

## Attachment O Addendum 6

Public Comment Received  
May 17, 2021 from 12:00 PM to 5:00 PM

**From:** [no-reply@sonoma-county.org](mailto:no-reply@sonoma-county.org)  
**To:** [BOS](#)  
**Subject:** Issue: The new Cannabis Ordinance  
**Date:** Saturday, May 15, 2021 10:52:50 AM

---

Sent To: County of Sonoma  
Topic: Issue  
Subject: The new Cannabis Ordinance  
Message: Dear Board:

You are having to mediate a situation in which a major extraction industry - the cannabis industry- seeks to use Sonoma County as a precedent-setting Big Move-in in order to expand their operations.

After they do expand their business operations into other counties and states, their product will become less valuable and many will shut down here to concentrate on lower land cost areas. The result would be a lot of Sonoma County degraded properties and a broken oversight process encoded in Sonoma County policy.

Please create a sensible program going forward. Often lamented is the ability of Code Enforcement to meet the needs of Sonoma County residents.

If permits are made ministerial, with conditions for building and operations not spelled out, there is no opportunity for prevention of conditions that call for enforcement action.

Thinking of all of us, I know you'll make a good decision.

Sender's Name: Anne Seeley  
Sender's Email: [aseeleysr@gmail.com](mailto:aseeleysr@gmail.com)  
Sender's Home Phone: 707 526-3925  
Sender's Cell Phone: 707 484-8722  
Sender's Address:  
4370 Raymonde Way  
Santa Rosa, CA 95404

**From:** [no-reply@sonoma-county.org](mailto:no-reply@sonoma-county.org)  
**To:** [BOS](#)  
**Subject:** Constituent Matter: marijuana and water shortage  
**Date:** Saturday, May 15, 2021 1:45:18 PM

---

Sent To: County of Sonoma  
Topic: Constituent Matter  
Subject: marijuana and water shortage  
Message: Supervisors:

I urge you to slow down on the approval of large marijuana growers in Sonoma County. Like many have said and you are aware, the amount of water to support marijuana farms is exorbitant, especially when we are facing critical shortages of water. All residents will suffer having to practice extreme water savings and higher costs for water without the addition of this water-thirst crop. Finally, marijuana, like wine, is not a necessity for life. It is a product that a percentage of citizens purchase, but it is not a benefit to most people across the county. This is the wrong place for additional marijuana farms!

Thank you,  
Barbara Gay

Sender's Name: Barbara Gay  
Sender's Email: [barbaraegay@yahoo.com](mailto:barbaraegay@yahoo.com)  
Sender's Home Phone: 7078898053  
Sender's Address:  
925 Georgia Street  
Santa Rosa, CA 95404

**From:** [Arielle Kubu-Jones](#) on behalf of [Susan Gorin](#)  
**To:** [Cannabis](#)  
**Subject:** FW: In this time of drought and fires  
**Date:** Monday, May 17, 2021 1:37:43 PM

---

**From:** Mike and Becci Greene <verdecasa2u@gmail.com>  
**Sent:** Monday, May 17, 2021 1:02 PM  
**To:** Susan Gorin <Susan.Gorin@sonoma-county.org>; Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Andrea Krout <Andrea.Krout@sonoma-county.org>; district3 <district3@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; Sean Hamlin <Sean.Hamlin@sonoma-county.org>; district4 <district4@sonoma-county.org>; James Gore <James.Gore@sonoma-county.org>; Jenny Chamberlain <jchamber@sonoma-county.org>; district5 <district5@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Leo Chyi <Leo.Chyi@sonoma-county.org>  
**Subject:** In this time of drought and fires

## EXTERNAL

Hello Supervisors,

I would like you to Invest in a full Programmatic Environmental Impact Report (EIR) to determine suitable areas for future cannabis grows. The existing SMND is fatally flawed and should be scrapped.

**WE ARE IN A DROUGHT. WE ARE IN A DROUGHT.WE ARE IN A DROUGHT.WE ARE IN A DROUGHT.WE ARE IN A DROUGHT.WE ARE IN A DROUGHT.**

**THERE WILL BE MORE WILDFIRES.THERE WILL BE MORE WILDFIRES.THERE WILL BE MORE WILDFIRES.THERE WILL BE MORE WILDFIRES.**

**WATER SUPPLIES ARE DWINDLING.WATER SUPPLIES ARE DWINDLING.WATER SUPPLIES ARE DWINDLING.WATER SUPPLIES ARE DWINDLING.**

I already live in a pot grow ghetto west of Petaluma.

**Do the right thing to preserve our precious**



**resources.**

**Sincerely,  
Becci Greene**

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Bob Koenitzer](#)  
**To:** [BOS](#)  
**Subject:** Cannabis ordinance change  
**Date:** Monday, May 17, 2021 2:29:51 PM

---

## EXTERNAL

To: Board of Supervisors  
From: Bob Koenitzer DDS

I am a 60 year old, lifelong Petaluma resident (second generation), who has lived the last 21 years just north of Petaluma in a residential/rural neighborhood. I have served the last 17 years as a trustee for the Liberty School District.

I hope you will truly take careful consideration before you change the ordinance.

There are many significant factors that make it critically important that these cannabis operations go through a fully transparent process.

Operations should not be allowed that will impact our water resources, especially now. Those issues are highly local, and can vary dramatically from one side of a hill to the other. By creating over the counter permission, you eliminate the possibility of ensuring and protecting our water source. There are many places where cannabis grow operations will not be problematic, but there are also many places that could be catastrophic for the neighbors. These decisions need to be made on an individual basis.

The same is true for other issues, like: endangered species, safety issues, air quality, traffic, etc

It is truly inappropriate to essentially give blanket approval for all grow operations. They need to be considered individually and allowed in locations with the least negative impact. There are plenty of those locations. But there are also plenty of locations that would create significant, potentially devastating damage.

It is prudent and appropriate to treat these permits individually, and make sure that we don't harm our wonderful county.

Bob Koenitzer DDS

Sent from [Mail](#) for Windows 10

**THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.**

**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:** [cathycrowley@sbcglobal.net](mailto:cathycrowley@sbcglobal.net)  
**To:** BOS  
**Cc:** [cathycrowley@sbcglobal.net](mailto:cathycrowley@sbcglobal.net)  
**Subject:** Agenda Item 14  
**Date:** Sunday, May 16, 2021 11:48:21 AM

---

## EXTERNAL

I am extremely concerned with the proposed changes to allow commercial marijuana cultivation in Bennett Valley and Sonoma county. In 2017, I lost my home in the wildfire in Bennett Valley. Like many, I questioned whether to rebuild or not. I did so for multiple reasons. I did rebuilt and have been so pleased to see that so many others in my area have also rebuilt. There has been such a community feeling as neighbors helped neighbors to go through the process of rebuilding our community. I am extremely concerned that the changes to allow for major commercial marijuana cultivation in our county could forever change the nature of our area in many,many negative ways. It will (and has already) brought in outside LLC to purchase land. These LLC are not here to benefit our community, our neighbors and our rural landscape. They have no vested interest in the our area.

Some of my major concerns:

- Water- we are in a drought, being asked to reduce water consumption. This is not the time to ease up on land use that will require much more water.
- Traffic- If some of the large properties off of Bennett Valley Road (7004 Bennett Valley Road for example) is allowed up to 6 areas of marijuana growing, the number of trucks and vehicles on the BV Road will increase. The heavy equipment and trucks at all times of day and night will have a negative impact on our roads and all of us who use it to get to our homes.
- For the environment: pot growers use dangerous pesticides, which will ultimately leech into the Matanzas Reservoir and Matanzas Creek. They will disrupt lifecycles of native wildlife, and pollute the surrounding landscape. When their natural methods start to fail they will need to fall back on more toxic solutions for pest control and fertilization
- The pervasive smell

*Large scale cannabis operations does comply with the Bennett Valley Area Plan. For all of us who spent the last three years rebuilding our homes and neighborhoods from the devastating impact of the NUNs fire, please, please do not now allow to be ruined by allowing large commercial outside marijuana growers. Bennett Valley should be designated as a Cannabis Exclusion Zone. Or at the VERY least, impose a 5-year moratorium on developing these titanic outsider operations until studies can be undertaken and more sensible statutes can be put into place.*

*From the Bennett Valley Area Plan: 'Commercial development is not considered to be appropriate to the rural character of Bennett Valley.'*

Thank you.

Cathy Crowley  
6975 Bennett Valley Road  
Santa Rosa, Ca 95404

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Dick and Vi Strain](#)  
**To:** [Arielle Kubu-Jones](#); [Andrea Krout](#); [district3](#); [Jenny Chamberlain](#); [district5](#); [BOS](#)  
**Subject:** Agenda Item 14, Proposed Commercial Cannabis Cultivation in Agricultural and Resource Areas Zoning Ordinance and Zoning Code Amendments; General Plan Amendment  
**Date:** Monday, May 17, 2021 2:15:34 PM

---

## EXTERNAL

Dear Supervisors,

Monday, May17, 2021

I'm making additional comments on behalf of Concerned Citizens of Bloomfield via this email. We have previously submitted our comments supporting the following:

- \*Complete a Programmatic Environmental Impact Report
- \*Limit cannabis approval during the emergency drought
- \*Drop Chapter 38 ministerial permitting
- \*Require cannabis processing to locate in Commercial and Industrial zones

The staff report for the May 18, 2021 meeting recommends continuing with the existing proposed process and if the Supervisors choose that course of action we have comments relative to the draft Chapter 38 that are not included above as follows:

1. Cannabis Processing Buildings should also be subject to the recommended 1000 ft. setback from residential property lines.

In Bloomfield the proposed cannabis operation has a large processing building adjacent to rear property lines on two sides. The processing plant is the 24/7 use with attendant traffic, noise, outdoor lighting and other activities of around the clock operating a mere hundred feet from these residential backyards.

2. Existing Buildings - Place a limit on cultivation in existing buildings or remove the unlimited use of existing buildings and place their use within the 10% proposed increase of acreage that can be used for cannabis. The unlimited use of existing building has not been adequately studied in the SMND as pointed out by the Shute, Mihaly & Weinberger letter dated March 18, 2021.

In Bloomfield there are six existing buildings on the property proposed for the cannabis operation. These building are all adjacent to single-family residential property lines. Their use would create a greater intensity of concentrated use adjacent to these property lines and need safeguards in the ordinance.

This is a case where use of existing buildings on a site remote from rural residential towns and neighborhoods might not have a significant effect. However, adjacent to existing concentrated neighborhoods have a significant effect. This is in addition to the loophole allowing unlimited use of existing buildings for increasing cannabis production beyond the proposed limitations.

We sincerely request you initiate preparing an Environmental Impact Report and include the two issues outlined above for additional study and analysis to determine the impact of these issues on adjoining residential neighborhoods and the environment in general and develop appropriate mitigation measures.

Vi Strain  
Bloomfield

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [David Baldwin](#)  
**To:** [BOS](#)  
**Subject:** Sonoma County marijuana ordinance - public comment  
**Date:** Monday, May 17, 2021 11:31:46 AM

---

## EXTERNAL

To Sonoma County Supervisors:

My family and I have lived on King Road for 28 years. We moved here because I needed space for a horticultural business I owned, a place where I could have greenhouses and grow field crops. During the late spring, summer and early fall, my business placed great demands on the water supply from our well, and our well never ran out.

Three years ago I retired and sold my business. This greatly reduced our demand for water. Now the only people on the property are my wife and me. Despite these changed conditions, for the last three years our well has struggled to provide the water the two of us need in August, September and October. This could be the result of residential development in our neighborhood. We do not know, but the sputtering sound from our faucets is very real.

This change in our water situation is a great concern to us. We have made substantial investments in our property over the years, all of which would be seriously compromised if we do not have an adequate and reliable water supply. We are also concerned about fire, as we would lose everything if a fire passed through our neighborhood and we did not have the water needed to fight back.

Given these very real concerns, I urge the supervisors to consider the needs of our neighborhood and those of us who live here now, before you approve the permit for the marijuana production business proposed for Pepper Road. It will place significant demands on our already compromised water supply and it seems irresponsible to allow this project to move forward.

