. NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), and ESA-listed Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), CCC steelhead (*O. mykiss*), and California Coastal Chinook salmon (*O. tshawytscha*) reside within many rivers and streams throughout the County. Our concerns stem from the recent proliferation of permitted cannabis cultivation that may have undetermined impacts within watersheds important to the survival and recovery of these salmonid species.

State Water Board regulations concerning cannabis cultivation water usage contain required best management practices (BMP's) highly protective of instream flow volume and fish habitat, such as requiring summer forbearance, winter diversions, and fish friendly bypass flows. However, similar BMP's are not required by the State Water Board for cultivation sites utilizing wells as a source for cannabis cultivation. Because of this discrepancy under state law, the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as their water source. We are concerned in particular, that wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may impact groundwater/surface water dynamics and result in streamflow depletion.

NMFS appreciates Sonoma County's required hydrogeological analysis pursuant to General Plan Policy WR-2e, Policy and Procedure 8-1-14, and section 10d of Exhibit A-2 of County Ordinance No. 6189 regarding water availability in Zone 3 and 4 areas.¹ However, after reviewing many hydrogeologic analyses recently submitted to Permit Sonoma as part of individual cannabis cultivation applications, NMFS shares the following comments and suggestions on the analyses, and on Sonoma County groundwater issues in general.

¹ Sonoma County has produced a map delineating the county into groundwater availability "zones". Based largely upon underlying geologic material. The four zones are: Zone 1 – Major Groundwater Basin; Zone 2 – Major Natural Recharge Area; Zone 3 – Marginal Groundwater Availability; and Zone 4 – Areas with Low of Highly Variable Water Yield. A copy of the map can be found at http://www.sonoma-county.org/prmd/gisdata/pdfs/grndwater_avail_b_size.pdf



Specific concerns regarding the analyses conducted

Appropriate level of coordination and evaluation of cumulative impacts has occurred consistent with the General Plan. According to Sonoma County's "Procedures for Groundwater Analysis and Hydrogeologic Reports":

"Prior to conducting the hydrogeologic study, the consultant shall coordinate with Permit Sonoma staff to determine the appropriate cumulative impact area and the projected development within that area. The determination whether or not cumulative impacts have been adequately addressed in the hydrogeologic report will be based upon joint review of the Registered Environmental Health Specialist or the Professional Geologist who responds to the project referral and the Planner, as part of preparing the project Initial Study in accordance with the California Environmental Quality Act (CEQA). If the cumulative impacts in the agreed upon Cumulative Impact Area are determined to be significant adverse impacts or if these impacts are not adequately addresses, the project would be inconsistent with the General Plan".

In our review of the hydrogeologic analyses included in recent cannabis cultivation applications, there was no mention of coordination between Sonoma County planning staff and the consultant conducting the analysis, or documentation of any coordinated determinations made, regarding cumulative impacts, as required in your procedures. Therefore, we question whether each cumulative impact area was properly identified, and potential adverse impacts determined and adequately addressed.

Lack of identification of existing and abandoned wells within the Cumulative Impact Area.

Incomplete consideration of existing and abandoned wells could lead to insufficient data generation when evaluating: 1) interconnections with the nearest surface water bodies and 2) pumping well interference with surrounding wells.

Lack of adherence to well pump test guidelines in water scarce areas. According to the County's "Procedures for Groundwater Analysis and Hydrogeologic Reports", test wells are required in Class 4 water scarce areas. Also, the test must be conducted from July 15 to October 1 each year or as extended by the Project Review and Advisory Committee. This time period is referred to as the dry weather pump test period. However, upon review we noted some hydrogeologic reports did not conduct the test during the dry weather pump test period, but instead during the winter/spring period. Adhering to this requirement is critical, since the period when well pumping most impacts streamflow and stream-dwelling salmonids is summer and early fall, when streamflow is naturally lowest.

Adherence to perform proper water balance assessments. Equally important is the water year type chosen for analysis. All water balance assessments should present results for a range of year, including dry years when groundwater pumping impacts are likely greatest. Several of the reviewed hydrogeologic reports present only average water year results. One report roughly simulated a drought condition by assuming 60 percent of the average yearly rainfall, but all other variables in the assessment remained the same (the assumption was not well supported in the analysis). Finally, the range of hydrologic and precipitation data used for analysis varied from

report to report; the County should consider providing greater guidance in their protocol documents. For instance, one report only utilized precipitation information from 1945 to 1970. A proper water balance assessment should be calculated with up to date, available data that can be obtained from several sources (*e.g.*, California Irrigation Management Information System (CIMIS), NOAA National Centers for Environmental Information, *etc.*) and should include an evaluation of dry, average and wet years.

Addressing impacts to interconnected surface waters and aquatic habitat. The reports do not properly evaluate significant impacts to groundwater overdraft and potential changes in summer baseflows. It is recommended to analyze the daily hydrological variability during late spring (outmigration), summer and early fall.

Assessing impacts to water temperature. Groundwater discharge provide cool-water environments that protect fish from excessively warm stream temperatures during the summer. Reducing the rate of groundwater discharge to streams by unsustainably pumping hydraulically connected groundwater can warm stream temperatures during the summer and cool stream temperatures during the winter (Barlow and Leake, 2012). The County's required groundwater analysis does not consider this important impact.

General comments relevant to management of ground water in Sonoma County

Chronic lowering of Ground Water levels

The hydrogeologic analysis currently required by County regulations only investigates short-term groundwater dynamics and their potential influence on streamflow depletion. A common misconception is that streamflow depletion stops when pumping ceases. Streamflow depletion continues after pumping stops because it takes time for groundwater levels to recover from previous pumping stress and for the depleted aquifer defined by the cone of depression to be refilled with water (Barlow and Leake, 2012). Analysis addressing this potential impact is required under General Plan Policy WR-2e, which states....

Sonoma County must deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. (emphasis added)

Without an evaluation of long-term trends in groundwater elevation, and how a negative long-term trend, if present, can exacerbate short-term fluctuations caused by well pumping, we question whether impacts to overlying streamflow can be completely assessed, and advise that a hydrogeologic report which fails to address these issues be labeled deficient per County policy.

Lack of coordination between Cannabis Permit Procedures and the Sustainable Groundwater Management Act

As alluded to above, Permit Sonoma does not appear to be considering future groundwater management required under the Sustainable Groundwater Management Act of 2014 (SGMA) when permitting groundwater use for cannabis cultivators and other water users. SGMA requires that groundwater basins that are unsustainably managed (*i.e.*, having one or more of six undesirable results caused by overdraft, of which streamflow depletion impacting beneficial uses is one) must achieve sustainability (avoiding all undesirable results) through developing and implementing a 20-year Groundwater Sustainability Plan. Currently, the County contains three basins requiring groundwater management per the Act, while three additional Sonoma County basins were recently upgraded by the State as exhibiting unsustainable groundwater use and will also require future groundwater management.²

Generally speaking, restoring these basins back to sustainability will likely include greater groundwater recharge, less groundwater pumping, or some combination of the two. That Sonoma County is considering permitting groundwater use for cannabis cultivation and other development in overdrafted basins governed under SGMA is concerning, since some of these basins likely suffer from some degree of streamflow depletion currently that is potentially impacting ESA-listed salmon and steelhead. For example, the county has received 38 applications for cannabis cultivation sites overlying the Santa Rosa Plain groundwater basin, which is currently acknowledged as suffering streamflow depletion caused by groundwater pumping. These applications represent a tiny fraction of the over 400 suspected cultivation sites in the basin (Tim Dodson, CDFW, personal communication), so many more applications are likely forthcoming in the near future. In short, adding more groundwater pumping to these basins is inconsistent with restoring these basins to sustainability in the future. In SGMA groundwater basins, Sonoma County should either delay well permitting until SGMA coordination occurs, require the use of public water supplies, or require winter pumping and storage. Moreover, continuing to expand groundwater use in over-extracted basins may create conflict in striving to achieve sustainability amongst various users if future pumping restrictions are necessary.³

Exclusion Watersheds

Both Mark West Creek and Green Valley Creek watersheds high priority habitat for salmon and steelhead and support endangered coho salmon and threatened steelhead. Unfortunately, both of these watersheds are impacted by summer low flow caused primarily by groundwater pumping. A hydrology study by CEMAR (2015) concluded that groundwater pumping in Upper Mark West Creek likely results in lower summer baseflow, while low summer streamflow, partially caused by groundwater pumping, led to the State Water Board's 2014 Emergency Order restricting groundwater and surface water use aimed at protecting federal and state-listed


² The Santa Rosa Plain, Sonoma Valley and Petaluma groundwater basins are currently Medium priority under SGMA. The Alexander Valley, Healdsburg Area, and Wilson Grove groundwater basins are proposed for upgrading to Medium priority.

³ Unlike surface water, groundwater in California is not governed by the "first in time, first in right" doctrine. Instead, all property owners using groundwater have the same right to the resource regardless of when they first began using the resource, and thus may share in any future restrictions.

salmonids in Green Valley Creek. Moreover, Mark West Creek is one of five California streams prioritized for future flow enhancement and fisheries recovery as part of California's Water Action Plan. Since continued groundwater development in these basins will likely further impair summer baseflows in the future, NMFS recommends Permit Sonoma limit future groundwater development in these basins until the effects of long-term, chronic groundwater depletion and its impact on summer baseflow are properly analyzed. At minimum, NMFS suggests Permit Sonoma require that future groundwater pumping be limited to winter months when streamflow impacts are muted, and that pumped water be stored for summer use (*i.e.*, no summer pumping). We cite the CEMAR (2015) report, which recommended winter storage and summer forbearance as appropriate water resource management in Upper Mark West Creek.

NMFS appreciates the opportunity to present our concerns regarding groundwater development in Sonoma County and ways to minimize its potential impact on streamflow and ESA-listed salmonids. We look forward to working with the County in recovering salmon and steelhead populations while ensuring Sonoma County's economy remains strong. If you have any comments or questions regarding this letter, please contact Mr. Rick Rogers of my staff at rick.rogers@noaa.gov, or 707-578-8552.

Sincerely,



Robert Coey
North Coast Branch Supervisor
North-Central Coast Office

cc. (via email)

Bryan McFadin, North Coast Regional Water Quality Control Board
(Bryan.McFadin@waterboards.ca.gov) Corinne Gray, California Department of
Fish and Wildlife (Corinne.Gray@wildlife.ca.gov)
David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)
Lisa Hulette, County of Sonoma, Natural Resources Division (Lisa.Hulette@sonoma-
county.org)
Daniel Schultz, State Water Board (Daniel.Schultz@waterboards.ca.gov)

References

Barlow, P.M., and Leake, S.A. 2012. Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow: U.S. Geological Survey Circular 1376. 84 pages. Available at: <http://pubs.usgs.gov/circ/1376/>

Center for Ecosystem Management and Restoration (CEMAR). 2015. Report on the Hydrologic Characteristics of Mark West Creek. Nov 14, 2014 (Updated Jan 28, 2015). 58 pages. Available at: <http://ceamar.org/pdf/Report%20on%20the%20Hydrologic%20Characteristics%20of%20Mark%20West%20Creek.pdf>

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575 ADMINISTRATION DRIVE,
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via email and US mail

January 18, 2019

Kevin Block
Block and Block
1109 Jefferson Street
Napa, CA 94559

Re: SRA Fire Safe Regulations

Mr. Block:

This letter is in response to your letter to Bruce Goldstein dated November 30, 2018, regarding the SRA Fire Safe Regulations. By my letter to you dated December 3, 2018, I indicated I would provide a comprehensive response to the concerns addressed in your letter. Please see the comprehensive response below.

At the outset, I note that the application of the Sonoma County Code and its provisions varies depending on the factual scenario involved, for instance whether or not there is a requested change in land use of a particular property (with or without development), requests for zoning changes, new road construction or expansion, driveway construction, applications for development that require use permits, whether or not the proposed use is agricultural, applications for building permits, etc. Therefore, there is not always a "one size fits all" response in the application of the Code. As your letter does not address the application of the Code to any specific land use or development proposal, but rather addresses the application of exemptions in the Fire Safe Standards generally, my response is limited to the validity of the exemptions you address generally, and should not be construed to necessarily apply to any specific project or proposed project.

As you note in your letter, the State Board of Forestry and Fire Protection ("Board") reviewed the County of Sonoma's ("County") Fire Safety Ordinance (Chapter 13 of the County Code) pursuant to Title 14 of the California Code of Regulations, State Responsibility Area Fire Safe Regulations, section 1270.03. The Board concluded that Chapter 13 of the Code, including the County's Fire Safe Standards, codified in the County Code at Chapter 13, Article V, et seq., met or exceeded "those which must address under Section 4290 of the Public Resources Code and in 14 CCR § 1270 and are certified under 14 CCR § 1270.03". Please see the certification attached to this letter as Exhibit A. As the County has not amended Chapter 13 since the certification, the certification remains valid.

It appears from your letter that your concerns primarily lie with the exemptions contained in Section 13-25(f), (g) and (h). I will address the exemptions; however, I believe it will be helpful to start with the scope to which the SRA Fire Safe Regulations (14 CCR §§ 1270, et seq.) apply.

Pursuant to 14 CCR 1270.02, the SRA Fire Safe Regulations apply to:

(a) These regulations shall apply to:

- (1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);
- (2) all tentative and parcel maps or other developments approved after January 1, 1991; and
- (3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) Affected activities include, but are not limited to:

- (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d),
- (2) application for a building permit for new construction, not relating to an existing structure,
- (3) application for a use permit,
- (4) the siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, section 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, chapter 1, section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code sections 18007, 18008, and 19971).
- (5) road construction, including construction of a road that does not currently exist, or extension of an existing road.

(d) EXEMPTION: Roads used solely for agricultural or mining use and roads used solely for the management and harvesting of wood products. (14 CCR 1270.02) (Emphasis added).

Therefore, based upon 14 CCR 1270.02, the SRA Fire Safe Regulations apply to residential, commercial and industrial building construction; tentative maps and other developments¹, and

¹ Pursuant to 14 CCR § 1271.00, "Development is defined as "in section 66418.1 of the California Government Code." Section 66418.1 of the California Government Code defines "Development" as "the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto."

applications for building permits, permitting or approval of new parcels, applications for a building permit for new construction, not relating to an existing structure, the siting of manufactured homes, and new road construction and the extension of an existing road. Since 14 CCR 1270.02 specifically lists the activities that are subject to the SRA Fire Safe Regulations, it is evident that those activities not listed in that section are not subject to these regulations.

Similarly, the County's Fire Safe Standards state the scope of their application. For instance, Section 13-22 of the Fire Safe Standards state:

This article shall be known and may be cited as the "Sonoma County Fire Safe Standards" or the "Fire Safe Standards." *This article is adopted for the purpose of establishing minimum fire safe standards for development within the unincorporated area of the county located in the state responsibility area* subject to the provisions of California Code of Regulations Title 14, Division 1.5 and the local responsibility area when authorized by Sonoma County Fire Code as amended when not subject to other regulated building standards.... (Section 13-22, Sonoma County Municipal Code) (Emphasis added).

Additionally, § 13-24(a) of the County Code states the scope of its coverage:

(a) Except as otherwise provided in Section 13-25, *the provisions of this article shall apply to all development on all lands within the unincorporated area of the county*.... (Section 13-24, Sonoma County Municipal Code) (Emphasis added).

The County's Fire Safe Standards are consistent with the SRA Fire Safe Regulations in that they do not apply to every road, land use activity or parcel within the SRA, but rather they apply to a specific list of uses or activities within the SRA. The County's Fire Safe Standards apply to "development" within the SRA and LRA. While Chapter 13 of the Sonoma County Code does not have a definition of "development", it does contain a definition of "development approval" that is consistent with the SRA Fire Safe Regulations. Section 13-6 of the Sonoma Fire Safety Ordinance defines "development approval" as:

'Development approval' means any of the following: (1) any discretionary approval granted pursuant to Chapter 25, 26, or 26C of this Code to allow residential, commercial, or industrial development of land, including, but not limited to, any approval of a zone change, tentative map, lot line adjustment, use permit, or design review; (2) any building permit issued pursuant to Chapter 7 of this code to erect, construct, enlarge, alter, repair, move, improve, or convert any building, or to install a manufactured home; or (3) any grading permit issued pursuant to Chapter 7 of this code to construct a new road or driveway, or to extend, reconstruct, or improve an existing road or driveway. (Section 13-6, Sonoma County Municipal Code).

As you can see from the definition of “development approval” above, the scope of the County’s Fire Safe Standards are consistent with the scope of the SRA Fire Safe Regulations.

Regarding the exemptions you discuss, I begin with your assertion that the Board’s certification of the County’s Fire Safe Standards was only due to the provision in section 13-16 of the County’s Municipal Code. However, on Page 1 of 7, Row 3, of the California Board of Forestry and Fire Protection SRA Fire Safe Regulations Certification Matrix, attached as Exhibit B, the Board of Forestry specifically determined the exemptions in the County’s Fire Safe Standards met or exceeded those which must addressed under Section 4290 of the Public Resources Code and in 14 CCR § 1270. Therefore, the assertion that the Board only approved the certification due to the provision in section 13-16 is incorrect.

The exemption contained in Sonoma County Municipal Code 13-25(f) states:

Any existing road that provides year-round unobstructed access to conventional drive vehicles, including sedans and fire engines, which was constructed and serving a legal parcel prior to January 1, 1992, except that (1) the provisions of Division C of this article shall apply to all such roads, and (2) all of the other provisions of this article shall apply to any such road if it is extended, reconstructed or improved pursuant to a development approval, but only to the portion of the road that is extended, reconstructed or improved.

As stated above, the Board specifically approved this exemption, and determined this exemption did not allow a less stringent standard than is required under State law and regulations. This exemption is also consistent with 14 CCR 1270.02. Section 14 CCR 1270.02(b) exempts perimeter and access requirements for approvals granted prior to 1991 if the perimeter and access requirements were included in the approvals. Subsection (b) must be read in conjunction with 14 CCR 1270.02(c)(5), which states, “Affected activities include, but are not limited to: (5) road construction, including construction of a road that does not currently exist, or extension of an existing road.” Read together, it is clear that the scope of section 14 CCR 1270.02 does not apply to existing roads that were approved before 1991, but only applies to new road construction or extension of a road. This is consistent with the exemption contained in section 13-25(f) of the Sonoma County Municipal Code.

Finally, regarding the exemptions contained in sections 13-25(g) and (h) of the Sonoma County Municipal Code, it appears your objection to both is that the exemptions apply to roads and driveways constructed prior to January 1, 1992. Sections 13-25(g) and (h) state:

(g) Any road required as a condition of any development approval granted prior to January 1, 1992, except that (1) the provisions of Division C of this article shall apply to all such roads, and (2) all of the other provisions of this article shall apply to any such road if it is extended, reconstructed or improved pursuant to a new development approval, but only to the portion of the road that is extended, reconstructed or improved.

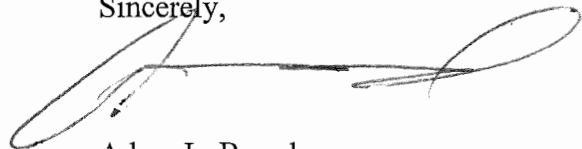
(h) Any driveway serving a legally constructed residential building prior to January 1, 1992, except that (1) the provisions of Division C

of this article shall apply to all such roads, and (2) all of the other provisions of this article shall apply to any such driveway if it is extended, reconstructed or improved pursuant to a new development approval, but only to the portion of the driveway that is extended, reconstructed or improved.

First, I note that the Board specifically approved these two exemptions as meeting or exceeding the SRA Fire Safe Regulations. Additionally, the County's Fire Safe Standards were first adopted in 1992. Prior to the adoption of the County's Fire Safe Standards, development approvals were granted and construction based upon those approvals occurred. As such, the proper scope of the exemptions is 1992. This is consistent with the SRA Fire Safe Regulations, which were adopted in 1991, and grants exemptions for approvals before 1991.

Based upon the foregoing, the County's Fire Safe Standards and the exemptions contained therein are valid and consistent with State law and State regulations. This is confirmed by the Board of Forestry's approval of the County's Fire Safe Standards. Therefore, the County will continue to apply with Fire Safe Standards within the SRA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam L. Brand', with a long horizontal flourish extending to the right.

Adam L. Brand,
Deputy County Counsel

EXHIBIT A

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.Board.fire.ca.gov
(916) 653-8007



Steve Mosuirchak
Sonoma County Fire and
Emergency Services Department
Prevention and Investigations Division

Via email

March 15, 2017

Dear Mr. Mosiurchak:

The State Board of Forestry and Fire Protection (Board) has reviewed changes to the Chapter 13 Sonoma County Fire Safety Ordinance as requested in your email dated December 15, 2017. The Board reviewed the code changes pursuant to Title 14 California Code of Regulations, State Responsibility Area Fire Safe Regulations, Section 1270.03.

The Board concluded that the fire safety codes in Chapter 13 meet or exceed those which must be addressed under Section 4290 of the Public Resources Code and in 14 CCR § 1270 and are certified under 14 CCR § 1270.03. The submitted ordinance was found to be consistent with the basic wildland fire protection standards established by the Board and the Board approved these ordinances at their March 8, 2017 meeting. If the county makes any changes to this ordinance, this certification is invalid and the new ordinance must be re-submitted to the Board for certification.

The Board will continue to keep Sonoma County apprised of any changes to the regulations that may require Sonoma to update their local ordinances for certification.

Thank you for helping ensure fire safety in the wildlands of California.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Keith Gilles".

J. Keith Gilles
Chair, Board of Forestry and Fire Protection

EXHIBIT B

California Board of Forestry and Fire Protection
SRA Fire Safe Regulations
Certification Matrix

Current
1/11/16

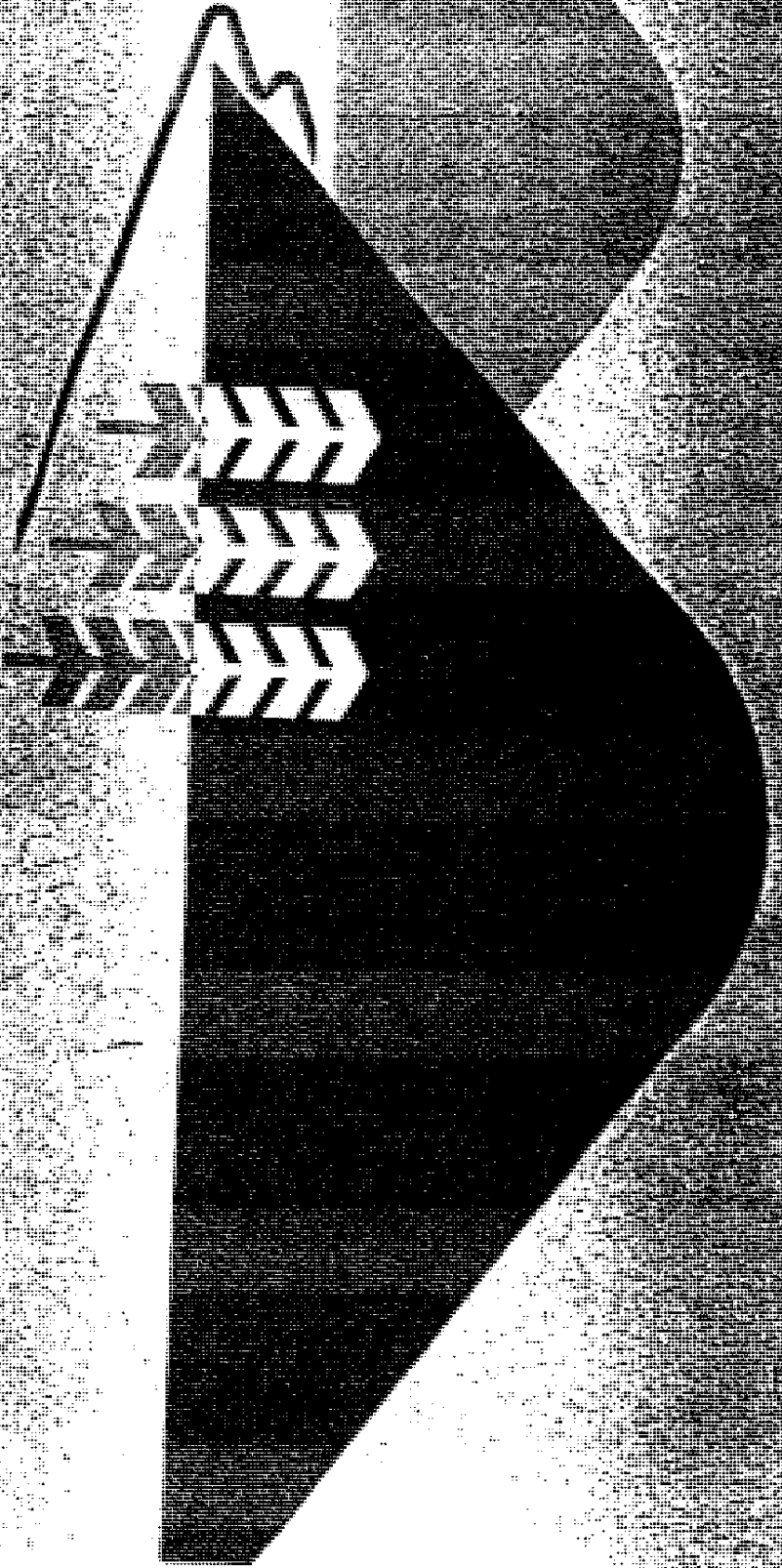


Without an accompanying letter from the Board of Forestry and Fire Protection, completion of this matrix does not indicate Board certification approval or denial of submitted local ordinances under 14 CCR § 1270.03. This matrix does not reflect the full text of the regulations and should be used as a guide only.

<i>Internal Use Only</i>			
Jurisdiction	Date Received	Board Meeting Date	Board Action
Sonoma County	12/15/2016	03/08/2016	

CCR Title 14 SRA Fire Safe Regulations	Local Ordinance	Meets or Exceeds
Sec. 1270 Title <i>Statement of the title of regulation</i>	Chapter 13 Sonoma County Fire Safety Ordinance; Section 13-22 Citation – Purpose; page 47	Y
Sec. 1270.01 Purpose <i>Statement of the purpose of regulation</i>	Section 13-21 Findings; page 46; Section 13-22 Citation – Purpose; page 47	Y
Sec. 1270.02 Scope <i>Statement of the scope of regulation</i>	Section 13-22 Citation – Purpose; page 47; Section 13-24 Scope of coverage; page 48; Section 13-25 Exemptions; page 49	Y
Sec. 1270.03 Local Ordinances <i>Board may certify local ordinances</i>	N/A	
Sec. 1270.04 Provisions for Application of These Regulations <i>How these regulations will be applied</i>	Section 13-23 Compliance with standards required – exceptions to standards; page 47	Y
Sec. 1270.05 Inspection Authority <i>Establishing responsibility for enforcement</i>	Section 13-15 County Fire Code designated – Administration and enforcement – Amendment by local fire protection districts; page 10	Y
Sec. 1270.06 Inspections <i>Authorization to conduct inspections</i>	Section 13-15 County Fire Code designated – Administration and enforcement – Amendment by local fire protection districts; page 10	Y
Sec. 1270.07 Exceptions to Standards <i>Exceptions will be made on a case-by-case basis where the exception provides for same practical effect. Exceptions granted shall be forwarded to the CAL FIRE Unit Headquarters.</i>	Section 13-23 Compliance with standards required – exceptions to standards; page 47	Y
Sec. 1270.08 Requests for Exceptions <i>Requests shall be made in writing, stating the section(s), material facts, the exception proposed, and a map.</i>	Section 13-23 Compliance with standards required – exceptions to standards; page 47	Y
Sec. 1270.09 Appeals <i>Applicants may appeal exception denials. The inspection authority shall be consulted. If an appeal is granted, findings must be made and forwarded to CAL FIRE Unit HQ.</i>	Section 13-23 Compliance with standards required – exceptions to standards; page 47	Y
Sec. 1271.00 Definitions <i>Definitions</i>	Accessory building – Group U in County Building Code State standard is 1989 California Building Code Group M, which has since changed definitions in current CBC	N
Sec. 1271.05 Distance Measurements <i>Distance measurements are along the ground.</i>	Section 13-27 Distance measurements; page 50	Y

Bennett Valley Study



Planning Division

Southern County Community and Environmental Services

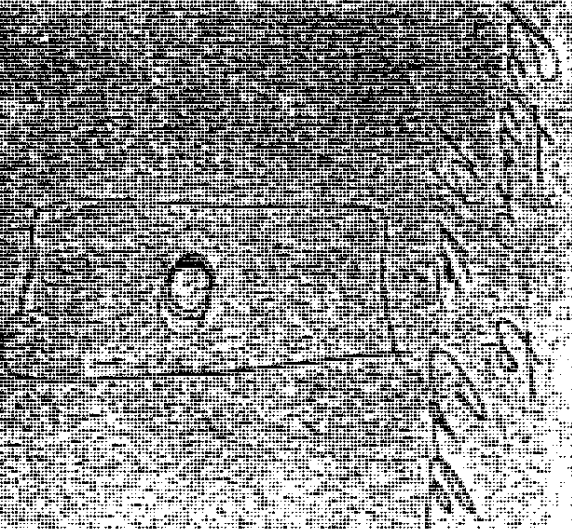


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and design control, particularly on the exposed mountain slopes and valley floor. The more intense development is encouraged to locate at the toes of slopes and in existing treecover to blend with the viewscape.

The 1975 Census is used as the data base for the discussion of cultural characteristics. (Chart #1) Impacts of future growth are projected on present public service standards. Bennett Valley schools are at capacity; the Bennett Valley Union Fire District anticipates needing an additional pumper and firefighter before buildout of projected new units; several of the local roads will require extensive maintenance and safety improvements with any increased traffic. Temporary classrooms without books or teachers cost \$500 per student; the annual cost of the pumper and firefighter is \$35,000; maintenance of Bennett Valley roads now costs \$5000 per mile, per year. The plan deals with the fiscal concerns by maintaining a low-growth pattern, by staging that growth, and by recommending a variety of alternative revenue sources.

SECTION III LAND USE AND ZONING
RECOMMENDATIONS (p. 30)

A Specific Plan is an elaboration of a General Plan. As such, the Bennett Valley Specific Plan is guided by goals, objectives and policy framework of the adopted Sonoma County General Plan, implementing those goals and policies at the parcel-specific level.

Five major land use categories are used in the Bennett Valley Plan to achieve the desired balance of residential agricultural use:

1. The Cities designation occurs within the ultimate growth line of the City of Santa Rosa, and is designed to hold parcel sizes until urban services become available.
2. Open Land and Residential acknowledges residential development as the primary land use, but supports the retention of open space through density regulation, primarily to minimize public hazards. Density range: 5-20 ac. per dwelling unit.
3. Agricultural and Residential encourages the use of the land for agriculture by retaining larger parcels and clustering residential units on smaller parcels. Density range: 10-20 ac. per dwelling unit.
4. Agriculture (Orchards and Vineyards) recognizes agriculture as the primary land use. Dwellings are permitted to support the agricultural operation. Density: 20 ac. minimum per dwelling unit.
5. The Undeveloped category supports agricultural and conservation uses and recognizes public safety hazards. Density: 20 ac. minimum per dwelling unit.

SECTION IV ENVIRONMENTAL
CONCLUSIONS (p. 50)

The final section of the Bennett Valley Plan analyzes the environmental impacts of the land use and zoning recommendations from Section II. (Chart #2).

Section III

LAND USE AND ZONING RECOMMENDATIONS

AUTHORITY

Section 65300 of the Government Code requires that Cities and Counties prepare and adopt a General Plan consisting of eight largely inter-related elements. The focus of the County General Plan is on matters of county-wide significance, and is intended to act as a framework for more detailed city and area plans. County specific plans, like the Bennett Valley Plan, provide an intermediate level of detail between the General Plan and the site plan. The Zoning Ordinance is a tool to implement the General and Specific Plans, and therefore must be consistent with those plans. Because the County General Plan is the framework for the Bennett Valley Plan, the same land use categories have been used to describe portions of the study district.

DESCRIPTION OF LAND USE CATEGORIES

The Cities category describes an area within the proposed Urban Expansion Boundary of a city, which reflects the ultimate availability of sewer service and/or water systems.

In Bennett Valley, this category applies to less than 100 acres in the northwest corner of the study district adjacent to the City of Santa Rosa. The area is served by South Park Sewer District but the City of Santa Rosa is reluctant to issue Certificates of Compliance

until the area annexes to the City because no water system is yet available.

The zoning proposed for this area is Rural Residential: RR, B-5, twenty acre minimum, to permit the ultimate orderly development of the area at urban densities.

The Rural Residential category is characterized by residential development which precludes commercial agriculture, resource production or commercial development. The density in this category is five acres per dwelling unit.

In Bennett Valley this land use category has been used for the final portion of an existing subdivision suited to residential development. The recommended zoning here is Rural Residential: RR B-6 (five acre maximum density, three acre minimum lot size).

The Open Land and Residential Category is characterized by a combination of open, non-agricultural land with some residential development. Development, however, is limited by physical constraints such as steep slopes, geologic hazards, septic limitations, poor water supply and/or inadequate road conditions. The density range in Bennett Valley is from five to fifteen acres per dwelling unit.

The most developable portions of the Open Land and Residential Category have been designated on the land use map with five to ten acre density range, and zoned the more restrictive: RR-06 (ten acre maximum density, five acre minimum lot size). The land use density range would permit a rezoning to the five acre density if

specific criteria set out in the Plan were met. Other portions of the study area included in the Open Land and Residential Category are severely limited by physical constraints, but fairly extensive small parcelization has already occurred. A rural residential zoning of RR-B-6 (fifteen acre maximum density, five acre minimum lot size) has been proposed to minimize any future land division for those areas.

Agriculture and Residential describes the category where agriculture is combined with unrelated residential development. Preservation of agriculture and agriculture potential is the highest priority within this category but its parcels. The density in this category is ten acres per dwelling unit.

The accompanying recommended zoning is Primary Agriculture, A-1, B-6, J (ten acre maximum density, two acre minimum lot size). The J district attached to all agricultural base zoning prohibits mobile homes.

