



Mark West and Palmer Creek/ Mill Creek

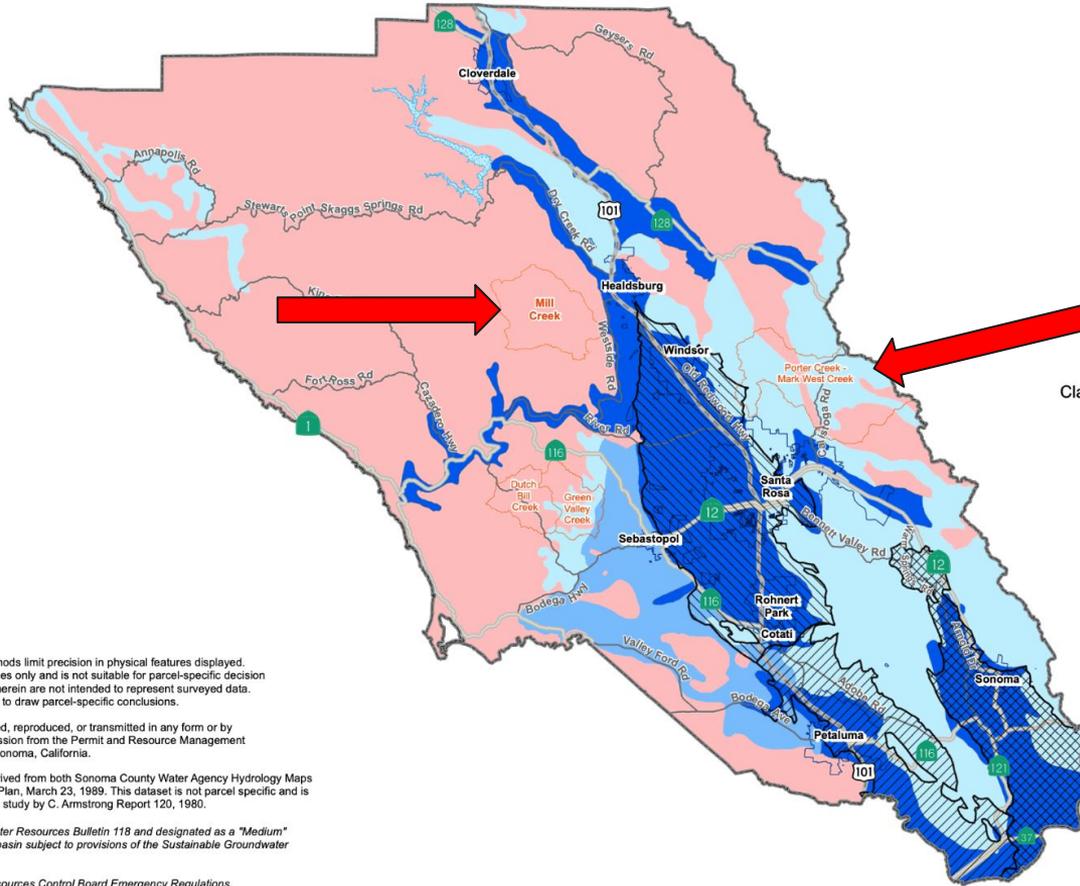
Small Group Meeting - August 24th

We represent two similar, highly sensitive watersheds

	Mark West	Palmer Creek/ Mill Creek
● Impaired Critical Habitat Class III and IV Watersheds	✓	✓*
● High fire severity zone	✓	✓
● Fire burn scar (Kincaid, Walbridge)	✓	✓
● Accessed through narrow, single lane, often unpaved roads	✓	✓
● Residents rely on groundwater wells and creeks for all water	✓	✓
● Mostly RRD zoned	✓	✓
● Very limited commercial operations currently (only vineyards)	✓	✓

* Mill Creek is all Class IV

Groundwater Availability



*Priority Groundwater Basins

- Petaluma Valley 
- Santa Rosa Plain 
- Sonoma Valley 

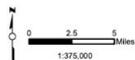
Groundwater Availability Classifications

- Class 1 - Major Groundwater Basin Area 
- Class 2 - Major Natural Recharge Area 
- Class 3 - Marginal Groundwater Area 
- Class 4 - Low/Highly Variable Water Yield Area 

**Critical Habitat Area 

Base Map Data

- City Limits 
- Lake Sonoma 
- US Federal Highway 
- State Highway 
- Street 



Map scale and reproduction methods limit precision in physical features displayed. This map is for illustrative purposes only and is not suitable for parcel-specific decision making. The parcels contained herein are not intended to represent surveyed data. Site-specific studies are required to draw parcel-specific conclusions.