David Baldwin  
541 King Road  
Petaluma, CA 94952

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [David Bowers](#)  
**To:** [BOS](#)  
**Subject:** Letter in Support of Cannabis Land Use Ordinance Sections 26-88-250 and 254  
**Date:** Friday, May 14, 2021 12:35:49 PM  
**Attachments:** [BOS Ordinance Support Santa Rosa.pdf](#)

---

**EXTERNAL**

Honorable Members of the Board,

Please see attached letter in support of Cannabis Land Use Ordinance Sections 26-88-250 and 254 and the proposed Cannabis cultivation in Agricultural and Resource Areas.

Best,  
David Bowers  
(510) 414-0400

--



2590 Telegraph Avenue | Berkeley, CA 94704 | [510-540-7878](tel:510-540-7878)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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.





**Foxworthy Red, LLC.**

7955 St. Helena Rd.  
Santa Rosa, CA 95404  
UPC17-0089

May 14, 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

I am writing to you today to urge you to support the amendments to Cannabis Land Use Ordinance Sections 26-88-250 and 254 and the proposed Cannabis cultivation in Agricultural and Resource Areas. This will be a great improvement to the existing ordinance and will help Sonoma County lead the way and benefit from this emerging industry.

I know the major concerns are with the environment and that would be rightfully said when you look at the effect that unregulated cannabis has had on the environment. When you zoom out and look at the average cannabis business in Sonoma you will find that they are some of the most passionate people when it comes to making a positive environmental impact. The use of permaculture is one example of how a cannabis farm can work with nature to help the environment. On top of this, there are strict guidelines that regulate cannabis even further than any other agricultural crop when it comes to riparian corridor setbacks and pesticide use.

Water and Fire and serious issues that we need to address. There are great projects that have been identified in local Community Wildfire Protection Plans like water storage ponds that not only mitigate against fire hazards but also may provide a way to catch surplus water in the winter time to use not only for cultivation but for late season water release into the watershed.

Cannabis has proven to be good for the community. Ask the Berkeley City Council or any City or County that has a long track record of regulating cannabis. I suggest you use taxes generated to fund schools, the homelessness and opioid crisis.

*Foxworthy Red, LLC. 7955 St. Helena Rd. Santa Rosa CA 95404*



I am 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.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Bowers". The signature is fluid and cursive, with the first and last names being clearly legible.

David Bowers  
Santa Rosa, California

**From:** [David Jackson](#)  
**To:** [BOS](#)  
**Subject:** Board meeting 5/18/2021 Item 14 - Commercial Cannabis Cultivation  
**Date:** Sunday, May 16, 2021 10:24:46 AM

---

EXTERNAL

Hello:

2021-0337 - Proposed Commercial Cannabis Cultivation in Agricultural and Resource Areas Zoning Ordinance and Zoning Code Amendments

I strongly support limiting Cannabis cultivation in Sonoma County. Having lived near illegal grows - even small ones, I can attest that it stinks.

I strongly support the comments of the group - "It's Too Much Cannabis"

Keep the Cannabis industry on a leash, no need to rush to make it easier for the growers. They will expand the industry over time anyway. Save our water and air resources!

David Jackson  
1451 Keiser Ave.  
Santa Rosa, CA

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
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:** [Dmitry Korenkov](#)  
**To:** [BOS](#)  
**Subject:** Agenda 2021-0337 public comment  
**Date:** Monday, May 17, 2021 9:04:18 AM

---

## EXTERNAL

Agenda 2021-0337 comment:

The new Chapter 38 is bad for the environment and it's especially bad policy in a drought. It was written without adequate public input during a pandemic.

Instead of this uninformed Chapter 38, fix the regulations so they meet basic neighborhood compatibility standards.

### Specifically.

1. Invest in a full Programmatic Environmental Impact Report (EIR) to determine suitable areas for future grows.
2. Limit permit approvals during a state-declared drought to applicants that grow cannabis only using dry farming techniques.
3. Increase setbacks to 1,000 feet from outdoor and hoop house cultivation to the property line for all residences, schools, childcare facilities and parks.
4. For indoor cultivation, increase setbacks to 300 feet minimum to the property line.
5. Ban all cannabis cultivation in Community Separators.
6. Require cannabis processing in facilities in commercial and industrial zones only.
7. Prohibit cannabis events near homes and in agricultural or resource zones.
8. Require posting of a \$50,000 mitigation bond upon issuance of each permit.
9. Limit these ministerial permits to small, local growers as was intended -- imposing a requirement for in-county residents to own at least 51%.
10. Change the initial permit period to one year, to match the State and test this new policy.

Regards,

Dmitry Korenkov  
2499 Eastman Ln  
Petaluma, CA 94952

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Eddie Otis](#)  
**To:** [Cannabis](#); [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [district3](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [James Gore](#); [Jenny Chamberlain](#); [district5](#); [Lynda Hopkins](#); [Leo Chyi](#)  
**Subject:** Fwd: Cannabis Ordinance BOS 5/18/21  
**Date:** Monday, May 17, 2021 1:52:45 PM

---

**EXTERNAL**

Begin forwarded message:

**From:** Eddie Otis <[netreal@comcast.net](mailto:netreal@comcast.net)>  
**Subject:** Cannabis Ordinance BOS 5/18/21  
**Date:** May 17, 2021 at 1:50:35 PM PDT  
**To:** Natasha Bacci <[natasha.bacci@gmail.com](mailto:natasha.bacci@gmail.com)>

Eddie Otis- Sebastopol

**Dear Supervisors:**

**The proposed changes to the cannabis permitting process will be some of the most significant land use changes in Sonoma County in the last 40 years.**

I am a member of a coalition of neighbors and environmental activists who are trying to preserve what makes Sonoma County so special: our scenic beauty and precious natural resources. Our goal is to limit these cannabis grows to small areas away from residences, not in public view, and not spreading noise or odor. Unfortunately, this is not what has been proposed.

SPECIFICALLY, we want the County to change the following:

1. Invest in a full Programmatic Environmental Impact Report (EIR) to determine suitable areas for future grows. The existing SMND is fatally flawed and should be scrapped.
2. Limit permit approvals during a state-declared drought to applicants that grow cannabis only using dry farming techniques.
3. Prohibit trucking of water or recycled wastewater under all circumstances.

4. Ensure that residential wells do not run dry due to cannabis operations.

5. Ban all cannabis cultivation in Community Separators.

6. Increase setbacks from the property line of all residences, schools, childcare facilities and parks to 1,000 feet for outdoor and hoop house cultivation and 300 feet minimum for indoor cultivation.

Sincerely,

Edie Otis

**THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.**

**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:** [Jane Kerlinger](#)  
**To:** [James Gore](#); [BOS](#)  
**Cc:** [Scott Sibary](#)  
**Subject:** Cannabis  
**Date:** Monday, May 17, 2021 2:17:13 PM

---

EXTERNAL

Dear Supervisor Gore,

We have been hearing a lot of neighbors voice concerns about the potential impacts of cannabis production in Dry Creek Valley. We don't yet have enough information on what those impacts add up to.

When we read the May 3, 2021 letter to the Board from concerned folks in the Graton area, we wonder what your plans are for dealing with the public outrage from the impacts of cannabis production that we can't foresee unless there is a full EIR. Better to avoid such a scenario and require an EIR.

Sincerely,

Jane Kerlinger  
Scott Sibary

Dry Creek Valley

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [jkingsf@gmail.com](mailto:jkingsf@gmail.com)  
**To:** [BOS](#)  
**Subject:** Comment on Cannabis ordinance  
**Date:** Sunday, May 16, 2021 7:59:41 PM  
**Sensitivity:** Confidential

---

## EXTERNAL

The issue of water, quality and quantity, is of extreme importance to Sonoma County, and to its residents. Agricultural, ecological and human/residential use are all interrelated and can only be evaluated by preparing a county-wide EIR. While I know there are many special interests lobbying you to approve the ordinance I urge you to take the long view, vote no, and prepare a comprehensive analysis, through the EIR process. Thank you.

John King  
4401 Chemise Road  
Healdsburg, CA 95448

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [nbaylk@aol.com](mailto:nbaylk@aol.com)  
**To:** [Arielle Kubu-Jones](#); [Andrea Krout](#); [district3](#); [district5](#); [David Rabbitt](#); [Jenny Chamberlain](#); [Cannabis](#)  
**Subject:** Cannabis Ordinance BOS 5/18/21  
**Date:** Monday, May 17, 2021 2:24:59 PM

---

## EXTERNAL

Board of Supervisors,

The proposed cannabis ordinance will change the look and feel of Sonoma County for the worse in many ways.

It will be bad for the environment and a serious mistake in view of our water shortage.

Most of the citizens of Sonoma County do not want cannabis production to be located within one mile of them.

Why would you approve this?

Karen Kibler

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Ken Mandelbaum](#)  
**To:** [BOS](#)  
**Subject:** Comments for 5/18 BOS Meeting  
**Date:** Monday, May 17, 2021 4:05:42 PM

---

EXTERNAL

Re: File # 2021-0337: Proposed Commercial Cannabis Cultivation in Agricultural and Resource Areas Zoning Ordinance and Zoning Code Amendments; General Plan Amendment

Dear Sonoma County Supervisors,

We write today to voice our opposition to the approval of adopting an Ordinance (a) adding Chapter 38 to the Sonoma County Code to expand ministerial cannabis cultivation permitting process in agricultural and resource zoning districts (CCCARA); and (b) amending the Cannabis Land Use Ordinance (CLUO) in Chapter 26 (Zoning Code) of the Sonoma County Code to expand use permits for cannabis cultivation.

While we can understand the industry's support for the proposed ordinances and amendments, as Sonoma county residents we urge you to not move forward with the approval of the proposed ordinances and amendments for reasons that include:

- 1) We strongly believe that due to the impacts from commercial cannabis operations on neighbors, the approval process of new commercial cannabis cultivation operations needs to continue to be overseen through a traditional zoning and planning approval process—not through an over-the-counter ministerial approval process. We also believe that the approval process for these projects needs to remain within the purview of the county Zoning department and not be delegated to the Agricultural Commissioner.
- 2) While the groundwater use issues relating to commercial cannabis cultivation operations has always been an issue, the current drought conditions put an even brighter spotlight on it and again support the importance of keeping the permitting for these projects within the purview of a traditional zoning and planning process.
- 3) We believe a more robust public comment process needs to occur before any new ordinances or amendments related to this issue are approved. Due to the constraints of the pandemic and the lack of traditional in-person public workshops, we are concerned that there has been inadequate public outreach for such an important matter.

Thank you,

Ken Mandelbaum and Liza T. Heath  
Petaluma

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [Kim Stare Wallace](#)  
**To:** [BOS](#)  
**Subject:** Agenda #14, Opposition to Cannabis Ordinance  
**Date:** Monday, May 17, 2021 10:38:29 AM  
**Attachments:** [image004.png](#)

---

## EXTERNAL

To Whom It May Concern:

I am writing on behalf of our business Dry Creek Vineyard, as well as a longtime resident of the Dry Creek Valley. We strongly oppose the new amended Cannabis Land Use Ordinance Chapter 38. We feel it is very important that there is an EIR conducted before a decision such as this is made. We are opposed to the growing of marijuana in LIA designated areas, such as Dry Creek Valley. The reasons are many, but include concerns over neighborhood impact, environmental impacts, sensorial impacts (the stink alone is a concern), potential crime impacts, etc. We must protect our grape and wine industry at all costs as it is the lifeblood of this region. Opening up the cultivation of marijuana in the Dry Creek Valley would gravely impact our region, our community, our grape growers, and the future of our wine industry.

Sincerely Yours,

**Kim Stare Wallace**

*President*

707.433.1000 ext. 130

[Kim@drycreekvineyard.com](mailto:Kim@drycreekvineyard.com)

3770 Lambert Bridge Rd.

Healdsburg, CA 95448



THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Katherine Yates](#)  
**To:** [Cannabis](#); [Susan Gorin](#); [Arielle Kubu-Jones](#); [Andrea Krout](#); [district3](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [James Gore](#); [Jenny Chamberlain](#); [district5](#); [Lynda Hopkins](#); [Leo Chyi](#)  
**Subject:** Wrong side of history  
**Date:** Monday, May 17, 2021 1:37:13 PM

---

## EXTERNAL

Commercial cannabis grows near neighborhoods is so obviously a bad idea to anyone you bring it up with that it boggles the mind to know you could choose so differently. No other bay area county is being this rash and destructive. How is it possible you cant see this, *especially* when there are obvious, more intelligent, solutions?