Orchards and Vineyards is a category which reflects the existing and potential intensive agricultural land use. Residential development is related to the agricultural economy and can include farm labor housing as well as single-family residences. Residential density is low in this area, averaging fifty acre per dwelling unit county-wide, with no higher density than twenty acres permitted in any area. A density range of twenty to forty acres per dwelling unit is recommended to provide some flexibility to this area based on specific development criteria. A Planned Area combining district will

provide the base agricultural zoning with added flexibility.

The Planned Area (PA) combining district, with its accompanying Development Table is used with the base A-1 zone to encourage agriculture while providing residential opportunities. (Chart #11) The basic thrust of the table is to establish a density and require that development be clustered. Its use can best be illustrated by the situation of Landholder A.

Landholder A has a sixty-four acre parcel zoned PA Table twenty to forty. By right he is permitted one dwelling unit because he owns a legally created parcel. The PA Table allows him to create three additional parcels. The development area of three of the four units into which the sixty-four acre parcel may be divided may not exceed fifteen acres and each of those three lots may not be smaller than three acres. Thus Landholder A might create a four way division with two three-acre parcels, a nine-acre parcel, and a forty-five acre parcel. Or, he might prefer three five-acre parcels and his residual forty-five acre parcel; or three three-acre sites and a residual fifty-five acre parcel. At the time that the subdivision is approved, however, the residual large lot will be rezoned to a B-5 designation which will prevent any further division of the large lot.

Those parcels designated Orchards and Vineyards on the Land Use Map and zoned AE (Exclusive Agriculture) reflect existing Land Conservation Act Contracts. A R-5 (forty acre minimum lot size) combining district has been applied to these properties, consistent with the policy of subdivision permitted with the contract. With-

From: [Christina Matthews](#)
To: [Cannabis](#)
Cc: [David Rabbitt](#); [Susan Gorin](#); [Lynda Hopkins](#); James.Gore@sonoma-county.org; [district3](#); [concerned citizens](#)
Subject: Part 2 Sonoma County Cannabis Ordinance
Date: Monday, March 15, 2021 5:22:20 PM
Attachments: [Phase 2 ordinance.docx](#)

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March 15, 2021

To Whom it may concern,

I am writing this letter in response to Part 2 of the Sonoma County Cannabis Ordinance. This ordinance does not consider a number of important issues for residents in close proximity to proposed sites.

I live in Bloomfield where there are plans for a large cannabis operation. The location of where the cannabis would be grown is uphill from almost all of Bloomfield, the prevailing coastal winds will cause all of Bloomfield to be impacted by the odor from the cannabis when being harvested. People with breathing issues such as asthma will not be able to safely go outside.

I request a minimum of 1000 foot buffer/setback zone and expansion to greater distance depending on locally prevailing conditions around residential property lines in all unincorporated towns and neighborhoods.

Commercial indoor cannabis operations should be commercially zoned due to the light and noise pollution, and increased traffic. Many of the proposed cannabis sites are requesting to operate 24 hours a day 7 days a week, creating noise and light pollution in rural residential areas. Most rural residents moved to rural areas to escape the noise and light of the larger populated areas.

The county of Sonoma has an abundance of agriculturally zoned locations where cannabis can be grown and cultivated far enough away from residents without having any negative effects. By not making it a requirement for public comment and environmental review, the county is creating a situation that will result in residence feeling betrayed by their local government and will surely result in a multitude of lawsuits.

The county should require an Environmental Impact Report for all proposed cannabis sites. There is no reason that the cannabis industry should be exempt from this requirement. The use of ground water, chemicals, with potential run off into water sheds, the Estero and other water ways should be of utmost concern. Waiving the requirement for an Environment Impact Report for proposed cannabis sites could result in potential damage to the environment, unhealthy and harmful impact to residents living close to the cannabis site, and possibly result in shutting down the operations. Wouldn't it be better to make sure all the necessary research is done in order to avoid a bad ending for both the residents and the growers?

I sincerely hope the county will make changes to Phase 2 of the Sonoma County Cannabis Ordinance to better protect rural residential neighborhoods from the negative impacts of Cannabis operations.

Thank you,
Christina Matthews

From: [Cyprien Pearson-Du Toit](#)
To: [Cannabis](#)
Subject: Link to Zoom recordings of cannabis meetings
Date: Monday, March 15, 2021 12:14:31 PM

EXTERNAL

Hello,

I saw that the Zoom meeting recordings would be available this week. If possible, could you please forward me a link to the recordings?

Thank you in advance,
Cyprien

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From: [Cyprien Pearson-Du Toit](#)
To: [Cannabis](#)
Subject: Re: Link to Zoom recordings of cannabis meetings
Date: Monday, March 15, 2021 3:34:15 PM

EXTERNAL

Thank you!

On Mon, 15 Mar 2021 at 18:30, Cannabis <Cannabis@sonoma-county.org> wrote:

Hello Cyprien,

You may use this link to access the Zoom Video Recordings for the four Virtual Town Halls:
https://share.sonoma-county.org/link/5I7lnuTG4_U/. Let me know if you have trouble accessing the content.

McCall Miller

Sonoma County Cannabis Program

County Administrator's Office

Cannabis@sonoma-county.org

From: Cyprien Pearson-Du Toit <cyprienjane@gmail.com>

Sent: Monday, March 15, 2021 12:14 PM

To: Cannabis <Cannabis@sonoma-county.org>

Subject: Link to Zoom recordings of cannabis meetings

EXTERNAL

Hello,

I saw that the Zoom meeting recordings would be available this week. If possible, could you please forward me a link to the recordings?

Thank you in advance,

Cyprien

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From: [David Bowers](#)
To: [BOS; Cannabis](#)
Cc: [Don Duncan](#)
Subject: Cannabis Draft Ordinance
Date: Monday, March 15, 2021 9:00:51 AM
Attachments: [Ordinance Support Santa Rosa.pdf](#)

EXTERNAL

Honorable Members of the Board and the Sonoma County Planning Commission,
Please see attached letter regarding Cannabis Draft Ordinance.

Sincerely,

David Bowers

(510) 414-0400

--



2590 Telegraph Avenue | Berkeley, CA 94704 | [510-540-7878](tel:510-540-7878)

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Foxworthy Red, LLC.

7955 St. Helena Rd.
Santa Rosa, CA 95404
UPC17-0089

March 8, 2021

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

RE: Cannabis Draft Ordinance

Honorable Members of the Board and the Sonoma County Planning Commission:

I am writing to you today as a property owner and cannabis applicant in Sonoma who has been in the County since 2016. I am in full support of the new ordinance and think you should vote to pass it. The updates to the ordinance and general plan will make a clear pathway for a healthy cannabis industry in Sonoma.

I could go on for days about the benefits of cannabis and how much I believe in it, but I feel you already know that. From my experience running the longest continuously operating medical cannabis dispensary, I know that cannabis provides a type of healing that no other medicine can. I believe that the cannabis plant deserves much more respect than it is currently given and that in years to come, we will cherish what it brings to us. Let's show some leadership here in Sonoma County.

One of the key reasons we started cultivating was to ensure a supply of clean, tested medicine for our patients. Back then, there was little regulation. Now State and County standards for cannabis cultivation are stricter than any other food product. This, to my understanding, would make cannabis a safer crop to cultivate than one which allowed heavy use of pesticides. This offers a solution to those neighbors who have raised concerns about cannabis operations which are unsafe to the environment. Many of these beliefs are based on truths about the illegal cannabis industry but the information needs to be updated to show that regulated cannabis operations may in fact enhance the overall well being of the environment. The use of permaculture is one example of how a cannabis farm can work with nature to help the environment.



Cannabis is also regulated by the Waterboard and the Department of Fish and Wildlife. Enrollment requirements for the Waterboard lay out clear guidelines for maintaining a garden that does not cause pollution. Required Lake and Streambed Alteration agreements layout specific guidelines per parcel on how a cultivation site can be constructed without causing damage to the watershed. Also, under this new ordinance, farmers can use much less land and attribute the rest for preservation.

Once again, I support the expansion of ministerial permitting in agricultural and resource lands and believe that the permitting of cannabis farms is appropriately placed under the Agricultural Commissioner's authority.

I urge the Board of Supervisors to consider the recommendations below to expand opportunities for our current and future partners:

Parcel Size Cap

I support removing the 1 acre per parcel cap on cultivation to be replaced with an allowance that 10% of the parcel be eligible for cannabis cultivation.

Individual Limits

I support the removal of individual cultivation limits of 1 acre per person.

Setbacks

I support setbacks for Indoor and Greenhouse cultivation structures consistent with base zoning or applicable combined zone. I also support measuring setback distance from the cultivation area to the property line of any adjacent sensitive use.

Cultural Resources

While preserving cultural and historic resources is vital, I am concerned about subjecting each ministerial project to potential mitigations. Alternatively, I request that a list of cultural surveyors pre-approved by local tribes be used to perform the required cultural surveys.

Water Use

I suggest refraining from adding additional water use restrictions beyond what is required for conventional agriculture.

Important farmlands

I suggest that there should be no 1:1 offset for cannabis, which the county should regulate like other agriculture crops.

Ridgetop protection



I suggest eliminating this in the cannabis regulations and managing ridge-top cultivation using the same language as other agriculture.

Slope planting limitations

I suggest eliminating this in the cannabis regulations and managing slope planting using the same language as other agriculture.

Hoop houses

I favor establishing a policy to allow hoop houses to be permanent on the property to reduce unnecessary material and labor waste and improved sustainability because of reduced water usage.

Energy/ Generators

I suggest eliminating this in the cannabis regulations and managing energy and generators using the same language as other agriculture.

Fire prevention

I suggest eliminating this in the cannabis regulations and managing fire prevention using the same language as other agriculture.

I thank the Board of Supervisors for considering these comments in the interest of maintaining economic viability for agricultural and resource lands in Sonoma County.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Bowers". The signature is fluid and cursive, with a large, sweeping flourish at the end.

David Bowers
Santa Rosa, California

From: [dennis hall](#)
To: [Cannabis](#)
Subject: More cannabis growing
Date: Monday, March 15, 2021 12:04:04 PM

EXTERNAL

Enough, already! NO MORE POT FARMS.

Sent from [Mail](#) for Windows 10

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From: [Dave Jefferson](#)
To: [Cannabis](#)
Cc: [Joseph Destein](#)
Subject: Proposed amendments to the County Code, Chapter 26 and new Chapter 38,
Date: Monday, March 15, 2021 2:33:36 PM

EXTERNAL

Planning Commission
c/o McCall Miller, Department Analyst,
Cannabis Program, County Administrator's Office

I have reviewed the proposed amendments closely and fully support their adoption. By the way, while we are not a cannabis growers, we have been wine grape growers in Sonoma County for over 47 years, and in the Western Cape for over 20 years. Legal agriculture everywhere should be encouraged, especially in these difficult times. Further, the broadening of the definition of Sonoma County agriculture for Williamson Act purposes to include cannabis is long overdue.

Thank you for consideration of the opinion of a resident of and property owner in Kenwood, Sonoma County, CA.

Dave Jefferson

Co-Founder, Silkbush Mountain Vineyards
Western Cape, South Africa
www.Silkbush.com

US Hq: 405 Enfrente Road, #200
Novato, CA 94949 CRE#00427146
dave@burdell.com
www.Burdell.com
USA tel: 415.342.3141

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From: [Deanne Luzaich](#)
To: [Cannabis](#)
Subject: Marijuana facilities
Date: Monday, March 15, 2021 4:16:24 PM

EXTERNAL

Hello,

I see there is a plan to allow for more marijuana facilities in Sonoma County without any citizen input. I am writing to voice my complaint against this. Since the passage of laws allowing for marijuana use for 'medical purposes', you can smell this everywhere you go. I find it very annoying and unpleasant; just like cigarette smoke which I avoid for health reasons.

Also, the amount, 65,000 acres is ridiculous, more than our vineyards!
Neighborhoods are not the place for this either.
What are we teaching the next generation with all this? Do we want them sober, or high on marijuana?

Please stop this nonsense and help support local businesses which are struggling instead.

Sincerely,

Deanne Luzaich, FDN-P

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Draft Proposed Commercial Cannabis Ordinance & Mitigated Negative Declaration
Date: Monday, March 15, 2021 12:11:24 PM

From: Diana Van Ry <vantilton@comcast.net>
Sent: March 14, 2021 7:42 PM
To: [PlanningAgency](mailto:PlanningAgency@sonoma-county.org) <PlanningAgency@sonoma-county.org>
Subject: Draft Proposed Commercial Cannabis Ordinance & Mitigated Negative Declaration

EXTERNAL

I have been a Sonoma County resident since 1983 and seen many changes in our County during that time. I was recently made aware of your Proposed Commercial Cannabis Ordinance & Mitigated Negative Declaration. I have many concerns relative to this enormous expansion of this proposed permitted land use for cannabis cultivation. Some of them are below:

1. Water usage: Cannabis needs many times more water than other agricultural crops, such as grapes, in our County. We seem to always be in a “drought” or at least always worried about one on the horizon. Why would you want to expand on the 2018 ordinance to potentially allow such a thirsty crop to expand in our county before we’ve seen its impact. When we are short of water, it seems “residents” are always called upon to conserve water when residents use a very small percentage of water in comparison to agriculture.
2. Permit process: New permitting rules for cultivating cannabis will allow it to be grown next to existing neighborhoods, without public hearings — and once the permit process changes to a “ministerial” method, the only recourse left to neighbors is to sue.
3. Setbacks: The space between where a grow can occur and the neighboring property, will be reduced to 300 feet — up to the neighbor’s home, not their property line — reducing the property owner’s ability to use their land fully, with industrial impacts from noise, traffic, odor and lighting.

All Sonoma County residents are aware of the need for annual revenue to run the County. However, to drastically change the 2018 ordinance to a plan obviously very influenced by the Cannabis industry is unfair to all the residents who live here and pay taxes. Please get your priorities straight.

Thank you for your consideration of my concerns.

Diana Van Ry

Diana Van Ry
2573 Greenvale Lane
Santa Rosa, CA 95401
707-541-6670
707-799-8113 (c)
vantilton@comcast.net

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From: [Erin Gore](#)
To: [Cannabis](#)
Subject: Feedback
Date: Monday, March 15, 2021 9:51:24 PM
Attachments: [Cannabis Feedback Proposed Changes EGore.pdf](#)

EXTERNAL

Hello!

Please see my feedback on the proposed changes.

Thank you for allowing my participation.
Erin

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3/13/21

Erin Gore

Old River Road Inc dba Garden Society
#C12-0000062-LIC
840 N Cloverdale Blvd,
Cloverdale, CA 95425

Dear Planning Commissioners,

Thank you for the opportunity to have an open discussion with you all about the recently proposed regulations from the County of Sonoma with regards to their proposed changes for cannabis cultivation across the county. Clearly, the County's first attempt to regulate cannabis cultivation failed because of onerous regulations and a convoluted permitting process. I support the efforts of the county to move cannabis cultivation out of Permit Sonoma and have it administered by the Ag Commissioner. While the proposed changes are a good start, they do not address some of the most pressing items needed to allow traditionally agricultural farms to enter the market and maximize their potential.

As a board member of the Cannabis Business Association of Sonoma County and licensed operator in Cloverdale, I believe that the ability for adults to safely experience the benefits of legalized cannabis is both important to the overall implementation of California's legalization of cannabis and a potentially critical revenue generator for the County, both for its tourism industry and its economic workforce development. As has been proven with wine, the ability for people to come to Sonoma County and experience its natural beauty while meeting the producers of that product and consuming it in that setting enables the County to effectively monetize the collective reputations of artisanal producers to the tune of hundreds of millions of dollars.

Cannabis provides a similar opportunity and is arguably of more interest to changing demographics who are focused on consuming less alcohol and living a health-conscious lifestyle. There are few other industries which have the potential to provide this type of economic opportunity to the County while also preserving our rural heritage. There are already laws at the State that protect and promote cannabis appellations due to consumer recognition of the importance of terroir.

Therefore, I have the following requests for immediate incorporation into the County's cannabis updates:



- 1) Land Use and Zoning Amendments for Retail- Zoning categories which allow for retail uses should be expanded to include the 4 types of agricultural zoning (LIA, LEA, RRD, DA) which currently allow for commercial cultivation. This would allow cultivators to create a “Direct to Consumer” retail experience with a conditional use permit. Currently retail in AG zones is unnecessarily prohibited.
- 2) On-Site Consumption- Already allowed under California law by Business and Professions Code §26200(g) at a licensed retail with a conditional use permit to create a “tasting room experience”. Currently on-site consumption is unnecessarily prohibited entirely in the County.
- 3) Lift Dispensary Caps- Outdated limitation of 9 dispensaries imposed by the County prior to legalization. We request that the County lift the cap on retail facilities and regulate retail as land use issue exclusively.

Second, as a current licensed operator and multi-generational farming family here in Sonoma County, I have a unique understanding of the impact onerous cannabis regulations have on practical farming practices. With this experience, and in consultation of many industry peers and work teams, I request the following changes be made to the proposed regulations as outlined on the recent public forums.

- 4) Remove Senseless Setbacks and align to State Law – Removing setback requirements when both parcels in question are commonly owned is another way to encourage thoughtful, environmentally responsible cultivation on larger agricultural properties. Many large farmlands are made up of multiple parcels and requiring setbacks to property lines in these cases achieves nothing other than inefficiencies. Cultivators should be encouraged to locate their cultivation sites in the areas of their property that are the least environmentally sensitive, present the best growing conditions, and are setback from real neighbors, and should not be limited by arbitrary setbacks when the adjoining parcels are commonly owned.
- 5) Remove Cultural Resource Survey – Delete this section completely. This regulation is onerous and will delay and possibly prevent cannabis cultivation. No other agriculture crop is required to do a Cultural Resource Survey. By including the words “involving ground disturbance” all forms of planting and soil preparation could be deemed ground disturbance. Under CEQA, any site development that requires a building permit will be tasked with doing a cultural survey. This process would be managed through Permit Sonoma who has staff versed on CEQA.



- 6) Energy Use – Delete this section completely. The requirement to have all 100% renewable energy source and the inability to use a generator will make it infeasible to have a cultivation site in the more remote areas of our County. Isn't this counterintuitive to what the NIMBYs and county officials want? Until the County has developed their Climate Action Plan and provided the infrastructure needed to have an on-grid 100% renewable energy source, there should be no requirements put on any small business to meet these demands. The inability to use generators for day-to-day operations as needed again flies against the desire to have cannabis grows in the unpopulated areas of our county. Many agriculture crops depend on generators for frost protection, irrigation, and other farming practices. An option could be to require whisper generators, noise reducing housing structures and/or propane generators depending on the concern with this power source.
- 7) Water Use – Delete this section completely. There are already local and state regulatory agencies that manage water use in our County. The California Sustainable Groundwater Management Act (SGMA) protects ground water and the State Water Board, through their regional offices have control over surface water use including streams, rivers, reservoirs, and ponds. Permit Sonoma has determined water scarce areas within our County and has regulations in place for these areas. The requirements from these water-centric regulatory agencies supersede anything the Ag Commissioner believes he can regulate.

Cannabis is having a national moment, with 36 states having some form of state cannabis legalization and full federal legalization on the horizon. California is the largest cannabis market in the world, with the reputation of growing the best cannabis in the world because of incredible genetics, the terroir of the land, and culture of cutting edge, modern products.

Cannabis will never replace the diversity of agriculture across Sonoma County that makes this one of the most beautiful terroirs in the world. Cannabis can, however, provide diversified revenue streams for farmers who have been severely impacted by droughts, fires, floods, freezes, and the pandemic. We see cannabis thriving in our ecosystem by bringing diversity, opportunity, and legacy for generations to come. Thank you for supporting sensible regulations in the County and taking a formal position against these items.

Warmest Regards,

Erin Gore

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: cannabis ordinance
Date: Monday, March 15, 2021 2:49:20 PM

From: edward neal <edwardmneal@yahoo.com>
Sent: March 15, 2021 2:07 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Cc: ERIN NEAL <tangneal@comcast.net>; MARGERY NEAL <margeryneal@yahoo.com>; Tom Neal <tneal101@hotmail.com>; Ted and Kim Neal <neal@comcast.net>; Mike Neal <jdrneal@gmail.com>; Erin Neal Tangney <etangneal027@gmail.com>
Subject: cannabis ordinance

EXTERNAL

the Neal family is strongly opposed to any legalization of cannabis cultivation in our area!

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March 3, 2021

VIA E-MAIL

Supervisor Susan Gorin & Planning Commissioner Greg Carr
575 Administration Drive, Room 100A & 102A
Santa Rosa, CA, 95403

RE: Comments on the Revisions to Sonoma County Cannabis Ordinance

Supervisor Gorin & Planning Commissioner Carr,

We are pleased that the County is considering revisions to the cannabis ordinance that will recognize cannabis cultivation for what it is - agriculture. We hope these revisions will increase participation and open more opportunities for other less capitalized farmers. While the proposed changes are a good start, they do not address some of the most pressing items needed to allow traditionally agricultural farms to enter the market and maximize their potential. Sparc echoes the sentiment of many others, in that we do not feel cannabis should have environmental regulations that other crops do not have. However, the purpose of this letter is to focus on just a few issues that directly affect our organization's operations at The Gordenker Ranch, in Glen Ellen.

Allow Retail in Agriculturally Zoned Land

Allowing retail in agriculturally zoned land is one of the ways the County can allow farmers to add value to their products and compete with cannabis cultivators throughout the state. The wholesale cannabis market is commodity driven and does not place the same premium on craft cultivation that the end consumers do. Allowing farmers to sell directly to the consumers on the same property where they cultivate the cannabis will allow them to tell their story to consumers and showcase the agricultural bounty of Sonoma County. From a public policy perspective, the County should aim to have the highest average value of cannabis in the state, not the largest total production, just as it does wine. Allowing sales in agriculturally zoned land with a CUP will support this goal, and balance the needs of the farmer and the community in which they farm.

Remove Senseless Setbacks

Removing setback requirements when both parcels in question are commonly owned is another way to encourage thoughtful, environmentally responsible cultivation on larger agricultural



properties. Many large farmlands are actually made up of multiple parcels, and requiring setbacks to property lines in these cases achieves nothing other than inefficiencies. Cultivators should be encouraged to locate their cultivation sites in the areas of their property that are the least environmentally sensitive, present the best growing conditions, and are setback from real neighbors, and should not be limited by arbitrary setbacks when the adjoining parcels are commonly owned.

Allow Centralized Processing for the Individual Farmer

This is difficult to explain, so bear with me.... The draft ordinance allows for cultivations of up to 10% of the size of the parcel, but creates no path for the construction of a facility to dry the cannabis that doesn't take many years via a CUP. 1 acre of cannabis needs 5,000 sf of building to dry it. When a cultivator applies for more than one acre of cannabis as the draft ordinance allows, the State requires that the farmer submit multiple 10,000 sf permits if the cultivation is larger than 1 acre. This is called "stacking" permits. So, a 3 acre cultivation would require about 13 - 10,000 permits from the State to be stacked. ($43,560 \text{ sf/acre} \times 3 \text{ acres} = 130,000 \text{ sf}$ / $10,000 \text{ sf/permit} = 13 \text{ permits from the State}$). **The State does not allow cannabis from more than one permit to be dried in a common space unless the drying facility has a "central processing" license.** These facilities are currently only allowed with a Use Permit in Sonoma County. It took us 4 years to receive this permit at our farm in Glen Ellen. However, we plan to farm on a different farm when this ordinance passes, and need more dry space to do this, as well as any other farmer that plans to cultivate more than one acre. **How can we or anyone else increase cultivation if we have no reasonable process to build a facility to dry it?** Without allowing cultivators to dry the cannabis they cultivate legally, it moves to the illicit market - and that is what an ordinance that allows up to 10% canopy on a parcel with no path to a dry facility promotes. The County gets their tax revenue from illicit growers, and the legal market suffers as a result.

In order for the farmer to dry his or her cannabis from multiple 10,000 sf permits in one building, the County should authorize as-of-right an unlimited number of centralized processing permits to farmers and condition (by law) these permits to only allow cannabis to be processed/dried in these facilities from a single farmer/applicant, on the same or commonly owned and adjoining parcels that the cannabis is cultivated on. By creating this limitation, you prevent the "crush pad" model that is permitted with a Use Permit from happening without the proper conditions a use permit places. Here we are only allowing a farmer to dry his or her own cannabis, and on his or her own property. **This is a technicality that staff has overlooked, and must be rectified or all this cannabis will go to the illicit market due to a lack of legal space to dry as it does in Lake County.**



In summary, we are aligned with the wishes of the broader community, and feel cannabis should be regulated like other ag, and not be held to higher standards. However, it is the above 3 concerns that are a priority for our organization and as our representative, we ask that you strongly consider.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Erich Pearson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. Erich Pearson, CEO

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Upcoming PC Meeting for Draft Cannabis Regulations
Date: Monday, March 15, 2021 11:44:29 AM
Attachments: [20210312154012_001.pdf](#)

From: Scott Orr
Sent: March 12, 2021 3:22 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: FW: Upcoming PC Meeting for Draft Cannabis Regulations

From: Greg Carr <greg99pole@gmail.com>
Sent: Friday, March 12, 2021 3:12 PM
To: Scott Orr <Scott.Orr@sonoma-county.org>
Subject: Fwd: Upcoming PC Meeting for Draft Cannabis Regulations

EXTERNAL

more

----- Forwarded message -----

From: **Erich Pearson** <epearsonsf@gmail.com>
Date: Fri, Mar 12, 2021 at 12:45 PM
Subject: Upcoming PC Meeting for Draft Cannabis Regulations
To: Susan Gorin <Susan.Gorin@sonoma-county.org>, Susan Gorin <gorins@sonic.net>, Gregory N Carr <g_carr@sbcglobal.net>
Cc: Andrew Dobbs-Kramer <AndrewDK@sparcsf.org>, <Cannabis@sonoma-county.org>

Dear Supervisor Gorin and Commissioner Carr. Please find attached letter.

-erich

--

Erich Pearson | CEO
975 Corporate Center Parkway, Ste. 115, Santa Rosa, CA, 95407



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From: [Samantha Piehoff](#)
To: [Cannabis](#)
Cc: [Tawny Tesconi](#)
Subject: Sonoma County Farm Bureau Cannabis Ordinance Public Comments
Date: Monday, March 15, 2021 12:58:21 PM
Attachments: [SCFB Comments- Planning Commission 03152021.pdf](#)

EXTERNAL

Hello,

Attached are Sonoma County Farm Bureau's comments regarding the draft Cannabis Ordinance.

If you have any questions please contact Tawny Tesconi at Tawny@sonomafb.org or 707-544-5575.

Thank you,
Samantha Piehoff | *Business & Programs Manager*

3589 Westwind Blvd, Santa Rosa, CA 95403

Office: (707) 544-5575 | **Fax:** (707) 544-7452

samantha@sonomafb.org / www.sonomafb.org

Promoting and Protecting Agriculture for the Farmer in Everyone

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SONOMA COUNTY FARM BUREAU

Affiliated with California Farm Bureau Federation and American Farm Bureau Federation

March 15, 2021

County of Sonoma Planning Commission
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Commissioners,

Sonoma County Farm Bureau, a general farm organization representing nearly 2,000 family farmers, ranchers, rural landowners, and agricultural businesses in Sonoma County works to promote and protect policies that provide for a prosperous local economy while preserving natural resources and a long-standing county agricultural heritage.

We have reviewed the draft Chapter 38, Sonoma County Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance and are concerned about the overreaching regulations being proposed.

Beliefs, Questions and Comments:

- **Considering that the County of Sonoma is proposing a general plan amendment to include cannabis within the meaning of agriculture, the Sonoma County Farm Bureau Board of Directors is concerned that regulations outlined in this ordinance will inevitably be forced onto other agriculture crops. Comments included in this document are primarily provided because of this concern.**
- **The Sonoma County Farm Bureau Board is opposed to the County's recommendation to recognize cannabis as an agriculture crop since it is not recognized as an agriculture crop by the federal government.**
- Even though we do not support cannabis being considered an agriculture crop in our County, we do find several of the regulations in this Ordinance to be nearly impossible to comply with and not in the spirit of legalizing cannabis grows. If the Ag Commissioner makes it difficult to get permitted grows locally it will lead to the continuation of illegal grows in our County.
- Clearly, the County's first attempt to regulate cannabis cultivation failed because of onerous regulations and a convoluted permitting process. The current plan to move cannabis cultivation out of Permit Sonoma and instead to have the cannabis cultivation administered by the Ag Commissioner makes sense. However, the County should start over with development of this ordinance rather than making amendments to the regulations adopted in 2016 that did not work. It was clear from the public forum that the County is suggesting that there are "minor" to "medium" amendments that are being proposed in Chapter 38 that should not even be discussion points, but these regulations that originated in Chapter 26 are flawed and need to be thoroughly vetted.
- **It is a travesty that the County staff took so long to release the draft of the Cannabis Ordinance. It puts small cannabis cultivation businesses in a position to begrudgingly accept whatever poorly written, overreaching, and vague regulations have been developed for fear of losing the 2021 growing season which starts in a few months.**

- Big picture...39 states already recognize cannabis as a crop although the federal government does not. As mentioned, Sonoma County Farm Bureau through its Cannabis Guiding Principles does not recognize cannabis as an agriculture crop but an agriculture commodity. It is likely with the current administration that the U.S. government will declare cannabis an agriculture crop. What will the County of Sonoma do then? If the County has determined that cannabis is an ag crop (Farm Bureau disagrees) and since cannabis is an annual crop (not perennial) then the County should be prepared to treat it as it does all other row or pasture crops.

Specific Comments:

Section 38.12.030 – Limitation on Canopy and Structures.

A. Canopy Limitations

Recommendation: Allow cultivation canopy to cover 10% of a property owned by a sole landowner rather than segmenting it by parcels.

Justification: All would agree that cannabis cultivation is best suited for large properties that have few neighbors and vast space to allow for a grow to be less conspicuous. Often, ranches and farms are made up of several parcels. Allowing a landowner to manage a cultivation site based on the entire property (ie clustering) will allow for more efficiency and less environmental disturbance.

Section 36.12.040 – Limitation on Canopy and Structures.

Chapter 36 in the Sonoma County Code is titled, "Vineyard and Orchard Development and Agriculture Grading and Drainage". Is this really an amendment to this section?

A. Setbacks for Outdoor and Hoop House Cultivation

Recommendation: An exception to the 100-foot setback requirement should be made if the adjacent parcels are owned by the landowner who has authorized the cannabis cultivation site.

Justification: As discussed above, allowing a landowner with several contiguous parcels to manage their cultivation site wholistically allows for efficiency and optimal land management.

Section 38.12.050 – Protection of Historic and Cultural Resources.

C. Cultural Resource Survey

Recommendation: Delete this regulation completely.

Justification: This regulation is onerous and will delay and possibly prevent cannabis cultivation. No other agriculture crop is required to do a Cultural Resource Survey and we are concerned this regulation will eventually be imposed on all of agriculture. By including the words "involving ground disturbance" all forms of planting and soil preparation could be deemed ground disturbance. Under CEQA, any site development that requires a building permit will be tasked with doing a cultural survey. This process would be managed through Permit Sonoma who has staff versed on CEQA.

Section 38.12.060 – Tree, Timberland, and Farmland Protection.

A. Tree Protection

Recommendation: Delete this section completely.

Justification: Within the County Code is Chapter 26D – Heritage and Landmark Trees, a long-standing ordinance applies to all land uses and would apply to cannabis cultivation. Further, County leadership has indicated that in May they will have a workshop to discuss expanding the existing tree ordinance that will likely inform the general plan update. Having specific regulations for one county commodity that differs from all other commodities or land-uses will only lead to confusion and conflict between two county departments that have regulatory oversight for the same purpose.

Section 38.12.070 – Protection of Biotic Resources.

A. Habitat and Special Status Species.

Recommendation: Eliminate the requirement for a Biotic Resource Assessment.

Justification: The protection of habitat and special status species falls under various state agencies who have the expertise and existing regulations to manage endangered or threatened species. The Ag Commissioner does not have this level of expertise and likely would look to the subject experts within the state agencies to evaluate the danger to biotic resources once the costly assessment has been completed. Let the agencies tasked with the protection of these specific natural resources do their jobs and to apply regulations on cannabis as they would any other commodity.

Section 38.12.080 – Fire Protection.

Recommendation: Delete this section completely.

Justification: The County’s Fire Prevention and Hazardous Materials division is part of Permit Sonoma and this division is responsible for fire safety codes and regulations for the entire County. It is ineffective to dictate requirements within this ordinance for a specific, relatively small land use. The ordinance reads that “an application under this chapter shall include a fire prevention plan for construction and ongoing operations”. A fire protection plan for construction is vague, but most likely any construction would demand a building permit which already has a requirement for a fire protection plan. Suggesting a fire protection plan is needed for “ongoing operations” – again, is vague and is discriminatory against this one industry. Further, these regulations proposed may differ from the County’s fire safety ordinances that are currently going through an approval process through the State Board of Forestry. This regulation is unnecessary and will likely cause confusion and differences in regulatory interpretation between the Ag Commissioner’s office and other regulatory agencies.

Section 38.12.090 – Slope and Grading Limitations.

- A. Slope Limitation.
- B. Grading Limits.

Recommendation: Restate to require cannabis cultivations to follow Chapter 36, Vineyard and Orchard Development and Agricultural Grading and Drainage (VESCO)

Justification: The County has effective regulations in place related to slope and grading requirements for grape cultivation. It is possible that growers who already follow the VESCO requirements for vineyards will have cannabis grows. Do not complicate cultivation and overburden County staff with differing regulations.

C. Ridgetop Protection.

Recommendation: Delete this regulation completely.

Justification: Similar regulations are not required of other agriculture crops and a precedent should not be started with cannabis cultivation. Also, cultivated lands act as fire breaks during wildfires and having protections like this on our ridgelines is an asset.

Section 38.12.010 – Design, Lighting, Security and Screening.

B. Lighting.

Recommendation: Eliminate the requirement that lighting cannot spill over to the night sky; rewrite this section with more defined requirements. Eliminate the requirement for a lighting plan.

Justification: What will be the scientific metrics to measure all these requirements within this regulation? And, given the grow is on a minimum of 10 acres, spillage into the night sky is going to have little to no effect on the grow's surroundings. This section is poorly written and is missing needed parameters to fully develop the intent.