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The original boundaries were derived from both Sonoma County Water Agency Hydrology Maps and County of Sonoma General Plan, March 23, 1989. This dataset is not parcel specific and is based on surface geology from a study by C. Armstrong Report 120, 1980.

**As defined in Department of Water Resources Bulletin 118 and designated as a "Medium" or a "High" priority groundwater basin subject to provisions of the Sustainable Groundwater Management Act.*

*** As defined by State Water Resources Control Board Emergency Regulations.*





4 topics for today

- Water
- Roads
- Security
- Enforcement

We would like to hear your feedback on our concerns as part of a 20 min discussion following our presentation

Water

First and foremost, we ask that there be a moratorium on all ministerial and CUP applications and that the current applications in the pipeline are expedited to hearing.



- We have a great deal of [previous submissions](#) that demonstrate why **water is so important** in the Mark West Watershed and similar impaired watersheds and why the various **cannabis ordinances as written will have significant impacts** on our resources
- We have a great deal of scientific information about hydrology and streamflow in the Mark West Watershed (see the [study highlights](#), or the [full study](#)) that demonstrates this **watershed is already in a delicate balance**.
 - Similar studies/analysis data of remaining upland watersheds are needed to form a clear picture of current state of water resources and their maximum carrying capacity
- The **EIR needs to include** a measure of **cumulative impacts**, and needs to consider the **worst case drought scenarios**
- ***Proposals to mitigate water concerns, based on science already available:***
 - -Exclude cannabis production in water availability zones 3 & 4 entirely
- OR
 - -Exclude Mark West Watershed and other critical habitat, impaired upland watersheds like Mill Creek



Roads

**Cannabis cultivation and
'tasting' adds recurring, high
volume, commercial truck and
passenger vehicle traffic to
roads**



Fire safety



- Most parcels in both our watersheds are accessed using **long, single lane, dead end roads**, frequently unpaved, with **limited turnouts and mostly <20ft wide**
 - They **fail to meet EVERY standard set** by the Board of Forestry for Fire Safe Roads
- We are in **high risk fire zones** -- both watershed are in wildfire burn scars -- with **very poor connectivity** and **nearly ~20-30 min from adequate fire response**
- **EIR** needs to review and delineate:
 - Realistic ability for roads such as these to be improved to **meet all the specifications code** before any projects are approved
 - If improvements can be conducted without **other negative consequences** for the watershed
 - What, if any, **mitigations are truly equivalent** and how they can be **monitored adequately**
- **Ordinance** needs to affirm that where a road cannot realistically meet code guidelines, no cultivation or 'tasting' should be permitted

Road use impacts



- Our roads were **never designed with the intent of supporting commercial traffic**
 - They serve a limited number of residents, who use them to access their residences and are subject to only occasional use by trucks
 - They are private roads, maintained by residents at own expense, and with no provisions for supporting the additional wear and tear
- Adding any amounts of ongoing commercial traffic to these roads without ANY provisions for their maintenance, improvement, or addressing of fire safety deficiencies as part of their use permit:
 - Creates an **immediate and major financial and physical burden** on the rest of the community
 - Increased **road degradation**, increased **chances of accidents** from vehicles driven by drivers not familiar with the road, and increased chances of poor road conditions leading to **loss of access to residences**
 - Dramatically increases the **risk of fatalities during a fire emergency** if trucks associated with the facility either block road access to fire department personnel or block evacuation routes for residents
- **EIR** needs to study, impacts of and set guidelines for:
 - Impacts from expected traffic increases from cultivation, realistic mitigations for both public and private roads, monitoring and penalties from excess wear and tear
- **Ordinance** should include specific, delineated requirements related to cultivations on private roads. All user of shared private roads need to agree on its use for commercial cannabis operations



Security

The county considers security risks for cultivation sufficient as to require fences, cameras, alarms and restricted access

Security risk to neighbors



- Cultivations -- if permitted in RRD zones -- will be **going in next to private residences**, frequently on all sides
 - We are typically **20-30 minutes away from police response**, once reached
 - **Neighbors do not have** security cameras, personnel, or **resources to respond** to trespassers
- Some grows are arguing for *armed* security to be permitted*
 - This would introduce potential for **neighbors to be caught in crossfire**, have property **entered by potentially armed trespassers**, risk security guards **mistakenly fire at them**
- **EIR** must review and address:
 - **How security will be addressed for neighborhoods**, not just grows; this should include **minimal response time standards** for police, **additional county resources** needed to support, **insurance** carried by grows to protect neighbors, **setbacks** to neighboring property lines as buffer zones (*on grower's, not neighbor's properties*) and what **penalties** and/or **remediations** are available to neighbors for repeated disturbance
- **Ordinance** must **acknowledge and exclude all areas** where minimal response times cannot be achieved and where minimum distances cannot be met so as to provide true protection