It is a complete myth that changing the ordinance will help the family farmer.

It is crazy to throw the doors wide open to a water guzzling product.

It is completely inaccurate to make parallels between cannabis and other ag crops. IT IS AN INDUSTRIAL PRODUCT.

To think there wont be crime is to be utterly naive, to fail to read your own county's crime data. Pot is still illegal federally, which means these grow operations cannot use banks, so have to hold cash.

You've known about the odor problem for years: there are articles in business journals dating to 2017 talking about the odor problem and what is required to address it. And what is required are systems that belong in industrial parks, not rural neighborhoods, with little to no oversight.

Come on, be on the right side of history. Use a little intelligence. Require these operations to be out in the real rural areas of the county, or in industrial parks, not in or near neighborhoods.

With deep sadness,  
Katherine Yates, 27 years Sonoma County resident

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [no-reply@sonoma-county.org](mailto:no-reply@sonoma-county.org)  
**To:** [BOS](#)  
**Subject:** Issue: Cannabis Water Usage  
**Date:** Sunday, May 16, 2021 8:40:27 AM

---

Sent To: County of Sonoma  
Topic: Issue  
Subject: Cannabis Water Usage  
Message: Dear Supervisors,

Tuesday you will be discussing a proposed Cannabis ordinance.

PLEASE be very, very careful in your deliberations and more than anything, think about the advisability of allowing commercial pot farms in Sonoma County, an area long plagued with droughts which are only growing more and more frequent.

Just last week, Supervisor Gorin sent out a very lengthy email pleading with her constituents to embrace the spirit of water conservation and personal sacrifice to do so. I certainly expect Supervisor Gorin to join Supervisor Rabbitt in opposing any more commercial pot farm permits, regardless of their size. It's important to "put your money where your mouth is". In other words if you so concerned about drought and water usage then make sure you vote against any high water usage businesses. It is imperative that you Supervisors act in the best interest of the majority of your constituents, not in the best interest of people who decided to make commercial pot growing their livelihood of CHOICE.

Sender's Name: Linda Barr  
Sender's Email: [Wileysgram@vom.com](mailto:Wileysgram@vom.com)  
Sender's Home Phone: 7074861158  
Sender's Cell Phone: 7074861158  
Sender's Address:  
24 Sereno Court  
Sonoma, CA 95476

**From:** [Laura Howard](#)  
**To:** [BOS](#)  
**Subject:** Sonoma cannabis  
**Date:** Monday, May 17, 2021 3:10:46 PM

---

**EXTERNAL**

Proposed Commercial Cannabis Cultivation in Agricultural and Resource Areas Zoning 2021-0337 Ordinance and Zoning Code Amendments;

Letter to the board:

Cannabis is not sustainable agriculture, nor does it contribute to our culture here in Sonoma County. We do not want it here. We are trying to create a community for families and promote a friendly place to visit. We want to increase the tax base by representing our community as a wholesome space. Cannabis not only detracts from this community building but it also threatens it. Cannabis brings trouble in all the wrong forms. We have a limited water supply and we don't want to see a handful of non community residents threaten our environment by taking our water for this export crop.

Say no to cannabis in Sonoma County.

Signed,  
Laura Howard-Gayeton  
Sonoma County Business Owner  
Laloo's Goat's Milk Ice Cream  
The Lexicon of Sustainability

---

Laura Howard-Gayeton  
o. 707-981-8556  
m.707-782-3638



[www.ourfood.world](http://www.ourfood.world)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Marian Van Alyea](#)  
**To:** [BOS](#)  
**Subject:** Comment for Board of Supervisors Meeting May 18, 2021  
**Date:** Monday, May 17, 2021 4:22:47 PM

---

EXTERNAL

Marian and Peter Van Alyea, Dry Creek Valley Residents  
Agenda item: III number 14 Proposed Commercial Cannabis Cultivation 2021-0337

We are opposed to the new ordinance proposal. Sonoma County needs an EIR to comply with CEQA requirements. More citizens need to know the impact this will have on our peaceful rural surroundings.

Thank you.  
Marian and Peter Van Alyea

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
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:** [Maureen Corcoran](#)  
**To:** [BOS](#)  
**Subject:** Cannabis  
**Date:** Sunday, May 16, 2021 6:49:46 PM

---

EXTERNAL

We are not in favor of cannabis growing in Dry Creek Valley.

Maureen Corcoran  
Healdsburg

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
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:** [Mary Prchal](#)  
**To:** [Arielle.Kuba-Jones@sonoma-county.org](mailto:Arielle.Kuba-Jones@sonoma-county.org); [Cannabis](#); [district3](#); [Jenny Chamberlain](#); [district5](#); [district4](#)  
**Subject:** CANNABIL ORDINANCE BOS 5/18/21  
**Date:** Monday, May 17, 2021 3:53:37 PM

---

## EXTERNAL

Dear Supervisors,

I am surprised and shocked that Sonoma County Supervisors would consider the proposals being discussed tomorrow for cannibal ordinance BOS. At a time of extreme drought and continued danger from wildfires, you should be focused on how the county will manage water resources, not bring in more industry to our county that is extremely water intensive.

The ordinance being discussed relies on water survey data which is no longer relevant in our current situation. We face drought emergency of historic proportions that will likely extend for multiple years. The current reality caused by climate change was never considered in the 20-year old General Plan Environmental Impact Report (EIR) or the SMND prepared for this policy. This policy change should not move forward at all, but certainly not without evaluating our current water resources. Sonoma County needs an EIR, one which will protect our natural resources, comply with CEQA requirements and at the same time give residents a right to their health, safety and peaceful enjoyment of their properties.

I have been following the amendments and revisions to the cannabis ordinance for Sonoma County and have read the letters in the newspapers and other sources. It is my understanding that legal recommendations and Agency input, including the California Department of Fish and Wildlife (CDFW) recommendations, among others, have not been incorporated.

Napa County Supervisors voted against cannabis grows in March 2021. You should not be swayed by industry or personal interests. The majority of your constituents agree with my view. We must conserve our water resources. I have been a homeowner in Sonoma county for nearly 30 years. Do what is right. Require an updated EIR and get more input from your constituents and enforce better regulations of any potential cannabis grows in our county.

Mary Prchal  
Healdsburg, CA

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Mercedes Terezza](#)  
**To:** [BOS](#)  
**Subject:** agenda items on May 17 closed meeting  
**Date:** Monday, May 17, 2021 7:04:27 AM

---

EXTERNAL

to the Board of Supervisors

Our neighbors and I are very concerned about water issues and cannabis cultivation. In West County there are many places where water has to be trucked in. Cannabis is a water intense crop. Where will that water come from? Our depleting water tables? Another issue is where does the runoff go and in what state? How does the runoff affect the salmon run for example? What is permitted in the runoff? how is it to be monitored?

Another major issue is traffic on our narrow country lanes. How does this figure into the equation? How close to schools like Salmon Creek/Harmony schools can these operations be? How has this issue been addressed so that in fire or emergency the trucks and vehicles can get through?

I am hoping these issues will be addressed by the Board in your closed session today and that the results of your closed door meeting will be made available for us to review.

Sincerely,  
Mercedes Terezza

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [Natasha Bacci](#)  
**Subject:** Cannabis Ordinance BOS 5/18/21  
**Date:** Monday, May 17, 2021 3:46:24 PM

---

## EXTERNAL

Dear Supervisors:

The proposed changes to the cannabis permitting process will be some of the most significant land use changes in Sonoma County in the last 40 years.

I am a member of a coalition of neighbors and environmental activists who are trying to preserve what makes Sonoma County so special: our scenic beauty and precious natural resources. Our goal is to limit these cannabis grows to small areas away from residences, not in public view, and not spreading noise or odor. Unfortunately, this is not what has been proposed.

SPECIFICALLY, we want the County to change the following:

1. Invest in a full Programmatic Environmental Impact Report (EIR) to determine suitable areas for future grows. The existing SMND is fatally flawed and should be scrapped.
2. Limit permit approvals during a state-declared drought to applicants that grow cannabis only using dry farming techniques.
3. Prohibit trucking of water or recycled wastewater under all circumstances.
4. Ensure that residential wells do not run dry due to cannabis operations.
5. Ban all cannabis cultivation in Community Separators.
6. Increase setbacks from the property line of all residences, schools, childcare facilities, and parks to 1,000 feet for outdoor and hoop house cultivation and 300 feet minimum for indoor cultivation.

Sincerely,

Natasha Bacci  
Sebastopol Resident 20+ years

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Pamela Angleman](#)  
**To:** [Arielle Kubu-Jones](#); [Andrea Krout](#); [district3](#); [Jenny Chamberlain](#); [district5](#); [Cannabis](#)  
**Subject:** re: Cannabis Ordinance BOS 5/18/21  
**Date:** Monday, May 17, 2021 4:18:47 PM

---

## EXTERNAL

Dear Supervisors:

I have been closely following the amendments and revisions to the cannabis ordinance for Sonoma County, have read letters to the Editor, the information and analysis from neighborhood groups and had many conversations with other Sonoma County residents. I would like to take this opportunity to express my concern that the Subsequent Mitigated Declaration has serious potential negative impacts to our communities. I believe that returning to the Board's earlier decision to do a project-wide EIR for Phase 2 makes the most sense and is the most fair to the community at large. Sonoma County needs an EIR, one which will protect our natural resources, will comply with CEQA requirements and at the same time give residents a right to their health, safety and peaceful enjoyment of their properties.

I am a sixth generation ranch owner in West County who has experienced illegal cannabis grows on my property and know first hand the vulnerability that still exists on a personal and environmental level given cannabis unfortunately is not Federally legal. It is undeniable that even with legal grows protections such as dogs, lights etc. exist due to the continued black market and do in fact impact neighbors and the community as a whole.

My family stopped using commercial pesticides, herbicides and fertilizers in the late 1950s and strive to be good stewards of the land not only for ourselves but for the environmental benefit for all. I believe an EIR is paramount for this cannabis ordinance and without it we could easily be left with serious environmental problems that cannot be reversed or at best would be difficult to reverse.

As someone who grew up in Berkeley in the '60s I have no issue about cannabis in regard to an individual's decision but as a Nurse Practitioner I have concern for the health and safety of the public. This ordinance should be about what is the best overall for our communities as a whole.

In conclusion I urge you to consider all these possible negative impacts tomorrow, May 18th and to please vote to return to the Board's earlier decision to do a project-wide EIR for Phase 2.

Respectfully,

Pamela Angleman  
PO Box 10 15015 Bodega Highway  
Bodega, CA 94922

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Judith Olney](#)  
**To:** [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [district3](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [James Gore](#); [Jenny Chamberlain](#); [district5](#); [Lynda Hopkins](#); [Leo Chyi](#); [Cannabis](#)  
**Cc:** [Judith Olney](#); [Raymond Krauss](#)  
**Subject:** May 18 BOS: Cannabis - Non-Compliance with State Requirements  
**Date:** Monday, May 17, 2021 2:00:33 PM  
**Attachments:** [PRSC May17 2021 BOS Letter.pdf](#)

---

EXTERNAL

Honorable Supervisors - PRSC is entering the following letter into the Administrative Record. At issue is Sonoma County's on-going non-compliance with State agency requirements for demonstration of water availability and cannabis wastewater disposal, riparian corridor setbacks and other issues. PRSC requests the County complete an EIR and identify appropriate locations for cannabis cultivation - not impaired watersheds with special status species habitat.

In addition, under separate emails, we are entering two substantive comment letters from Palmer Ridge Residents relative to proposed Use Permit for UPE 18-0046 into the record for the May 18 Board of Supervisors hearing on proposed Cannabis Ordinances.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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.

May 17, 2021

To: Board of Sonoma County Water Agency

From: Preserve Rural Sonoma County

RE: Irresponsible Water Infrastructure Planning – Require Cannabis EIR

Preserve Rural Sonoma County enters the following into the Administrative Record.