D. Fencing, Screening, Visibility.

Recommendation: Identify that purpose for this section is related to security to prevent other agriculture crops from eventually having similar requirements.

Justification: Sonoma County is proud of its agriculture industry and some of our farmers and ranchers pride themselves on their crops and livestock, often allowing the public to enjoy their tolls by having unscreened fencing. Some of our plant crops do not even have security fencing because they are costly and unnecessary. Farm Bureau is concerned that these regulations will eventually be imposed on all of agriculture if there is not a distinction made as to the security concerns with cannabis cultivation.

Section 38.12.110 – Air Quality and Odor.

A. Dust Control.

Recommendation: Delete this regulation completely.

Justification: Farming is dusty – it is a given. Requiring a Dust Control Plan – and then eventually enforcing that plan, is incomprehensible and impossible. There should be no regulatory requirements related to dust control.

B. Filtration and Ventilation.

Recommendation: Delete this regulation completely.

Justification: There are many agriculture crops that have odors associated with production. It is part of farming and food production. Developing odor standards for one agriculture commodity is going to create a slippery slope for all of Sonoma County's agriculture crops. Odor from cannabis is seasonal and, like other crops, should be tolerated in the interest of having working lands and open space. In addition, what sort of metrics are going to be used to confirm a cultivator is complying and is this really an expertise that the Ag Commissioner's office has?

C. Energy Use.

Recommendation: Delete this regulation completely.

Justification: The requirement to have all 100% renewable energy source and the inability to use a generator will make it infeasible to have a cultivation site in the more remote areas of our County. Isn't this counterintuitive to what the NIMBYs and county officials want? Until the County has developed their Climate Action Plan and provided the infrastructure needed to have an on-grid 100% renewable energy source, there should be no requirements put

on any small business to meet these demands. The inability to use generators for day-to-day operations as needed again flies against the desire to have cannabis grows in the unpopulated areas of our county. Many agriculture crops depend on generators for frost protection, irrigation, and other farming practices.

An option could be to require whisper generators, noise reducing housing structures and/or propane generators depending on the concern with this power source.

Should the Ordinance stand as-is and only allow a generator for cannabis cultivation during a declared emergency, it should be clearly defined in writing in this section that a Public Safety Power Shutoff (PSPS) is considered an emergency and cultivators can use generators during PSPS.

Section 38.12.120 – Waste Management.

Recommendation: Delete this regulation completely.

Justification: No other agriculture crops or commodities are required to submit a waste management plan; therefore, this should not be imposed on the cannabis industry. How costly will this be for the Ag Commissioner's office to regulate and, except for chemical waste, what sort of expertise does this department have on waste? In addition, in order to get a state permit to grown cannabis, a waste management plan must be submitted and approved.

Section 38.12.130 – Wastewater and Runoff.

Recommendation: Delete this regulation completely.

Justification: There are two local Regional Water Boards that have jurisdiction over wastewater and runoff and the State Waterboard already oversees wastewater through the state cannabis cultivation permitting process. They are the experts in this subject area and have in place permitting requirements associated with vineyards, wineries, horse operations and dairies. Surface water runoff and wastewater management BMPs varies by regions within our County and the specific anomalies of our various watersheds is managed by the state agencies. We have the Russian River TMDL and the Petaluma River TMDL which has more stringent requirements than the rest of the County and it is likely that some of these grows will be subject to BMPs associated with these plans. Further, portable toilets are allowed in construction and other agriculture processes, why should cannabis cultivation be subject to different requirements?

Section 38.12.140 – Water Use.

Recommendation: Eliminate this section by pointing to the regulatory agencies that already manage water use.

Justification: There are already local and state regulatory agencies that manage water use in our County. The California Sustainable Groundwater Management Act (SGMA) protects ground water, and with three of our water basins, Sonoma Water is in the middle of developing Groundwater Sustainability Plans that will dictate water use, water fees and monitoring requirements. The State Water Board, through their regional offices have control over surface water use including streams, rivers, reservoirs, and ponds. Permit Sonoma has determined water scarce areas within our County and has regulations in place for these areas. The requirements from these water-centric regulatory agencies supersede anything the Ag Commissioner believes he can regulate.

Should you continue with the regulations outlined in the Ordinance, this entire section should be rewritten, organized, and simplified. It appears to have a "cut and paste" project from various sources. Getting input from a water engineer may be helpful.

Section 38.14.020 – Activities Allowed with a Ministerial Permit

A. Hours of Operation.

Recommendation: Allow all functions of cannabis cultivation to operate 24 hours per day.

Justification: Farming and cultivation tends to be seasonal, and deliveries, shipping and processing activities should have no limitations. The need to immediately harvest a crop, the ability to allow employees to work during the cooler early morning hours and the harvest frenzy that puts a strain on resources requires growers to have flexibility with their hours of operation.

F. Events

Recommendation: The approach to events that support agriculture should be global and apply to all crops and commodities. Through Permit Sonoma, the County is about to complete their effort to develop a Winery Event Policy and the requirements and regulations within this document should be used to manage all agriculture events in the County.

Justification: There should be standard policies governing events for all agricultural crops and commodities to allow for fair enforcement and consistency.

Items not Covered in the Draft Ordinance:

Retail Sales: To allow for the farm to consumer experience that Sonoma County's agriculture industry is known for, the cannabis industry should be allowed to do retail sales at their cultivation site. Through a Conditional Use Permit, the retail sales function could be managed and regulated based on policies and requirements already in place for other retail sales business sectors.

Conflict with other Agriculture Crops: Implied, but not expressed, there should be a written clarification that the cultivation of cannabis cannot restrict or deny the production of other ag crops or commodities in the surround area. All farming practices have best management practices that need to be followed and one crop should not prevent these BMPs from occurring for another crop.

To protect existing, traditional crops that may be located near a grow, cannabis cultivators should be required to file an attestation document that acknowledges that they have evaluated the adjacent land uses or potential land uses and is accepting the risk and liability associated with potential contamination or damages from neighboring crops.

Right to Farm Ordinance: Until cannabis cultivation is a federally recognized crop, the Sonoma County Right to Farm Ordinance should not apply to cannabis cultivation. As stated, even though the County sees cannabis as an agriculture crop, the Sonoma County Farm Bureau recognizes it as a commodity. **We request the Ordinance state that cannabis cultivation will be recognized as an agriculture crop by the County of Sonoma and thus under the umbrella of the Right to Farm Ordinance only when it has been declared an agricultural crop by the federal government.**

Mitigation Fund: We have had years of illegal cannabis grows that have had damaging environmental impacts, created unmanaged waste and unfortunately, for those growers seeking permits, has created a negative stigmatism around cannabis cultivation. **The County should develop a funding process either by setting aside tax monies and/or by assessing cultivators to clean-up and restore lands that have been impacted by unregulated cannabis operations.**

What should the Planning Commission and the Board of Supervisors do?

Considering the County has delayed the public release of this draft ordinance and the document in its present form is ambiguous, poorly constructed and enforcement may be challenged; **the County should accept the following sections that deal with the process (Sections 38, Article 02; Section 38, Article 04; Section 38, Article 06; Section 38, Article 08; Section 38, Article 10 and Section 38, Article 12 - with some revisions)** and allow the handful of cannabis cultivators ready to begin operations the opportunity to cultivate this year. Then, working with stakeholders who understand the cannabis industry and the public concerned with cannabis cultivation, review and more completely build out, or eliminate the remaining articles.

From: [Grace Barresi](#)
To: [Larry Reed](#); [Todd Tamura](#); [Gina Belforte](#); [Greg Carr](#); [Caitlin Cornwall](#); [Pamela Davis](#); [Cameron Mauritsen](#); [Jacquelynn Ocana](#); [Cannabis](#)
Cc: [PlanningAgency](#); [Lynda Hopkins](#); [Susan Gorin](#); [district3](#); [David Rabbitt](#); [district4](#); [Tennis Wick](#); [Scott Orr](#); [Andrew Smith](#)
Subject: Response to cannabis ordinance revisions
Date: Monday, March 15, 2021 3:24:33 PM
Attachments: [G.B.Guthrie_comments.pdf](#)

EXTERNAL

Dear Planning Commissioners:

I have a solution that will improve the Cannabis Ordinance and address neighborhood compatibility. Please direct Sonoma County to **extend cannabis setbacks to match those set to schools and parks (1000 feet minimum setback to property line)** for up to 1-acre of cannabis cultivation.

I have first-hand experience to tell you that the ordinance's current setbacks (100 feet to property line and 300 feet to neighboring structures) are inadequate. **My bedroom window is less than 500 feet** from a 1-acre commercial cannabis business. My property is zoned RR but the neighboring property is zoned DA, and has been operating without a permit since 2017. Unfortunately for my family, Sonoma County continuously evades the residential setbacks topic, and instead finds excuses to keep setbacks unchanged by asserting claims such as:

1. Cannabis odor on a 10-acre parcel will dissipate into the atmosphere
2. Cannabis doesn't impact enough people, nor long enough during the year to call it a nuisance
3. A vegetation windbreak will successfully mitigate cannabis odors from being a neighborhood nuisance
4. If a vegetation windbreak doesn't work, then a Vapor-Phase Systems (Fog Systems) will work

Sonoma County uses a USDA NRCS 2007 report to support their theory about vegetation windbreaks, which studied tree **absorption of animal ammonia** from indoor structures, **not cannabis** odors from a large open-air field. The same agency (NRCS) reports it takes **5 years** to *start* to see benefits, and a **vegetation windbreak is at a "fully functional height at 20 years"**.¹ But Sonoma County chose to omit THAT key information with their other windbreak claims.

As a backup to the windbreak idea, Sonoma County recommends the cannabis cultivators to use Vapor-Phase Systems (Fog Systems) to mitigate cannabis odor nuisance. This requires binding "odor neutralizing chemicals" in the air to every cannabis volatile organic compound -- across an entire

acre of open-air canopy! That's not an effective mitigation plan.

Sonoma County makes claims they cannot support with scientific data, only with opinions; but they approve cannabis cultivation inside neighborhoods and keep 100-foot setbacks to residential sensitive receptors unchanged.

Interestingly, if my neighbor has farm animals fenced-in on his DA-zoned property, he would be required to maintain a setback of **500 feet for enclosed odorous operations**; absent this setback, a Conditional Use Permit is required. Section 26-08-010 in Chapter 26 of the Zoning Code states: "In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category [like my RR-zoned home], it shall require prior approval of a use permit." That is not much different than fenced-in cannabis cultivation, except 1 acre of outdoor cannabis sits 100 feet away from my backyard.

In reality, the easiest and most sensible step for Sonoma County to adopt today is to make the residential setbacks match those of schools and parks -- 1,000 feet to property lines. 500 feet will not adequately mitigate the noxious odors from cannabis cultivation. We know this based on scientific evidence and real world experience.

First, the scientific evidence: Yolo County hired Trinity Consultants (an environmental, health and safety agency) to conduct a comprehensive EIR, including odor analysis and modelling, after rural residents complained about inadequate setbacks and pungent odor from cannabis cultivation sites. Their research concluded that buffers below 500 feet may not be effective, and the optimum distance for buffers is somewhere between 500 and 1,000 feet. The Planning Commissioners agreed to 1,000-foot buffers for all identified sensitive uses, including residences in any zone for 1-acre of cannabis cultivation. All volumes of the Yolo County EIR are available online at the following [Link](#).

Second, the real world experience: What it's really like to live next door to a commercial cannabis business? Labor Day Weekend, 2018. Out-of-town family visited us for the holiday weekend.

FRI Sep 1

- We kept our windows closed all day
- **12:30pm.** We tried to eat lunch outside. The cannabis odor drove us back inside at 12:45pm.
- **6pm.** We BBQ'd dinner on the front yard sidewalk to escape the cannabis odors in our backyard. We still had to tolerate the smell even in the front yard.

SAT Sep 2

- We kept our windows closed all day
-

9:30am We started to eat breakfast outside and had to go inside from the cannabis odor

- **3pm.** We spent time at our pool in the backyard. Two of us got a headache from inhaling cannabis odor for 30min
- We BBQ'd dinner again on the front yard sidewalk while the cannabis odor swirled around the house

SUN Sep 3

- We kept our windows closed all day
- **1:30am to 4am** Since someone left a bathroom window open, our hallways and our room filled with cannabis odor. The smell woke me up and I closed the window. **Didn't sleep until ~4am out of anxiety and anger from our life's situation**
- **1pm.** My family **no longer tolerated the cannabis odor** and our constant avoidance tactics, nor our constant bitching about it. They returned home, a day earlier than planned

MON Sep 4

My husband decided to wear a respirator in the garage while cleaning it; the cannabis odor trapped and lingered in the garage even with all doors open. The 3M P100 particulate respirator blocked the odor perfectly. So we started to wear them while outdoors.

Please direct the Sonoma County Board of Supervisors to extend cannabis setbacks to match those set by other counties, as well as to schools and parks (1000 feet minimum setback to property line) for up to 1-acre of cannabis cultivation.

Thank you for your attention,

Grace Guthrie

My home borders the commercial cannabis cultivation located in Sebastopol. The parcel is 10 acres and is completely surrounded by 7 smaller properties, with a mix of RR and DA zones on all sides. Their outdoor canopy is 38,484 sq ft and their indoor operation is 3,465 sq ft, which has a 5-foot setback from their neighbor's property line. The cannabis business has been in the PRP since 2017 and does not yet have a county permit.

(1) Illinois NRCS - Windbreaks and Odor Management, Oct 2007

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SUN Sep 3

- We kept our windows closed all day
- **1:30am to 4am** Since someone left a bathroom window open, our hallways and our room filled with cannabis odor. The smell woke me up and I closed the window. **Didn't sleep until ~4am out of anxiety and anger from our life's situation**
- **1pm.** My family **no longer tolerated the cannabis odor** and our constant avoidance tactics, nor our constant bitching about it. They returned home, a day earlier than planned

MON Sep 4

My husband decided to wear a respirator in the garage while cleaning it; the cannabis odor trapped and lingered in the garage even with all doors open. The 3M P100 particulate respirator blocked the odor perfectly. So we started to wear them while outdoors.

Please direct the Sonoma County Board of Supervisors to extend cannabis setbacks to match those set by other counties, as well as to schools and parks (1000 feet minimum setback to property line) for up to 1-acre of cannabis cultivation.

Thank you for your attention,

Grace Guthrie

My home borders a commercial cannabis cultivation located in Sebastopol. The parcel is 10 acres and is completely surrounded by 7 smaller properties, with a mix of RR and DA zones on all sides. Their outdoor canopy is 38,484 sq ft and their indoor operation is 3,465 sq ft, which has a 5-foot setback from their neighbor's property line. The cannabis business has been in the PRP since 2017 and does not yet have a county permit.

(1) Illinois NRCS - Windbreaks and Odor Management, Oct 2007

From: BOS
To: Cannabis
Subject: FW: Commercial Cannabis Ordinance Feedback
Date: Monday, March 15, 2021 12:58:17 PM
Attachments: Commercial Cannabis Ordinance Feedback.pdf

From: Greg Koss <greg@gregkoss.com>

Sent: Sunday, March 14, 2021 4:07 PM

To: Pat Gilardi <Pat.Gilardi@sonoma-county.org>; Andrea Krout <Andrea.Krout@sonoma-county.org>; district3 <district3@sonoma-county.org>; Jenny Chamberlain <jchamber@sonoma-county.org>; district5 <district5@sonoma-county.org>; BOS <BOS@sonoma-county.org>; Caitlin Cornwall <Caitlin.Cornwall@sonoma-county.org>; Larry Reed <Larry.Reed@sonoma-county.org>; Todd Tamura <Todd.Tamura@sonoma-county.org>; Gina Belforte <Gina.Belforte@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>

Cc: Caroline Koss <caroline@gregkoss.com>; Craig Harrison <craigspencerharrison@gmail.com>

Subject: Commercial Cannabis Ordinance Feedback

EXTERNAL

Hello,

This response is from the owners, Greg & Caroline Koss, at 1096 Ferguson Rd, Sebastopol. We want to make sure the Planning Commission and BOS hears our concerns about cannabis farming in our neighborhood and the greater Sonoma County.

Commercial Cannabis Ordinance Feedback

March 14, 2021

We have direct experience due to the fact we are the northern neighbor to the Misty Mountain cannabis operation at 885 Montgomery St, Sebastopol.

The items of concern are;

- **Odor** – The cannabis crop has a significantly more pungent odor than other crop grown in Sonoma County. The odor occurs during growing, harvesting, drying, and processing of the crop. Thus the local community experiences high levels of odor for multiple months every year.

We support the standard for distance with regard to schools and other sensitive areas. We fail to understand why populations of children and adult in schools, daycare facilities, parks, or bikeways, must be protected while the same children and adults in their homes next to a cannabis grow are exempt from these protections.

- **Suggestion for Setbacks & Odor Mitigation:**

- Apply the same setbacks for sensitive areas to any residential parcel or facility.
 - This will also reduce the impact of odor due to increased dispersion in the atmosphere
- Require enclosures with negative pressure and filtration for all grows adjacent to residential structures and parcels.

- **Water** – Cannabis grown in soil, which comprises the vast majority of cannabis operations in Sonoma County, will require a significant increase in water usage. Or six times the water required for grape growing in the same amount of land.

Napa County published this finding in their document here;

https://global-uploads.webflow.com/60256d2c98afa77e5f0e7f39/60354d3303969a072d72af3a_9111_Report_082019.pdf

This is the pertinent finding under Environmental Impacts on page 20 of the document at the above link;

A review of a number of studies and articles regarding water usage for cannabis cultivation suggests that it takes around 250 gallons of water to produce one pound of dried cannabis flower. For our cannabis productivity projections, we commonly assume that it takes 10 square feet of canopy to produce one dried pound of cannabis outdoors. By this measure, one acre (43,560 square feet) of cannabis plants should yield around 4,356 pounds of dried flower. Applying the figure of 250 gallons of water per pound, the total water consumption for an acre of cannabis production would be around 1,100,000 gallons per year, or 3.38 acre-feet per year (AFY). By comparison, one acre of vineyard irrigation uses 0.2 to 0.5 AFY per acre (65,170 to 162,295 gallons), and primary residences use 0.5 to 0.75 AFY.

The Biden administration via US Dept. of Commerce, NOAA, National Marine Fisheries Service is also concerned about the increased water impact on Coho Salmon, Steelhead, Chinook Salmon, and the negative impact to these fish populations in Sonoma County. The letter can be read here;

https://global-uploads.webflow.com/60256d2c98afa77e5f0e7f39/6042ab6884622c45856fcd7b_20210226%20NMFS%20Letter%20re%20cannabis%20cultivation%20in%20Sonoma%20County.pdf

- **Suggestion for Water Impact:**

- Require a water assessment prior to issuing a permit to ensure the local water supply can handle the increased usage from cannabis grows.
- If a grow is hydroponic this requirement is unnecessary.

- **Crime** – This is a concern because the number of murders and assorted violent crimes in the county has increased at rate higher than expected relative to the population growth in the county. Further, cannabis operations must have a lot of cash around because they cannot use the regular banking system and payment card networks, making them a well known and popular target for criminals.

- **Suggestion To Mitigate Crime From Cannabis Operations:**

- Open a county bank to allow cannabis operations to participate in the financial system and remove the cash inventories in every step of the cannabis value chain. This has been accomplished in CO with ~30 banking institutions supporting the CO cannabis industry;

<https://www.coloradobankers.org/page/60>

- Require every cannabis operation to post signage so everyone knows where they are located just like the wineries. This mitigates the crimes against people with no connection to cannabis but are harmed by malicious actors that can't find the cannabis operation.

<https://www.pressdemocrat.com/article/news/press-democrat-poll-finds-sharp-division-in-sonoma-county-over-cannabis-cuj/>

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Almost one-third of respondents, 31 percent, said they would feel safe with such a garden "not adjacent but within one mile of my residence."

FBI violent crime statistics in Sonoma County for 2015-2018;

- The Sonoma CA crime rate for 2018 was 393.81 per 100,000 population, a 41.26% increase from 2017.
- The Sonoma CA crime rate for 2017 was 278.78 per 100,000 population, a 16.27% decline from 2016.
- The Sonoma CA crime rate for 2016 was 332.94 per 100,000 population, a 15.56% increase from 2015.

Please make Sonoma County a better environment to operate cannabis businesses without negatively impacting the residents that also treasure being able to live, work, and raise their children in such a special place.

Respectfully,

~s~
Gregory Koss

~s~
Caroline Koss

--

Greg Koss
greg@gregkoss.com

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March 14, 2021

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Respectfully,

~s~

~s~

Gregory Koss

Caroline Koss

From: [BOS](#)
To: [Cannabis](#)
Subject: FW: Chapter 38 SoCo Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance
Date: Monday, March 15, 2021 12:56:37 PM

From: Jennifer Becker <jennifer@ensemblemktg.com>
Sent: Saturday, March 13, 2021 2:43 PM
To: BOS <BOS@sonoma-county.org>
Subject: Chapter 38 SoCo Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance

EXTERNAL

Dear Members of the Sonoma County Board of Supervisors,

I became a resident of West County after the 2017 fires destroyed my home in Santa Rosa. My new home in Sebastopol is on 5.6 acres and is zoned RR.

Regarding the Chapter 38 SoCo Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance I have the following concerns:

1. **Sec. 36.12.040- Setbacks** The setback minimum proposed is 100 feet. When originally promoted by the members of the board, voters were told that the setback minimums for all situations would be at least 1000 feet. Why has this changed? A 100' setback is simply not reasonable.
2. **Sec. 38.12.010 – Design, Lighting, Security and Screening** As long as I have lived in my home I have felt safe. Having an industry adjacent to my home that requires, by statute, the level of security measures that are indicated in the proposed ordinance seems outrageous. The danger is further acknowledged in the document by preventing the public disclosure of security measures because doing so would “present unreasonable risks to site security”. What about the unreasonable risks to the residents in the area? Why would the members of the Board of Supervisors ever consider imposing a recognized danger upon the members of their community?
3. **Sec. 38.12.110 – Air Quality and Odor** The odor that is emitted from cannabis cultivation certain times of the year is overwhelming and certainly can travel 100 feet. The proposed ordinance requires filtration but filtration would unlikely eliminate the odor perceived by neighboring residences.
4. The legal definition of a nuisance is “anything which annoys or disturbs the free use of one’s property, or which renders its

ordinary use or physical occupation uncomfortable... it extends to everything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable or comfortable use of property." Should the county pursue the ordinance as proposed they would be creating a clear nuisance. Clearly the danger that is inherent with cannabis cultivation and the stench that accompanies the process meet the definition of nuisance. Courts consider the surrounding population and location, prior use of the property, degree of harm and whether the offending entity predated the impacted community when evaluating an alleged nuisance. Introducing a cannabis cultivation to a preexisting community clearly meets the test.

It is my fear that the Board of Supervisors is desperate to find revenue wherever possible and have abandoned their constituents on behalf of the potential for tax revenue from the cannabis industry. I am particularly disappointed in Supervisor Hopkins for her lack of dedication to the principals that she promoted when campaigning. The citizens deserve advocacy and their concerns are being ignored. I strongly oppose opening up the unincorporated areas of Sonoma County to cannabis cultivation and would hope that the members of the Board would reconsider their proposal.

Respectfully,

Jennifer Becker
PO Box 1516 Sebastopol CA 95473

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From: [Joanna Cedar](#)
To: [McCall Miller](#)
Subject: Planning Commission
Date: Monday, March 15, 2021 10:08:27 AM

EXTERNAL

Hi McCall,

Hope you and yours are safe and well.

Can you let us know which planning commissioners will be hearing the cannabis item on Thursday?

Many thanks and best regards,
Joanna

Joanna Cedar
Principal Consultant
The Cedar Group
joanna@cedargroup.org
(707) 953-5829

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From: [Judith Olney](#)
To: [Greg Carr](#); [Larry Reed](#); [Gina Belforte](#); [Cameron Mauritson](#); [Pamela Davis](#); [Cannabis](#)
Cc: [greg99pole@gmail.com](#); [larry@reedgilliland.com](#); [p.davis479@gmail.com](#); [Cameron Mauritson](#)
Subject: Chapter 38 and SMND do not comply with State Law
Date: Monday, March 15, 2021 8:52:33 AM
Attachments: [03_10_21_CannaPRSC_REG_Framework-1.pdf](#)
[NOAA Cannabis letter.pdf](#)
[20210226 NMFS Letter re cannabis cultivation in Sonoma County.pdf](#)
[Projected Demands Update 0121_pv.pdf](#)

EXTERNAL

Planning Commissioners - I am sensitive to the fact that you are being inundated with comments and unanswered questions relative to the March 18th Agenda item: Commercial Cannabis Cultivation Ordinance. Those of us who made good faith efforts to analyze the February 16th documents are concerned our letters posted to PlanningAgency@sonoma-county.org may not be made available to you for consideration prior to your recommendation.

At issue are serious flaws in the documents themselves, as well as the lack of clarity on the application of a ministerial permitting process to large-scale operations. These policy and procedural concerns may have long-term consequences for our County and require careful consideration. Judith

Begin forwarded message:

From: Judith Olney <milestonesmet@gmail.com>
Subject: Chapter 38 and SMND do not comply with State Law
Date: March 10, 2021 at 1:51:40 PM PST
To: Cannabis <Cannabis@sonoma-county.org>, McCall.Miller@sonoma-county.org, andrew.smith@sonoma-county.org, Scott Orr <scott.orr@sonoma-county.org>
Cc: PlanningAgency@sonoma-county.org

Dear Planning Commissioners - When cannabis industry advocates say - "...we are amending the General Plan to recognize cannabis as a crop, as consistent with State Law" - nothing could be further from the truth. State law, as administered by the California Department of Food and Agriculture defines cannabis as a product, and recent clarifications from the Director of the CalCannabis Cultivation Licensing Division verify that there are no efforts underway to change this product designation, and the State licensing requirement for project-specific CEQA review would hold regardless given a State License is a discretionary license requiring CEQA review. If an Applicant is not required to do project-specific CEQA review as part of the county permitting process, then it will be required prior to obtaining a State license. (See endnotes in attached letter)

Our Neighborhood letter below outlines the multiple ways Chapter 38 and its SMND do not meet the State's dual licensing requirements, State Water Code requirements, Cal Dept of Fish and Wildlife or NMFS requirements, or Department of Water Resources Sustainable Groundwater Management Act requirements. In addition, the draft documents do not meet the CEQA Guidelines Article 19 standards and criteria for ministerial permits. And, per notification to the County on March 1st, the version of Chapter 26 used for preparation of

analyses has been substantially changed.

The Neighborhood Coalition respectfully requests that Sonoma County complete the recommended Program EIR, determine the appropriate locations and scale of cannabis cultivation, and then prepare or amend an ordinance that fits within the framework of State licensing and environmental law.

Sincerely - Judith Olney

Letter

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3 Attachments

March 10, 2021

To: Sonoma County Planning Commission c/o McCall Miller

(Please put Letter and attachments in Planning Commission packet, not just transmittal email)

Cc: Planning Commissioners

From: Judith Olney, Member of the Neighborhood Coalition

RE: Non-compliance of proposed Ordinance 38, and its SMND with State laws

Members of the Neighborhood Coalition have reviewed the documents provided by Sonoma County on February 16, 2021, and are entering this analysis of errors, omissions, “lack of substantive evidence to support findings,” and deficiencies into the Administrative Record. (Letter, endnotes, and three attachments) Areas requiring County responses are **highlighted**.

Issue: The Commercial Cannabis Cultivation Ordinance and SMND do not comply with a number of State licensing, water resource and environmental regulations. The County must complete a Program EIR; then, prepare an ordinance that fits within the framework of State licensing laws governing cannabis cultivation, which require project-specific CEQA review. The proposed change to ministerial permitting must be set aside as the short and long-term consequences resulting from its weak environmental foundation will be too costly for Sonoma County’s taxpayers and too risky for our tourism-based economy.

Fix Sonoma County’s 2018 Ordinance instead: Sonoma County’s current 2018 Ordinance meets state licensing requirements for project-specific CEQA review via the Conditional Use Permit (CUP) process. Please regain the public’s trust by first determining the least impactful locations for this new industry, and then developing regulations respectful of both the applicant’s and neighboring property owners’ rights.

Proposed Ministerial Permit Process Deficiencies: Sonoma County proposes to amend the Ag Resources Element of the General Plan to deem cannabis a “crop” for the purpose of approving and implementing a ministerial permit program – a “fast-track” process with no public notice and insufficient environmental analyses.

- Other counties have attempted a ministerial permitting approach only to have it repealed by the courts, with settlement negotiations re-establishing the CUP process;
- Certain Chapter 38 Ordinance procedures have insufficient mitigations or non-compliant measurements that conflict with the General Plan Noise or Open Space elements;
- The State clearly requires project-specific CEQA review; and Chapter 38 Section 12 falls short of this standard. The ministerial process has few numerical standards, and relies on unenforceable “Best Management Practices” or future mitigations not allowed under CEQA;
- Given Chapter 38 Ordinance allows the Ag Commissioner to change and rescind standards and any or all Best Management Practices; the public has no assurance that future cannabis cultivation will require sufficient protective plans or regulatory oversight.

How does a fast-track local permit serve the Applicant when the State will require project-specific CEQA review and prudent water planning to obtain a State license?

I. Proposed General Plan Amendment, Chapter 38 Ordinance and SMND do not comply with State Law – State CEQA requirements for a License under MAUCRSA

Cannabis is regulated under the **Federal Controlled Substances Act**. If cannabis was just like any other crop, cultivation would not require fencing, 24/7 security systems and personnel or essential buffers to avoid creating nuisances at residences, businesses and sensitive uses.

Point I A: Dual Licensing: The cannabis-industry’s statement that “a *General Plan amendment to recognize cannabis as an agricultural crop, is consistent with State law*” is not true. Rather, the County’s General Plan and Zoning Code changes are an attempt to by-pass State requirements both for project-specific CEQA, comprehensive water availability analyses, and other CEQA requirements.

Cannabis operations require dual licensing – a local permit and a State license. The **State determined that cannabis is a product** and requires annual licensing by the California Department of Food and Agriculture (CDFA) under the **Business & Professional Code Section 26012 (a)(2)**.

As a State License is discretionary, project-specific CEQA compliance will be required at the State level. On May 13, 2019, CDFA issued a memorandum for local jurisdictions titled, “*CEQA Practice Recommendations from CDFA for Cannabis Licensing.*”

As verified by CDFA regulators, wording changes do not alter the statutory designation of cannabis as a product (full quote in the endnote): On January 29, 2021 CDFA verified: “*Issuance of a State license under MAUCRSA is a discretionary process that requires CEQA compliance...I am not aware of any current efforts to change the statutory designation of cannabis from a product to a crop in the MAUCRSA.*”

State discretionary license requirements per CDFA regulations, clearly require CEQA analyses: In August 2018, Shute Mihaly Weinberger LLP clarified, “*...under CEQA Guidelines Section 15061(b3) or Bus and Prof Code Section 26055(h), if an Ordinance does not require project-specific CEQA review, Sonoma County cannot claim “Categorical Exemptions.”*”

1. **State recommends a County-level Program EIR to focus on topics not covered in the State’s Program EIR.** Given the County has not done the Program EIR, the County cannot claim “categorical exemptions” for individual projects; and
2. **CEQA review for a permitting “ordinance” is not required only if the County Ordinance requires project-specific discretionary review.** Chapter 38 and its SMND do not require project-specific CEQA review. The SMND had minimal ordinance or cumulative impact evaluation, and given its deficiencies, is unlikely to meet this standard.
3. **Project-specific CEQA review, as done under the current Conditional Use Permit (CUP) process, is required:** Issuance of a State License is discretionary; thus, Sonoma County’s ministerial permit process does not remove the State’s project-specific CEQA requirement.

CDFA verification of required project-level CEQA review: On February 12, 2021, a CDFA Director verified that: “*If a county did not require project-specific CEQA review, then the Applicant would need to complete the necessary documentation for CDFA to serve as lead*”

agency.”

Acting as lead agency, CDFA will ensure project-specific CEQA analyses, certify and then prepare the Notice of Determination prior to issuing a State License to Applicant.

Point I B: The Ag Resource Element amendment deeming cannabis a “crop” does not override the State “Right to Farm” law. (Government Code 3482.5) The public is concerned that Sonoma County’s General Plan amendment may be an attempt to provide cannabis operations immunity from nuisance laws. Substantive evidence and expert testimony show that cannabis operations create nuisance noise, vineyard damaging terpene compounds, skunk-like smells and drawdown of adjacent wells. These nuisances impact grape growers, vintners, hospitality venues, neighboring homeowners, schools, parks and other sensitive receptors.

The County’s zoning code Section 30-25 states that agricultural operations must comply with State law, and generally reiterates the State’s Right to Farm law language. (endnote) Regardless, of Chapter 38 and SMND assertions, the County must comply with the State Right to Farm law.

State law text: *“No agricultural activity... shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began.”*

Neighboring property owners face timing issues to secure their right to a nuisance suit – yet, are left in limbo with un-permitted cultivation being allowed to continue operations: State law infers that a property owner must file a claim at the time a cannabis operation begins; with the owner having three years of protection from changes in operations that create a new nuisance.

Issue 1: Chapter 38 leaves out a key phrase from the State Right to Farm law: “if it was not a nuisance when it began.” This omission changes the meaning significantly, making it appear that a property owner has no recourse if a cannabis cultivation activity impacts their right to the peaceful enjoyment of their property.

Page 17 of SMND amplifies the County’s intention to undermine neighboring property rights: *“Sonoma County revised the Right-to-Farm Ordinance in 1999 to help protect, enhance, and encourage farming operations. The Ordinance requires recordation of a declaration acknowledging the right to farm in connection with certain development approvals within 300 feet of any land zoned for agricultural use and does not permit any neighboring property located on or adjacent to agricultural land to oppose any inconvenience or nuisance caused by any type of properly conducted agricultural activity on agricultural land.”*

Issue 2: Many un-permitted Penalty Relief Program cannabis operations are creating on-going nuisance situations through their operations. County delays in enforcement or year-long delays in scheduling BOS appeals for operations denied by the Planning Commission have placed adjacent property owners in an untenable position. Most property owners have filed complaints – yet the nuisances continue.