Enforcement

Ultimately, the goal will be to determine if this new use will have significant impacts, and mitigations and conditions are required to be publicly measurable, verifiable, and enforceable

There are numerous issues with the current approach



We cannot continue to draft mitigations and conditions that rely on measures that :

- Are self reported
- Are imprecisely defined
- Non-publicly verifiable
- Do not use county-established benchmarks
- Do not automatically flag non-compliance

We cannot center our enforcement plans on:

- Neighbors reporting neighbors
- Complaints as only mechanism for tracking non-compliance
- Manual, ad hoc, subjective monitoring by individual county employees

Examples of provisions with no enforcement



Net Zero Plans

- Net Zero Plans are not effective for applying conditions on water use - not enforceable, not verifiable, not measurable
- Impounded sheetflow currently does not require a state water right, despite removing water from watershed
- No estimates for how much would have otherwise gone to infiltration
- Net Zero to “replace” a previous use - no standards for measuring prior use or verification of submitted figures

Planned Trip Assessments

- Self reported per project -- no county benchmarks to assess plans against
- No reporting or revision requirements subsequent to permit vesting
- No penalties for exceeding provided estimates
- Relies on neighbors to monitor and report violations / egregious behavior
- No recourse to county enforcement on private roads

EIR should study and stipulate



- **Metric used** and specific **benchmarks** from actual studies
- **Method of verification** -- including 3rd party or other **objective sources of data** to cross check data
- **Frequency** of monitoring
- **Records** produced, reported and retained for each identified potential adverse impact
- How records should be made **available to the public**
- **Response to be taken** when any exceptions or exceedences are detected including notification of the County and the steps necessary to remedy and to assure no similar future violations
- All of the requirements for such “**Mitigation Monitoring Plans**” that are necessary to objectively demonstrate, record and report project compliance
- **County resources (human and other) required** to implement the monitoring and compliance

Proposal to address accountability where cannabis is permitted:

- Requirement of applicant to **prepare and submit a “Mitigation Monitoring and Reporting Plan”** tailored to their particular project and subject to County approval prior to beginning any construction or operations
- Annually, each operation must be required to **produce for the County a “Compliance Report”**
- Permits should be written to **expire annually subject to automatic renewal** upon County review and approval of the Annual Compliance Report
- **Approval of compliance reports should be an action of the BZA or Planning Commission** after a public hearing
- Every operation should be required to **post a “Facility Removal and Site Reclamation Bond”**



Q&A

We would like to hear your questions and reaction and understand where we can provide further clarification

Ordinance must at a minimum include:

- Requirement of applicant to **prepare and submit a “Mitigation Monitoring and Reporting Plan”** tailored to their particular project and subject to County approval prior to beginning any construction or operations
 - Address the monitoring necessary to demonstrate and document compliance with each required mitigation measure and permit condition
 - All monitoring data demonstrating compliance must be science based and independently verifiable and available to the public
- Annually, each operation must be required to **produce for the County a “Compliance Report”** that:
 - Compiles all of the required monitoring data for each condition and mitigation measure
 - Identifies all exceptions and exceedences that have occurred
 - Describes and documents the steps taken to prevent future exceptions and violations
 - Presents subsequent monitoring data to demonstrate that the operation has resolved the issue and is now in full compliance
- Permits should be written to expire annually subject to automatic renewal upon County review and approval of the Annual Compliance Report
 - This avoids the prolonged process necessary to abate a non-compliant operation with the drawn out administrative and potential Court appeals
- Approval of compliance reports should be an action of the BZA or Planning Commission after a public hearing
 - If the report is not approved, the operation must cease immediately.
 - Operators can appeal a determination of non-compliance, but cannot operate again unless and until the decision of the public body is reversed in which case the permit will be reinstated and operations can resume.
 - Based on the Annual Compliance Report, the public body should be able to add or modify permit conditions in order to assure future compliance
- Every operation should be required to post a **“Facility Removal and Site Reclamation Bond”**
 - In the event of noncompliance or project abandonment, the funds are available to restore the site without requiring the county to lien the property and engage in a lengthy collection proceeding. Bonds should be in cash or cash equivalent such as a bank letter of credit or other acceptable instrument that is immediately liquid