As outlined in the [March 15, 2021 Sonoma County Water Coalition Letter](#), commercial cannabis cultivation is a product with high water demand. We urge our Supervisors to set cannabis acreage caps per groundwater basin, allocating water to the highest and best use – not the highest revenue producer – as advocated by the cannabis industry.

In addition, the County is processing Use Permits for projects that do not meet State Agency and State Water Board requirements. Citations from [UPE 18-0046 ISMND](#) are provided as examples of non-compliance with state requirements. And, comments from Palmer Ridge Neighbors are incorporated herein by reference.

**MULTIPLE DRY YEAR WATER AVAILABILITY PLAN REQUIRED:** The [May 6, 2021 LA Times Editorial](#) clearly identifies the root cause of the problem – our climate has changed. The County must prepare a comprehensive water availability plan – addressing current and committed water uses and multi-year drought conditions.

On April 15th the Planning Commission passed a resolution recommending an EIR, which would include a comprehensive review of baseline conditions as well as a much-needed assessment of the public infrastructure costs associated with adding a major new resource-intensive industry. On April 21st the Governor declared a drought emergency in Sonoma County. The Board of Supervisors also declared a drought emergency, and within a month of that declaration, County Supervisors are poised to approve a significant land use change – with unstudied water impacts and public infrastructure costs to future ratepayers as required by CEQA.

**PROTECTION AGAINST WELL INTERFERENCE IN ALL GROUNDWATER ZONES:** In addition to State recommended amendments to Sonoma County’s Use Permit Ordinance, PRSC requests the County reinstate the “Protection against Well Interference” standard for all groundwater zones. Net Zero Water Plan elements and provisions also need clarification to ensure on-site retention or catchment of water does not adversely impact neighboring wells. The County needs to address potential impacts to adjacent neighbors’ wells from blocked rainwater and sheet flow that no longer infiltrates and replenishes the groundwater aquifer, and must ensure new groundwater wells do not negatively impact existing uses.

Example: Proposed Project – UPC 18-0046 draft ISMND – proposes extensive water catchment in groundwater zone 4 with unstudied impacts to adjacent landowner wells.

Page 10: “Water Supply

The project includes the construction of a 782,907-gallon (approximately 2.4 acre-feet) water storage pond to provide water for the cultivation operation. The pond will be filled by precipitation that will primarily occur between November and April; the pond will not receive any channelized surface flow. The pond will be lined with an impermeable barrier material and will be the primary water supply for

the cultivation operation. A 97,000-gallon water storage tank would be installed near the mixed-light greenhouses and would collect runoff from the greenhouses and other nearby structures.”

**PROJECT SEPTIC SYSTEM DOES NOT MEET NCRWQCB REQUIREMENTS: NCRWQCB** (March 18, 2021 letter) **raised concern about County Use Permit non-compliance with wastewater discharge requirements:** “Discharge of excess irrigation water, effluent, process water or gray water is considered **industrial wastewater and cannot be discharged to septic or land via a bio-retention treatment** system... As such, the Regional Water Board requests the County revise the requirements of the wastewater management plan (Sec. 38.12.130) to acknowledge that the discharge of cannabis cultivation wastewater to septic (or similar) systems is generally prohibited unless an appropriate waste discharge permit is sought from the Regional Water Board. However, obtaining a permit for such is unlikely: Since the adoption of the original Cannabis Policy and General Order in 2017, the Regional Water Board has yet to approve a request for such a permit.”

**Non-Compliant Example: Page 10-11: UPE 18-0046 ISMND proposed Wastewater Disposal via Septic System:** “**A single new septic system** is proposed consisting of a septic tank and leach field (PRMD Septic Permit SEP19-0181). The system will be located in the northern portion of the parcel that will service an ADA accessible restroom for employees in the existing barn and the new dwelling for the farm manager. The capacity of the system is designed for a high occupancy load and is anticipated to be more than **adequate for the proposed commercial purposes**. These restrooms will be available for employees and any other invited persons and will be ADA accessible by adding concrete ramps off of a stable parking area. Septic wastewater uses are estimated be approximately 20 gallons per day, based on the residence for two caretakers and the single ADA accessible restroom. The restrooms will use low water use fixtures. The septic field will be located approximately 50 feet away to the west in an area of steeper slope.”

**STATE RECOMMENDED AMENDMENTS TO CANNABIS PERMITTING PROCESSES: The above examples show that Sonoma County is not complying with State regulations.** Over 30 pages of Federal and State agency comments outline, among other things, serious deficiencies in County-well testing and reporting practices, inadequate demonstration of water availability, insufficient riparian corridor setbacks, and non-compliant industrial wastewater disposal.

State oversight of public trust resources need to be incorporated early in the discretionary use permit process. Per State Water Code 8102, an Applicant must enroll with the State Water Resources Control Board (SWRCB) to identify all water sources used for cultivation, including details of well drilling reports, letters from commercial water suppliers, and evidence of direct diversion compliance. And the SWRCB coordinates its permits with California Department of Fish and Wildlife for negotiation of Lake and Streambed Alteration Agreements, ensuring diversions or groundwater pumping does not affect in-stream flows.

Additional permitting requirements are described in the March 2021 California Department of Fish and Wildlife and North Coast Regional Water Quality Control Board letters as well as NOAAs Federal NMFS Agency letters incorporated herein by reference. Only key deficiencies are noted below; these include but are not limited to requirements that:



- State Water Code Section 13149: “...*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.”
- **Cannabis use permit requirements need to address the NCRWQCB (March 18, 2021 letter) concern about non-compliance with wastewater discharge requirements:** “Discharge of excess irrigation water, effluent, process water or gray water is considered industrial wastewater and cannot be discharged to septic or land via a bio-retention treatment system... As such, the Regional Water Board requests the County revise the requirements of the wastewater management plan (Sec. 38.12.130) to acknowledge that the discharge of cannabis cultivation wastewater to septic (or similar) systems is generally prohibited unless an appropriate waste discharge permit is sought from the Regional Water Board. However, obtaining a permit for such is unlikely: Since the adoption of the original Cannabis Policy and General Order in 2017, the Regional Water Board has yet to approve a request for such a permit.”
- Another area requiring NCRWQCB oversight is any use of piped urban recycled water on cannabis cultivations, especially to ensure wastewater application is at agronomic rates in confined aquifers.
- **Department of Water Resources requirements for groundwater management in Priority Groundwater Basins under the State Groundwater Management Act.** NOAAs Federal NMFS Agency also identified the issue of permitting high water demand cannabis cultivations in over-drafted basins. Cannabis cultivation acreage caps and other protections are required to ensure the cannabis program does not undermine the County’s ability to achieve sustainability goals.

**MINISTERIAL PERMITS CANNOT MEET CEQA REQUIREMENTS:** The State requires an Ordinance that does not require project-specific environmental analyses be supported by CEQA review. In addition to the SMND failing multiple CEQA standards, the ministerial permitting process cannot meet CEQA’s Article 19 criteria. With little or no enforcement, merely requiring a set of disassociated “plans,” with no discretionary analyses as to their accuracy or effectiveness will not address or reduce unique, site-specific environmental impacts to less than significant.

CEQA Guidelines Article 19 clearly defines limits to 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)

Article 19 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) Only use fixed standards and objective measures; and 4) Staff can use little personal judgement or discretion

**Criteria 1 and 2: No physical change to environment or sensitive habitats:** By definition, projects requiring fencing, 24-hour security, lighting, water and power infrastructure and nuisance-related setbacks change the physical environment.

The scope and fragility of the environmental resources in the Significant Impact Area are not appropriate for ministerial permitting for high-intensity cultivation: Over 80 percent of Sonoma County's land areas are either zoned Agricultural or Resource. Most locations in Ag zones and especially the RRD zone have **sensitive physical attributes** (streams, wetlands, slopes, heritage trees, etc.).

Water and Energy Use are interrelated: Acreages of cultivation in certain locations will have increased energy demand impacts from significant groundwater pumping and as well as the potential for nuisance odor and wildlife-disturbing noise impacts.

**Discretionary review required – (Criteria 3 and 4):** In an attempt to incorporate standards into the Ministerial process, the Ordinance and SMND identify separate reports, studies or permits required for review and approval from a State Agency or County Ag Commissioner Staff during the ministerial permitting process.

**Issues with BMPs and Future Mitigations:** The Ag Commissioner can change BMPs at any time, many standards are less stringent than State standards, a number of mitigations defined and then relied on to make certain findings in the SMND are not incorporated into the Ordinance. Many proposed actions are recommended after the impact occurs; however, CEQA prohibits future mitigations.

Many types of environmental impact **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.**

Sincerely,

Judith Olney Co-Chair Preserve Rural Sonoma County

Citations incorporated by Reference:

State Department of Fish and Wildlife March 17, 2021 Letter

Federal NOAA – National Marine Fisheries Service August 2018 and February 2021 Letters

North Coast Regional Water Quality Control Board March 2021 Letter

Palmer Ridge Neighborhood UPE 18-0046 Comments of May 15, 2021

**CEQA Proposed Mitigated Negative Declaration Response**

May 15, 2021

From: Palmer Creek Residents

Application #UPC18-0046  
6699 Palmer Creek Road, Healdsburg, CA

Attn: Lauren Scott, Project Planner, MIG

Cc: Tennis Wick, Permit Sonoma Director, County of Sonoma  
Robert Pennington, Professional Geologist, County of Sonoma

Ms. Scott,

We are in receipt of the CEQA Proposed Mitigated Negative Declaration, Initial Study (ISMND), dated April 16, 2021, for land use application UPC18-0046 at 6699 Palmer Creek Road as prepared by Lauren Scott, Project Planner.

We urge that the ISMND be rejected as fatally flawed based on the review and comments that follow. The ISMND conclusions are based on misleading and factually incorrect data, application non-compliance with Permit Sonoma and State RWQCB requirements, omission of known impactful activities and design requirements, and prejudicial descriptions that diminish the true impacts of this proposed facility. By omitting critical impact activities, under reporting or exaggerating quantities and distances, and using prejudicial descriptions, the ISMND has compromised any relevant assessment and comment by reviewing agencies unfamiliar with the site and project. Having to base their conclusions and recommendations on false and misleading data severely compromises any valid review.

In the limited time we have been granted to respond, we are unable to adequately address all the misrepresentations and omissions that are indicative of the ISMND but will focus on the most critical that clearly show that the ISMND is fatally flawed and must be rejected.

**Project Location**

The proposed project is located in the Mill Creek watershed, a designated priority watershed supporting critical habitat, in a Class 4 water scarce zone. Palmer Creek is one of the four sub-watersheds that the Mill Creek priority watershed encompasses. Palmer Creek is also a designated high fire hazard severity area.

- The Mill Creek watershed is designated a “Cannabis Priority Watershed” by the State Water Resources Control Board due to critical habitat and water supply.
- Due to ongoing drought conditions, in 2015 an emergency regulation was adopted by the State Water Board “to help protect federal-and-state-listed anadromous fish in four Priority Russian River tributary watersheds (Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek). The purpose of the regulation is to assist in providing the minimal amount of flow needed in these tributaries to maintain viable instream flows for summer rearing and migration of the species.” The emergency regulation required residents to implement enhanced water conservation in critical areas of the four noted watersheds which included Palmer Creek.
- Palmer Creek is part of the Russian River Broodstock program which stocks and releases Federally endangered juvenile Coho salmon directly into the upper reach tributaries that support the Russian River.