Explain why this important distinction was omitted from Chapter 38 and how the language in the SMND protects neighboring property rights. And, verify when the clock starts for a property owner to file a nuisance claim.

Point I C: State Water Code 13149 – Water Board General Order 2017-0023- DQA: Under State Water Code 13149, Sections 8102 and 8017, Applicants must obtain State approval and permits for waste discharge, and Stormwater Pollution Prevention Plan (NPDES) Permits. Under the General Order, Applicants must prepare a Site Management Plan, Site Erosion and Sediment Control Plan, and a Nitrogen Management plan for cultivations over one acre.

State Water Code 8102 requires the applicant to enroll with the State, identifying all water sources used for cultivation, including details of well drilling reports, letters from commercial water suppliers, and evidence of direct diversion compliance.

No cumulative Water Demand Analyses: Sonoma County has not put a cap on the number of permits or acres of potential cannabis cultivation. Nor, has the County prepared/ released projected cannabis water demand analyses. Water demand and water availability are major concerns given cannabis uses about 1 million gallons/ acre per harvest, with mixed light hoop houses or greenhouse cultivation capable of 2-3 harvests/year.

Please release Sonoma County Water Agency's assumptions and projections of future water demand, identifying the amount assumed to meet cannabis cultivation water needs.

CA Department of Fish and Wildlife are responsible for **Streambed Alteration Agreements** to ensure diversion projects include measures to protect springs, wetlands and aquatic habitats from negative impacts of cannabis cultivation.

Issue 1- Fish and Wildlife: On ag and resource lands, the primary source of water is groundwater pumping. In addition to the State Water Code, the Business and Professional Code Section 26060 requires CDFA cannabis cultivation licenses to include conditions requested by the Dept. of Fish and Wildlife and State Water Resources Control Board to ensure that:

*"...individual and **cumulative effects of water diversion and discharge** associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. The conditions shall include, but not be limited to, the principles, guidelines, and requirements established pursuant to Section 13149 of the Water Code."*

In 2018 and again in 2021, the National Marine Fisheries Service (NMFS/NOAA) informed Sonoma County that its processes to review and implement required well testing and hydrogeologic reports were inadequate. This deficiency is compounded by the fact that Sonoma County has not completed cumulative impact analyses, **leading to an incorrect assessment of groundwater overdraft and impact on stream flow.** (2018 and 2021 NOAA Letters).

Please verify in writing the details of how/in what ways the County has corrected NOAA identified deficiencies. Also explain permitting requirements for zone 3 and 4, and additional requirements for impaired or special-species watersheds.

Issue 2 – SGMA GSAs: Government Code 65350.5 Water requires, "Before adoption of any substantial amendment of a county's General Plan, the planning agency shall review and consider all of the following..." 1) Adoption or update to groundwater sustainability plan or groundwater management plan; 2) adjudication of water rights; and 3) an order

or interim plan by the State Water Resources Control Board pursuant to Chapter 11 etc.

Sonoma County is opening up to 65,000 acres of ag and resource lands to high-water demand cannabis cultivation. As General Plan amendments must be considered by the Planning Commission, please provide documentation that the above requirements were met prior to the March 18th hearing.

Pursuant to the Sustainable Groundwater Management Act (SGMA), the Department of Water Resources administers Groundwater Sustainability Areas (GSAs). In 2020, the Supreme Court ruled that a GSA is authorized under SGMA to request, *“that the county forward permit requests for the construction of new groundwater wells... to the groundwater sustainability agency before permit approval”*... GSAs further have the authority to require registration of all wells. ... and, counties and GSAs may wish to confirm their potential roles as either a CEQA lead or responsible agency.”

Sonoma County has several GSAs. A January 2021 report for the Petaluma GSA titled *Projected Water Budget and Scenario Modeling: Projected Water Demand Assumptions* proposes to complete its analysis with assumptions for a reduction in irrigated grazing land, an increase in vineyards, and **zero cannabis cultivation**. (Petaluma GSA report)

Please verify whether cannabis cultivation permits have been issued or applications are pending in the Petaluma GSA basis, and, explain why the GSA water demands omit cannabis cultivation.

The SMND poses a “Net Zero Water Plan” mitigation measure, yet provides no substantive evidence as to how it works or analyses of potential groundwater impacts from wastewater irrigation or catchment.

Please provide information and clear examples of how **Net Zero Water Plans** work – in what ways do conservation, catchment or wastewater irrigation via pipeline reduce the demand for one to two million gallons/ acre/ per harvest to zero?

II. Non-compliance with General Plan Elements, cumulative impact analyses or required CEQA Utility Impact analyses: CDFA allows counties to define their regulatory framework via the General Plan, Land Use Policies and Implementing Ordinances. Sonoma County is claiming the cannabis ministerial ordinance complies with the General Plan because the County amended the Ag Resource element. This circular logic, applied in other counties, has not held up to judicial review.

Point II A: General Plan Noise and Open Space Elements: Chapter 38 noise analyses and mitigations, even when using non-conforming measurements from the noise source to a neighboring structure, instead of to the property line resulted in noise levels exceeding the thresholds set in the Noise Element. The analyses also require future mitigations by a separate department. These findings of “no impact” must be set aside.

Significant concerns about the visual/ aesthetic impacts of hoop houses and acres of greenhouse structures on our scenic corridors, landscape units and open space lands. Compliance with the Open Space Element are not addressed in the Ordinance or its SMND.

Please explain why the Chapter 38 analyses do not use the measurement from the noise source to the **exterior property line**, as required by the Noise Element. Analyses using the

non-compliant measurement from the noise source to a neighboring structure must be set aside.

Please provide documentation as to how Chapter 38 permitting will protect our open spaces, conservation easements, scenic landscape units and scenic corridors, not just State Scenic Highways.

Point II B: CEQA Section XIX: Utilities and Service Systems: Utility system new infrastructure and upgrade requirements place a large tax burden on Sonoma County taxpayers and utility ratepayers. Sonoma County has not prepared or released impact analyses for its utilities and service systems even though CEQA clearly requires that the County define the need for new or expanded water, wastewater, storm water, energy, and solid waste facilities, and to make a determinations that the County has:

- Sufficient water supplies available for the project and reasonably foreseeable future developments during normal, dry and multiple dry years;
- Wastewater plant capacity and treatment processes with the ability to serve new demand as determined by multiple large and small wastewater treatment providers; and
- Solid waste landfill infrastructure to handle new waste stream, with disclosure as to whether the waste generated will impair solid waste reduction goals.

Several areas of the SMND indicated potential cumulative impacts to utility functions from increases in commercial cannabis cultivation and processing, and could not state the “no impact” standard. And, the SMND did not fully analyze and disclose the possible consequences of having to build additional water facilities, conveyance pipelines or upgrade waste treatment systems. For example, the SMND alluded to a significant impact to landfills, yet did not address the volume of potential waste such as annual replacement of disposable hoop house plastics or disposal of soil from pot and greenhouse cultivation.

Other SMND Sections without cumulative or fiscal impact assessments include, but are not limited to: I. Aesthetics; III. Air Quality; VI: Energy; VIII Greenhouse Gas Emissions; XV Public Services (police and fire), and XVII Transportation.

Two Examples: First, the GHG section finds that, “Although the updated Ordinance would result in greater GHG emissions from transportation, water use, and solid waste disposal, the requirement of **100 percent renewable energy would nearly eliminate increases in GHG emissions from energy use.**” The finding is not supported by substantive evidence as to how much GHG emissions are generated from transportation, water use and solid waste disposal versus how much energy will be generated on-site or offset with purchasing a credit.

Second, it’s a big stretch to find that low-income workers will use fuel efficient vehicles: which is required to make the **finding for Transportation VMT:** “State regulations such as the Low Carbon Fuel Standard would require vehicles to reduce the carbon intensity of transportation fuels, thus reducing GHGs emitted from employees commuting to cultivation sites.”

As the SMND did not complete the required CEQA Section 15 analyses of whether the projected cannabis water, wastewater or landfill demands would require future upgrades to utility plant of public services, please prepare and release projections of the upgrades and costs necessary to accommodate future demand.

Napa County prudently completed an [Election's Code 9111 Report](#) to analyze land use, environmental, and fiscal impacts of opening its ag and watershed lands to commercial cannabis cultivation – and determined the risks and costs were too great.

Point II C: Recent Court Cases: At the March 8th listening session, County officials indicated they had not studied other counties. Without such benchmarking, Sonoma County is repeating many of the same mistakes made by other counties – either insufficient environmental review or permitting an over-capacity, such as Santa Barbara or Humboldt.

Attempts by other counties to approve commercial cannabis cultivation through ministerial permits without adequate CEQA analyses have been struck down by the courts or repealed via settlement negotiations.

Examples include, yet are not limited to:

- San Mateo County: SMC Marijuana Moratorium Coalition v. County of San Mateo, et. al. (San Mateo Superior Court Case No. 18CIV00206) – **repealed ministerial permit process**
- Trinity County: Trinity Action Association v. County of Trinity, et al., Case No 19CV001 (2019) – **required Program EIR**
- Humboldt County: FRIENDS OF THE EEL RIVER v. COUNTY OF HUMBOLDT, et al. – **Negotiations led to an updated Ordinance and resolved certain issues:** “*Adverse watershed impacts associated with marijuana cultivation include increased sediment from roads, stream crossings, and grading activities; dewatering salmon-bearing streams; and introduction of toxic pesticides and fertilizers.*” **Required mitigation fund allocations.**

Plaintiffs note that Humboldt County’s “cap” of 3,500 permits may produce **twice as much cannabis as the entire state of California is likely to consume.**

III. Ordinance Chapter 38 does not meet CEQA’s Article 19 definition of Ministerial Permitting: To obtain a County permit, discretionary decision making is required by Sonoma County’s Ag Commissioner staff.

A fair argument can be made that the County has not provided substantive evidence to support a finding of “No Impact” in all CEQA areas. The extent (up to 65,000 acres) and variety in the types of land (LIA prime soils, large parcel LEA, RRD resource and watershed land, and small parcel DA zones) being opened to commercial cannabis cultivation have a myriad of unique and sensitive attributes.

The County’s proposed Ministerial process via Chapter 38, Section 12 Standards has some numerical standards, and many unenforceable Best Management Practices that can be modified or rescinded at any time by the Ag Commissioner.

The ministerial process does not meet the CEQA requirement that the County review “the whole of a project” – there is no Program EIR, little cumulative impact assessment, merely review of individual reports. This does not meet the requirement to review a project and its site conditions as an integrated whole and the County cannot make the Mandatory Finding of Significance.

Point IIIA: CEQA Guidelines Article 19: Ministerial: (Section 21080) and Section 15002 (i)(1) and Section 15369) Article 19 clearly defines Ministerial Permits – A Project is ministerial if: **The Lead Agency can see *with certainty* that there is *no possibility* that the activity may have a significant impact.** (emphasis added)

The Article sets specific criteria for Lead Agencies:

1. No physical change to the environment;
2. Location has no sensitive attributes (stream, wetland, steep slope, sensitive receptor)
3. Fixed standards and objective measures; and
4. Staff have little personal judgement or discretion;

Issue 1: (Criteria 1 and 2): No physical change to environment or sensitive habitats:

- a) By definition, projects requiring fencing, 24-hour security, lighting, water and power infrastructure and nuisance-related setbacks change the physical environment.
- b) Most locations in Ag zones and especially the RRD zone have **sensitive physical attributes** (streams, wetlands, slopes, heritage trees, etc.). It is inconceivable that the Ag Commission staff have the expertise to determine the accuracy of each report/plan or the site conditions pertinent to all the plan’s subject areas!

The scope and fragility of the environmental resources in the Significant Impact Area are not appropriate for ministerial permitting: Over 80 percent of Sonoma County’s land areas are either zoned Agricultural or Resource. The SMND identifies over 650,000 acres as Ag or RRD zoned land with parcels over 10 acres in size. The Ordinance then excludes certain categories of land, resulting in opening up to **65K acres of land to high-intensity cultivation**, much on previously uncultivated open space or pasture/oak woodland land.

Thus, even small acreages in certain locations will have significant groundwater and renewable energy interconnection impacts as well as the potential for nuisance odor and neighbor and wildlife-disturbing noise impacts.

With little or no enforcement, merely requiring a set of disassociated “plans,” with no discretionary analyses as to their accuracy or effectiveness will not mitigate unique, site-specific environmental impacts. The finding of “no significant impact” is not supported by substantive evidence.

Issue 2a: Discretionary review required – BMPs and Future Mitigations (Criteria 3 and 4): In an attempt to incorporate standards into the Ministerial process, the Ordinance and SMND identify about 20 separate reports, studies or permits required for review and approval from a State Agency or Review and Approval by County Ag Commissioner Staff either prior to or during the ministerial permit process.

Many reports and plans **do not lend themselves to fixed standards or measures**; thus, they require discretion to determine if criteria are met or measures meet the objectives – these are discretionary reviews. Some reviews are sent to Permit Sonoma for decision-making; however, merely stating “discretionary review is done by Permit Sonoma rather than the Ag Commission staff” does not make the process Ministerial – it merely proves that a Conditional Use Permit is required.

In addition, certain Chapter 38 sections define exceptions or additional requirements over Chapter 26 base zoning requirements. For example, determining the allowed acreage of cannabis new structures requires cross-referencing different elements of the zoning code and several calculations. Thus, not all areas lend themselves to yes/no standards.

Under CEQA: future mitigations are not allowed. When an impact occurs, such as HVAC equipment not meeting noise standards, the SMND defers mitigation to future actions by Permit Sonoma under Code Chapter 26, building department to specify “extra shielding.” Given noise impacts require future mitigations that must be communicated to the building department, the process requires written conditions in a Use Permit, they are not ministerial.

And, really, three neighbors have to complain about an impact, when expert testimony exists stating to be effective, setbacks need to be 500- 1000 feet from neighboring property lines. (Yolo and Napa county reports)

Best Management Practices: (BMPs) Likewise, BMPs are voluntary, not mandatory and thus are not enforceable. In addition, Chapter 38 Best Management Practices can be revised, amended and rescinded at any time by the Ag Commissioner.

Issue 2b: The “Ministerial” process identifies a number of additional Permits, Reports and Plans to be obtained by Applicant and reviewed by County staff. (endnote)

A project requiring nearly 20 plans and reports covering a variety of impact areas, **cannot make the finding that the project has “no possibility of environmental impact”**. And, permitting up to 65,000 acres of projects – or even the industry-proposed 6,500 acres - results in a permitting program with significant cumulative impacts. Yet, this ministerial permit process does not stand on a foundation of a Program EIR, cumulative impact assessments or even project-specific CEQA reviews.

Determinations on the findings of the reports and plans require a vast array of knowledge in different technical areas. If any discretion is used, see court decision:
Protecting Our Water and Environmental Resources v. County of Stanislaus.

The Ag Commission staff must review these reports, and determine whether the application meets or does not meet certain criteria. **If there is an impact requiring mitigation, the applicant is referred to Permit Sonoma for a Conditional Use Permit – by any other name, this is discretionary decision-making.**

Conclusion: For the above stated reasons, supported by fact or substantive evidence related to inconsistencies with State law, **please set aside the Chapter 38 ministerial permitting process, the deficient SMND, and certain revisions to Chapter 26 of the Zoning Code.**

The County did not complete the State CDFA recommended Program EIR, and the SMND has little to no cumulative impact analysis; thus, the **documents cannot meet the Mandatory Finding of Significance.**

The Neighborhood Coalition respectfully requests that Sonoma County complete a Program EIR; then, amend the 2018 Cannabis Ordinance – a CUP-based ordinance that complies with State environmental and licensing law governing cannabis cultivation.

Submitted by: Judith Olney Healdsburg, CA

ENDNOTES and ATTACHMENTS

Verification Emails with CDFA: From: "Parrott, Richard@CDFA" <Richard.Parrott@cdfa.ca.gov>
Date: February 12, 2021 at 10:36:55 AM PST
To: Bridget Beytagh <beytagh@sonic.net>

Subject: RE: More clarification

Good morning Ms. Beytagh, **You are correct that if a county did not complete a project level CEQA review, then the applicant would need to complete the necessary documentation for CDFA to serve as lead agency.** The CDFA has worked with many local jurisdictions on a pathway for CEQA compliance and it is recommended applicants verify that there is no project level CEQA being provided by their local jurisdiction rather than attempting to provide their own project-level CEQA review. If you have questions about a specific jurisdiction I can provide information about whether or not there is a pathway in place with that jurisdiction for CEQA compliance.

Best regards, Richard Parrott, Director
CalCannabis Cultivation Licensing Division California Department of Food and Agriculture (916) 263-0801
calcannabis.cdfa.ca.gov

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

From: Bridget Beytagh <beytagh@sonic.net>
Sent: Monday, February 8, 2021 3:59 PM
To: Parrott, Richard@CDFA <Richard.Parrott@cdfa.ca.gov>
Subject: More clarification

CAUTION : [External Email] - This email originated from outside of our CDFA organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe.

Dear Mr. Parrott, Thank you so much for your January 29th response, and for the timely clarifications. As we read MAUCRSA and the CDFA clarifying memos, it is clear that to obtain the required discretionary State license, there are State - set CEQA compliance requirements.

Recent documents released by our county officials show they are actively working several processes that do not align with State Law, as we understand it. For further clarification: If a county's regulations permit cannabis grows without program level or project- specific review, it is our understanding that the applicant would need to complete the required project-level CEQA review with CDFA serving as the Lead Agency.

Is this understanding correct? Sincerely, Bridget Beytagh

From: "Parrott, Richard@CDFA" <Richard.Parrott@cdfa.ca.gov>
Date: January 29, 2021 at 1:44:21 PM PST
To: Bridget Beytagh <beytagh@sonic.net>
Cc: "Cornell, Margaret@CDFA" <margaret.cornell@cdfa.ca.gov>
Subject: RE: Cannabis classification

Good afternoon Ms. Beytagh,

I received your e-mail below regarding changing the classification of cannabis from a product to a crop in relation to transitioning to a ministerial process, whether the state considers this legal, and plans for

the state to change the designation of cannabis to a crop. From your e-mail I understand that the **question about changing the designation of cannabis from product to crop, relates to CDFA regulations with respect to California Environmental Quality Act (CEQA) compliance and impacting a local jurisdictions ability to establish a ministerial process.**

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) respects local authority to establish their own process for regulating commercial cannabis activity including if the local jurisdiction wants to establish a ministerial process for CEQA purposes. The current designation of cannabis in the MAUCRSA of cannabis as a product does not prevent a local jurisdiction from establishing a ministerial process for CEQA purposes. **However, the issuance of a state license under the MAUCRSA is a discretionary process that requires CEQA compliance. Even if the designation of cannabis was changed to a crop in MAUCRSA, this would not change the requirement to comply with CEQA because issuance of a state license is still discretionary. I am not aware of any current efforts to change the statutory designation of cannabis from a product to a crop in the MAUCRSA.**

If you have any questions please let me know.

Best regards, Richard Parrott, Director

CalCannabis Cultivation Licensing Division California Department of Food and Agriculture (916) 263-0801
calcannabis.cdfa.ca.gov

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

From: Bridget Beytagh <beytagh@sonic.net>

Sent: Monday, January 25, 2021 2:51 PM

To: Parrott, Richard@CDFA <Richard.Parrott@cdfa.ca.gov>

Cc: Cornell, Margaret@CDFA <margaret.cornell@cdfa.ca.gov>

Subject: Cannabis classification

Dear Mr. Parrott. I am writing to you for some help in trying to find out who to address concerns about counties trying to change the State law regarding the classification of cannabis from a product to a crop. We, in Sonoma County have very proactive cannabis industry working closely with our officials to transition to the ministerial process and declare cannabis a crop. I understand that the State does not consider that legal. Does the State have plans to make the change? Who would be the person to go to for more information on this subject?

Thank you for the help, Bridget Beytagh

ENDNOTE: State Right to Farm Law Text vs Sonoma County Ordinance

State Right to Farm law: *(1) No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, **after it has been in operation for more than three years if it was not a nuisance at the time it began.***

(2) No activity of a district agricultural association that is operated in compliance with Division 3 (commencing with Section 3001) of the Food and Agricultural Code, shall be or become a

private or public nuisance due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began.

Sonoma County Section 30-25 Nuisance – agricultural operation: *No agricultural operation conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the county, shall be or become a nuisance for purposes of this code or county regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable federal, state, and county statutes, ordinances, rules, regulations, approvals, and permits. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation.*

ENDNOTE – Sonoma County Applicant-required Studies – Plans - Reports

- a. **State Water Resource Control Board** (per General Order 2017-0023-DWQ) – state retained control of requirements and for water quality and stormwater review:
 - Site Management Plan
 - Nitrogen Management Plan (cannabis cultivation 1 acre plus)
 - Site Erosion and Sediment Control Plan – on Slopes 30-50%
(Note: Ministerial permit only on slopes less than 15%)
 - Storm Water Pollution Prevention Plan - National Pollutant Discharge Elimination System (NPDES) Permit – Notice of Intent
- b. CA Fish and Wildlife: **Streambed Alteration Agreement** for diversion projects
- c. **Demonstrate on-site water availability** for all uses on a sustained basis
 - Letter from Retail water supplier
 - Letter from Recycled Water supplier (requires pipe interconnection – no trucking)
 - Proof of Groundwater Zone 1 or 2 and location relative to Dry Creek, etc.
 - **Groundwater Zones 3 and 4:** extensive documentation, well testing and hydrogeological report
- d. **Other Reports and Plans** – with no synthesizing CEQA document – and many without fixed standards
 1. Biotic Resource Study & Plan / Riparian Corridor Study
 2. Fire Prevention Plan – some requiring Wildfire mitigations
 3. Recycled Water Plan
 4. Groundwater Monitoring and Reporting Plan – plus GSA requirements
 5. Design Review - Structure Design Standards
 6. County Tree Removal/ Replacement Permit:
State permit requirements for Timberland - Minor and Major timberland conversion
 7. Energy Conservation Plan
 8. Odor Prevention Plan
 9. Paleontological and Cultural Resource Study
 10. Hazardous Materials and Remediation Report – identify whether previous uses on the site used pesticides or arsenic
 11. Promotional Event Zoning Permit (not specified, yet required)
 12. Traffic Generation Report – prove fewer than 110 Avg Daily Trips (ADT)
(or provide analysis of ADT and VMT (vehicle miles traveled) impacts)

ATTACHMENTS

NOAA 2018 and 2021 Letters

Petaluma GSA January 2021 Projected Water Demand Assumptions



UNITED STATES DEPARTMENT OF COMMERCE
National Ocean and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

August 30, 2018

Tennis Wick, Director
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Mr. Wick:

This letter communicates NOAA's National Marine Fisheries Service's (NMFS) concerns regarding Permit Sonoma's current protocol for analyzing and permitting cannabis cultivation in Sonoma County, California. NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), and ESA-listed Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), CCC steelhead (*O. mykiss*), and California Coastal Chinook salmon (*O. tshawytscha*) reside within many rivers and streams throughout the County. Our concerns stem from the recent proliferation of permitted cannabis cultivation that may have undetermined impacts within watersheds important to the survival and recovery of these salmonid species.

State Water Board regulations concerning cannabis cultivation water usage contain required best management practices (BMP's) highly protective of instream flow volume and fish habitat, such as requiring summer forbearance, winter diversions, and fish friendly bypass flows. However, similar BMP's are not required by the State Water Board for cultivation sites utilizing wells as a source for cannabis cultivation. Because of this discrepancy under state law, the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as their water source. We are concerned in particular, that wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may impact groundwater/surface water dynamics and result in streamflow depletion.

NMFS appreciates Sonoma County's required hydrogeological analysis pursuant to General Plan Policy WR-2e, Policy and Procedure 8-1-14, and section 10d of Exhibit A-2 of County Ordinance No. 6189 regarding water availability in Zone 3 and 4 areas.¹ However, after reviewing many hydrogeologic analyses recently submitted to Permit Sonoma as part of individual cannabis cultivation applications, NMFS shares the following comments and suggestions on the analyses, and on Sonoma County groundwater issues in general.

¹ Sonoma County has produced a map delineating the county into groundwater availability "zones". Based largely upon underlying geologic material. The four zones are: Zone 1 – Major Groundwater Basin; Zone 2 – Major Natural Recharge Area; Zone 3 – Marginal Groundwater Availability; and Zone 4 – Areas with Low of Highly Variable Water Yield. A copy of the map can be found at http://www.sonoma-county.org/prmd/gisdata/pdfs/grndwater_avail_b_size.pdf



Specific concerns regarding the analyses conducted

Appropriate level of coordination and evaluation of cumulative impacts has occurred consistent with the General Plan. According to Sonoma County's "Procedures for Groundwater Analysis and Hydrogeologic Reports":

"Prior to conducting the hydrogeologic study, the consultant shall coordinate with Permit Sonoma staff to determine the appropriate cumulative impact area and the projected development within that area. The determination whether or not cumulative impacts have been adequately addressed in the hydrogeologic report will be based upon joint review of the Registered Environmental Health Specialist or the Professional Geologist who responds to the project referral and the Planner, as part of preparing the project Initial Study in accordance with the California Environmental Quality Act (CEQA). If the cumulative impacts in the agreed upon Cumulative Impact Area are determined to be significant adverse impacts or if these impacts are not adequately addresses, the project would be inconsistent with the General Plan".

In our review of the hydrogeologic analyses included in recent cannabis cultivation applications, there was no mention of coordination between Sonoma County planning staff and the consultant conducting the analysis, or documentation of any coordinated determinations made, regarding cumulative impacts, as required in your procedures. Therefore, we question whether each cumulative impact area was properly identified, and potential adverse impacts determined and adequately addressed.

Lack of identification of existing and abandoned wells within the Cumulative Impact Area. Incomplete consideration of existing and abandoned wells could lead to insufficient data generation when evaluating: 1) interconnections with the nearest surface water bodies and 2) pumping well interference with surrounding wells.

Lack of adherence to well pump test guidelines in water scarce areas. According to the County's "Procedures for Groundwater Analysis and Hydrogeologic Reports", test wells are required in Class 4 water scarce areas. Also, the test must be conducted from July 15 to October 1 each year or as extended by the Project Review and Advisory Committee. This time period is referred to as the dry weather pump test period. However, upon review we noted some hydrogeologic reports did not conduct the test during the dry weather pump test period, but instead during the winter/spring period. Adhering to this requirement is critical, since the period when well pumping most impacts streamflow and stream-dwelling salmonids is summer and early fall, when streamflow is naturally lowest.

Adherence to perform proper water balance assessments. Equally important is the water year type chosen for analysis. All water balance assessments should present results for a range of year, including dry years when groundwater pumping impacts are likely greatest. Several of the reviewed hydrogeologic reports present only average water year results. One report roughly simulated a drought condition by assuming 60 percent of the average yearly rainfall, but all other variables in the assessment remained the same (the assumption was not well supported in the analysis). Finally, the range of hydrologic and precipitation data used for analysis varied from

report to report; the County should consider providing greater guidance in their protocol documents. For instance, one report only utilized precipitation information from 1945 to 1970. A proper water balance assessment should be calculated with up to date, available data that can be obtained from several sources (*e.g.*, California Irrigation Management Information System (CIMIS), NOAA National Centers for Environmental Information, *etc.*) and should include an evaluation of dry, average and wet years.

Addressing impacts to interconnected surface waters and aquatic habitat. The reports do not properly evaluate significant impacts to groundwater overdraft and potential changes in summer baseflows. It is recommended to analyze the daily hydrological variability during late spring (outmigration), summer and early fall.

Assessing impacts to water temperature. Groundwater discharge provide cool-water environments that protect fish from excessively warm stream temperatures during the summer. Reducing the rate of groundwater discharge to streams by unsustainably pumping hydraulically connected groundwater can warm stream temperatures during the summer and cool stream temperatures during the winter (Barlow and Leake, 2012). The County's required groundwater analysis does not consider this important impact.

General comments relevant to management of ground water in Sonoma County

Chronic lowering of Ground Water levels

The hydrogeologic analysis currently required by County regulations only investigates short-term groundwater dynamics and their potential influence on streamflow depletion. A common misconception is that streamflow depletion stops when pumping ceases. Streamflow depletion continues after pumping stops because it takes time for groundwater levels to recover from previous pumping stress and for the depleted aquifer defined by the cone of depression to be refilled with water (Barlow and Leake, 2012). Analysis addressing this potential impact is required under General Plan Policy WR-2e, which states....

Sonoma County must deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. (emphasis added)

Without an evaluation of long-term trends in groundwater elevation, and how a negative long-term trend, if present, can exacerbate short-term fluctuations caused by well pumping, we question whether impacts to overlying streamflow can be completely assessed, and advise that a hydrogeologic report which fails to address these issues be labeled deficient per County policy.

Lack of coordination between Cannabis Permit Procedures and the Sustainable Groundwater Management Act

As alluded to above, Permit Sonoma does not appear to be considering future groundwater management required under the Sustainable Groundwater Management Act of 2014 (SGMA) when permitting groundwater use for cannabis cultivators and other water users. SGMA requires that groundwater basins that are unsustainably managed (*i.e.*, having one or more of six undesirable results caused by overdraft, of which streamflow depletion impacting beneficial uses is one) must achieve sustainability (avoiding all undesirable results) through developing and implementing a 20-year Groundwater Sustainability Plan. Currently, the County contains three basins requiring groundwater management per the Act, while three additional Sonoma County basins were recently upgraded by the State as exhibiting unsustainable groundwater use and will also require future groundwater management.²

Generally speaking, restoring these basins back to sustainability will likely include greater groundwater recharge, less groundwater pumping, or some combination of the two. That Sonoma County is considering permitting groundwater use for cannabis cultivation and other development in overdrafted basins governed under SGMA is concerning, since some of these basins likely suffer from some degree of streamflow depletion currently that is potentially impacting ESA-listed salmon and steelhead. For example, the county has received 38 applications for cannabis cultivation sites overlying the Santa Rosa Plain groundwater basin, which is currently acknowledged as suffering streamflow depletion caused by groundwater pumping. These applications represent a tiny fraction of the over 400 suspected cultivation sites in the basin (Tim Dodson, CDFW, personal communication), so many more applications are likely forthcoming in the near future. In short, adding more groundwater pumping to these basins is inconsistent with restoring these basins to sustainability in the future. In SGMA groundwater basins, Sonoma County should either delay well permitting until SGMA coordination occurs, require the use of public water supplies, or require winter pumping and storage. Moreover, continuing to expand groundwater use in over-extracted basins may create conflict in striving to achieve sustainability amongst various users if future pumping restrictions are necessary.³

Exclusion Watersheds

Both Mark West Creek and Green Valley Creek watersheds high priority habitat for salmon and steelhead and support endangered coho salmon and threatened steelhead. Unfortunately, both of these watersheds are impacted by summer low flow caused primarily by groundwater pumping. A hydrology study by CEMAR (2015) concluded that groundwater pumping in Upper Mark West Creek likely results in lower summer baseflow, while low summer streamflow, partially caused by groundwater pumping, led to the State Water Board's 2014 Emergency Order restricting groundwater and surface water use aimed at protecting federal and state-listed

² The Santa Rosa Plain, Sonoma Valley and Petaluma groundwater basins are currently Medium priority under SGMA. The Alexander Valley, Healdsburg Area, and Wilson Grove groundwater basins are proposed for upgrading to Medium priority.

³ Unlike surface water, groundwater in California is not governed by the "first in time, first in right" doctrine. Instead, all property owners using groundwater have the same right to the resource regardless of when they first began using the resource, and thus may share in any future restrictions.

salmonids in Green Valley Creek. Moreover, Mark West Creek is one of five California streams prioritized for future flow enhancement and fisheries recovery as part of California's Water Action Plan. Since continued groundwater development in these basins will likely further impair summer baseflows in the future, NMFS recommends Permit Sonoma limit future groundwater development in these basins until the effects of long-term, chronic groundwater depletion and its impact on summer baseflow are properly analyzed. At minimum, NMFS suggests Permit Sonoma require that future groundwater pumping be limited to winter months when streamflow impacts are muted, and that pumped water be stored for summer use (*i.e.*, no summer pumping). We cite the CEMAR (2015) report, which recommended winter storage and summer forbearance as appropriate water resource management in Upper Mark West Creek.

NMFS appreciates the opportunity to present our concerns regarding groundwater development in Sonoma County and ways to minimize its potential impact on streamflow and ESA-listed salmonids. We look forward to working with the County in recovering salmon and steelhead populations while ensuring Sonoma County's economy remains strong. If you have any comments or questions regarding this letter, please contact Mr. Rick Rogers of my staff at rick.rogers@noaa.gov, or 707-578-8552.