**The attachments to the following letters are too voluminous to remediate as per Section 508 of the Rehabilitation Act of 1973 requiring government agencies to make electronic information accessible to people with disabilities.**

**As such, the attachments are not available online, but are available to the public upon request.**

**To receive a link to the attachments, email McCall Miller at [Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org).**

**Note: the attachments include the letter and exhibits to the letter, totaling 100 and 42 pages, respectively.**

**From:** [Judith Olney](#)  
**To:** [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [district3](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [James Gore](#); [Jenny Chamberlain](#); [district5](#); [Lynda Hopkins](#); [Leo Chyi](#); [Cannabis](#)  
**Cc:** [Judith Olney](#)  
**Subject:** May 18: BOS: Palmer Ridge Residents Letter -Part 1  
**Date:** Monday, May 17, 2021 2:03:44 PM

---

EXTERNAL

The attached Palmer Ridge Resident letter Part 1 is incorporated by reference into the Preserve Rural Sonoma County letter (May 17, 2021 letter) submitted into the administrative record for the May 18, 2021 Board of Supervisor hearing on its proposed Cannabis ordinances. The two substantive comment letters from Palmer Ridge Residents relative to proposed Use Permit for UPE 18-0046 demonstrate the issue of non-compliance with State agency requirements in the County's cannabis permitting program.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [Judith Olney](#)  
**To:** [Susan Gorin](#); [Arielle Kubu-Jones](#); [David Rabbitt](#); [Andrea Krout](#); [district3](#); [Chris Coursey](#); [Sean Hamlin](#); [district4](#); [James Gore](#); [Jenny Chamberlain](#); [district5](#); [Lynda Hopkins](#); [Leo Chyi](#); [Cannabis](#)  
**Subject:** May 18: BOS Admin Record: Palmer Ridge Letter Part 2  
**Date:** Monday, May 17, 2021 2:05:35 PM

---

EXTERNAL

This Palmer Ridge Resident letter Part 2 is incorporated by reference into the Preserve Rural Sonoma County letter (May 17, 2021 letter) submitted into the administrative record for the May 18, 2021 Board of Supervisor hearing on its proposed Cannabis ordinances. The two substantive comment letters from Palmer Ridge Residents relative to proposed Use Permit for UPE 18-0046 demonstrate the issue of non-compliance with State agency requirements in the County's cannabis permitting program.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [Ron Ferraro](#)  
**To:** [Cannabis](#)  
**Subject:** Urgency Letter to BOS.pdf  
**Date:** Monday, May 17, 2021 1:35:56 PM  
**Attachments:** [ATT00001.htm](#)  
[Urgency Letter to BOS.pdf](#)

---

## EXTERNAL

Here's my letter again, please let me know if it don't work again

*This message and any attachments are intended for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, notify the sender immediately by return email and delete the message and any attachments from your system.*

**THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.**

**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.



May 13, 2021

Sonoma County Board of Supervisors  
575 Administration Dr #102A  
Administration Building  
Santa Rosa, CA 95403

Dear Sonoma County Supervisors,

I'm writing to you today as a business owner in the Sonoma County cannabis industry who currently employs one-hundred County residents. It is time for us to see the bigger picture. Countries and a majority of states have legalized cannabis. Federal legalization is just around the corner. It is past time that the County update the ordinance to allow for cultivators to get permitted, and align with state law.

Upon federal legalization of cannabis, which is currently being proposed in Congress, why are we in Sonoma County still battling a vocal minority? This is the fastest growing industry we have experienced in our time. We can save our local economy while generating more tax dollars than ever seen before in Sonoma County.

Elyon Cannabis is already selling off the shelves in dispensaries across the state. We cannot keep enough Sonoma County cannabis in stock. With the ordinance revisions as proposed, my company will grow to a point where over 1,000 local jobs will be needed to keep up with the demand. We project an annual tax payment to the county of \$10M should you proceed with this much needed update to the ordinance.

**Sonoma County has a rare opportunity to capture the high-end cannabis flower market, so long as these ordinance revisions are approved. We cannot lose any more time. We are falling behind the industry and losing our opportunity to create a sustainable economy based on a safe and legal agricultural crop.**





Some people seem distracted by a handful of potential minor changes instead of focussing on the bigger picture. There are simple solutions that can be implemented to ensure water is protected and eliminate any other impacts from cultivation.

- Worried about too much cannabis on one parcel? Find a reasonable cap on acreage per parcel that works and implement it, today! 5 Acres is sufficient.
- Worried about potential environmental impacts? Cap cannabis cultivation at 1,000 total acres allowed, as no judge will hold the County responsible for an impact of only 1,000 acres.
- Worried about the cannabis opponents who represent a very small fraction of your constituents? Ask them to come to the table with solutions to the problems, as passing the ordinance must happen in order to preserve jobs for the next generation of Sonoma County residents.
- Worried about water? Then keep policy as written, and allow water availability to dictate how much cannabis is grown- not what zone your well is in.

All of the problems proposed by opponents are small potatoes compared to the magnitude of the opportunity that is at hand. How many more of our youth need to attend secondary education in this county, only to see their job prospects decrease in the years that they attend. Where are our jobs? If Supervisors care about our County's future, then it is unnecessary to hold up the entire ordinance to implement a few minor solutions.

The ordinance that staff wrote is restrictive as it is currently written, as good ordinances should be. Some cultivators with small parcels have come out in opposition to this ordinance. They represent a minority of the local cannabis industry. Their lack of support is not echoed amongst the larger property owners. We have spoken with over 40 ranchers in the county with large parcels in an array of property zones. These ranchers, looking for any means to keep their properties within their family, are seeing cannabis for the opportunity that it is. I have scouted the GIS map for the last four months and I cannot see more than two thousand acres of permissible cultivation area considering the many land use restrictions and setbacks.



We cannot let our Sonoma County ranchers down. Keep Sonoma Green! Please adopt the Mitigated Negative Declaration and staff's recommendations for ordinance revisions. It is a program that can work for everyone. You have the power to do what is best for Sonoma County. Please do what is best for our county, in the present and for the future.

Sincerely,

Ron Ferraro  
CEO  
Elyon Cannabis  
[ron@elyoncannabis.com](mailto:ron@elyoncannabis.com)  
(707) 312-3328

**From:** [robin.j.gonsalves](mailto:robin.j.gonsalves)  
**To:** [BOS](#)  
**Subject:** Recommend to pass item #14 (cannabis) on May-18-2021  
**Date:** Monday, May 17, 2021 4:33:24 PM

---

## EXTERNAL

Dear Sonoma Board of Supervisors,

My name is Robin J. Gonsalves and I'm a resident of Sonoma county residing at 55 Sereno Ct, Sonoma CA 95476.

As a resident of the county, I support the passing of item #14, the cannabis amendment at the board meeting on May-18, 2021.

I believe this will enable many of our local farmers earn extra income that can make up for fire damages incurred over the past few years.

Thank you for your support to pass this cannabis amendment.

Robin J. Gonsalves

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Arielle Kubu-Jones](#) on behalf of [Susan Gorin](#)  
**To:** [Cannabis](#)  
**Subject:** FW: Nausea  
**Date:** Monday, May 17, 2021 1:31:03 PM

---

**From:** Tom Guthrie <guthrie@sonic.net>  
**Sent:** Monday, May 17, 2021 9:18 AM  
**To:** district3 <district3@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; district4 <district4@sonoma-county.org>; district5 <district5@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>  
**Subject:** Nausea

### EXTERNAL

Neighbors had a contained grow site of 8 plants some 200 feet away last year in which the filter was not working. When the cooling evening breezes blew into my bedroom from the grow, I had to leave that part of the house. I was nauseous, my eyes burned, my throat was sore, and I could taste cannabis in my saliva for two days.

Do you really believe doing that to your residents on a huge scale is good for Sonoma County?

R. T. Guthrie  
3360 Keeling Ave  
Lakeport, CA

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
**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:** [Arielle Kubu-Jones](#) on behalf of [Susan Gorin](#)  
**To:** [Cannabis](#)  
**Subject:** FW: CANNABIS ORDINANCE  
**Date:** Monday, May 17, 2021 1:37:27 PM

---

**From:** MR R <[rrrh6k@hotmail.com](mailto:rrrh6k@hotmail.com)>  
**Sent:** Monday, May 17, 2021 12:46 PM  
**To:** Susan Gorin <[Susan.Gorin@sonoma-county.org](mailto:Susan.Gorin@sonoma-county.org)>; David Rabbitt <[David.Rabbitt@sonoma-county.org](mailto:David.Rabbitt@sonoma-county.org)>; Chris Coursey <[Chris.Coursey@sonoma-county.org](mailto:Chris.Coursey@sonoma-county.org)>; James Gore <[James.Gore@sonoma-county.org](mailto:James.Gore@sonoma-county.org)>; Lynda Hopkins <[Lynda.Hopkins@sonoma-county.org](mailto:Lynda.Hopkins@sonoma-county.org)>  
**Subject:** CANNABIS ORDINANCE

### EXTERNAL

Dear Sonoma County Supervisor,

I am sending you my thoughts on the Sonoma County Cannabis Ordinance. While there is a lot of discussion about growing Cannabis in Sonoma County, I believe that some of the descension can be mitigated by simply making the stipulation that all Cannabis cultivation must be done indoors with an adequate ventilation system so that no odor is released outside the “greenhouse”.

As for the argument that compares Cannabis cultivation to the Dairy Industry, I find no correlation.

1. The constituents who live near a Dairy would have had prior knowledge of the Dairy before purchasing their home. I no of no new Dairies established in the last 30years.
2. Dairies also have regulations concerning the manure which is produced by their business.
3. At the time of your constituents purchasing their homes in the County they would not have anticipated living next to a Cannabis farm. In fact, for the majority of those constituents it would have been illegal for a neighbor to grow Cannabis.
4. The “skunk-like” odor that Cannabis emits not only lowers property values but also infringes on the enjoyment of using one’s outdoors and in some cases can cause asthma attacks. In fact, the odor is so strong that unless a person’s house is “air tight” (none are), the odor can even be noticeable inside the dwelling. The odor is also present for a long period of time and is prevalent during the time when people should be able to enjoy their outside yards.

As a County Supervisor you should be committed to serve all the constituents that reside in your District. I am not saying that Cannabis should not be allowed, but I am saying that the cultivation of Cannabis should not be allowed outdoors and that proper steps should be taken to

insure that the odor produced would be filtered so as not to be released into the atmosphere where it would bother the neighbors.

There should also be a specific agency for the enforcement of “Cannabis Odor Control”. The agency could be funded thru the Cannabis Permit Procedure.

I know that other Counties and Cities have Ordinances concerning the Cultivation of Cannabis. Many have “outlawed” the outside cultivation of Cannabis and have also adopted regulations that deal with the odor. Perhaps you should look at their Ordinances for guidelines.

Respectively submitted,  
Ron Hensic  
90 Temelec Circle  
Sonoma, County  
707 996-6106

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [Robert Pousman](#)  
**To:** [BOS](#)  
**Subject:** Public Comment May 18, 2021 Agenda Item 0037  
**Date:** Monday, May 17, 2021 2:51:49 AM

---

**EXTERNAL**

To whom it may concern,

Re: Agenda ítem 0037; Cannabis Use Permit in Dry Creek Valley

I oppose allowing commercial cannabis growers access to this valley for the primary reason that allowing competing water intensive agricultural initiative with one already in place (wine grapes) will further stress our limited water resources.

Thank you.

Robert Pousman  
1740 Lytton Springs rd  
Dry Creek Valley  
Healdsburg, CA

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
**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:** [Ruth at Timbercrest](#)  
**To:** [BOS](#)  
**Subject:** Pot growing in Sonoma County  
**Date:** Sunday, May 16, 2021 5:01:47 PM

---

EXTERNAL

A long term friend has a lovely property in Mendocino County. A legal pot growing operation moved in next door. She has not been able to sell her property since. She has dropped the price by several hundreds of thousands of dollars. As soon as a buyer finds out that they grow pot next door the buyer disappears.

Ruth Waltenspiel  
4791 Dry Creek Rd  
Healdsburg  
707-695-7174

Sent from my iPhone

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [Rachel Wolcott](#)  
**To:** [BOS](#)  
**Cc:** [Andrea Wolcott](#)  
**Subject:** Comment for Tomorrow's meeting re Cannabis ordinance  
**Date:** Monday, May 17, 2021 12:44:58 PM

---

EXTERNAL

Dear board members,

I represent Rancho Arroyo Seco a family-owned vineyard in Dry Creek Valley.

We do not support the newly amended Cannabis Land Use Ordinance chapter 38. We support the concerns raised by our neighbours through the Dry Creek Valley association and support their advocacy for a full environmental impact report.

Dry Creek grape growers have faced unprecedented challenges in the past decade related to labor availability and costs, wild fire threats, smoke damage and climate change. There is already a security problem in the Valley—ask any grower about theft and trespassing and they will tell you it is a problem.

Cannabis growing could have a big impact on water supply, residents' safety and security—not to mention the smell.

Grape growers have broadly adopted the Sonoma County sustainable farming standards in an effort to maintain our coveted terroir. Large-in-scale cannabis growing may not be able to meet these standards.

The appetite for cannabis growing in Dry Creek is tiny. I only know of one farm (Sommers) who would like to grow it. The priority amongst growers and wineries is to promote Dry Creek AVA as a premium wine region and bring jobs as well as visitors to share in the area's beauty.

Thank you for your time.  
Sincerely yours,

Rachel Wolcott,  
Secretary  
Rancho Arroyo Seco  
4455 Dry Creek Road

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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:** [George Traverso](#)  
**To:** [Cannabis](#)  
**Subject:** Opposition to Cannabis Cultivation  
**Date:** Monday, May 17, 2021 1:26:36 PM

---

## EXTERNAL

Dear Board of Supervisors:

We are writing to you to emphasize our concern and opposition to the proposed cannabis ordinance in your agenda on Tuesday, May 18.

We hope that you oppose the passage of the cannabis ordinance not only in Bennett Valley but in all of Sonoma County.

Echoing the numerous points... from seeing greenhouses that resemble self-storage units to thousands of employees further impacting our roads

with thousands of trips... these are a few of our concerns. The added water usage for this product presents another negative point.

We would rather live next to a dairy farm and not experience the stench from a cannabis operation.

We are fortunate to live in beautiful Bennett Valley and cannabis cultivation should not be considered any part of Sonoma County.

Respectfully, Sandra and George Traverso  
2933 Jason Drive  
Santa Rosa, Ca 95405

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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:** [SELMA BLANUSA](#)  
**To:** [BOS](#)  
**Subject:** Please step back and think of the whole community  
**Date:** Friday, May 14, 2021 2:04:45 PM

---

**EXTERNAL**

Dear Sonoma County Supervisors:

I'm sending this email AGAINST the proposed permitting parameters and process for Cannabis as a 20 year resident of Sonoma. Hoop houses on our hills and in our valleys are just plain UGLY. The smell of pot growing is DISGUSTING. Plant it near the freeways but not in neighborhoods.

Thank you for hearing this out.

Selma Blanusa (707-477-1558)

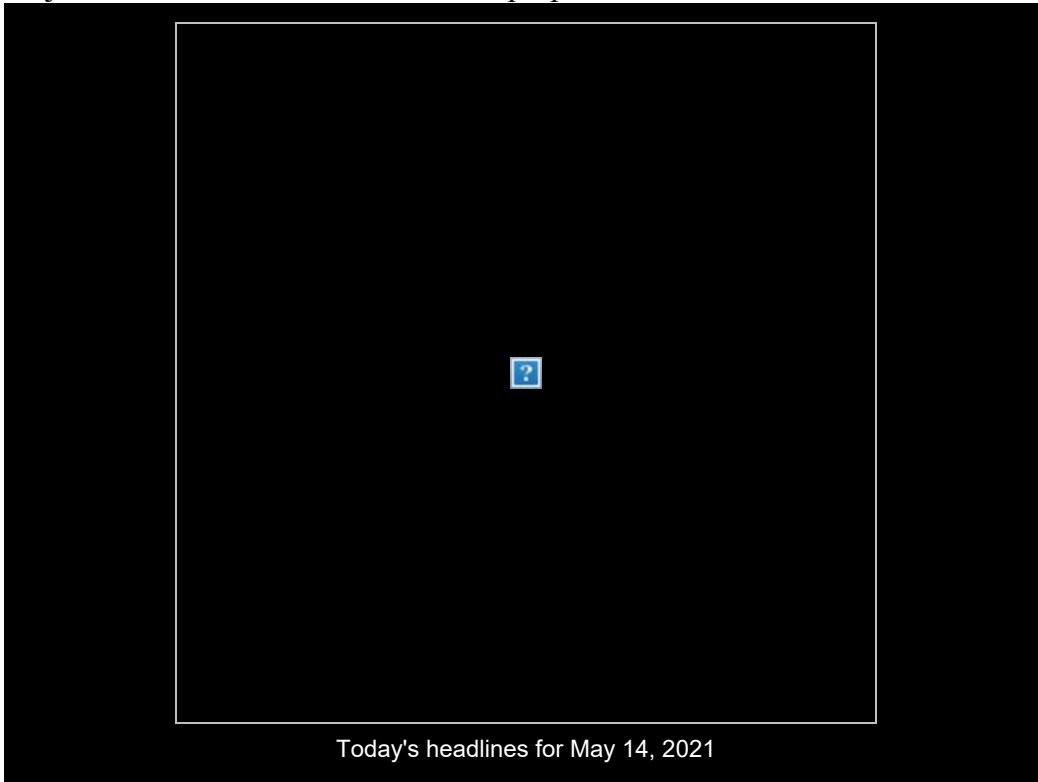
----- Original Message -----

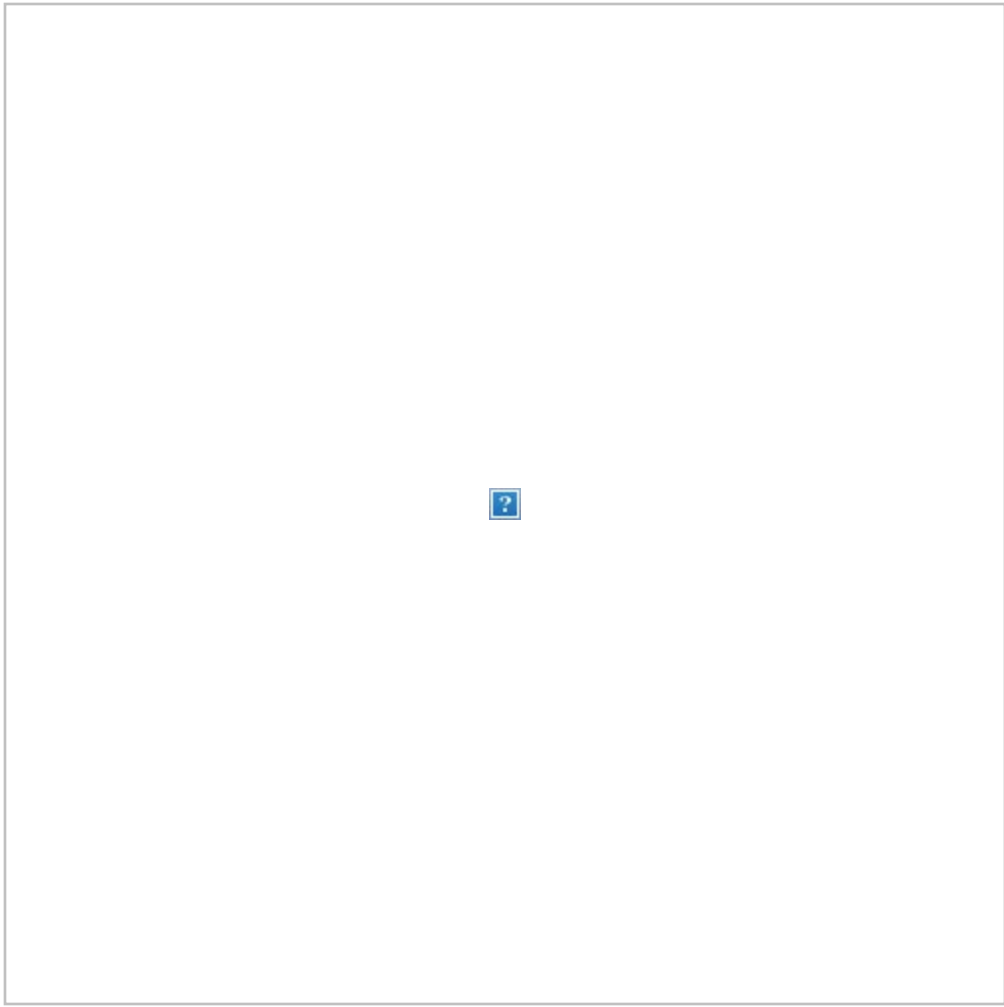
From: The Sonoma Index-Tribune <newsletter@nl.sonomanews.com>

To: selmablanusa@comcast.net

Date: 05/14/2021 11:45 AM

Subject: Sonoma braces for melee over proposed cannabis ordinance





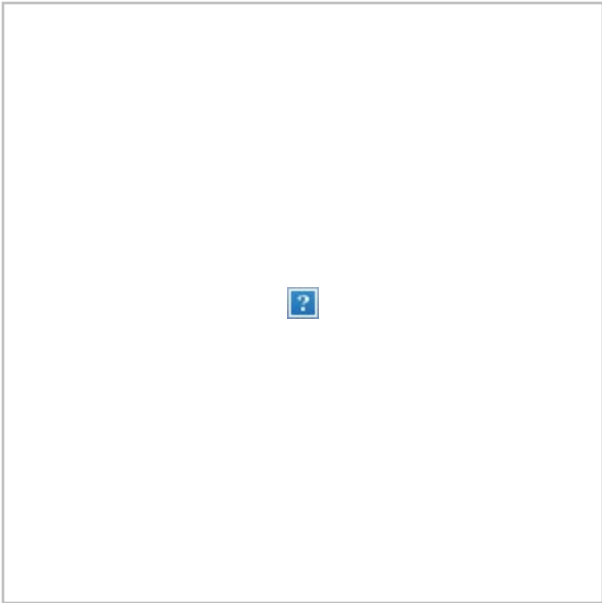
---

**Sonoma braces for melee over  
proposed cannabis ordinance**



'It is not the right crop to run alongside a residential neighborhood, potentially just 300 feet from our homes,' says Temelec resident Steve Rogers. [READ MORE](#)

---



<https://www.sonomanews.com>

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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.

The attachments to the following letter are too voluminous to remediate as per Section 508 of the Rehabilitation Act of 1973 requiring government agencies to make electronic information accessible to people with disabilities.

As such, the attachments are not available online, but are available to the public upon request.

To receive a link to the attachments, email McCall Miller at [Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org).

Note: the attachments include the letter and exhibits to the letter, totaling 314 pages.



**From:** [McCall Miller](#)  
**To:** [Cannabis](#); [Jennifer Klein](#); [Sita Kuteira](#); [Christina Rivera](#); [Scott Orr](#); [Andrew Smith](#); [Sue Ostrom](#)  
**Subject:** FW: Sonoma County Cannabis Land Use Ordinance Update and Draft Subsequent Mitigated Negative Declaration  
**Date:** Monday, May 17, 2021 1:38:33 PM  
**Attachments:** [FMWW comments to BOS 5-17-21.pdf](#)

---

*McCall*

707.565.7099

---

**From:** Jennifer Miao <jmiao@smwlaw.com>  
**Sent:** Monday, May 17, 2021 11:45 AM  
**To:** BOS <BOS@sonoma-county.org>  
**Cc:** Scott Orr <Scott.Orr@sonoma-county.org>; Jennifer Klein <Jennifer.Klein@sonoma-county.org>; Susan Gorin <Susan.Gorin@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; district4 <district4@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Andrew Smith <Andrew.Smith@sonoma-county.org>; Tennis Wick <Tennis.Wick@sonoma-county.org>; Joseph D. Petta <petta@smwlaw.com>; Carmen J. Borg <Borg@smwlaw.com>  
**Subject:** Sonoma County Cannabis Land Use Ordinance Update and Draft Subsequent Mitigated Negative Declaration

## EXTERNAL

Dear Commissioners:

Please find attached a letter from Joseph Petta and Carmen Borg, on behalf of Friends of Mark West Watershed (FMWW), regarding the Sonoma County Cannabis Land Use Ordinance Update and Draft Subsequent Mitigated Negative Declaration. Please confirm your receipt of this letter.

Best,  
Jennifer



Jennifer Miao  
Legal Secretary  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102-4421  
p: 415/552-7272 x238 | [www.smwlaw.com](http://www.smwlaw.com) | A San Francisco Green Business

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**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.

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

JOSEPH D. PETTA  
Attorney  
Petta@smwlaw.com

May 17, 2021

**Via E-Mail**

Sonoma County Board of Supervisors  
575 Administration Drive  
Room 100 A  
Santa Rosa, CA 95403  
E-Mail: [bos@sonoma-county.org](mailto:bos@sonoma-county.org)

Re: Sonoma County Cannabis Land Use Ordinance Update and Draft  
Subsequent Mitigated Negative Declaration

Dear Members of the Board of Supervisors:

This firm represents the Friends of Mark West Watershed (“FMWW”) in connection with the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment (“Project”). This firm concurrently represents Save Our Sonoma Neighborhoods and Neighbors of Liberty Valley, LLC, and we will submit separate comments on their behalf.