Sincerely,



Robert Coey
North Coast Branch Supervisor
North-Central Coast Office

cc. (via email)
Bryan McFadin, North Coast Regional Water Quality Control Board
(Bryan.McFadin@waterboards.ca.gov) Corinne Gray, California Department of
Fish and Wildlife (Corinne.Gray@wildlife.ca.gov)
David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)
Lisa Hulette, County of Sonoma, Natural Resources Division (Lisa.Hulette@sonoma-
county.org)
Daniel Schultz, State Water Board (Daniel.Schultz@waterboards.ca.gov)

References

- Barlow, P.M., and Leake, S.A. 2012. Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow: U.S. Geological Survey Circular 1376. 84 pages. Available at: <http://pubs.usgs.gov/circ/1376/>
- Center for Ecosystem Management and Restoration (CEMAR). 2015. Report on the Hydrologic Characteristics of Mark West Creek. Nov 14, 2014 (Updated Jan 28, 2015). 58 pages. Available at: <http://cemar.org/pdf/Report%20on%20the%20Hydrologic%20Characteristics%20of%20Mark%20West%20Creek.pdf>



PETALUMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY

PROJECTED WATER BUDGET AND SCENARIO MODELING:
PROJECTED WATER DEMAND ASSUMPTIONS

Overview

- Assumptions for projected rural residential and agricultural water demands based on practitioner work group efforts
- Update on municipal purveyor projection methodology

Water Demand Assumptions for 50-Year Projected Water Budgets

- Considerable uncertainty in long-range projections
 - Developing assumptions for future water demands with high/low ranges helps to characterize that uncertainty
 - We will have opportunities to adjust to new information during 5-year updates
- 50-year projected water budgets will inform conceptual projects and actions that could be considered within GSP for potential future implementation by GSA
- However, prioritization and timing for future project planning and implementation will not be solely based on model projections
 - GSAs are not required to manage based on water budgets alone
 - SMC determine the need for projects and actions based on whether undesirable conditions are occurring or are likely to occur
 - Empirical data from monitoring for SMC during implementation is how we determine sustainable conditions

Overview of process for Rural Residential and Agricultural Uses

- Develop range of projected water demand assumptions (% growth/contraction)
 - Practitioner work groups provide expert advice and perspectives on future growth projections
 - Model will calculate projected demands for agriculture based on simulated climate conditions
- Use medium/mid-range values as model input with climate future scenario for 50-year projected water budget

RURAL RESIDENTIAL GROWTH PROJECTIONS

Projection Methodology

(Recap from October AC Meeting)

- Includes rural residential development reliant on groundwater
 - Parcels with individual or shared domestic wells
 - Parcels served by mutual water companies
- Excludes service areas of “large public water systems” serving over 500 connections:
 - Town of Windsor; California-American Larkfield; the cities of Santa Rosa, Rohnert Park, Cotati, and Sebastopol
- No planning agency projections available beyond 2040
- Uses Sonoma County Transportation Authority (SCTA) Traffic model:
 - Current model horizon is 2040
 - Divides County into 900 “traffic analysis zones” (TAZ)
 - Uses projections from PlanBayArea 2040, trued-up with local knowledge

Projection Methodology (continued)

(Recap from October AC Meeting)

- Calculated portion of TAZ within subbasin and model areas, and outside large public water system service areas
 - For TAZs that straddle large public water system service areas, assumed most growth occurs within municipalities
- Using TAZ data, we developed 2040 projections at TAZ level for three scenarios:
 - General Plan Buildout (“low” growth)
 - PlanBayArea2040 (“medium” growth)
 - PlanBayArea2040+25% (“high” growth)
- Projected each out to 2072 based on straight-line extrapolation of 2015-2040 projections

Results: Range and Proposed 50-Year Projections

Area	2015 Baseline Units	General Plan Buildout		PlanBayArea 2040		25% Above PlanBayArea 2040	
		Low		Medium		High	
		Annual Rate	Total New Units	Annual Rate	Total New Units	Annual Rate	Total New Units
In Basin	7116	0.2%	612	0.5%	2077	0.6%	2599
In Surrounding Watershed	5649	0.2%	560	0.5%	1734	0.7%	2170

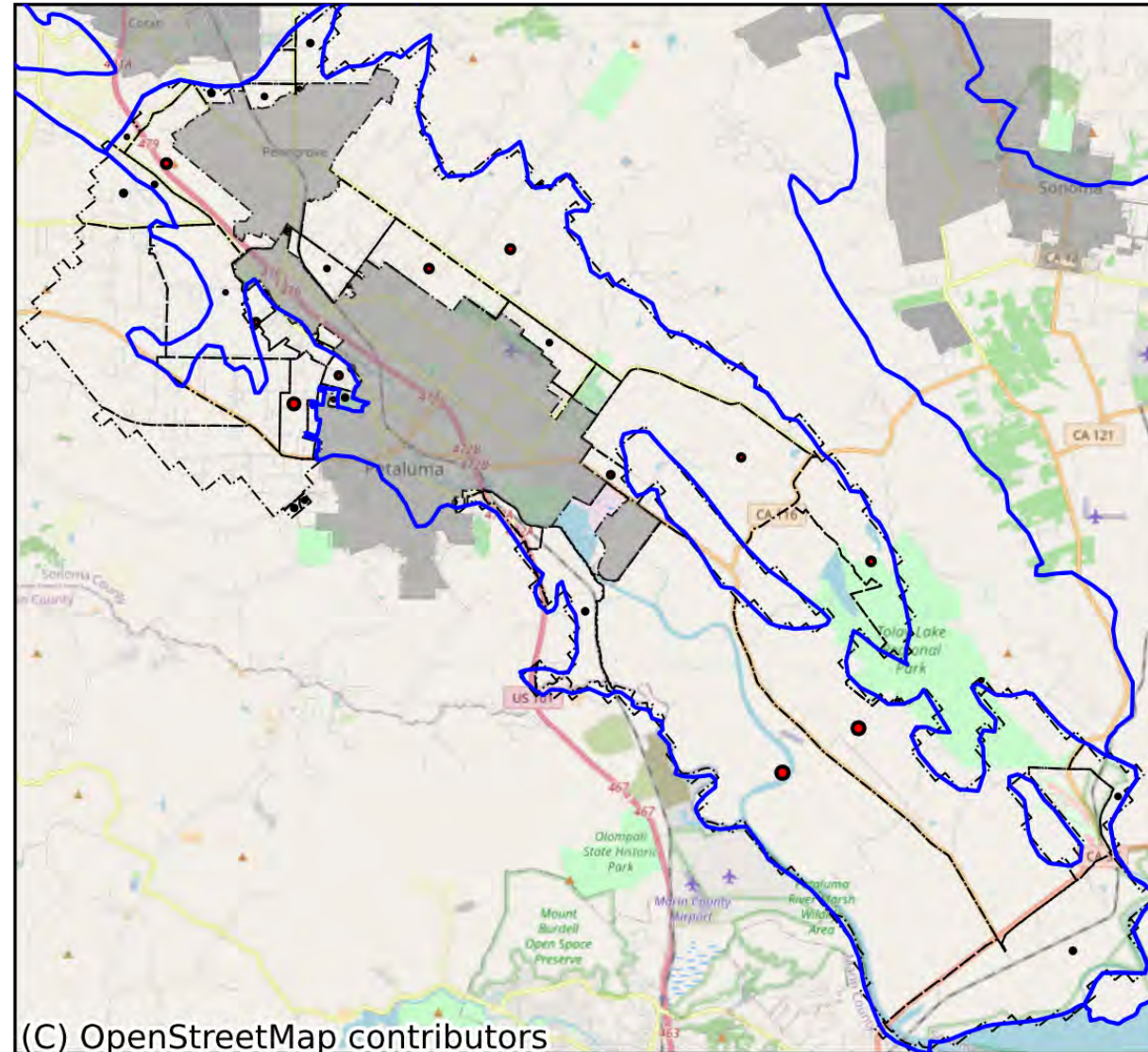
- As expected, growth in rural residential areas very low under all scenarios
- New units will be added to the model in 5-year increments distributed by TAZ
- Account for increased Accessory Dwelling Unit (ADU) development in model as percentage of new units (25% based on 2014-2018 data) with indoor water use only

Recommendations for Future Updates to Projections

- Revisit and update projections for each 5-year GSP update
- Account for Regional Housing Needs Allocation (RHNA) allocations for 2022-2030 once finalized
- Incorporate any new insights and updated population and housing forecasts from County's upcoming General Plan Update
- Track permitting activity within Subbasin and contributing watershed areas at TAZ level to validate SCTA model data and improve accuracy of projections over time

Results:
Distributing
projected
new units
within
model

Petaluma Valley Rural Residential Growth Number of New Parcels by 2070



Methodology for Calculating Per Parcel Water Demands within Model

- Methodology described in [Model Update Appendix](#) (presented to AC in July 2020)
- Average per parcel (single dwelling unit) water demand currently calculated by model is ~0.42 afy (average for all parcel sized in model domain)

$$Q_{\text{parcel}} = Q_{\text{indoor}} + \% \text{ Irrigated} \times I_d \times P_{\text{av}}(i)$$

$$\% \text{ Irrigated} = 2.80\%$$

$$I_d = 2.9 \text{ ft/year; Turf Irrigation Depth}$$

$$P_{\text{av}}(i) = \text{Parcel area (acres)}$$

$$Q_{\text{indoor}} (\text{In home use}) = 0.24 \text{ AF/year}$$

Requested Input

- Do projection ranges and proposed median values seem reasonable?
 - Yes
 - No (please provide clarification in chat)
 - No opinion - outside my area of expertise
 - I have additional questions

AGRICULTURAL PROJECTIONS

Reminder of Methodology and Initial Results from October AC Meeting

- Practitioner work group considered future changes in the following crops:
 - Vineyards, Irrigated pasture, Dairies, Grain and hay crops, Truck, nursery, or berry crops (including row vegetables and field crops such as hops), Orchards/deciduous fruits and nuts, Cannabis/hemp
- Developed survey form with workgroup and distributed to members of Farm Bureau, Community Alliance of Family Farmers, Sonoma Winegrape Commission.
- Perspectives from Work group and survey respondents generally consistent:
 - General reduction of farmed acreage for majority crop types, with vineyards, cannabis/hemp and truck crops cited as most likely to undergo moderate expansion

Reminder of Methodology and Initial Results from October AC Meeting

- Developed statistical regressions of historical county-wide acreage data for crop categories to inform bounds of projection ranges
 - Extrapolated trends are generally consistent with work group and survey respondents
- Cannabis/hemp will not be included for initial 50-year projections due to significant uncertainty associated with these recently permitted crop types.
- Develop process for distributing crop changes geographically within model

Steps Completed Since October AC Meeting

- Developed range (high/low) of reasonable changes in acreage of each crop using regression of historical trends and survey results to help identify uncertainty in estimates
- Used midpoint of ranges to develop land-use change projections for initial future 50-year water budget and “projected baseline” model scenario
- Obtained additional input from workgroup on approach and proposed ranges
- Shared methodology and approach with GSA Board (October 22)

Workgroup Participants Input following October AC Meeting

- Only significant input was that vineyard range of up to 48% increase was likely too high
 - Recommendation to research market trends/projections
- No quantifiable projections identified in suggested market information sources, although general finding was likelihood of lower growth due to recent flattening of demand
 - To account for this in projections we utilized lower and more recent (2008-2018) trends in historical vineyard acreage changes rather than 2000-2018 to better balance survey responses with historical trends – resulted in lowering high end of range to 36%

Methodology for calculating ranges and midpoint

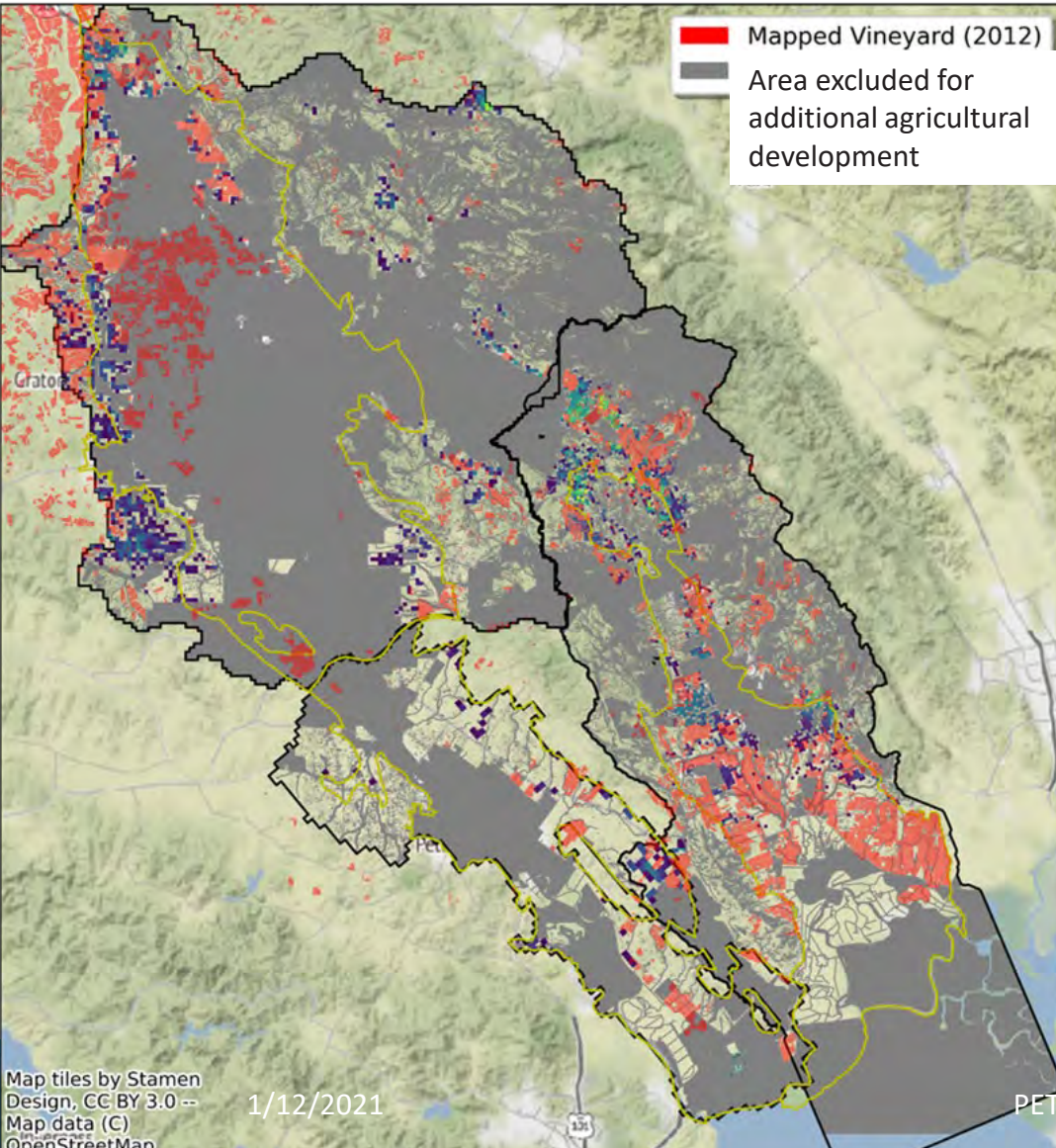
- Used a combination of the survey results and historical extrapolated data:
 - The higher (more positive/less negative) of the growth rates from the opinion polls and the historical extrapolated data is used for the high growth projections;
 - lower (less positive/more negative) is used for the low growth projections.

Methodology for calculating ranges and midpoint

- In order to balance and help reconcile the practitioners input on projected cropping changes with the historical extrapolated data, the following procedure was followed:
 - Where the most frequent survey responses indicated expansion (positive growth), the high historical extrapolated trend was used for the ranges;
 - Where the most frequent survey responses indicated no or negligible growth, the median historical extrapolated trend was used for the ranges;
 - Where the most frequent survey responses indicated contraction (negative growth), the low historical extrapolated trend was used for the ranges.

Methodology for distributing projected changes within model

Top 20.0% of Vineyard

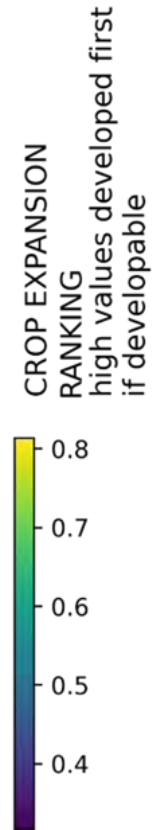


Determine Areas not available for future agricultural development based on:

- Developed and Urban areas (Sonoma County Vegmap Lifeform Mapping)
- riparian corridors as defined in the Sonoma County general plan
- a 50-foot buffer of streams (Sonoma County Vegmap)
- impervious areas (Sonoma County Vegmap)
- city boundaries defined by the Permit Sonoma
- critical habitat defined by the U.S. Fish and Wildlife Service
- areas in the California Protected Areas Database (CPAD)
- public non-protected lands
- non-ag lands held by the Sonoma County Agricultural Preservation and Open Space District
- VESCO Planting level I: lands with slopes greater than 50

Calculate probability that a parcel will be converted to a new crop based on physical characteristics:

- Slope
- Elevation
- Aspect
- Soil type
- Climate
- Location of existing crops



Results: Range and Proposed 50-Year Projections of Crop Growth/Contraction

**Ranges of growth in 50 years
(% Change)**

Crops	Ranges of growth in 50 years (% Change)		
	Hi	Mid	Low
Vineyards	36%	18%	0%
Truck, nursery, or berry crops (including row vegetables and field crops such as hops)	70%	38%	5%
Grain and hay crops	62%	26%	-10%
Orchards/deciduous fruits and nuts	-10%	-94%	-178%
Irrigated pasture	-10%	-65%	-138%

Extrapolated 2000-2018 Crop Report trends (high growth trend)

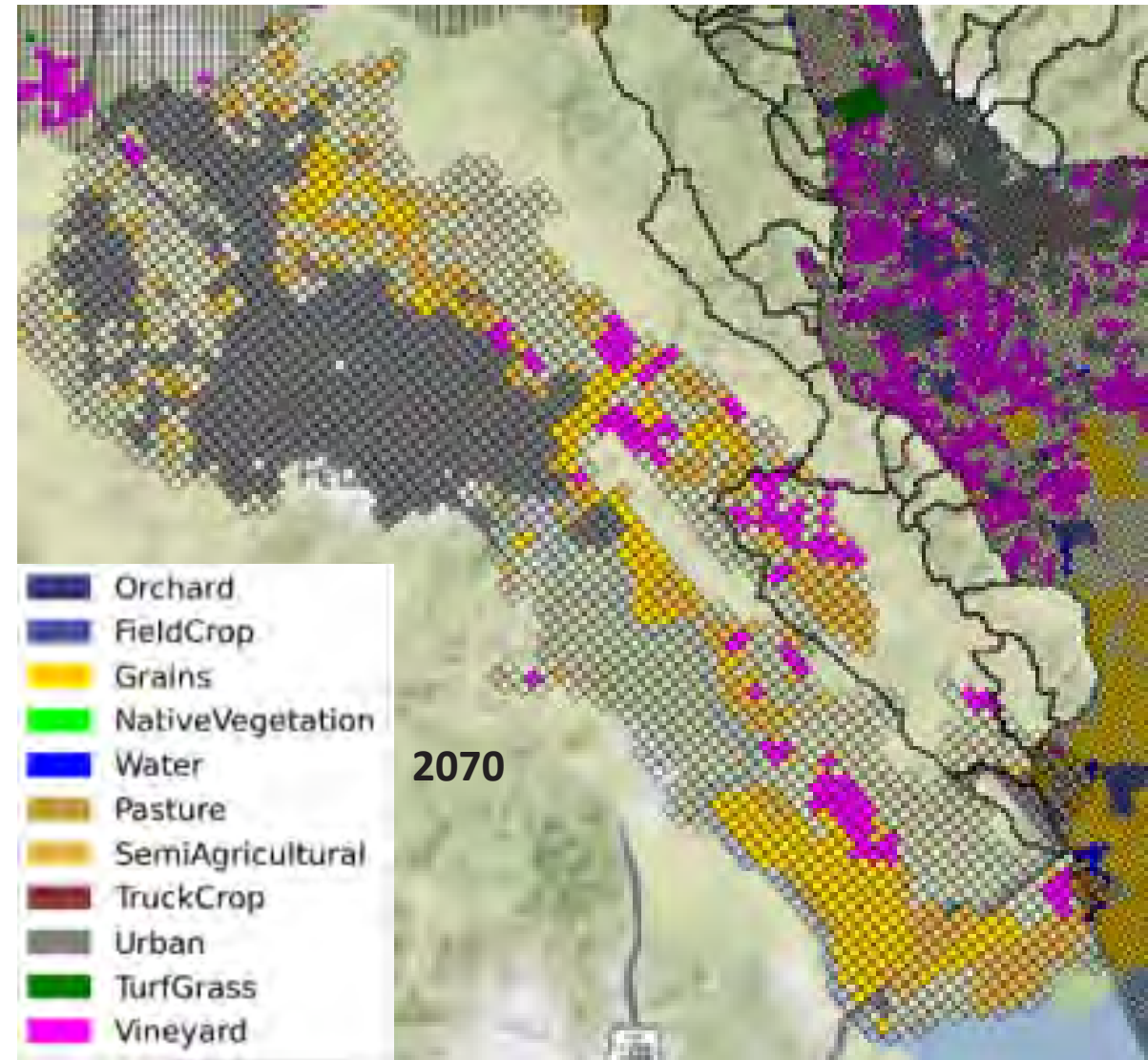
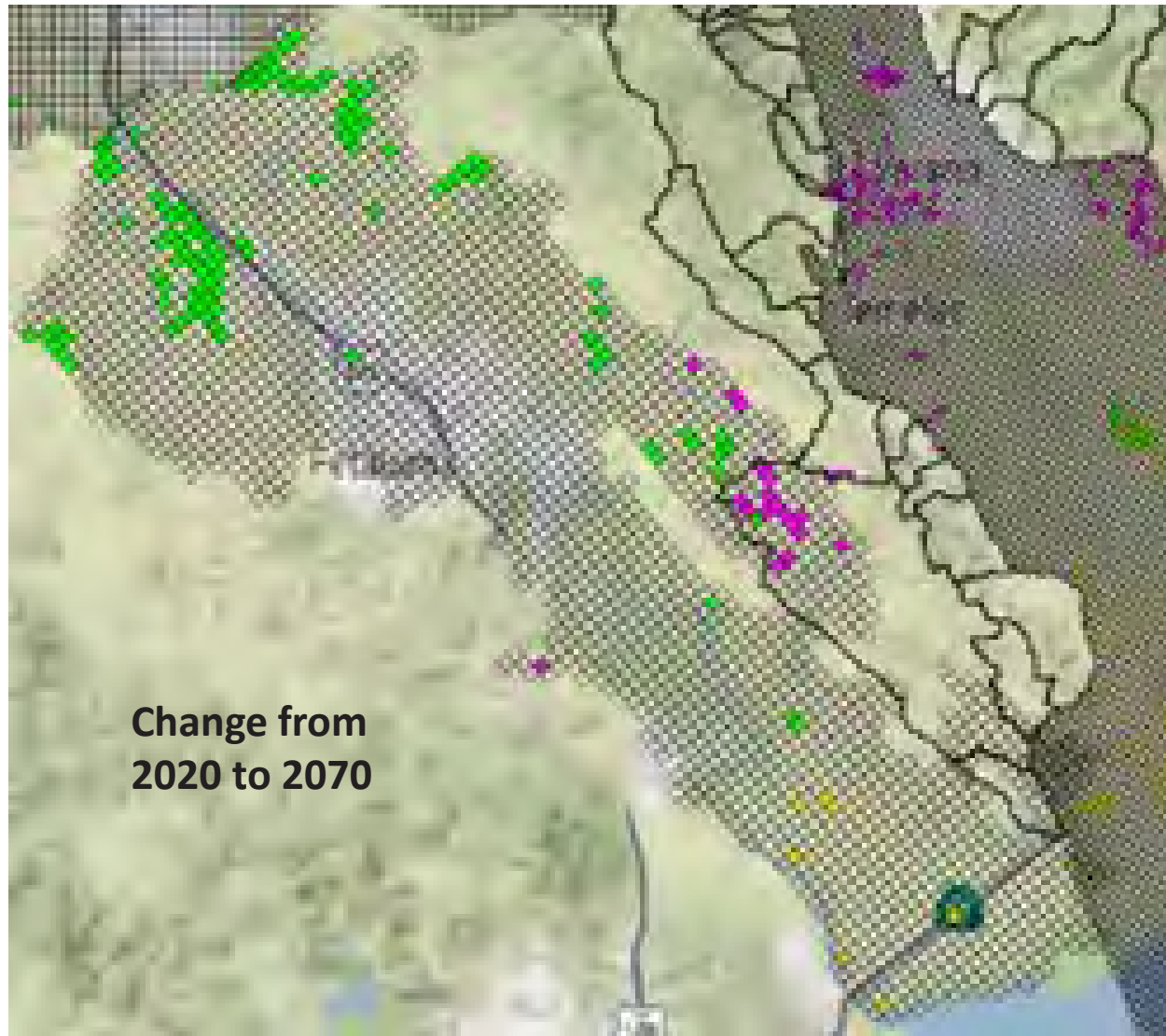
Extrapolated 2008-2018 Crop Report trends (median growth trend)

Survey Results (most frequent responses)

Results: Projected Changes in Crops: 2020 to 2070

	Field Crop	Grains	Orchard	Pasture	Truck Crop	Vineyard
2020	0	4,563	0	2,203	0	2,025
2025	0	4,563	0	1,914	0	2,025
2030	0	4,563	0	1,692	0	2,048
2035	0	4,563	0	1,469	0	2,070
2040	0	4,585	0	1,246	0	2,070
2045	0	4,607	0	1,002	0	2,070
2050	0	4,630	0	712	0	2,226
2055	0	4,630	0	490	0	2,293
2060	0	4,630	0	267	0	2,315
2065	0	4,674	0	67	0	2,359
2070	0	4,696	0	22	0	2,404
Change from 2020 to 2070	0	133	0	-2181	0	379

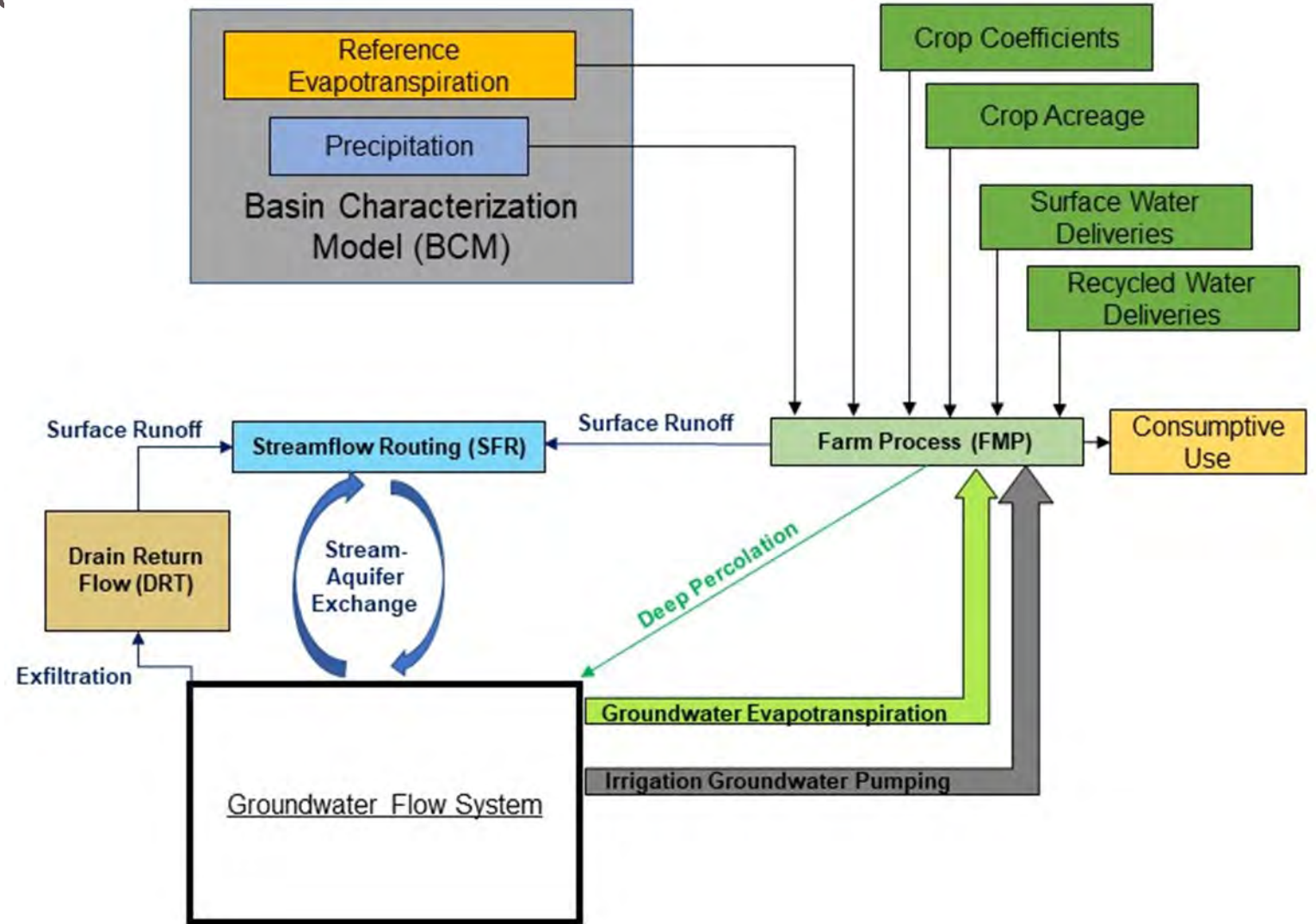
Results: Projected Changes and Crop Distribution at 2070



- Orchard
- FieldCrop
- Grains
- NativeVegetation
- Water
- Pasture
- SemiAgricultural
- TruckCrop
- Urban
- TurfGrass
- Vineyard

Water Demands from Crops will be simulated by Model for 50-Year Water Budget

- Projected changes in future agricultural water demands will be estimated using model, which integrates future climate projections



Recommendations for Future Updates to Projections

- Revisit and update projections for each 5-year GSP update
- Track changes within Subbasin and contributing watershed areas to improve accuracy of projections over time
 - Coordinate and share information on future changes with County Agricultural Commissioner and Permit Sonoma
 - Evaluate future information for cannabis and hemp

Next Steps

- Develop model input datasets for future projected changes in crops using mid-range values
- Simulate 50-year projected water budget
- Process and compile output of 50-year projected water budget for February AC meeting

Requested Input

- Do projection ranges and proposed median values seem reasonable?
 - Yes
 - No (please provide clarification in chat)
 - No opinion - outside my area of expertise
 - I have additional questions

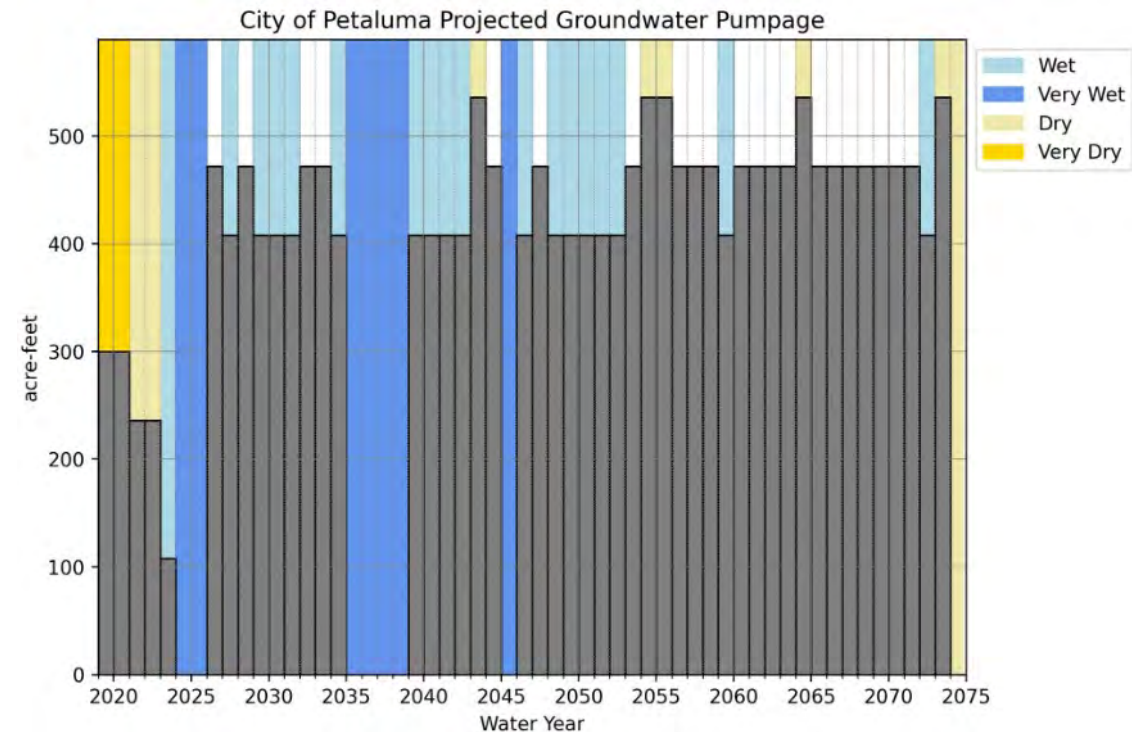
Draft Projected Municipal Demands

- Municipal purveyors (City of Petaluma) providing range of projected demands based on combination of historical and potential future use
 - Projections include higher-end ranges for GSP planning that are generally higher in comparison with planning projections for UWMPs
- City of Petaluma initial projections:
 - Range of 0 to 300 afy (2020-2025); 0 to 600 (2026-2072)
 - Avg from current water budget period: 178 afy (2012-2018)

Projected Municipal Demands: City of Petaluma DRAFT Example

- In order to capture these ranges and incorporate potential climate variability in the model:

- Varying annual future pumping based on projected future climate year classifications (very dry, dry, normal, wet, very wet) using calculated standard deviation from historical pumping records – see next slide
- Applying patterns of seasonality of groundwater production based on historical wellfield operations



Questions/Discussion



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

February 26, 2021

Tennis Wick, Director
County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Mr. Wick:

This letter communicates NOAA's National Marine Fisheries Service's (NMFS) concerns regarding the proposed Mitigated Negative Declaration (MND) addressing the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment (Update) for cannabis cultivation in Sonoma County, California. NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), and ESA-listed Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), CCC steelhead (*O. mykiss*), and California Coastal Chinook salmon (*O. tshawytscha*) reside within many rivers and streams throughout the County. Our concerns stem from the proposed requirements for cultivators using groundwater as their water source, and how these requirements will likely be inadequate in preventing impacts to ESA-listed salmonids and their habitat.

Surface water and underlying groundwater are likely hydraulically linked throughout much of Sonoma County, and this linkage is critically important in creating seasonal habitat for juvenile salmonids. Where the groundwater aquifer supplements streamflow, the influx of cold, clean water is critically important for maintaining temperature and flow volume during summer months. Pumping from these aquifer-stream complexes can adversely affect instream habitat by lowering groundwater levels and interrupting the hyporheic flow between the aquifer and stream.