The purpose of this letter is to inform Sonoma County that the Subsequent Mitigated Negative Declaration (“SMND”) for the Project, even with the revisions proposed by the Planning Commission, fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. (“Guidelines”). As detailed below, numerous inadequacies and omissions in the SMND render it insufficient as an environmental review document. In addition, while FMWW supports the Planning Commission’s ordinance revision prohibiting use of groundwater wells for cannabis production in Groundwater Availability Zones 3 and 4, the proposed revisions alone fail to address the inadequacy of the SMND and fail to ensure minimizing of identified impacts to less-than-significant levels.

**I. The County must reduce the Ordinance’s impacts on sensitive waterways.**

**A. The Ordinance would have a significant impact on the County’s water resources, and the changes recommended by the Planning Commission do not reduce those impacts to a less than significant level.**

As explained in our letter to the Planning Commission dated March 18, 2021 (“FMWW March 18 Comments,” attached as Exhibit A<sup>1</sup>), the SMND fails to disclose, analyze, and propose adequate mitigation for significant environmental impacts related to hydrology and water quality, groundwater supply, and loss of habitat for endangered fish species, among others. These impacts are exacerbated by the prolonged drought the State is currently experiencing. See, <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-declare-drought-emergency/> and <https://www.sfgate.com/bayarea/article/2021-04-Drought-map-California-Bay-Area-red-16138839.php>. What analysis the SMND does present on these topics is fraught with errors. See, Exhibit A at 16-20. As a result, the SMND fails to describe measures that could avoid or substantially lessen the Project’s numerous significant impacts. The California Environmental Quality Act (“CEQA”) requires the preparation of an environmental impact report (“EIR”) to thoroughly investigate these and myriad other impacts *before* the County may approve the Project.

Specifically, the SMND’s analysis of the Project’s impact on groundwater supply is cursory and incomplete so that the document’s conclusions that impacts to groundwater supplies and recharge would be less than significant are unsupported. Exhibit A at 17. Likewise, the SMND fails to analyze the impacts to water quality resulting from all the potential ministerial permits countywide allowed by the Project. For example, the SMND foregoes analysis of impacts from increased sedimentation resulting from ground disturbance and from vegetation clearing. Nor does the SMND adequately analyze the impacts of groundwater pumping on creeks, streams, and rivers. Exhibit A at 18. In addition, the SMND also fails to provide any meaningful analysis of allowing events at cannabis cultivation sites. Such events are likely to result in increased use of groundwater that would effect groundwater supply and water quality and would result in increased traffic in remote areas, which would lead to increased traffic congestion on substandard roads and increased wildfire risk.

---

<sup>1</sup> For convenience, Attachments 1 and 2 to the FMWW March 18 Comments are included herein. The complete set of attachments was submitted on March 18 and is in the administrative record.

Similarly, the SMND fails to adequately evaluate the effects of ordinance implementation on sensitive aquatic biological resources, including federally- and state-listed endangered salmon. As we explained in our prior comments, erosion resulting from activities allowed by the proposed Project—both from the change in use and from associated construction of cannabis production facilities—is likely to lead to increased sedimentation of Mark West Creek and its tributaries, impairing the Mark West Watershed critical habitat area. Exhibit A at 19 and Attachment 1 to Exhibit A, Kamman Report at 5 and 6. The delivery of fine sediment from erosion and runoff has been documented to have negative effects on water and habitat quality, specifically degrading spawning gravel habitat, juvenile rearing pool habitats, and juvenile salmonid survival and growth. *Id.* Therefore, an increase in high-intensity uses, such as those associated with cannabis cultivation are likely to result in sediment deposits to Mark West Creek and to increase negative impacts on aquatic habitat.

The Planning Commission’s revisions to the ordinance fail to adequately address the aforementioned impacts. The proposed Ordinance amendments would result in allowing cannabis production countywide in much of the undeveloped areas of the County, including the Mark West Watershed. Without further environmental review, the County would be making this broad approval with far-reaching effects without having answers to critical questions about the cumulative impacts that would result from implementation of this Project.

**B. The Board of Supervisors should make explicit the Planning Commission’s recommendation to prohibit ministerial and discretionary approval of groundwater wells for cannabis cultivation in Groundwater Availability Zones 3 and 4.**

Based on the staff memo dated April 15, 2021, staff indicates that “[T]he Planning Commission directed staff to remove *any* allowance for use of groundwater wells in Groundwater Availability Zones 3 and 4”, and to remove any allowance for trucked water. Staff Memo at 2; emphasis added. However, as discussed below, the revised ordinance as currently drafted in response to the Planning Commission’s concerns, does not explicitly prohibit ministerial approval of groundwater wells for cannabis cultivation in Zones 3 or 4.

The relevant revised section of the ordinance at section 38.12.140 (A) states:

“The onsite water supply shall be considered adequate with documentation of any one (1) or more of the following sources:

..  
4. Groundwater well.

a. Groundwater Availability Zones 1 and 2. Documentation that the well serving the cannabis cultivation site is located in Groundwater Availability Zone 1 or 2, and not within a Priority Groundwater Basin.

b. Priority Groundwater Basin. If the groundwater well is within a Priority Groundwater Basin, then provide one of the following:

1) Documentation of a net zero water plan...concluding that the proposed use would not result in a net increase in onsite groundwater use; or

2) A hydrogeologic report...demonstrating and concluding that the commercial cannabis use will not result in or exacerbate any of the following conditions of a basin or aquifer, consistent with the California Sustainable Groundwater Management Act (SGMA):

- i. Chronic lowering of groundwater levels;
- ii. Reduction of groundwater levels;
- iii. Seawater intrusion;
- iv. Degraded water quality;
- v. Land subsidence;
- vi. Depletions of interconnected surface water.

Draft Chapter 38 Sonoma County Commercial Cannabis Cultivation section 38.12.140(A) as revised per the Planning Commission, April 15, 2021. It is important to note that the term “Priority Groundwater Basin” is not synonymous with “Groundwater Availability Zones 3 and 4.” The “Priority Groundwater Basin” designation refers to the State’s designation of basins under the Sustainable Groundwater Management Act where basins with a “critical”, “high” and “medium” priority, as determined by the State, need to be preparing and submitting Groundwater Sustainability Plans. Groundwater Availability Zones refer to the County's own designation of water scarce areas. Thus, the revised ordinance does not directly address an applicant’s ability to rely on groundwater with a ministerial permit if their property is within Zones 3 or 4. As written, the ordinance is confusing and raises unanswered questions as to the requirements for groundwater wells in zones 3 and 4.

Moreover, the proposed revisions to Chapter 26 of the Ordinance are in direct conflict with the Planning Commission’s direction. Here, rather than remove any allowance for use of groundwater wells in Groundwater Availability Zones 3 and 4, not only does the ordinance allow use of groundwater wells in these zones, but it allows more expanded use than was allowed previously. Specifically, the revised ordinance in Chapter 26 allows discretionary cannabis on up to 10 percent of a parcel and removes the current

1-acre limit on outdoor cultivation. For large parcels, this means that cultivators seeking discretionary permits may seek larger cultivation areas than they previously would have been allowed. It stands to reason that, if groundwater wells in Groundwater Availability Zones 3 and 4 are too environmentally damaging for ministerial permitting, they are also too environmentally damaging for discretionary permitting, especially given the proposed expanded use for such facilities.

Allowing approvals of groundwater wells for cannabis cultivation in Groundwater Availability Zones 3 and 4 would result in significant environmental impacts. See, Exhibit A at 16-19. In our view, the Planning Commission intended to prohibit groundwater wells for cannabis cultivation in Zones 3 and 4 because those clearly would result in significant impacts. The Planning Commission clearly intended to enact that prohibition (see Planning Commission staff memo dated April 15, 2021 at 2) and the ordinance language should be revised to make the ordinance more clear and to enact that prohibition effectively.

**C. The Board of Supervisors should exclude ministerial approval of cannabis cultivation permits from the Mark West Watershed and other similar watersheds.**

As explained in our comments to the Planning Commission, the state of California has determined that the Mark West Watershed is impaired and the cannabis operations authorized by the Project would exacerbate the already fragile nature of this important ecosystem. See, Exhibit A at 9-10 and 16. In addition, as discussed above, the watershed is an area with sensitive biotic resources or significant environmental sensitivity. In fact, the California Department of Fish and Wildlife (“CDFW”) has expressed significant concern about the Project’s environmental impacts on water resources, sensitive habitat, and sensitive species. *See*, Exhibit B, Letter from Gregg Erickson, Regional Manager Bay Delta Region of CDFW to Sonoma County Planning Commission dated March 17, 2021 (“CDFW Comment Letter”). In the comment letter, the agency expressed concern that given Sonoma County’s “high density of sensitive species and essential habitat areas” the County should designate areas that would not be considered for cannabis cultivation under the ministerial process. *Id.* at 3 and 4. The agency recommends that

“the Ordinance should establish a current baseline of permitted cannabis cultivation areas and project where new cannabis cultivation expansion may occur on a map. Geo-spatial analysis should be used at an individual property parcel scale, to exclude ministerial approval of cannabis cultivation within areas with habitat to support special-status species and



where special-status species occurrences are documented within the California Natural Diversity Database (CNDDDB). Exclusion area boundaries should be mapped at a parcel scale.”

*Id.* at 4. The recommended analysis should be conducted as part of an EIR for this Project.

There is also a documented trend in decreased groundwater availability in the watershed over the long term. Attachment 1 to Exhibit A, Kamman Report at 5 and 7; Attachment 2 to Exhibit A at 3 and 11. This trend, and an acknowledged strong linkage between groundwater and creek summer base flow, indicate that the Mark West Watershed is susceptible to groundwater overdraft conditions. *Id.* CDFW expressed concern about this impact stating that “[G]roundwater extraction has the potential to impact groundwater dependent resources and reduce streamflow, especially during the late spring and summer months which is a critical time period for the state federally endangered coho salmon and federally threatened steelhead.” CDFW Comment Letter at 5-7.

Significantly, the setbacks from riparian corridors incorporated in the Project do not eliminate impacts to the Mark West Watershed and other similarly impaired watersheds or the linked groundwater basins. A streamflow analysis of the Mark West Watershed determined that, while wells at increased distance from streams depleted streamflows at slower rates, “all wells generated depletion given enough time.” Attachment 2 to Exhibit A, Kobor et al., at p. 11. “Requiring new wells to be drilled at a specified minimum distance from a stream or spring . . . may extend the length of time before streamflow depletion occurs; however, *it will not prevent streamflow depletion from occurring.*” *Id.* at 21 (emphasis added). Thus, the measures currently included in the Project are insufficient to address potential significant impacts. Moreover, the Planning Commission’s revision requiring cannabis cultivation activities to conform to agricultural setbacks will also not prevent streamflow depletion. Draft Chapter 38 Sonoma County Commercial Cannabis Cultivation section 38.12.070(B) as revised per the Planning Commission, April 15, 2021. Excluding the Mark West Watershed and other similarly impaired watersheds from the Project entirely, however, would prevent new commercial cannabis activities from drawing groundwater, thus preventing decreases in streamflow and avoiding significant environmental impacts to sensitive watersheds.

In addition, if the County were to allow cannabis cultivation in the Mark West Watershed and other similar watersheds, it would conflict with the intent of the state regulations to protect sensitive environments from cannabis-related impairments. Though the State Water Resources Control Board and the Department of Fish and Wildlife have



not yet determined that cannabis activities have significantly impacted the Mark West Watershed, it seems foolish to wait for this eventuality—and the associated degradation of a sensitive habitat—to occur. Excluding cannabis cultivation from the Mark West Watershed avoids incompatibility with state regulations and avoids degradation of a valuable environmental resource.