Groundwater is the predominant source of water for cannabis cultivation operations within Sonoma County. State Water Board regulations concerning surface water diversions for cannabis cultivation contain required best management practices (BMP's) highly protective of instream flow volume and fish habitat, such as requiring summer forbearance, winter diversions, and fish friendly bypass flows. However, similar BMP's are not required by the State Water Board for cultivation sites utilizing groundwater wells as a source for cannabis cultivation. Because of this discrepancy under state law, the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as their water source. We are concerned in particular, that wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may also impact groundwater/surface water dynamics and result in streamflow depletion. With those concerns in mind, we offer the following comments.

Re Page 70, Section 10(b): The MND states the following: *Future cannabis facilities in rural areas would rely on either surface (rivers, lakes, and springs) or well water sources. Accordingly, the introduction of cannabis cultivation in these areas could increase the use of groundwater. As explained above, very few rural cultivation sites are currently using surface water*



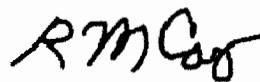
diversions as a water source, likely to work around the required BMP's mandated by the State Water Board for surface water diversions. NMFS is concerned about both surface water and groundwater diversions, as they are linked, and we believe the potential for impacts from unrestricted groundwater use is high.

Re Page 71, Section 10(b)(4)(b): This section addresses near-stream wells (e.g., "well is within 500 feet of blue line stream"), and is intended to minimize streamflow depletion impacts. According to the MND, if a well is within 500 feet of a blue line stream, the applicant must document one of three things: 1) prepare a "net zero water plan", 2) document the well is near the Russian River or Dry Creek, or 3) document the well is within the Groundwater Availability Zone 1 or 2. By including the third option, the authors of the MND seem to assume that streamflow depletion impacts are unlikely in Groundwater Availability Zones 1 and 2. However, streamflow depletion can occur within any of the groundwater zones in Sonoma County, and is largely influenced by well distance from the waterway, the pumping intensity, and the transmissivity of the underlying geology, not groundwater availability zones. Thus, the current standards and requirements appear unlikely to adequately mitigate the potential impact of streamflow depletion, making a MND inappropriate. NMFS recommends the Update require either a net zero water plan, or a hydrogeologic analysis confirming streamflow depletion impacts are unlikely, before any cannabis operation utilizing a near-stream well is approved, regardless of which Groundwater Availability zone it may occur in.

Furthermore, while we understand that the current Update applies only to cannabis cultivation, NMFS recommends the County also update their well ordinance and permitting procedures to apply this requirement (i.e., require a net zero water plan, or a hydrogeologic analysis confirming streamflow depletion impacts are unlikely) to all permit applications for near-stream wells.

NMFS appreciates the opportunity to comment regarding the proposed Mitigated Negative Declaration addressing the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment for cannabis cultivation. If you have any comments or questions regarding this letter, please contact Mr. Rick Rogers at rick.rogers@noaa.gov, or 707-578-8552.

Sincerely,



Robert Coey
North Coast Branch Supervisor
North-Central Coast Office

cc: (via email)

Bryan McFadin, North Coast Regional Water Quality Control Board
(Bryan.McFadin@waterboards.ca.gov)

Wes Stokes, California Department of Fish and Wildlife (Wes.Stokes@wildlife.ca.gov)

David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)

Daniel Schultz, State Water Board (Daniel.Schultz@waterboards.ca.gov)

Jessica Maxfield, California Department of Fish and Wildlife
(Jessica.Maxfield@wildlife.ca.gov)

From: [Jeffrey Spragens](#)
To: [Cannabis](#)
Cc: Susan.Goren@sonoma-county.org
Subject: Proposed Cannabis Ordinance
Date: Monday, March 15, 2021 9:24:28 AM

EXTERNAL

I am strongly opposed to the Proposed Cannabis Ordinance. I live at 6700 Sonoma Mountain Road and travel on Bennett Road several times a week.

If adopted this ordinance would open up Bennett Valley and Bennett Road to major development. The infrastructure is not adequate for what the ordinance would allow. My quick calculations indicate that built to the maximum over 12,000 new employees could flood the valley. I believe that about 3000 of residents (and voters) live in this area. If enacted, this proposed ordinance will change our valley forever.

We are concerned that outdoor cultivation probably in unsightly hoop house covered in white plastic will mar our beautiful valley.

Not only does cannabis production cause terrible odors, but the increased production this proposed ordinance would allow presents a clear and present danger to the existing residence and voters.

Why do the Supervisors want to change the fire and safety regulations?

Mrs. Goren, you represent us. No existing residents and voters want this. You are only helping outsiders make money by compromising our health, safety and wellbeing. I predict there will be a serious voter response to you opening the flood gates to turning this part of the county to a major cannabis production and growing center.

Please do not do this terrible thing to your constituents.

Sincerely,

Jeff Spragens

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From: [Jay Wallace](#)
To: [Cannabis](#)
Subject: What is the address to send comment letters to for the Chapter 38 FMND? Thanks!!
Date: Monday, March 15, 2021 11:02:02 AM

EXTERNAL

Jay Wallace
415-601-2081
jwallace@jaywallaceassociates.com

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From: [Kristin](#)
To: [Cannabis](#); [Susan Gorin](#)
Subject: Cannabis in Bennett Valley
Date: Monday, March 15, 2021 8:53:17 AM

EXTERNAL

Dear Susan

I am completely against any authorizations for cannabis growing within Bennett Valley. The increased crime, noxious smells, herbicide use in beautiful Bennett Valley would be a very big mistake - difficult to control or undo when the negative aspects are introduced.

Vote NO to cannabis planting anywhere in Bennett Valley!

Kristin Merrihew

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From: katie.moore
To: [Cannabis](#)
Subject: Comment for 3/18 Cannabis meeting
Date: Monday, March 15, 2021 4:24:42 PM
Attachments: [image001.png](#)

EXTERNAL

To whom it may concern,

My name is Katie Moore, and I am a 20-year resident of 2855 Fulton Road in Fulton. My property is a 5-acre parcel zoned DA-10. I am writing with great concern regarding the Supervisors' proposed cannabis ordinance and proposed sweeping changes to the amount of cannabis that may be grown in Sonoma County.

For the past two years, a cannabis farm has operated at 1737 Wood Road (UPC17-0034) under the Penalty Relief Program. This facility has neither a state nor county permit. Their county permit was denied by the BZA in December 2019 based on the presence of federally-protected habitat. The grower filed an appeal, yet an appeal hearing has yet to be heard -- more than a year later. The grower continues to operate, building multiple unpermitted structures *in the middle of the protected habitat*.

On the satellite image, below, you can see my parcel at 2855 Fulton Rd on the upper right. At the lower left is the cannabis farm at 1737 Wood Road. There is approximately 2,000 feet between the grow operations and my home. I am directly downwind of the grow.

This operation presents a constant odor during grow season. A distance of 2,000 feet does little to mitigate the smell --- especially when one is directly downwind. From Summer to Fall, I experience the smell of cannabis. When a visitor arrives at my property during the growing season, the first thing to tell them is "I am not smoking pot. There is a cannabis farm nearby."

If you drive down Wood Road on any given warm day during Summer and Fall, the smell is overwhelming and nauseating. The distance from the greenhouses to Wood Rd is approximately 400 feet, with Wood Road being upwind of the grow operations.

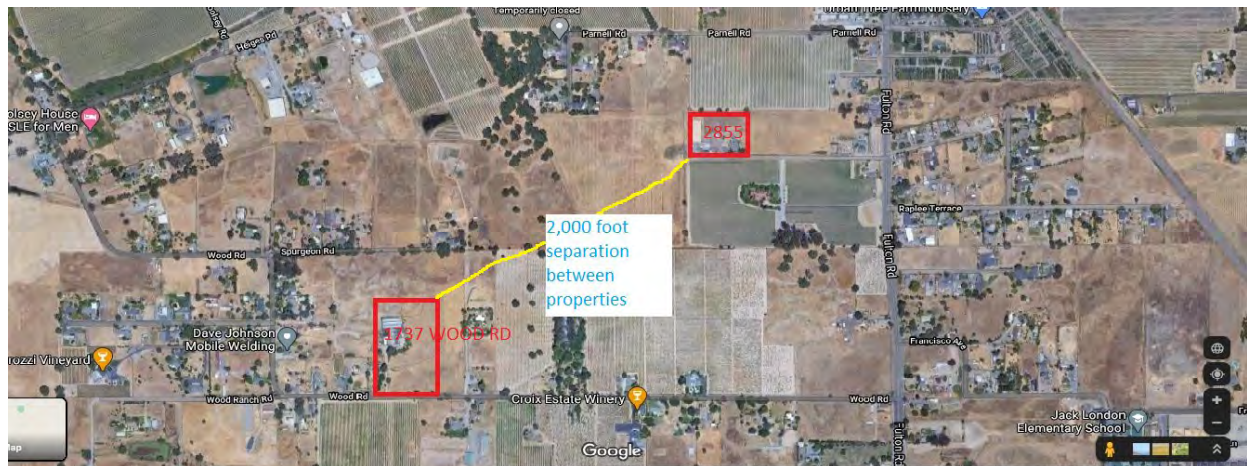
When I reached out to the county about the smell, I was told that growers are required to have a "filtration system" that takes care of it. When I asked for specifics on what type of filtration systems were required, no one could tell me. When I asked how a grower is supposed to filter smell from outdoor plants and hoop houses with their sides rolled up, no one could tell me. When I complained to one county official about the impact of the smell on my home and property value, I was told "this is here to stay. If you don't like it, then move."

So I took their advice, and considered walking away from my home of 20 years and moving. The appraiser who appraised my property told me that the presence of agricultural cannabis may reduce property value for surrounding properties by 10-30% or more --- mainly due to the smell.

If an ACRE (or less) of cannabis produces constant, noxious smells at my home 2,000 feet away, I can only imagine what TEN ACRES would be like, both for me and for the unfortunate people who live in the general vicinity of operations like this. Opening up cannabis operations to the level proposed by the County would be a tragic disservice to the people of this community who trust and depend on our elected representatives to protect our welfare and quality of life.

Thank you for your consideration.

Katie Moore
2855 Fulton Road
Fulton, CA 95439
707-322-0171
Watermarkfarm1@yahoo.com



Katie Moore
Principal
The Energy Alliance Association, Inc. (TEAA)
1415 Fulton Road #476
Santa Rosa, CA 95403
Cell: 707-322-0171

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From: [Kelsey Nicholson](#)
To: [David Rabbitt](#); [Cannabis](#)
Subject: Comments on Draft Ordinance and Draft Subsequent Mitigated Negative Declaration / Sonoma County Cannabis Program
Date: Monday, March 15, 2021 3:56:55 PM

EXTERNAL

Dear Planning Commission
c/o McCall Miller, Department Analyst
Cannabis Program, County Administrator's Office:

My letter is in response to Part 2 of the Sonoma County Cannabis Ordinance.

My opposition and concern is not to cannabis as a crop, but to large scale operations with many potential environmental & economic impacts that would more severely and directly impact the hundreds of residents of our tiny township of Bloomfield, and other populated rural townships like ours within the county. The current ordinance draft with its inability to contest grow sites or raise very valid environmental and economic concerns under the proposed use of ministerial permits is unacceptable to the level of impact large scale grow operations would inflict on small towns and residential neighborhoods.

Because of these more unique impacts in rural townships, I request the following to be written into the Ordinance.

- A minimum of 1000 ft buffer / setback from a property line with expansion to greater distances depending on local conditions — especially for unincorporated towns and neighborhoods.
- Cannabis processing facilities to be located in commercially zoned areas.
- The County should not approved cannabis grow permits next to towns and populated neighborhoods where the impacts are much greater to a larger population with limited services, then in open rural settings.
- Environmental Impact Reports should be required by the County to properly assess the unique impacts of proposed grow site, especially alongside residential towns and neighborhoods.

Large grow operations, such as the proposed site from Petrichor Sungrown LLC, would directly impact each and everyone one of us that lives here in Bloomfield due to the nature of the layout of this residential township and the close proximity we all have to one another.

I would beg the County of Sonoma to carefully and critically review how they create this Ordinance, considering the impact to more densely populated towns like our here in Bloomfield. There has to be more suitable regulations, as well as locations within rural Sonoma County, that do not impact so large a number of residents. It would behove the Planning Commission to strategize and plan for the least amount of

negative impact for Sonoma County's environmental and residential concerns.

Thank you for your time, and please feel to reach out if you have further questions.

Kelsey Nicholson
Rusty Schwartz

6691 Moro Street
Bloomfield, CA 94952
707-753-4903

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From: [Scott Hunsperger](#) on behalf of [Planner](#)
To: [Cannabis](#)
Subject: FW: Cannabis Odor
Date: Monday, March 15, 2021 3:57:28 PM

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

From: Kim Roberts-Gutzman <krutzman@gmail.com>
Sent: Monday, March 15, 2021 3:43 PM
To: Planner <planner@sonoma-county.org>
Subject: Cannabis Odor

EXTERNAL

I live next to a pot operation. The current program is NOT functioning properly. The pot grower has violated many of your regulations and has been allowed to continue this grow. We have reported these violations to no avail. Cannabis is a controlled substance and should NOT be considered a regular crop. The danger and the stink it brings to those of us that border his property is unfair.

The county has allowed many properties to split so his 13 acres has about 10 properties bordering it with families and children all in danger. The crime rate here in the county is 75% higher than other county's. The number of people this one operation negatively impacts is unreasonable.

Cannabis should be grown in warehouses where it is safe, not in neighborhoods.

Air quality will be compromised. Other businesses like restaurants and gas stations are required to filter fumes, with equipment costing 100s of thousands to keep the community safe but cannabis operations can destroy our air quality. Please stop this reckless plan and grow cannabis where it can be controlled in warehouses.

Thank you,
Kim Roberts

Sent from my iPad

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Proposed Cannabis Ordinance
Date: Monday, March 15, 2021 12:10:20 PM

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

From: Leslie Maggio <seacarps@comcast.net>
Sent: March 14, 2021 3:39 PM
To: [PlanningAgency](mailto:PlanningAgency@sonoma-county.org) <PlanningAgency@sonoma-county.org>
Subject: Proposed Cannabis Ordinance

EXTERNAL

To Whom it Concerns:

I would like to submit my objection to many aspects of the proposed cannabis ordinance.

First and foremost, ITS THE WATER!!!! We have been hearing a lot of comments regarding having wells monitored. Use of ground water and monitoring or controlling the amount of water pumped is a current conversation many have had and I cannot believe that this ordinance is even being considered before our water problems have been solved.

Rural community INTRUSION!!! I have lived in west county since 1965. My family moved here to get away from suburbia to raise their children. Our schools have been rated very high which in turns brings more rural community families to our area. This in turns lifts the value of our properties. Large commercial type cannabis growers will not be an inviting feature to our rural communities. In fact, I see home values going down when the cannabis businesses run out all of our families.

Quality of LIFE!!! To give a large operation of cannabis growing the right to grow up wind from me would be awful. My quality of life on my property would be ruined!! I have had weddings and other family gatherings which would be affected in a negative way. Who wants to be outside when an army of spraying skunks are constantly nearby?

Loss of Rural BEAUTY!! I cannot believe that there is consideration for acres of hoop houses in our rural communities dotting the hillsides. The next time you head out for a Sunday drive, look around.....now imagine it. Who would want to look at all that?

I am going to ask everyone I know who are west county property owners to stand up and protect the quality of rural living. The properties and lifestyles they have worked so hard for can change in an instance.

Please consider all of what makes this county a beautiful unique place to live. Does this ordinance enhance that which many have worked so hard to create and maintain?

Leslie Maggio
Bloomfield Road
Sebastopol

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From: [Lauren Marra](#)
To: [Cannabis](#)
Subject: Public Comment Re: Cannabis Ordinance Update
Date: Monday, March 15, 2021 6:27:24 PM
Attachments: [Lauren Marra Public Comment County Cannabis Draft Ordinance.pdf](#)

EXTERNAL

Dear Sonoma County Planning Commission,

Please find attached my public comment letter regarding the Sonoma County Cannabis Ordinance update.

Please let me know how and when my concerns will be addressed. Thank you for your time.

Sincerely,
Lauren Marra

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Lauren Marra
28 Pepper Lane
Petaluma, CA 94952
(415) 599-6533
lmarravmd@gmail.com

3/15/2021

Sonoma County Planning Commission
c/o McCall Miller
Department Analyst, Cannabis Program
County Administrator's Office
Cannabis@sonoma-county.org

Dear McCall Miller and the Sonoma County Planning Commission,

**Re: Draft Ordinance and Draft Subsequent Mitigated Negative Declaration
Sonoma County Cannabis Operator Permitting Amendments**

My name is Lauren Marra and I am a Petaluma resident. I own a DA zoned piece of property. This letter serves as an appeal to and request for withdrawal of this Sonoma County Cannabis Ordinance update. These proposed changes are devastating to the county's local residents, county land, property values, and the image/reputation of this county.

Below are several concerns associated with the proposed ordinance. The county must determine how to best mitigate these concerns, or deny these amendments altogether.

How and when will my concerns be addressed?

Lack of Proper Notification of Residents

I am frankly shocked that Sonoma County's means of notifying the public of these drastic changes was via posting this information on the Permit Sonoma website, and via a 1/8 page advertisement in the Press Democrat.

This is not a small change for Sonoma County. For example, *if implemented this proposal alone would change cannabis permitting in Sonoma County from about 50 acres to up to 65,753 allowed acres of cannabis cultivation.*

Why were residents not notified via a letter in the mail? It is unreasonable to expect that residents check the Permit Sonoma website in case of possible updates to the code. It is also unreasonable to assume that residents subscribe to the Press Democrat.

Sonoma County must place a hold on this decision. The county must properly provide written notice to county residents regarding these proposed changes. Furthermore, county residents must be given ample time to understand, provide responses, and public comments.

Draft Subsequent Mitigated Negative Declaration- Ministerial Permits

The county proposes expansion of a ministerial permitting process particularly for parcels of 10 acres or more, in LIA, LEA, DA, and RRD zones.

The county proposes: “Ministerial permits in those zones to protect public health, safety, and the environment and to promote neighborhood compatibility“.

If Sonoma County is focused on “neighborhood compatibility”, why are you amending the code and no longer notifying residents of upcoming cannabis operations near their homes? Why do you feel residents do not deserve the right to know about and comment on such proposed projects?

How does expediting the review process, with less restrictions, contribute to public health, safety, and the environment? This is incorrect.

These facilities have DEVASTATING impacts on property value, neighborhood aesthetics and safety, crime, etc. We deserve the right to know about such a thing BEFORE it pops up next to our homes.

Enforcement- Not Structured, Not Defined.

The proposed changes, should they be approved, will CLEARLY lead to the rapid development and operation of many cannabis facilities throughout the county.

Please outline in detail, so that members of the public can understand, the structure of the county’s enforcement team, its members, how possible violations will be submitted, timeline for response to a violation, and how operational and code violations will be addressed.

For example, additions to the proposal include tourism, tasting and promotional events. “The ordinance changes include the removal of the prohibition on tasting, promotional activities, and events related to commercial cannabis activities.”

This is extremely vague. For example, an “event” could be anything from a small gathering to thousands of people.

This must be regulated. What specific days/times will tourism and events etc be allowed? Where exactly will visitors be able to go, all over these properties? Will there be a maximum number of people? How will visitors be transported to the cannabis facilities? How will you deter and prevent “tasters” from driving while inebriated? How will you ensure fire safety for visitors and for the facility in terms of capacity limits? How exactly will all of this be **enforced** and please outline what each specific violation would result in.

There needs to be a proportional increase in the number of code enforcement officers and other peace officers to ensure every operation’s compliance and safety of employees, tourists, neighbors, and the environment. Does the county plan to hire more enforcement officers, if it plans to increase the number and size of cannabis operations? Where will the money for this staffing increase come from?

This is just one example of something that the county has chosen to allow, and where associated rules, regulations, and enforcement information have not been provided. Each newly proposed change such as this must be clearly articulated for members of the public to understand. To say that these changes would be “subject to existing regulations in the Zoning Code” is vague, and confusing. It must be clearly explained within this proposal itself.

Setbacks

There is a current minimum 100’ setback from a property line and 300’ setback from a residence for outdoor and mixed light cultivation. *Now, outdoor and hoop houses will follow these same setback requirements.*

These setback requirements are too close to residences. Now, both indoor and outdoor cannabis will be dangerously close to sensitive groups as well as our children, and within their reach. These setbacks are insufficient for sensitive groups (see “Air Quality” section below). The setback for residences must be at least 1000’.

Processing

According to the update, “Processing and self-distribution of cannabis are allowable activities, which is not allowed under the existing ordinance” and “Accessory structures for processing, employee uses, storage, etc. are also not limited..The existing ordinance limits cannabis processing to no more than nine (9) centralized cannabis processing facilities in Agricultural Zones within the unincorporated County at any one time. *This limitation has been eliminated in the proposed Ordinance.*”

1. Please define “self-distribution”.
2. How will you ensure that these operators will not “self-distribute”, or sell their product directly out of the facility, 24 hours per day, or to neighbors including our children?
3. What are the hours for “self distribution”? Does that fall under the category of “Deliveries”? If so, please clearly indicate this in the proposal.
4. How will you estimate, track, and enforce trip generation and effects on traffic/safety associated with “self distribution”?
5. You will now allow essentially unlimited processing facilities throughout the county. This promotes uncontrolled development, including of accessory structures, which harms the environment, plants/animals, encroaches on neighbors, affects scenery etc. Processing of cannabis results in noxious odors, sounds, light disturbances, waste, and more. The environmental impact resulting from lack of regulation for processing alone would devastate Sonoma County. **The amount of, size, and location of cannabis processing facilities must be more stringently regulated.**

Biotic Resources

Sonoma County claims to want to protect “sensitive biological resources”, i.e. local species and habitats.

However, loosening permitting restrictions will devastate our local species and habitats.

- a. Sonoma claims to protect our species and habitats
 - i. “A proposed updated biotic resources section of the Cannabis Land Use Ordinance is oriented toward further protecting sensitive and special status species habitat”.
- b. Sonoma County also states that, “Many cannabis projects facilitated by the updated Ordinance would be located within the limits of existing agricultural land, or other previously disturbed areas and would be unlikely to affect sensitive biological resources; however, *the conversion of existing agricultural lands to cannabis cultivation near biological resources or the construction of new structures for cannabis uses could result in the loss of vegetation or habitat due to ground disturbance.*”
 - i. **How can you assume that converting these “existing agricultural lands” and “previously disturbed areas” to commercial cannabis would not likely affect sensitive biological resources? Sonoma County is asserting that a field used for grazing (for example), then converted to greenhouses, pavement, parking lots, pesticide areas, buildings, etc will not affect sensitive biological resources. How can you prove that? What studies have been done to support that claim?**
- c. Please clearly define what a “qualified biologist” is.
- d. What exactly is a “protected tree”? Please define.
- e. Biotic Resource Assessment- Amendments to this protocol and process are misleading to the public; There would be LESS regulation in this area should the proposal pass
 - i. The proposal states:

A. Habitat and Special Status Species

1. *An application under this chapter shall include a biotic resource assessment prepared by a qualified biologist that demonstrates that the cannabis cultivation area and related structures and development will not impact sensitive or special status species habitat; and*
2. *If the cannabis cultivation area and related structures and development are located within a designated critical habitat area, then one of the following criteria must be met:*
 - i. *The biotic assessment concludes that “take” of a listed species within the meaning of the federal and California Endangered Species Acts is not reasonably foreseeable; or*
 - ii. *Applicant obtains all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species.*
3. *A Use Permit will be required if the qualified biologist in the biotic resources assessment required by this chapter recommends mitigation measures.*

These standards would require that future cannabis operations assess, discover, and avoid/mitigate impacts on sensitive habitats as well as apply for the appropriate permits to operate within critical habitat. Therefore, the updated Ordinance would have a less than significant impact on special-status species and their habitat.

- f. In summary, this amendment to the biological resources evaluation allows:
 - i. Properties within critical habitat areas to potentially easily pass and obtain a permit
 - ii. Potentially bypassing permitting from applicable state and federal agencies with jurisdiction over the listed species.

These are not improvements to the permitting process. This is threatening to local habitats, circumventing existing regulations and standards, and likely to harm if not kill our local valuable species.

AIR QUALITY

The construction and operation of many new cannabis industrial operations throughout the county, which will be permitted to operate 7 days per week and 24 hours per day will significantly affect air quality, exceeding current thresholds.

- a. The county asserts that cannabis cultivation is not “intensive urban land use”.
 - i. “However, because cannabis cultivation is not an intensive urban land use, it is anticipated that the long-term operation of cannabis cultivation sites would not generate emissions exceeding BAAQMD thresholds”.

On what basis does the county assume this? These are large scale industrial operations which rely HEAVILY on electricity, water usage, fertilizers, transportation, etc. The county touches on this, in stating that “As a result, it is possible that cannabis operations would generate NOx emissions exceeding the BAAQMD’s significance threshold of an average of 52 pounds per day during construction or operation, contributing to regional ozone pollution.”

Please clearly explain using emissions data from currently operating facilities to support the assertions that these facilities are not “intensive urban land use”. Otherwise we must assume that these sites would generate emissions exceeding BBAQMD thresholds.

- b. Dust Control Measures, Idling Times, Vehicle Speed in Driveways, Odor Control Plan
 - i. If a complaint is made, what exactly happens thereafter? How exactly are things such as this enforced and how quickly? What if a violator does not take corrective action? Please clearly outline the protocol.

- ii. What if there is indeed “detectable cannabis odor occurring off the parcel containing the permanent cannabis structure” affecting several people? Would the county require a “Vapor based fog system” upon repeated offenses, guaranteed? If so please indicate this. And if that fog system did not improve the detectable cannabis odor, would that facility’s permit be revoked? **Please clearly outline in a stepwise fashion how the county will respond to repeated odor offense complaints and the exact steps and measures the county will take to protect sensitive and vulnerable nearby residents.**
- iii. **Cannabis odors can NOT be equated to farm associated manure odors. Cannabis odors extend from the growth, production and processing of a federally illegal drug. These odors must NOT be detectable, especially by the general public including our children.**
- c. Insufficient setbacks for sensitive groups.
 - i. The county notes that, “Setback standards in the updated Ordinance also would minimize the exposure of sensitive receptors to criteria air pollutants generated by the construction and operation of cannabis uses.”

A 300ft distance from a residence, is not sufficient distance for people who are sensitive to or allergic to cannabis, dust, noxious chemicals, etc. Please support the claim that it is, with data. The setback should be at least 1000’ from neighboring residences.

Cannabis as “Agriculture”

“In 2016, the Board of Supervisors found that cannabis should be treated differently from other agriculture because its classification under the federal Controlled Substances Act may cause it to have characteristics that were distinct from other agriculture. The County has since found that despite this federal classification, cannabis cultivation functions similarly to other agricultural operations and that it fits within the plain language and intent of the term “agriculture.”

Please explain what exactly has changed since 2016 causing the county to make this statement? How exactly does a cannabis cultivation, propagation, processing and distribution facility fit the definition of “agriculture”?

- a. Cannabis Termed an “Annual Crop”
 - i. The proposal states: “Unlike vineyards, cannabis is an annual crop and would not prevent another agriculture use from occurring on the same site after a growing cycle is complete, thereby reducing potential for outdoor cultivation to remove traditional agricultural uses”.
 - ii. How will the county encourage and maintain “other agricultural uses” on cannabis facility premises? How will the county ensure that outdoor cultivation does not remove traditional agricultural uses and to what scale? Otherwise, we must assume that cannabis cultivation outdoors will remove traditional agricultural uses, to a large scale.

It is obvious that the county is attempting to define cannabis as agriculture in order to adhere to the 2020 General Plan policies to preserve farmland. The truth is that these commercial cannabis operations will convert our agricultural lands, including our local dairies and grazing land, into these non-agricultural uses. This would devastate and likely displace many remaining farmers and farmland in Sonoma County. This could cause a devastating impact on our food supply.

“Because the updated Ordinance would not result in conversion of agricultural land to non-agricultural uses, it would not have the potential to conflict with goals, objectives, and policies in the General Plan 2020 to preserve

farmland,...As a result, it would not result in land use change that could potentially conflict with General Plan policies to preserve farmland. “

Cannabis under the term “agriculture” apparently prevents our community members from opposing any nuisances associated with or caused by cannabis commercial properties. Sonoma County residents deserve to have a voice and to object nuisances and inconveniences caused by or associated with these federally illegal drug operations within our neighborhoods.

Additionally, nuisances, such as odors, which are generated as a result of tastings, events and other such activities are not related to “agriculture” and should not be lumped in as such. These events and tastings will create significant nuisances for neighbors and surrounding communities, more so than wineries or breweries, and need to be clearly separated from any “agricultural activity”.

The 1999 Right-to-Farm Ordinance “does not permit any neighboring property located on or adjacent to agricultural land to oppose any inconvenience or nuisance caused by any type of properly conducted agricultural activity on agricultural land”.

Aesthetics: Our Scenic Vistas

Thousands of acres of scenic vistas and pastoral landscapes would be lost under the new ordinance

- a. **Thousands of acres could be converted into commercial cannabis operations.**
 - i. **Loss of scenic vistas are likely.**
 1. According to Sonoma County “cannabis structures could have an adverse effect on scenic views if not appropriately designed, sited, and screened from public view”
 - ii. The county notes a “potential maximum of up to 65,753 acres of future commercial cannabis cultivation in unincorporated Sonoma County if all land covered under the updated Ordinance was converted to cannabis cultivation operations”
 - iii. This is a drastic increase compared to the currently permitted approximately 50 acres.
- b. **The county acknowledges loss of scenic vistas but claims this scale of development is unlikely.**
 - i. In reference to the potential maximum 65,753 acres, the county notes “This would be the potential maximum buildout and it is extremely unlikely that all available land would be put into cannabis cultivation.”
 - ii. **Why is it unlikely that this amount of land would not be converted to commercial cannabis? Please clarify. Currently there are approximately 78 Ministerial and 55 Cannabis Use Permits in progress in Sonoma County. Lessening restrictions would further increase these numbers.**
 - iii. **We do not want more acres of cannabis than vineyards in Sonoma. This is a disgrace.**
- c. **The updated ordinance would negatively affect the visual character of neighborhoods and agricultural areas surrounding these operations.**
 1. Sonoma County “would remove the existing requirement to screen indoor cultivation structures from public view and does not include a performance standard for adequate screening.”
 2. The county would also “not ensure screening of cannabis structures from public roadways”

Sonoma County claims that “Cannabis appears similar to vineyards and other row crops”. This is incorrect. Guard houses, tall fences, large greenhouses, hoop houses, and extensive security systems do not appear visually similar to grape vines.

Noise

- a. **There will be much more noise associated with these operations, negatively affecting families and neighborhoods.**
 - i. The county states that, “New cannabis cultivation sites would be located in rural areas of the County where nearby sensitive receptors would be sparse, if present at all”.
 - ii. **This is false. My home, for example, is directly adjacent to a property with a pending cannabis use permit. The over 30,000 sqft cannabis operation would be 300ft from the wall of my home (not my property line), and central to a neighborhood with at least 25 family homes with over 15 school aged children. We are just one of several neighborhoods in this situation. As is, there is a significant impact on homes and neighborhoods from noise associated with these cannabis operations. Adding special events, tastings etc to the picture should not be allowed until the public is given proof, with supporting data, that these operations alone do not exceed standards for nearby receptors.**

Trips

- a. **The county claims a low number of trips for cannabis operations; *this is inaccurate.***
 - i. The county claims “cannabis cultivation is a land use that typically generates a low number of average peak-hour trips.”
 - ii. However the county also states “applicants would need to provide evidence that they would generate fewer than 110 average daily trips or alternatively provide a full analysis of potential VMT impacts”
 1. A single average daily trip is a one-way trip. Thus, the county deems it acceptable to allow a facility to have vehicles come down a driveway next to my home, for example, up to 220 times per day.
 - iii. **This is excessive. The county must re-evaluate allowed average daily trips for these facilities. The county must use data to show the public how this amount of trips so close to residences would not cause significant noise, vibration, change in air quality, pollutants, runoff, and more.**

Cannabis Tourism and Promotional Events

Cannabis Tourism and Promotional Events would be unsafe for those attending, and both unsafe and disruptive for Sonoma County residents in surrounding communities.

- a. The county will approve special events, tastings etc subject to Ministerial Permits. Therefore, neighbors will not be made aware of such events nor have the opportunity to comment.
- b. **These events affect traffic and cause noise disruptions.**
 - i. According to the county, “it would take a high volume of vehicle trips to significantly increase traffic noise in rural areas where existing traffic noise is relatively low. Therefore, the updated Ordinance would have a less than significant impact on traffic noise”.
 - ii. **Where is the county’s regulation here in terms of events and tourism? How can the county assume that there will not be a high number of vehicle trips, when there is no regulation on the number of trips/traffic for these events? Where will people park for an event?**
 - iii. **How frequently can a facility host an event or tasting etc? For how many people at a time? For how many continuous hours per event or tasting could each occur? Why do neighbors not deserve the right to comment or dispute these events?**

1. I am a veterinarian. Like many other members of my community, I work irregular hours. It would be detrimental to have bus loads of loud visitors, music playing, smoking, etc next to my home even during the day when I am trying to sleep. Should this be the standard in terms of regulation, my family and many others would not have proper quality of life in our own homes. Arbitrary noise level standards set by the county are not sufficient for members of the community like myself, who would be in such close proximity to these facilities.
- iv. How would you ensure public safety for visitors and for neighborhood and traffic safety?
1. If visitors are allowed to smoke or ingest cannabis during a visit, they would likely leave the facility inebriated. The county must develop and adhere to a transportation plan for these visitors who should not be allowed to drive. Please revise.
 2. Inherently, cannabis associated events and activities often attract other things such as crime. How will the county prevent crime and enforce safety during these events? We must prepare for criminals possibly targeting these open events for access into an operation where cannabis, and potentially cash are on site.
 3. Where is the county's plan for evacuation and fire safety for these events?
 4. Would the county allow visitors access to all areas of these commercial properties? Visitors could risk serious injury should they come into contact with certain equipment or areas on a commercial property.
 5. Would the county put a cap on the amount of cannabis sold per person at these tastings or events?
 6. How would the county regulate noxious odors and changes in air quality associated with visitors smoking cannabis on site during these events. Obviously with groups of visitors all smoking these odors could easily travel the short 300ft distance to neighboring residences.

These are just some of the apparent irregularities with the proposed ordinance. It is obvious that there are several holes and deficiencies with this proposal.

This proposal must be revised. Members of the public must be notified of the proposed changes via written notice. Furthermore, there must be ample time for the public to then provide public comment on the above ordinance.

Thank you for your time.

Lauren Marra

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Cannabis Ordinance
Date: Monday, March 15, 2021 2:49:05 PM

From: Linda <tapndiva@yahoo.com>
Sent: March 15, 2021 1:20 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: Cannabis Ordinance

EXTERNAL

Dear Commissioners,

In regards to the extensive and deeply troubling ordinance regarding the cannabis industry that is before you. This document contains many incorrect references and some highly charged changes to the way our county will govern itself and how it will look in the future.

I am deeply concerned regarding the sweeping changes being proposed. The BOS plans before you will sweep under the carpet many concerns such as:

- Overuse of water
- Lack of adequate documentation at permitting
- Over concentration of growing, 65,000 acres being set aside for growing which is more than vineyards in our county
- Lack of neighborhood compatibility (which was promised by the BOS on many previous occasions)

This document should sound alarm bells to all who value what Sonoma County looks like.

It appears that there are so many flaws that it needs to be withdrawn and rewritten. It is an embarrassment to the commissioners to have such a poorly written document on the planning table. In the previous cannabis ordinance there was inadequate enforcement of the provisions and this new ordinance has even less.

I am deeply concerned for the future of our beautiful county.

Linda Troutfetter

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From: [Maureen Gradek](#)
To: [Cannabis](#)
Subject: Cannabis Ordinance
Date: Monday, March 15, 2021 2:01:01 PM

EXTERNAL

As a life-long resident of Sonoma County, I am writing to notify you of my extreme dissatisfaction with the possible cannabis ordinance changes you are considering. Making the cannabis applications **ministerial** instead of requiring environmental review for individual projects is a sure way to downgrade and detrimentally change what makes Sonoma County so pristine and special. Giving up individual oversight is a lazy and troublesome way of dealing with the new industry. Notice I say industry, because I don't feel cannabis cultivation should be considered agriculture and should not be eligible to right-to-farm law.

It is important that Sonoma County listen to their most ardent caretakers of rural areas and make **INDIVIDUAL** decisions for projects that have considerations about the uses of water, disruption of wildlife, noise/lighting pollution, security and potential crime, hoop houses and a preponderance of plastic, ODOR, and the idea of cannabis events with all that that will entail.

I am not against the cannabis industry. But judicious regulation is important. Why are you against individual permitting?

It is important that you listen to your people! You are embarking on a path that can make Sonoma County a leader in thoughtful innovation of a new industry, or you can make us the poster county for ways other counties decide not to go!

Thank you.

Maureen McCaffrey Gradek
Healdsburg
maureengradek@marcomjobs.com

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From: [Marcy Meadows](#)
To: [Cannabis](#)
Subject: Proposed Cannabis Ordinance Changes
Date: Monday, March 15, 2021 10:48:05 PM

EXTERNAL

After attending the community Zoom presentation on Fri., I came away with some very strong concerns about the proposed changes that will affect the quality of life in Sonoma County.

1. The proposed setbacks do not protect the health and quality of life of those who have the misfortune of having property adjacent to a 10 or more acre agricultural parcel.

I strongly support 1000' setback from Property Lines for all residential properties adjacent to an eligible cannabis grow property as well as 1000' setback for all schools, nursery schools, parks, Class I Bike paths and drug rehab facilities.

The residents of Sonoma County do not deserve to have the quality of their lives, their health and the full enjoyment and usage of their property ruined by having a cannabis grow within 300' of their dwelling just because their elected officials want an easier to administer cannabis ordinance.

Please Don't Ruin the beauty and quality of life Sonoma County is known for.

2. **Water usage.** Most residence adjacent to Ag land depend on wells for their water. The entire town of Graton is on individual wells. Water thirsty Cannabis operations have already been known to cause wells to dry up on properties they share property lines with.

Water conservation is essential as we move into ever drier weather conditions.

Limiting rather than hugely increasing the number of acres of water gobbling crops like Cannabis only makes environmental sense.

3. **Alignment with Ca State Cannabis Regulations**

How does declaring Cannabis an Agricultural **crop** bring Sonoma County into alignment with the state's classification of Cannabis as a **commodity**, not as a crop?

Thank you for taking the time to include this in your considerations of how your decision will affect all of Sonoma County, not just the Cannabis industry.

Marcy Meadows
2609 S Edison
Graton, CA 95444

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From: [Scott Orr](#)
To: [PlanningAgency: Cannabis](#)
Subject: FW: cannabis ordinance
Date: Monday, March 15, 2021 8:35:12 AM

From: Mercy Sidbury <mercysidbury@comcast.net>

Sent: Sunday, March 14, 2021 9:04 PM

To: Greg Carr

Subject: cannabis ordinance

EXTERNAL

Dear Mr. Carr,

It has come to my attention that Sonoma County's proposed cannabis ordinance is both outside California's legal regulations for growing and producing cannabis and that the failure to follow the state laws has a strong potential to adversely affect the quality of life in Sonoma county as well as the safety of those living here.

Projects that are in full operation in other counties, like Santa Barbara, show the potential eyesore and alteration of our county's signature natural appeal. White plastic hoop houses pouring through our rural landscape can never mix in with the natural surroundings. On top of that, these white rivers have added nighttime lighting, security fencing and alarm protections that are permanent to the operation which will not only decimate the rural residential experience for miles around, but drastically affect the wildlife for which Sonoma County is home. All this with only a required setback of 300 feet from residences, parks and schools.

With the current administrations's stated directive to 'green' Sonoma county into the future, the enormous water demands, pesticide uses and half year permeating odor are some of the invisible degradations that come with this quantity of production. As much as 65,000 acres are eligible for this type of treatment which increases the current quantity of cultivation by a factor of 1300! How can this not but be a blight on the quality of life here and none of it in the direction of "going green."

The proposed cannabis ordinance and "supplemental mitigated negative declaration" fails to adequately analyze the environmental impacts of the proposal as required by the California Environmental Quality Act.

Many of these issues would be addressed on an individual project level if the county resists the move to label cannabis an agricultural crop. The push to do this is an obvious work around to these issues and leaves the public with no redress should any given project be outstandingly inappropriate for a given location. Ministerial oversight doesn't even qualify as

oversight in a county with “right to farm” ordinance. Functionally, nothing would be off limits and I imagine, over time, this would impact Sonoma County’s attractiveness to a diversity of economic investment as well as to those of us who live here.

Additionally, It is truly astounding to me that, given all the concern about fire safety and preparedness that the county government is rightly imploring its citizens to take on, the county itself would consider bypassing a Fire Safety State regulation which requires **minimally** the capacity for simultaneous egress and ingress of traffic in all residential, commercial, and industrial development. Taking this requirement away assures devastating consequences to anyone living on small minimally developed lanes, and of which there are many.

Please reconsider both the proposed cannabis ordinance and the acceptance of the supplemental mitigated negative declaration and, instead, include your stated intention of moving our county to a greener, more sustainable future. In its current form, we will be headed in the opposite direction.

Thank you for taking the time to read my letter.

Sincerely,
Mercy Sidbury
5th District

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: cannabis proposal
Date: Monday, March 15, 2021 12:09:29 PM

From: Mercy Sidbury <mercysidbury@comcast.net>
Sent: March 14, 2021 1:02 PM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: cannabis proposal

EXTERNAL

To Whom It May Concern:

It has come to my attention that Sonoma County's proposed cannabis ordinance is both outside California's legal regulations for growing and producing cannabis and that the failure to follow the state laws has a strong potential to adversely affect the quality of life in Sonoma county as well as the safety of those living here.

Projects that are in full operation in other counties, like Santa Barbara, show the potential eyesore and alteration of our county's signature natural appeal. White plastic hoop houses pouring through our rural landscape can never mix in with the natural surroundings. On top of that, these white rivers have added nighttime lighting, security fencing and alarm protections that are permanent to the operation which will not only decimate the rural residential experience for miles around, but drastically affect the wildlife for which Sonoma County is home. All this with only a required setback of 300 feet from residences, parks and schools.

With the current administrations's stated directive to 'green' Sonoma county into the future, the enormous water demands, pesticide uses and half year permeating odor are some of the invisible degradations that come with this quantity of production. As much as 65,000 acres are eligible for this type of treatment which increases the current quantity of cultivation by a factor of 1300! How can this not but be a blight on the quality of life here and none of it in the direction of "going green."

The proposed cannabis ordinance and "supplemental mitigated negative declaration" fails to adequately analyze the environmental impacts of the proposal as required by the California Environmental Quality Act.

Many of these issues would be addressed on an individual project level if the county resists the move to label cannabis an agricultural crop. The push to do this is an obvious work around to these issues and leaves the public with no redress should any given project be outstandingly inappropriate for a given location. Ministerial oversight doesn't even qualify as oversight in a county with "right to farm" ordinance. Functionally, nothing would be off limits and I imagine, over time, this would impact Sonoma County's attractiveness to a diversity of economic investment as well as to those of

us who live here.

Additionally, It is truly astounding to me that, given all the concern about fire safety and preparedness that the county government is rightly imploring its citizens to take on, the county itself would consider bypassing a Fire Safety State regulation which requires **minimally** the capacity for simultaneous egress and ingress of traffic in all residential, commercial, and industrial development. Taking this requirement away assures devastating consequences to anyone living on small minimally developed lanes, and of which there are many.

Please reconsider both the proposed cannabis ordinance and the acceptance of the supplemental mitigated negative declaration and, instead, include your stated intention of moving our county to a greener, more sustainable future. In its current form, we will be headed in the opposite direction.

Thank you for taking the time to read my letter.

Sincerely,
Mercy Sidbury
5th District

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From: [majake3](#)
To: [Cannabis](#)
Cc: [David Rabbitt](#); [Concerned Citizens Of Bloomfield](#)
Subject: Part 2 cannabis ordinance
Date: Monday, March 15, 2021 2:42:00 PM

EXTERNAL

Dear Planning Commissioners,

This letter contains my concerns about part 2 of the cannabis ordinance for our county.

This ordinance will have a profound effect on thousands of county residents in the unincorporated areas due to the issues of neighborhood compatibility, noise, groundwater use, chemical applications, odor, safety and other issues.

I believe it is imperative to establish a minimum 1,000 foot setback zone from towns and neighborhoods, schools, parks, treatment centers and cemeteries. Other counties have wisely adopted these buffer zones.

Another important aspect of this ordinance is product processing. This belongs and should be restricted to facilities in a commercial zoned district.

All permits should require an Environmental Impact Report and not be approved adjacent to towns or neighborhoods.

The citizens of the 42 unincorporated towns/neighborhoods in Sonoma County deserve your careful consideration of the cannabis ordinance. Please plan for the future with quality of life issues in mind.

Thank you for considering my concerns.

Marianne Jacobs
11745 Sutton St.
Petaluma (Bloomfield)
Sent from my iPad

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From: [Jennifer Klein](#)
To: [Cannabis](#)
Subject: FW: Poor Implementation.pdf
Date: Monday, March 15, 2021 3:57:44 PM
Attachments: [Poor Implementation.pdf](#)

Begin forwarded message:

From: Moira Jacobs <moiraajacobs@comcast.net>
Date: March 13, 2021 at 7:07:49 PM PST
To: David Rabbitt <David.Rabbitt@sonoma-county.org>, district3 <district3@sonoma-county.org>, district4 <district4@sonoma-county.org>, Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>
Cc: Susan Gorin <Susan.Gorin@sonoma-county.org>, Tennis Wick <Tennis.Wick@sonoma-county.org>
Subject: Poor Implementation.pdf

EXTERNAL

Dear Supervisors,

Based on this document attached I demand Supervisor Gorin be removed from any pot operation decisions (aka "cannabis" decisions). More details to follow on the RAMPANT corruption.

There is clearly more than enough evidence Supervisor Gorin is fully in dereliction of duty to the CITIZENS of County of Sonoma and completely biased in serving the pot industry interests here, breaking multiple local and State of California laws. The corruption in Sonoma County is legendary, it ends NOW!

We'll be demanding a full investigation under court review forthwith. Get ready.

Forget the DA here. Another corrupt member of the bureaucratic authoritarian state of Sonoma county. Recall coming! It's over folks! You will be fully exposed in national scope articles.

Sincerely,
Moira Jacobs

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Mitigation Measures and Protections in the Revised Cannabis Ordinance Are Illusory

March 12, 2021

Introduction. The Bennett Valley Citizens for Safe Development (BVSD) is a neighborhood group of almost 300 Bennett Valley residents who have signed a petition to make Bennett Valley a commercial cannabis-free exclusion zone. BVSD is a member of Save Our Sonoma Neighborhoods (SOSN), and is concerned that any mitigation measures and protections in the revised cannabis ordinance are illusory and will not protect residents from the reasonably foreseeable environmental consequences of the proposed revisions to the cannabis ordinance.

As detailed in the case studies described herein, there is substantial evidence to support a fair argument that the proposed revisions may have a significant effect on the environment, among other things with regard to odor, visibility, traffic, and water. The county must undertake a full environmental impact report to fully evaluate the impacts of the proposed ordinance.

Moreover, the permits cannot be converted to ministerial under *Protecting Our Water & Environmental Resources v. County of Stanislaus*, 10 Cal.5th 479 (2020) because county officials make many discretionary decisions on every cannabis project, including analyzing reports for compliance. The case studies below reveal that for four years county officials have turned even objective decisions into discretionary ones. County officials exercised discretion when a cultivation site was ineligible because it was too close to a park on the county's own maps, and decided it could become eligible (example 8). They decided that a cultivation site that is plainly visible from the entrance of Hood Mountain State Park is insignificantly visible (example 4). They exercised discretion to allow growers to cultivate without appropriate state licenses or, in some cases, any state licenses at all in violation of law (examples 4, 5, 6, 7, 10, 11, 12, 16). They exercised discretion to allow cultivations to continue despite violations of objective setback standards (examples 17, 18). They allowed cultivation when a grower had failed to provide evidence of a valid easement that is required under a conditional use permit (example 6). They exercised discretion in allowing or even encouraging growers to cultivate more acreage or plants than allowed in their permits (examples 5, 6, 9, 10, 11, 12). They exercise discretion in ignoring or deferring action for years on code violations with respect to grading, cutting trees, lighting, electric wiring, greenhouses, and water hauling (examples 1, 4, 6, 14, 15, 16, 18).

For four years, Sonoma County has allowed or encouraged significant harm to the environment by refusing to enforce the terms of the current ordinance. When the county allows growers to cultivate without a state license, the county becomes an enabler if not a partner (being paid by tax collections) of black-market cannabis sales. Such behavior is the opposite of the intent of Proposition 64 and the stated intent of the cannabis ordinance—to foster legal activity. The county protects the cannabis industry at the expense of ordinary residents and the environment who are harmed by the refusal or failure of county officials to take action. Given the history described below, any commitments the county seems to make with respect to implementing mitigation or enforcing the provisions of the ordinance should be ignored because the county will

not faithfully implement them. It has not done so for four years, and residents and the environment should not be put at further risk.

County officials seek to “find ambiguity in a Stop sign,” and invent twisted ways of “thinking” to explain why they can and should allow growers to violate county and state requirements. Their decision making is ad hoc, opaque, arbitrary, capricious, and contrary to law. The county’s approach to most anyone who objects to a grower not complying with the cannabis ordinance or other law is “sue me” and, as one supervisor said in a public meeting “if you don’t like it you can move somewhere else.” The county thinks that few will file expensive suits and ask a judge to provide some adult supervision. The county’s irresponsible behavior is exacerbated by its use of indemnification procedures, such as proposed § 38.06.050, that growers will pay any litigation expenses assessed against the county.

There are several plausible explanations for the county’s poor implementation: (1) PRMD and the Department of Agriculture are overwhelmed and have inadequate staff or financial resources; (2) the cannabis program officials, county counsel, PRMD, and the Department of Agriculture lack the will to enforce the law because they desperately want a failing program to succeed; (3) county staff are incompetent. It doesn’t matter which explanations are correct. The end result is identical for residents and the environment who are harmed by marijuana cultivation. Sonoma County officials are not to be trusted to protect the environment or its residents, and should be allowed no or little discretion in implementing its cannabis program.

Penalty Relief Program. The temporary code enforcement penalty relief program (PRP) was instigated in 2017 with little notice to or involvement from the public. The PRP has explicit requirements that county officials frequently ignore or overrule without legal authority. Building code, grading, nuisance, and other violations are not addressed until a permit decision is made, a period now of almost four years and counting. The authorizing ordinance does not empower the county to ignore illegal greenhouses, wiring, grading, tree removal, or other code violations. Growers had to commence cultivation by July 5, 2017 and were explicitly forbidden to increase the size of their grow after that date. Yet many growers cheat brazenly, and officials look the other way or refuse to assess meaningful penalties. The county could easily investigate many violations using satellite imagery from the comfort of the office and at the expense of the grower.

Dozens of growers got a “get out of jail free card” for the first growing season in 2017 by submitting one-page PRP forms without even a fig leaf of an application for a permit, let alone submitting any of the required reports. When confronted, county officials took no action to shut down the illegal grows.

What follows are eighteen examples of problems with the implementation of this program. One could write a treatise on this subject.

Example 1. 885 Montgomery Road, Sebastopol (UPC18-0001). Since July 2017, the non-resident owner of a ten-acre parcel near Sebastopol has allowed a third-party company to grow about an acre of commercial marijuana. Forty-seven properties surround the cannabis business within a 1,000-foot radius, and seven of them border the flag lot on all sides. Thousands of

outdoor plants are located just a few feet from gardens, barbeques, a horse dressage arena, and homes. The stench, noise, and fear of an armed conflict has made the lives of neighbors miserable. One family tried to sell their home and failed. Some wear masks when they spend more than fifteen minutes outside to avoid feeling nauseous or getting a headache. For a year, county officials have ignored neighbor complaints about odor, noise, night light pollution, and security cameras trained on neighboring homes. The county failed, neglected, and refused to verify false statements in the grower's Penalty Relief Application Form -- that they had 38,484 square feet of cannabis cultivation. The operator secretly denuded, graded, and terraced an acre of hillside in June 2017, without a county grading permit to create their initial outdoor cannabis cultivation site. No outdoor cannabis plants existed until mid-July, 2017. The county refused to shut down the operator after receiving evidence that the operator never qualified for the PRP. The county has allowed the grower to conduct indoor cultivation in three structures which lack a building permit, exposing neighbors to fire risks. The operator has harvested at least 4 outdoor crops and at least 15 indoor crops without a county permit. County officials tricked the CalCannabis to issue the operator a temporary state license to allow it to sell cannabis. For over three years, the county has shown no desire to stop activities that are ruining the ability of neighborhood residents to enjoy their property. This failure to enforce the law is allowing significant environmental harm to occur.

Example 2. 1700 Barlow Lane (APC20-0079 and APC20-0080). From March 2020 and continuing into 2021, the neighbors surrounding 1700 Barlow Lane alerted Permit Sonoma Code Enforcement and the Department of Agriculture as to why two ministerial cannabis applications should be denied based on at least 10 witnessed and evidenced code violations. The Department of Agriculture and Code Enforcement exercised their judgment to issue one ground disturbance violation with no monetary fine, and applied discretion in order to overlook the other violations in order to issue one permit. "Zoning Permits for Cannabis Cultivation - Guidelines for Ministerial Review" is the county's guidelines that provides a checklist that county staff must use to determine consistency with the Zoning Code. It applies fixed and precise standards or objective measurements for a ministerial project. The guidelines state, "To the extent a project deviates from such standards and regulations in a manner that would require Staff to exercise judgment or deliberation to determine whether the project conforms to the standards and regulations, the project may be subject to discretionary review and additional analysis under CEQA." County Staff exercised judgment or deliberation in determining whether the project conforms to the standards and regulations throughout the application process. The county failed to require additional environmental analysis, in violation of the current cannabis ordinance, its own guidelines, and CEQA. This failure to enforce the law is allowing significant environmental harm to occur.

Example 3. 3062 Adobe Road, Petaluma (UPC18-0018). Sonoma County's enforcement of its marijuana cultivation program is so poor that four families in Petaluma had to file a federal Racketeer Influenced and Corrupt Organizations Act (RICO) suit to shut down a grow that was wreaking havoc on their homes. They suffered noxious odors that caused significant breathing

problems, including to a young paraplegic who uses a breathing tube and an asthmatic.¹ The illegal grow was reported to the county in April 2018, and the county sent a notice ordering the company to cease all cannabis activities on May 29, 2018. Yet in late August marijuana was still being grown and causing environmental problems for neighbors. The county settled the case after the RICO suit was filed by agreeing to let the grow continue until November 1st when the growers agreed to pay the county a \$400,000 penalty. To many, the penalty seemed to be a bribe that allowed the grower to sell millions of dollars of marijuana on the black market at the expense of neighbors who endured several more months of environmental harm. The county lacks the will or the legal tools to shut down an illegal grow for six months,² harming residents and the environment.

Example 4. 2260 Los Alamos Road, Santa Rosa (UPC18-0037). For 44 months, the county has allowed the applicant to grow marijuana without complying with the Cannabis Ordinance. Satellite images indicate the small grow in June 2017 more than doubled to 47,000 square feet in October 2017, then to 69,000 square feet in 2018, and then to 80,600 square feet in 2019. Satellite images also confirmed unpermitted tree removal between February-May 2018, which is prohibited by the cannabis ordinance. Despite submitting an application that omitted ten required items, the county allowed the grower to continue past the June 2018 deadline required for a complete application. The county took a month to declare the application incomplete, and then extended the deadline another month. The county eventually sent a cease-and-desist letter, but the grower appealed. By this time, satellite imagery shows he had illegally expanded to 1.5 acres. At this point, the county could have assessed \$280,000 in penalties but instead stopped the proceeding. He was allowed to grow without a state license for well over a year, so any sales were on the black market. Despite failing to provide a hydro-geo report and having insufficient water, the county has granted his request to drill a third well. Although it is not supposed to be used for cannabis irrigation, the county did not confirm the well monitoring logs. Despite being shown satellite images showing the illegal constructions of a 3,000 square foot likely drying and processing structure, the county refused to cite him. He exceeded the one-acre limit, and paid taxes on only 35,000 square feet of cannabis for four years despite the Ag Commissioner being aware of the increased canopy size. He violated the ordinance by being plainly visible from the entrance of Hood Mountain State Park. A county official confirmed the visibility but said it was insignificant. The county performed a road evaluation and applied outdated regulations despite being informed that his operation is in violation of the state Fire Safe Regulations. Despite all of these transgressions, the county has refused to terminate this operation or even hold a public hearing. The county is eager to cater to illegal growers at the expense of the environment and neighbors.

¹ Julie Johnson, "[Neighbors file federal lawsuit to shut down Sonoma County cannabis grower.](#)" Press Democrat (Aug. 31, 2018).

² Julie Johnson, "[Petaluma-area cannabis farm whose neighbors sued agrees to shut down.](#)" Press Democrat (Aug. 31, 2018).

Example 5. 4050 Grange Road, Santa Rosa (UPC17-0085). This Bennett Valley property seems to have been allowed in the Penalty Relief Program under false pretenses. It was conveyed to Bennett Rosa LLC in late August 2017. The operator, Sonoma Grange Farms LLC, claimed on its Penalty Relief Application forms that the grow began June 30, two months before Bennett Rosa LLC owned the land and just before the July 5 deadline for eligibility. None of the LLCs were registered with the Secretary of State before mid-July. John Chen, who pled guilty in 2012 to six felonies related to defrauding the state and environmental crimes, owns the property and the operating company through his alter ego LLCs. Satellite imagery shows that the grow on the adjacent 4.9-acre parcel (4065 Grange Road) had not begun on July 9, 2017. The county allowed the 2018 harvest to be sold despite an absence of a State license, so any marijuana sold would be on the black market. The Department of Agriculture conducted a compliance inspection on June 11, 2020. The attached report for that inspection notes for this property

there were two mixed light hoop houses. The permit is for outdoor cultivation only. I also noticed an indoor grow in one of the barns, and noticed that the other barn was also equipped for indoor operations. There was a tremendous amount of garbage and debris on the property ...My estimate of the total square footage of canopy is 20,000 sq. ft. Well over the 10,647 sq. ft. allowed under the penalty relief agreement. They DO NOT have a valid state license with the CDFA for that site. There are no porta-potties or bathrooms on site

The Department of Agriculture failed to shut down the site for non-compliance with the terms of the penalty relief agreement, including having twice the allowable amount of marijuana and having mixed light and indoor grows. Failing to have a state license violates state law. Despite these egregious violations, the county issued “no penalties.” The county’s failure to enforce not only allows environmental harm, it encourages growers to ignore regulatory because there are no consequences for violations.

Example 6. 4065 Grange Road, Santa Rosa (UPC17-0082). The County allowed the 2018 harvest of this Bennett Valley property to be sold despite the fact that the growers lack State licenses and any marijuana sold without a license would be on the black market. Despite the likelihood that this grow was improperly allowed in the Penalty Relief Program under false pretenses, the Board of Zoning Adjustments approved a conditional use permit in November 2019. The permit includes Condition 35, which requires the owner and operator to show it has a valid access easement within 90 days. This has never been done, and may be impossible to accomplish. Nevertheless, the operator grew marijuana again in 2020. A neighbor compliant prompted the Department of Agriculture to conduct a compliance inspection on June 11, 2020. The attached report for that inspection notes for this property

there “were no METRC tags on any of the plants and my estimate is that there will be approximately 6000 sq. ft. of canopy at maturity. Their license is for 5000 sq. ft. The plants were directly under the drip line of the oak trees which had been severely cut back. There are no porta-potties on site.

The Department of Agriculture failed to shut down the site for non-compliance with the terms of the conditional use permit. Other violations of the county ordinance include cutting down trees without a permit and planting more marijuana than the permit allows. Failing to tag the plants violates state law, which is intended to discourage black market sales by tracking individual plants. Despite these violations, the county issued “no penalties.” The county’s failure to enforce not only allows environmental harm, it encourages growers to do so because there are no consequences for violations.

Example 7. 8105 Davis Lane, Penngrove (APC17-0011). This vacant non-conforming 5.5-acre property is zoned diversified agriculture and is contiguous to agricultural (AR) and residential-zoned parcels. No one in the unincorporated residential neighborhood of small properties engages in commercial agriculture. An investor in Sebastopol leased the parcel in mid-2017, and without advance notice to surrounding neighbors, or any opportunity for them to object in a public hearing, the county issued a “ministerial” permit in February 2018. The permit allows the investor to grow commercial marijuana outdoors because the applicant merely satisfied a short list of perfunctory requirements. The neighbors had no opportunity to protest beforehand or appeal afterwards, and the only remedy was expensive litigation. The operators have no house on site, so an invader could easily mistake the home of an innocent neighbor as a location of large amounts of cash or marijuana. The majority of the risks and undesirable effects, such as loss of property value and noxious odors, are all borne by the neighbors. The supervisors increased the minimum lot size of commercial grows to ten acres in October 2018, but did nothing to void this permit or discontinue future use of similar ministerial permits. During 2019 the operator purchased the property and was “grandfathered” to continue operations although they were required get a conditional use permit; that process would allow for neighborhood objections to be considered. The operator applied for a use permit in 2020, and the County allowed the owner to grow while waiting for a Board of Zoning Adjustments (BZA) hearing to decide whether to issue a use permit. They harvested two crops during 2020, and because they lack a state license any sales would have been on the black market. At last report, the assigned county planner indicated that the operator is waiting for ordinance revisions before choosing to continue the BZA process. Residents have no justice and must endure foul smells without due process, contrary to SCC § 26-92-070(a) (use cannot be not detrimental to the health, safety, peace, comfort or welfare of the neighborhood or the general public). There is great apprehension that the permit might be not only renewed in 2021 but extended for 5 years.

Example 8. 3803 Matanzas Creek Lane, Santa Rosa (UPC17-065). This Bennett Valley property was purchased by Chicago investors in February 2017 who immediately began cultivating marijuana under the county’s Penalty Relief Program. In September 2017, Permit Sonoma issued a Notice of Violation to the owner for building a greenhouse without a permit and did nothing to resolve it for a year. The county should have shut the project down on January 1, 2018 because the property was not setback 1,000 feet from a park as required by § 26-88-254(f)(3). On March 4, 2018, senior county officials, including the director of Permit Sonoma and Supervisor Susan Gorin, were asked to consult the county’s Cannabis Site Evaluation Map and confirm that this parcel was categorically ineligible for cultivation. They agreed. For the next five months the county did nothing to stop the owner from growing marijuana while the county

considered the owner’s specious argument that North Sonoma Mountain Regional Park isn’t really a “park.” On July 31, 2018, Permit Sonoma sent a notice of violation to the operator. The grower continued to cultivate and harvest marijuana. On September 10, 2018 Permit Sonoma sent a “Notice & Order—Unlawful Commercial Medical Cannabis Use” to the owner and demanded the marijuana be removed within seven days. The owner appealed and the process dragged out until the owner harvested his entire marijuana crop. Then Permit Sonoma rescinded its Notice and Order because a revised ordinance took effect in November 2018 that allows the setback from parks to be relaxed. County staff secretly decided that this project qualified for the relaxation without public participation. There was no explanation as to why a parcel that was ineligible in January 2018 could now qualify for the PRP that had a deadline of July 5, 2017 to qualify. Neighbors continue to experience the environmental harm caused by excess traffic on a narrow lane, and after four growing seasons the county has failed to hold a public hearing or issue a permit.

Example 9. 5730 Bodega Avenue, Petaluma Dairy Belt. In 2020 the Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. The maximum that is allowed is 40,000 square feet. An aerial photograph of the site taken on October 11, 2020 shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet. While the county has issued notices of violation for some of this, it ignored, even after a site visit, 93,954 square feet of unpermitted outdoor cannabis. The county facilitated the grower receiving a state license, and the piecemeal process fails to comply with environmental review under CEQA. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 10. 4235 Spring Hill Rd, Petaluma Dairy Belt (APN 022-240-007/008/009, 022-260-003).

In June 2020 the county issued 4 ministerial permits to growers working in concert, using a piecemealing approach to avoid environmental review under CEQA. Apparently, the Department of Agriculture encourages this approach. The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow, yet a photograph shows the total area under cultivation to be 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses. In October 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels and cited the owners for failing to obtain building or fire department permits for the hoop houses. Yet the county ignored the fact that mixed light cultivation was not authorized on this property. It also ignored violations on an adjacent parcel where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 11. 3215 Middle Two Rock Road, Petaluma Dairy Belt (APN 021-160-011). This grower is operating under the PRP, which entitles him to grow, without a permit, until the county acts on the permit application on the condition that the grower not cultivate more cannabis than

would be allowed under the permit for which it has applied. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower lacks a state license for indoor or mixed light cultivation. A photograph shows 18,356 square feet of mixed light cultivation, a state law violation because he lacks a license for it and a violation of the PRP because he is growing almost double the amount allowed by the permit for which he has applied. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 12. 334 Purvine Road, Petaluma Dairy Belt. San Francisco investors purchased this 37-acre property in a peaceful stretch of the Petaluma Dairy Belt in June 2017. The grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. A photograph shows outdoor cultivation consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation. This grower has previously ignored applicable law. In 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license, which was upheld on appeal. The county and CalCannabis were notified of these violations by letter dated January 8, 2021 (attached), and officials have neither responded to the letter nor done anything to alleviate the environmental harm.

Example 13. 7900 Petaluma Hill Road, Penngrove (UPC18-0025). The growers at this site cultivated and harvested marijuana in 2018. On March 11, 2019, Permit Sonoma notified the operator that the site is located within designated critical habitat for the California tiger salamander, and the applicants could not get incidental take permits from the federal and state



agencies. The applicants withdrew their permit proposal in mid-2019. An unsightly wooden fence that surrounds the 1-acre grow setback 200 feet from Petaluma Hill Road continues to blight the otherwise scenic landscape almost two years later. This failure of county officials to enforce the law is allowing significant environmental and aesthetic harm to occur.

Example 14. 6583 St. Helena Road, Santa Rosa (UPC17-0043). For over eighteen months, neighbors of this grow were fearful for their safety due to the growers' possession of firearms and threats of home invasions. The county issued notices of violation for three illegally-constructed greenhouses and unpermitted electrical installations in September 2017, but did little to resolve them. The electrical violations could have caused wildfires. The growers installed unpermitted high-intensity electric lights without coverings. On foggy nights the illumination appears to be a wildfire. On one occasion, three fire departments deployed for a false alarm. In August, three men were arrested for kidnapping and attempted murder there.³ They had a rifle on the premises, contrary to the ordinance. The county issued a notice to the operator to stop growing in August 2018, and the operator appealed. A hearing was held in September 2018, and an agreement was reached to shut down the grow. It took over eighteen months to resolve an intolerable situation during which the environment and residents were damaged.

Example 15. 7777 Cougar Lane, Santa Rosa (no cannabis application). Since at least 2008 the owner has been reported multiple times for illegal construction and electrical violations. The Fire Marshall, Sheriff, and Permit Sonoma could see the illegal activity but refused to act without a warrant. In 2011, at the urging of Supervisor Brown, Permit Sonoma ordered the unpermitted construction to be removed, but the county never enforced the order. Similar complaints were filed in 2013 but the county failed again to act. The county issued citations for illegal construction in February 2018 and for illegal cannabis in May 2018 and the marijuana was then removed. The owner failed to appear for a hearing on his illegal construction in September 2018 but there was still no abatement. Finally, in 2019 the county required him to remove the unpermitted structures, and although he dismantled them, he left the trash on the site. The county's countenance of unlawful behavior for a decade has been an invitation to illegal marijuana grows.

Example 16. 5364 Palmer Creek, Healdsburg (UPC17-0067). Since the purchase of the property in June 2016, the operator has never had a legal source of water yet is now completing his second harvest season. Contrary to § 26-88-250(g)(10) and the PRP, the operator exclusively used trucked water. The operator has been hauling recycled waste water day and night and a commercial potable water supplier has been delivering water daily to the grow. Residents have been reporting violations to code enforcement since November 2017. The county allowed the operation to continue unabated until recent complaints resulted in an agreement to shut down. The county allowed the 2017 harvest to be sold despite the fact that the grower has no state license so any sales were on the black market in violation of California and federal law. While the environmental harm may have stopped, the county allowed it to occur for years.

Example 17. 2108 Schaeffer Road, Sebastopol (ZPC17-0009). This 2.4-acre property that is zoned DA had been used to cultivate marijuana long before the 2016 Cannabis Ordinance was adopted. It has had innumerable building code violations for years. The county allowed the growers to continue to cultivate under the protections of the PRP when they applied for a

³ Susan Minichiello, [Three men arrested for kidnapping, attempted murder at Santa Rosa marijuana farm](#) (Aug. 13 2018).

commercial cannabis permit. The property has only a 21-foot setback when the zoning code requires 50 feet, and this defect cannot be cured. The county failed to act responsibly to shut down the grow immediately. In late 2018, the county stated it would tell the operator that the permit will be denied. While this is now shut down, the neighbors were subjected to an illegal marijuana grow for two years since the Cannabis Ordinance was adopted while the environment suffered. Much of the property remains a mess, and the county has failed to make the owner clean it up or to do so itself.

Example 18. 5000 Lakeville Highway, Petaluma (UPC17-0023). For about two years, residents on a small lane were subjected to noxious marijuana odors. The grower was operating within the 300-foot setback to a home, contrary to law. Code enforcement officers failed, neglected, and refused to shut down the grow because it was in the “penalty relief program” which allows growers to operate without a permit or complying with regulations. The neighbors were also exposed to vicious dogs that got loose when a security gate was left open. Contrary to the ordinance, they illuminated bright lights on many nights when no one at Permit Sonoma was on duty. Permit Sonoma does not investigate complaints on weekends, holidays, or between 5 PM in the evening and 8 AM in the morning, while growers operate constantly. It took almost two years for Permit Sonoma to shut down the grow, during which time neighbors and the environment suffered the consequences.

Conclusion. Sonoma County has a dismal record of protecting the environment and its residents with respect to implementing the cannabis ordinance. No one should rely on commitments that Sonoma County makes to implement any mitigation measures or protections in the current or revised cannabis ordinance. It should undertake a full environmental impact report to fully evaluate the impacts of the proposed ordinance. All permits should be discretionary because county officials make even objective decisions into discretionary ones.

From: [Nancy and Brantly Richardson](#)
To: [Cannabis; PlanningAgency](#)
Cc: [McCall Miller; Christina Rivera](#)
Subject: CONDITIONS PLACED ON PUBLIC INPUT?
Date: Monday, March 15, 2021 12:56:50 PM

EXTERNAL

Ms. Miller and Ms. Riveria,

A member of one of the neighborhoods groups in our coalition, sent a letter to PlanningAgency@sonoma-county.org and received a response that the comments would be processed by staff within four days meaning the letter might not get to the Planning Commissioners in time.

The questions is:

Will emails sent to either or both the cannabis@sonma-county.org and the PlanningAgency@sonoma-county.org be sent to the Planning Commissioners before their meeting begins at 1 p.m. on Thursday the 18th? A simple “yes” or “no” will suffice.

Nancy and Brantly Richardson on behalf of the Neighborhood Coalition.

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From: [Nancy and Brantly Richardson](#)
To: [PlanningAgency](#); [McCall Miller](#)
Cc: [Cannabis](#); [Christina Rivera](#)
Subject: RE: CONDITIONS PLACED ON PUBLIC INPUT?
Date: Monday, March 15, 2021 4:06:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

EXTERNAL

Thank you, Ms. Holup, Does the County make no attempt to send all public comments more frequently than just one hour before the meeting? Are they sent daily? How will the commissioners possibly be able to read all the public comments in one hour? N. and B.

From: Chelsea Holup <Chelsea.Holup@sonoma-county.org> **On Behalf Of** PlanningAgency
Sent: Monday, March 15, 2021 2:48 PM
To: 'nrchrdsn@sonic.net' <nrchrdsn@sonic.net>
Cc: Cannabis <Cannabis@sonoma-county.org>; Christina Rivera <Christina.Rivera@sonoma-county.org>
Subject: RE: CONDITIONS PLACED ON PUBLIC INPUT?

Nancy and Brantly: All comments received have been forwarded to the Cannabis email. The Planning Commissioners will receive one large batch of all public comments received after the packet was posted and published. **In general the Commissioners receive the packet by Noon the day of the Hearing.**

You can also email the Commissioners directly if you prefer:

<https://sonomacounty.ca.gov/Planning-Agency/Membership-and-Terms/>

Thank you,

Chelsea Holup

Chelsea.holup@sonoma-county.org

County of Sonoma

Administrative Assistant, Comprehensive Planning

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-6105 | Office: 707-565-1900

Fax: 707-565-1103





From: Nancy and Brantly Richardson <nrchrdsn@sonic.net>

Sent: March 15, 2021 12:57 PM

To: Cannabis <Cannabis@sonoma-county.org>; PlanningAgency <PlanningAgency@sonoma-county.org>

Cc: McCall Miller <McCall.Miller@sonoma-county.org>; Christina Rivera <Christina.Rivera@sonoma-county.org>

Subject: CONDITIONS PLACED ON PUBLIC INPUT?

EXTERNAL

Ms. Miller and Ms. Riveria,

A member of one of the neighborhoods groups in our coalition, sent a letter to PlanningAgency@sonoma-county.org and received a response that the comments would be processed by staff within four days meaning the letter might not get to the Planning Commissioners in time.

The questions is:

Will emails sent to either or both the cannabis@sonoma-county.org and the PlanningAgency@sonoma-county.org be sent to the Planning Commissioners before their meeting begins at 1 p.m. on Thursday the 18th? A simple “yes” or “no” will suffice.

Nancy and Brantly Richardson on behalf of the Neighborhood Coalition.

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From: patrick@bloomfieldbluegrassband.com
To: [David Rabbitt](#)
Cc: [Cannabis; concerned citizens](#)
Subject: letter
Date: Monday, March 15, 2021 4:32:26 PM
Attachments: [Rabbit2.pdf](#)

EXTERNAL

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March 15, 2021

To:
David Rabbit
Sonoma County Board of Supervisors

RE:
6405 Cockrill Street
Petaluma, CA 94952

Supervisor,

I understand that you may be receiving many letters from my neighbors in Bloomfield opposing the proposed marijuana grow, some of which advocate a 1000-foot setback from neighboring homes. Before addressing the setback proposal, I'd like to offer a few thoughts from my perspective as a multi-decade, now retired, Sonoma County winery and vineyard owner.

Marijuana needs considerably more heat to mature than do wine grapes. Planting a commercial vineyard in Bloomfield would be a fool's errand and thus even more so is expecting marijuana to mature in this coastal wind tunnel.

Marijuana, unlike wine grapes, can and should be grown inside a dedicated structure. Ag land is not necessary. Such a structure can be placed anywhere, for example in a warehouse located in commercial zoning. Here it would enjoy fire and police protection, close access to workers and distribution networks, electrical grids, plumbing, waste disposal, tourist visitation, retail sales, and so on.

When I established my winery (Laurel Glen Vineyard) back in the late 1970s, it was obvious to me that much of the production and warehousing would be best done in facilities far from my rural vineyards. I never regretted that decision.

The County gradually came to realize that ag land was not necessary for all aspects of wine production and updated permitting practices accordingly. Hopefully, this thinking will apply to marijuana production as well.

If the County is indeed committed – as it sadly appears to be - to treating marijuana cultivation as an ag operation involving farming in rural areas on ten-acre minimums, perhaps a 1000-foot setback from neighboring homes makes the best of a bad situation. But it is a weak solution to a problem which should not

exist. The ten-acre minimum lot size for marijuana cultivation is the fundamental problem; it is equivalent to large-lot rural residential housing, a recipe for inefficient development that results in the leapfrogging loss of our natural spaces.

In short, marijuana cultivation operations should be limited to urban commercial zoning.

Respectfully,

Patrick Campbell
11850 Mill Street
Petaluma, CA 94952

From: dodge4@sonic.net
To: [Cannabis](#); [Susan Gorin](#)
Subject: Proposed relaxation of cannabis production rules
Date: Monday, March 15, 2021 9:08:27 PM

EXTERNAL

March 15, 2021

Planning Commission, County of Sonoma
2550 Ventura Ave.
Santa Rosa, CA 95403
Via e mail cannabis@sonoma-county.org

RE: Proposed cannabis production requirements

Dear Commissioners:

I am opposed to the proposed relaxation of rules regarding encouragement of commercial cannabis cultivation and processing in Bennett Valley by allowing approval through ministerial application and including cannabis production under the “right to farm” policy when the consequences of cannabis production justify a thorough environmental impact study.

This industrial activity is inappropriate in a residential and agricultural area and as in violation of the Bennett Valley Area Plan.

In most recent years we have experienced a drought, and substantial water consumption by the marijuana industry creates much concern by residents with wells and also has a detrimental effect on fish and wildlife due to stream flow reduction caused by substantial groundwater use. Adobe clay soil predominates throughout much of Bennett Valley and a recent documentary featuring a USGS hydrologist she explained how once water is drawn from deep aquifers the clay particles compact permanently reducing the holding capacity of an aquifer when water is again introduced. This causes soil subsidence, which in cases of the San Joaquin Valley, is many feet, causing damage to above ground infrastructure. This effect would be exaggerated in the steep areas of our community and affect roads, water lines, homes, and other structures. Lacking a city water supply, almost all agricultural irrigation water is groundwater, the level of which has been dropping for many years, resulting in some wells over 800’ deep. In some cases, springs that used to flow year-round are dry during summer months – an excellent example why an environmental impact report must be completed prior to allowing additional cannabis production.

An industry involving material of concentrated high value and cash transactions regularly attracts robbery, often involving the mistaken targeting of nearby unaffiliated locations. This activity will increase the burden on our sheriff’s office whose response, as in any rural area, may be substantially longer than that of a police department responsible for commercial/industrial areas in a city, and deny residents their right to the peaceful enjoyment of their property. The potential for mistakenly targeting a nearby non growing property is substantially increased because many rural Bennett Valley properties share long private driveways with multiple address signs at the intersection of a public road but often missing or barely visible at the house location. An environmental impact report will analyze this issue and the effect on a law enforcement response to a 911 call as well as the consequences of an increased number of citizens preparing for their self-

defense subsequent to the nearby introduction of potential high crime activity.

The grower proposed reduced property line setback limitations would further enhance the intrusive odor proliferation by this product often appropriately labeled “Skunk weed”, increasing the existing interference with the peaceful enjoyment of our resident’s property. The effect on resident’s living environment must also be addressed by an EIR.

Despite the pandemic our economy is very healthy, and many businesses are advertising for additional employees, often with limited success, yet Sonoma County is facing an unprecedented homeless crisis. A common thread often repeated when homeless individuals are interviewed is a comment “I had a sobriety crisis,” or other comments relating to failure to maintain sobriety, etc. In almost all cases it is drugs, not alcohol sobriety referred to that interferes with a person’s ability to gain or maintain employment. Clearly drug treatment must be offered to anyone motivated to participate but the best solution is to avoid drug use in the first place, something made difficult when our county encourages cannabis production and behaves as if use of this narcotic product is normal and acceptable. The effect on the social environment justifies examination of an environmental impact report.

Due to the substantial far-reaching effect of cannabis cultivation and processing this activity clearly requires a thorough environmental review.

Please consider carefully whether acceding to the forceful demands of marijuana producers and users will benefit our community as a whole or benefit only this narrow constituency. As with many well-funded advocacy groups the marijuana industry requests that you consider their exclusive interests regardless of consequences to our entire county population. I am asking that you act in the best interests of all of us by recognizing that only through an extensive critical evaluation of the effects of marijuana cultivation in residential areas of Sonoma County can the effects be thoroughly understood. After completion of an appropriate review, I am confident that you will be prepared to act decisively in the best interests of your entire county.

Very truly yours,

/s/

Ron Dodge
4399 Summit View Ranch Rd.
Santa Rosa, CA 95404
rondodge95@yahoo.com

By e mail

CC: Susan Gorin
Supervisor, District 1
susan.gorin@sonoma-county.org

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From: [Randy Hinz](#)
To: [Cannabis](#)
Cc: [district4](#); [district5](#)
Subject: No, we do not want the proposed changes made to the General Plan
Date: Monday, March 15, 2021 3:02:12 PM

EXTERNAL

No, we do not want the proposed changes made to the General Plan in regard to cannabis cultivation.

We are opposed to the changes.

Randy & Becky

Randy Hinz & Rebecca Hill
66 Upland Dr.
Petaluma, CA 94952
707-753-4147 (H)
707-235-6369 (C)
rk.hinz@gmail.com

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From: [Robert Matthews](#)
To: [Cannabis](#)
Date: Monday, March 15, 2021 10:45:44 AM

EXTERNAL

We oppose cannabis being grown in Sonoma County.

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From: [Richard A Navarro](#)
To: [Cannabis](#)
Subject: Cannabis
Date: Monday, March 15, 2021 3:42:17 PM

EXTERNAL

Please do not allow the large growth of Cannabis in Sonoma County. Disastrous use of scares water resources. Air, traffic, and societal negative effectives.

We need strict control.

Richard Navarro
Sebastopol

Sent from my iPad

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From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: What the county is doing to circumvent CUP process - public record please
Date: Monday, March 15, 2021 11:45:30 AM

From: Rachel Zierdt
Sent: March 12, 2021 5:03 PM
To: PlanningAgency
Subject: What the county is doing to circumvent CUP process - public record please

EXTERNAL

Below, please find a quote from an email by Niki Berrocol to a “friend” (obtained by a PRA) advising her on how to circumvent the CUP process and obtain AG permits. This ordinance revision does nothing to stop this process of piling multiple grow permits on the same parcel....by doing this all sorts of environmental mitigations are avoided by the applicant and the grow is allowed to proceed in direct opposition to CEQA regulations. This needs to be addressed and amended in the new ordinance.

Rachel Zierdt

As well, she may consider an alternative path, as she is not in Penalty relief, and she wants to cultivate this season. Could you discuss with her a bit, or refer her to Ag to let her know her options for moving forward with multiple 10,000 sf permits sooner than a CUP? This may be a much easier alternative.

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From: [Shawn Johnson](#)
To: [Cannabis](#)
Cc: [Susan Gorin](#)
Subject: Sonoma County Cannabis Ordinances
Date: Monday, March 15, 2021 8:09:17 PM
Attachments: [image002.png](#)

EXTERNAL

I am sending this email in opposition to the proposed cannabis ordinance that is going to a hearing March 18th. I have been a resident in the valley since 1987 and hope to stay here for many years to come. I am against the ordinance to allow cannabis activities as it is outlined. I feel it is allowing this new industry a much too large of a foothold in our County and specifically Bennet Valley which will eliminate other agricultural businesses. It is a business that is bringing with it significant risk to existing residents including security, traffic as well as a very unwanted odor impact. There isn't another agricultural business in the County that will require armed security and we as residents in Bennet Valley do not want this imposed by the County. The possible hoop houses being allowed will be a blight on the valley beyond comprehension. When I installed a solar field to do my part in supporting green energy the County actually forced me to relocate it on my property to a less effective location which caused me to increase the number of solar panels just to lessen the visual impact to people driving by and now you are proposing to allow acres and acres of hoop houses.

I feel the activity doesn't belong in the Bennet Valley area and in a much smaller capacity in the County as a whole.

Thank you for your consideration.

Shawn Johnson



Shawn Johnson, MANAGING PARTNER / SIOR | LIC.
Keegan & Coppin Company, Inc.
1355 N Dutton Ave., Suite 100 | Santa Rosa, CA 95401
P: (707) 528-1400 ext. 238 **C:** (707) 291-1583 **F:** (707) 524-1419
sjohnson@keegancoppin.com

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Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

From: [Sandy Metzger](#)
To: [Cannabis](#)
Subject: Too Much Cannaabis
Date: Monday, March 15, 2021 10:48:01 AM

EXTERNAL

Dear Supervisors,

I understand you are considering allowing an additional 65,000 acres for cannabis farms, all with little or no input from residents. I simply cannot understand why you would do this unless you think cannabis property and sales taxes are going to keep the county financially afloat. I'm cynical enough to think it's all about the money.

Cannabis is good for no one. Period. Do we need more addicted and brain-altered teens in the county? More gangs claiming territory for the right to sell the stuff? The euphemism "dispensary" for cannabis sales is a farce to make it sound like cannabis is medicine being "dispensed" by a pharmacy. Do we really know of the efficacy of CBD? Growers and sellers try to convince us of that. Certainly THC has no benefits at all.

I thought that we are now in a verified drought period. It seems like we are always being asked to conserve water—as the rates increase. Illegal pot grows always redirect streams to their "gardens." Where will we get the additional water for 65,000 acres of cannabis plants? Residents have converted beautiful green lawns to gravel, compost, mulch, native plants, and rocks, all in the name of water conservation. Some residents have installed water collection systems of barrels and tanks for water draining off roofs. And now you will allow 65,000 acres of water-gobbling cannabis farming throughout the county? And with no resident input?

This is insanity. This is unfair.

Sandy Metzger
Santa Rosa

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From: [Larry Hanson](#)
To: [Greg Carr](#); [Pamela Davis](#); [Cameron Mauritsen](#); [Larry Reed](#); [Gina Belforte](#); [PlanningAgency](#); [Cannabis](#)
Cc: [district4](#); [district5](#); [David Rabbitt](#); [Susan Gorin](#)
Subject: Set aside Chapter 38 and SMND and prepare adequate study of Water Demand
Date: Monday, March 15, 2021 3:04:15 PM
Attachments: [SCWC-CannabisWtrLettr-150321Final.pdf](#)

EXTERNAL

Sonoma County Commissioners:

Please accept the following letter (attached) from the Sonoma County Water Coalition with its support of its membership organizations commenting on the critical issue of the Commercial Cannabis Cultivation Ordinance.

Thank you.

Larry Hanson, SCWC Member
Sonoma County Water Coalition
www.scwatercoalition.org

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Sonoma County Water Coalition

55A Ridgway Avenue, Santa Rosa CA 95401
707-494-5769

March 15, 2021

To: Sonoma County Planning Commissioners – Admin Record for March 18, 2021 Hearing
From: Sonoma County Water Coalition (SCWC)
RE: Set aside Chapter 38 and SMND and prepare adequate study of Water Demand

The Sonoma County Water Coalition requests that the County complete required water demand and infrastructure analyses to support County decision-making relative to potential water demand and supply (average year, dry year and multiple dry years).

SCWC requests the County set aside the deficient draft Commercial Cannabis Cultivation Ordinance (draft Chapter 38 Ministerial permit process, SMND and amendments to chapter 26 zoning code). To comply with State licensing law for cannabis cultivation, Sonoma County must complete cumulative impact analyses, determine an acreage cap for cultivation in different watersheds based on water availability and prepare an ordinance that requires project-specific CEQA review.

Summary: High water demand product will deplete groundwater resources and may require additional SCWA allocations: The water demand for each Cannabis harvest is approximately 1,000,000 gallons per acre or about 3 acre-feet/year per harvest. Chapter 38 removes the prohibition on electrical and water infrastructure in hoop houses; thus, now these structures as well as greenhouses will be able to produce 2-3 harvests per year. The water demand is staggering.

Correction needed: Chapter 38 water demand calculation is wrong: The proposed Ordinance and SMND cites correct input criteria for cannabis water demand: 25-35 inches: then incorrectly calculates irrigation demand in gallons and acre-feet-per-year (AFY) resulting in an erroneous finding of 1.8 AFY. When irrigation demand is calculated correctly (see Endnote 1) the result is 2.9 AFY – this finding is validated by Napa County’s 9111 report which is more conservative per acre analysis of about 40 inches or 3.38 AFY.

The SMND does not evaluate the addition of a high-water demand use in addition to water demand from existing uses. The Farm Bureau often says – “...the vineyards aren’t the problem, the residences are!” Cannabis operations consumption is about six times greater than water use by a residence – or an acre of vineyard which uses up to 162,000 gallons per year.

Enormous Scale with no Cap per Watershed: The County’s Commercial Cannabis Cultivation Ordinance proposes to open up 65,000 acres of ag and resource zoned land to cannabis cultivation, with the cannabis industry projecting “only 6,500 acres” of cultivation permits – absent any cumulative impact studies. To put these numbers in perspective, only 1/10th of 6,500 acres, or 645 acres, of cannabis will use as much water as the 2020 water demand for the entire City of Healdsburg – 645 million gallons/ year. (Endnote 2)

At 6,500 acres, the County would need to plan for water demands equivalent to 10 more Healdsburg-sized cities.

Risk of Groundwater depletion and impaired streamflow: Both the National Marine Fisheries Service and California Department of Fish and Wildlife have concerns about permitting cannabis cultivation in impaired watersheds with the risk of groundwater pumping depleting streamflow. (Endnote 3) The increase in impervious hoop house and greenhouse surfaces, now 1 acre or more allowed, and the incentive to use rainwater catchment will change infiltration and groundwater recharge. The SMND sections on surface water impacts do not address the interconnection with groundwater pumping.

Net Zero Water Plan Mitigation: This type of “water neutral” mitigation is used for buildings; the County website describes how it works for an Accessory Dwelling Unit. By definition, cannabis cultivation is not a “water efficient landscaping” option; and, the ordinance/SMND do not define how this mitigation measure could reduce water demand of this magnitude: The SMND did not analyze potential groundwater contamination impacts from use of urban wastewater, with an application rate six times higher than that studied for vineyard irrigation. And the incentive for rainwater catchment and off-stream diversion ponds may impact downstream neighbors.

We are concerned that hydrogeologic reports are limited to groundwater zones 3 and 4, and that an amorphous Net Zero Plan can replace a valid study by a qualified hydrologist requirement.

The Chapter 38 well interference standard may be less protective than the Ag Resource Element standard Per California groundwater law, he with the biggest straw gets the water: The well interference standard (Endnote 4) appears to be a drawdown of 10 feet over 24-hour period; where the General Plan states drawdown cannot be within the zone of influence of a neighbor’s well.

Again, for the reasons cited above and deficiencies in the Commercial Cannabis Cultivation Ordinance documents, including lack of required cumulative impact assessments, the SCWC respectfully requests these documents and the ministerial permit process be set aside.

Sonoma County Water Coalition Members Signed Below

SWiG (Sebastopol Information Group)
by Jane Nielson
VOTMA (Valley of the Moon Alliance)
by Kathy Pons
Friends of Mark West Watershed by Ray
Krauss
Wine & Water Watch by Janus Matthes
Milo Baker California Native Plant
Society by Sean McNeil
Friends of Eel River by David Keller
Petaluma River Council by David Keller
Forest Unlimited by Larry Hanson
Town Hall Coalition by Larry Hanson

California Clean Water Institute by
Kimberly Burr
Coast Action Group by Alan Levine
Preserve Rural Sonoma County by
Judith Olney
Concerned Citizens for Santa Rosa by
Anne Seeley
Friends of Graton (FOG) by Anna
Ransome
Friends of Atascadero Wetlands (FAW)
by Anna Ransome
California River Watch by Larry Hanson
Our Green Challenge by Veronica
Jacobi

ENDNOTES

Endnote 1: Source: Chapter 38 and SMND: Converting 25 – 35 inches of water demand/year to the standard irrigation measurement in acre-feet/year (AFY) yields a result of 2.1 to 2.9 AFY - not 1.8 AFY. At 35 inches or 2.9 AFY, there would be 952,000 gallons/ acre year (assuming 1 harvest/year). This calculation is validated by the Napa report of 1,100,000 gallons/ acre year or 3.38 AFY.

Napa 9111 Report – Page 17 Water

Demand: "... the total water consumption for an acre of cannabis production would be around 1,100,000 gallons per year, or 3.38 acre-feet per year (AFY).^{xvi} By comparison, one acre of vineyard irrigation uses 0.2 to 0.5 AFY per acre (65,170 to 162,295 gallons), and primary residences use 0.5 to 0.75 AFY.^{xvii} As a result, implementation of 32 to 64 acres of cannabis cultivation would result in new water demands of 108.16 to 216.32 AFY. This would be in addition to current and projected County groundwater demands by vineyards, residences, and other uses. "

Endnote 2: Source: March 4, 2021 Healdsburg Tribune - Healdsburg requests residents to conserve - Utility Conservation Analyst Felicia Smith: "In terms of city water demand and use, Healdsburg produced 642 million gallons of drinking water in 2020. I know this is an outrageously large number. I think what's more important here is that 70 % is attributable to our residential use."

Note: Healdsburg's population is about 11,500 people @ 70% or 451.5 million gallons, with hospitality and other businesses consuming 30% or 193.5 million gallons.)

Endnote 3: Source: NOAA Letter: County's well testing processes and review of

hydrogeologic reports are deficient. May not protect endangered species or drawdown of neighboring wells.

The report says: Surface water and underlying groundwater are hydraulically linked: pumping can lower groundwater levels and interrupt the flow to streams. Wells are being drilled and pumped without appropriate analyses as to the impact to surface water.

Even wells drilled in zones 1 and 2, if near a blue line stream – "...depletion is influenced by well distance from the waterway, pumping intensity and transmissivity of the underlying geology."

Endnote 4: **Chapter 38.12.140 (page 21):**
Well interference: "*If the groundwater well is within Groundwater Availability Zone 3 or 4, then documentation of an assessment of drawdown for all non-project wells within 500 feet of the well demonstrating maximum drawdown of 10 feet over a 24-hour period, using industry standard method(s) appropriate to the project aquifer. ...using licensed contractor.*"

From: no-reply@sonoma-county.org
To: [Cannabis](#)
Subject: Comments: buffers
Date: Monday, March 15, 2021 2:13:49 PM

Sent To: County of Sonoma

Topic: Comments

Subject: buffers

Message: It is very disappointing that the Part 2 does little to protect the residential enclaves of western Sonoma. Particularly troubling is the proposed Buffers that are measure from a neighbor's residence. It is not only a de facto "taking" of a neighbor's rights but extremely administratively unenforceable.

Thanking you in advance for your help.

Sender's Name: toby levy
Sender's Email: toby@levydesignpartners.com
Sender's Home Phone: 4155180561
Sender's Address:
6200 BLOOMFIELD RD
PETALUMA, CA 94952

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Cannabis](#)
Subject: FW: Cannabis Ordinance Part 2
Date: Monday, March 15, 2021 2:49:59 PM
Attachments: [image001.png](#)

From: Toby Levy <Toby@ldparchitecture.com>
Sent: March 15, 2021 2:17 PM
To: [PlanningAgency](mailto:PlanningAgency@sonoma-county.org) <PlanningAgency@sonoma-county.org>
Subject: Cannabis Ordinance Part 2

EXTERNAL

Dear Planners;

Please find my letter about the proposed Buffer;

It is very disappointing that the Part 2 does little to protect the residential enclaves of western Sonoma.

Particularly troubling is the proposed Buffers that are measure from a neighbor's residence.

It is not only a de facto "taking" of a neighbor's rights but extremely administratively unenforceable.

A 1000ft buffer from the Property Line, should not be a burden since the minimum lot size to grow Cannabis is 10 acres, or which only 10% can be planted.

Thanking you in advance for your help.



Toby S. Levy, FAIA
Founding Principal

[Levy Design Partners](#)
[90 South Park San Francisco CA 94107](#)
[415.777.0561](tel:415.777.0561) ldparchitecture.com

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From: [Scott Orr](#)
To: [Cannabis](#)
Subject: FW: Proposed Changes to the Cannabis Program, Ordinance and County Regulations
Date: Monday, March 15, 2021 10:49:42 AM
Attachments: [Cannabis Ordinance Opposition Ltr.docx](#)

From: Virginia Hair <clobloomfield@icloud.com>
Sent: Monday, March 15, 2021 10:46 AM
To: Tennis Wick <Tennis.Wick@sonoma-county.org>; PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: Proposed Changes to the Cannabis Program, Ordinance and County Regulations

EXTERNAL

To Whom It May Concern at PRMD:
Director Tennis Wick
Planning Commissioners: Greg Carr, Caitlin Cornwall, Lawrence Reed, Todd Tamura, Gina Belforte, Jacquelynne Ocana, Cameron Mauritson, Pamela Davis

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Sincerely, Virginia Hair

March 13, 2021

Sonoma County Board of Supervisors: Supervisors David Rabbitt, Susan Gorin,
Chris Coursey, Lynda Hopkins and James Gore
Sonoma County Dept. of Agriculture, Commissioner Andrew Smith
Sonoma County PRMD, Director Tennis Wick
Sonoma County Fire Prevention Division, James Williams
Sonoma County Sheriff, Mark Essick
Sonoma County Counsel, Sita Kuteira
Sonoma County Cannabis Program, Dept. Analyst McCall Miller
Sonoma County Administrator, Sheryl Bratton
Sonoma County Planning Commissioners

RE: Sonoma County Cannabis Ordinances

To Whom It May Concern:

We have lived in and been paying property taxes in Sonoma County since 1984, and have lived at our current address in Bloomfield since 1986. We have spent over half of our lives in this County. We did not anticipate that we would have to spend the latter years of our lives defending the health, safety, peace, comfort, general welfare, and environment of our rural town and the unincorporated areas of the County from the ill conceived Sonoma County Cannabis Ordinance.

Although the Proposition to legalize cannabis in California passed in Sonoma County, 94,475 people voted against the proposition; that is 40.9% of the residents who voted.

We strongly disagree with prior Agriculture Commissioner Tony Linegar's statement to the Press Democrat in December 2019, "We treat cannabis farmers like any other farmers in the county - they're all farmers to us." This quote is in direct contradiction to his previous statement in the newspaper article that they will still be held to additional standards such as security measures required given the high-dollar value and illicit market legacy of the crop. Cannabis is like no other crop in terms of the many problems associated with its cultivation, such as: crime, groundwater depletion, water pollution, traffic on narrow roads, fire safety, odor pollution, evening operations, noise pollution, light pollution and the property devaluation of nearby homes. It is actually not a crop, it is a product, it is a drug.

We request that the County put a moratorium on all cannabis permits until they can draft an ordinance that protects all of the residents of Sonoma County. The current cannabis ordinance, nor the proposed changes to the ordinance, do not accomplish that sacred trust. But, first, the County needs to do the EIR of their cannabis program. We believe that the powerful, well funded cannabis lobby in Sonoma County has had an undue influence on the process and the ordinance.

The permit process for any cannabis cultivation or processing facility should require:

- All permits must go through PRMD (Permit Sonoma) for a Conditional Use Permit. No ministerial permits should be allowed and the Department of Agriculture should not be in charge of cannabis permits.
- The permit process should require:
 - written notification to any adjacent and nearby property owners within 5000 linear feet;
 - a chance for their objections to be heard and addressed;
 - an Environmental Impact Report or a California Environmental Quality Act (CEQA) review.
- All cultivation should only be allowed in greenhouses with carbon filters to control odors, not hoop houses.
- There should be a buffer of a minimum of 1000 feet, property line to property line from any cultivation site, indoor or outdoor, to any rural residence to help mitigate the harmful impacts.
- Wells on cultivation sites should have meters on them and usage must be reported to the county and evaluated for groundwater depletion.
- There should be a buffer of 5000 feet from any unincorporated town.
- The property tax bill of any properties within a mile of an approved cultivation site or processing facility should be reduced by 20% due to the decreased resale value of the property.
- No cultivation site or processing facility should be allowed on streets that are too narrow for fire safety.
- Water and chemical/pesticide run off must be contained as it eventually contaminates the environment, and may go into protected watersheds, creeks, rivers, esteros and finally into our federally protected marine sanctuaries.
- All permits should only be allowed for one year at which time the renewal permit application will be evaluated for impacts, complaints, and compliance. This gives the County time to adequately evaluate the program, the ordinance, problems with the program, problems with the individual permit, and to make decisions about needed changes.
- No cannabis tourism should be allowed.
- All processing facilities should only be allowed in industrial, commercially zoned areas due to the chemicals used in processing, odor pollution, the availability of fire safety resources, and the availability of crime prevention resources.
- Outdoor cultivation runs the risk of killing pets and livestock nearby, especially if animals get onto the property and ingest the cannabis or if seeds from the plant are dispersed and grow on nearby properties.
- The minimum parcel size for any cultivation permit application should be 20 acres, not 10 acres, with a maximum cultivation site of one acre.

I have read online that cannabis growers decry what they state is the onerous nature of the current ordinance. But, it does not keep them from going through the PRMD Conditional Use Permit process that could take several years and cost a substantial amount of resources. This is because the future potential financial gain from an approved permit is so great.

People are coming from other counties and states to take advantage of the County's inadequate ordinance that does not protect the rural residents of the County who bear the unjust burden of the cultivation provisions of the ordinance.

We live in a community of families surrounded by dairies, horse ranches, sheep ranches, cattle ranches, vineyards and farms growing food. I wonder how many growers actually live on their own cultivation site with their families. The members of the LLC that purchased land for a cannabis farm in our town are from out of county. It would destroy our town and ruin the lives of the citizens who reside here, if a permit for cultivation would be allowed. Fortunately, their permit application for a ministerial permit was denied. We do not know if they will pursue a Conditional Use Permit through PRMD.

Two of our neighboring counties, Marin and Napa, have wisely decided not to allow cannabis cultivation, even though their voters also approved the proposition to legalize cannabis. I wish that Sonoma County had made this same decision.

I participated on one of the virtual Town Hall Meetings regarding the proposed changes to the Cannabis Ordinances. I have read all of the written letters that had been sent to the County. I found the letter submitted by Craig Harrison and Ray Krauss to be a very thoughtful and intelligent proposal about how the county should have done the planning process for the cannabis program and ordinance. I hope that everyone at the county involved in this process will actually read their letter and decide that they need to rethink and revise the cannabis program, the planning process and the permit process.

Thank you for your service.

Sincerely,

Virginia Hair

From: [Virginia Hair](#)
To: [Cannabis](#)
Subject: Proposed Changes to the Cannabis Program, Ordinance and County Regulations
Date: Monday, March 15, 2021 11:34:22 AM
Attachments: [Cannabis Ordinance Opposition Ltr.docx](#)

EXTERNAL

To Department Analyst, McCall Miller:

Attached is my letter regarding the proposed changes to the Cannabis Program, Ordinance and County Regulations.

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