Finally, the SMND does not contain any analysis of the Planning Commission’s changes or whether they would reduce the significant impacts identified in our previous letter. However, because the revised ordinance does not exclude the Mark West Watershed and any other similarly impaired watersheds from the Cannabis Ordinance, and because cannabis grows are not explicitly excluded from Groundwater Availability Zones 3 and 4, the Planning Commission’s revisions fail to adequately address the Project’s impacts to watershed resources. See, ORD20-005 Planning Commission Resolution and Redlined Ordinance 04-15-21 at pps. 20 and 21. Therefore, based on the Mark West Watershed’s status and on the Project’s significant impacts on water resources and biotic resources, the County must exclude the Mark West Watershed and other similarly impaired watersheds from areas where cannabis operations would be permitted in the County.

**D. The Board of Supervisors should impose a moratorium on groundwater wells for cannabis cultivation in Groundwater Availability Zones 3 and 4.**

As discussed above and in our prior comments, the science does not support ministerial permitting for groundwater wells in Groundwater Availability Zones 3 or 4. Neither does science support discretionary approval of groundwater wells in any areas in the County designated as Groundwater Availability Zones 3 or 4. As the SMND acknowledges, areas designated as Zones 3 or 4 are areas where groundwater supplies are limited and uncertain. Under these circumstances, FMWW requests that the County impose a moratorium on new groundwater wells for cannabis cultivation in Groundwater Availability Zones 3 and 4 until a full EIR that thoroughly analyzes the impacts of implementing the proposed Project is completed.

**II. The Ordinance would have significant adverse impacts related to wildfire risk, and the changes recommended by the Planning Commission do not decrease wildfire-related impacts.**

Implementation of the Cannabis Ordinance as proposed will increase development and introduce industrial processes in remote rural areas, which in turn exacerbates wildfire risk. With the state still recovering from the disastrous fires of 2020, and facing

a protracted drought that is likely to result in another challenging fire season in 2021, decisionmakers must consider the role that increased development plays in the proliferation of wildfires, especially when that development encroaches into heavily forested areas with steep hills. The Mark West Watershed is characterized by steeply sloped areas and encompasses areas identified as moderate, high, and very high wildland fire hazard zones. Sonoma County General Plan 2020, Public Safety Element, Figure PS-1G. CEQA requires environmental documents to analyze the risk of wildfire and the contribution of new projects to the risk of wildfire and fire-related erosion's impacts on waterways. The SMND fails to do so.

First, the SMND ignores how changes to the climate will impact wildfires in the future. It is common knowledge that climate change will increase the risk and frequency of wildfire as well as the severity of wildfire events. In California, we are experiencing higher average temperatures, an increase in the intensity and number of days with Diablo winds, lower amounts of precipitation, all of which contribute to longer wildfire seasons with an increase in large wildfire events.

Second, the SMND provides a legally inadequate analysis of the direct, indirect, and cumulative wildfire hazard impacts associated with easing permit requirements for allowing cannabis cultivation and production in rural undeveloped areas. For instance, unlike the existing ordinance, the proposed ordinance revisions would allow the use of volatile organic compounds, ethanol, and high-pressure CO<sub>2</sub> extraction and distillation, all of which increase wildfire risk. *Id.* at 37. Construction of new infrastructure, such as roads and power and gas lines will also exacerbate fire risk. The SMND itself acknowledges that commercial cannabis operations “are associated with high fire risk and have been responsible for structure fires in both urban and rural areas.” SMND at 67. The SMND also acknowledges that RRD-zoned areas “are known to be high fire hazard areas due to steep slopes, dense vegetation, and insufficient emergency services due to a lack of safe emergency vehicle access.” SMND at 67. Easing permit requirements and allowing cannabis grows with only ministerial approval is likely to encourage an influx of permit applications. Intensified land uses like these in remote areas, such as lands designated RRD in the eastern part of the County, increase ignition risk and vastly increase the cost of fighting wildland fires.

While the SMND admits that the ordinance facilitates a substantial expansion of cannabis cultivation in very high fire severity zones and admits that this development would increase wildfire risks, the SMND foregoes meaningful analysis of potential impacts to public safety and property loss during a wildfire event. SMND at 99 and 100. It fails to include an analysis of potential cannabis facilities locating in remote areas with

limited access, or locating in close proximity to rural residential development, and how potential fire in different scenarios might spread under different weather, fuel, wind and ignition point scenarios. Last, but not least, the SMND fails to evaluate the impacts of increased erosion and water quality impacts resulting from fires in forested areas. As explained in our prior letters, forest burns increase erosion, which increases sedimentation in area waterways, which in turn results in significant impacts to endangered fish inhabiting the streams. The SMND fails to conduct this analysis.

The SMND fails to adequately analyze impacts of the Project related to emergency response and evacuation. This omission is particularly troubling given that a 2015-staff-prepared discussion paper on “Cannabis Cultivation Within Resources and Rural Development (RRD) Lands (“Discussion Paper”), addressed the inadequacy of rural roads in RRD areas. The Discussion Paper indicates that the County has data about rural roadways that should have been incorporated into this environmental documentation, yet the SMND is silent regarding safety issues resulting from substandard roadways in remote areas. Many roads in RRD areas fail to meet the State’s Fire Safe Regulations. Thus, because the Project would exacerbate wildfire risk in remote areas and because the County has documented the inadequacy of rural roads for evacuation purposes, the Project would result in significant impacts related to wildfire risk. The County has an obligation to evaluate the impacts of implementing the proposed Project and to identify mitigation measures to minimize significant impacts related to public safety.

Having failed to adequately analyze the Project’s wildfire risks, the SMND also fails to provide effective mitigation. Instead, the SMND relies on token mitigation measures that do little to reduce the Project’s admittedly significant fire hazard impacts, especially in RRD-zoned parcels. SMND, p. 67. An EIR for the proposed ordinance revisions must include a legally adequate analysis of this important issue.

**III. The permit approval process contemplated by the Ordinance requires the exercise of discretion by County officials and would, if adopted, represent an abuse of ministerial permitting processes.**

The SMND incorrectly describes a central feature of the Project as the conversion of commercial cannabis permitting in agricultural and resource zones from a discretionary to a ministerial process. SMND at 5, 8. The SMND further asserts that various proposed provisions in Article 12 of Chapter 38 set forth standards that do not require the exercise of discretion. SMND at 8-13. As FMWW explained in their previous comments on the proposed Ordinance, this is wrong.

As pointed out by Commissioner Carr at the April 15, 2021 hearing, under the proposed Ordinance, the Agriculture Commissioner *must* use their judgment to decide whether to issue permits, and will thus be subject to CEQA. The Ordinance in many instances requires plans or surveys by qualified professionals to assess impacts, but does not provide standards governing *how* these surveys/plans will be evaluated or deemed sufficient. “A project is discretionary when an agency is required to exercise judgment or deliberation in deciding whether to approve an activity. It is distinguished from a ministerial project, for which the agency merely determines whether applicable statutes, ordinances, regulations, or other fixed standards have been satisfied.” *Protecting Our Water & Env’t Res. v. County of Stanislaus* (2020) 10 Cal.5th 479, 489 (“*POWER*”). Thus, this is different from the situation in *Sierra Club v. County of Sonoma* (2017) 11 Cal.App.5th 11, where the court held that the permit in question did not involve the Commissioner’s judgment, even though the County’s ordinance might allow for discretion in other instances. Therefore, *POWER*, and not *Sierra Club*, applies here.

Changes to the ordinance made by the Planning Commission do not make the proposed permitting regime ministerial. Applicants still must submit assessments “demonstrating” certain findings to the Commissioner’s satisfaction. For instance, each permit application must include a wastewater management plan that, among other things, “demonstrates” to the Commissioner’s satisfaction that the project would have adequate capacity to handle domestic wastewater discharge from employees. Proposed § 38.12.130(A)(5). Each application must also include a storm water management plan and an erosion and sediment control plan that “ensure,” again to the Commissioner’s satisfaction, that runoff containing sediment or other waste or byproducts does not drain to the storm drain system, waterways or adjacent lands. Proposed § 38.12.130(B). Obviously, whether an applicant’s plans sufficiently “demonstrate” the necessary wastewater capacity, or “ensure” that runoff would not drain to waterways, would require the Commissioner’s individual judgment. Proposed sections 38.12.130(A)(5) and 38.12.130(B) would apply to *all* applications regardless of size or proposed location. Other provisions that require the exercise of discretion to approve or deny a permit include, but are not limited to, proposed sections 38.12.050(B) (historic resource survey), 38.12.050(C) (cultural resource survey), 38.12.130 (wastewater management plan), and 38.12.140 (documentation of water supply).

CEQA, and not the personal judgment of County staff, governs the discretionary review of projects, including mitigation of impacts. Here, however, the Commissioner and/or staff would have the authority to deny a proposed project which in their judgment would not avoid certain environmental impacts. *Id.* at 23 (if agency can deny, or modify, project proposal in ways that would mitigate environmental problems that CEQA

compliance might conceivably have identified, then the process is discretionary). Thus, the proposed Ordinance contemplates a discretionary, and not ministerial, approval process.

**IV. The County may not approve the Project without preparing an environmental impact report under CEQA.**

**A. Substantial evidence supports a fair argument that the Project will have significant adverse impacts.**

CEQA is designed to ensure that “the long-term protection of the environment shall be the guiding criterion in public decisions.” *Friends of College of San Mateo Gardens v. San Mateo County Community College District* (2017) 11 Cal.App.5th 596, 604 [hereinafter “*San Mateo Gardens II*”] (quoting *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 74). Thus, the statute requires an agency evaluating a project to develop an EIR whenever “substantial evidence supports a fair argument that a proposed project ‘may have a significant effect on the environment.’” *Committee for Re-Evaluation of T-Line Loop v. San Francisco Municipal Transportation Agency* (2016) 6 Cal.App.5th 1237, 1245-46 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123). The fair argument standard establishes a “low threshold” for requiring a lead agency to prepare an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928. Courts “owe no deference to the lead agency’s determination,” and judicial review must show “a preference for resolving doubts in favor of environmental review.” *Id.* (italics in original).

Ample evidence supports a fair argument that the Project may result in significant environmental impacts that were not studied in the 2016 Negative Declaration.<sup>2</sup> These impacts would include, but not be limited to: groundwater supply (FMWW March 18, 2021 Comments, Part IV.A), hydrology and water quality (*id.*, Part IV.B), and loss of sensitive aquatic habitat (*id.*, Part IV.C), among others. Because the Project has the potential to result in significant impacts, the County is required to prepare an EIR before it may approve the Project.

---

<sup>2</sup> The relevant analysis under CEQA’s subsequent review provisions concerns the changes since the original Medical Cannabis Land Use Ordinance was adopted in 2016, and not only the changes since the 2018 amendments to allow adult use cannabis. See FMWW March 18, 2021 Comments at 3, fn. 1.



**B. The County is improperly conducting review of its cannabis program in piecemeal fashion and must develop an EIR to study the program, including the proposed Ordinance, as a whole.**

As described in the staff report for consideration of the proposed Ordinance at the Planning Commission’s March 18, 2021 meeting, the County has been developing its current cannabis regulatory regime since at least 2016. The proposed Ordinance is the latest step in the development of this overall program, but it is not the last. At the April 15, 2021 Planning Commission meeting, the Commission recommended that the Board of Supervisors “immediately direct staff to investigate a *more comprehensive* update of commercial cannabis permitting, also including cannabis uses in the *commercial and industrial zoning districts*, as the *next phase* of the County’s Cannabis Program in conjunction with *preparation of an environmental impact report.*”

The County is developing its cannabis regulatory framework backward. In 2016, the County approved the first phase of the cannabis permitting regime under a negative declaration, then made further changes to this framework in 2018 under a categorical exemption. Now, the County is proposing to further modify the cannabis framework—by purporting to make discretionary permitting “ministerial” in Agricultural and Resource Zones—under a subsequent mitigated negative declaration. *Only now* is the County contemplating preparing an EIR to analyze the significant environmental impacts of its “comprehensive” commercial cannabis permitting framework.

The problem with this backward approach is that neither the County nor the public will have the complete picture of this comprehensive framework’s environmental impacts in the context of past, present, and reasonably foreseeable future permitting (including in commercial and industrial zones) until *after* the proposed Ordinance has been approved and new “ministerial” commercial grows are effectively entitled. At that point, if the comprehensive review of the overall program shows that existing regulations would result in significant cumulative impacts, it will be too late to undo these permitted projects. The more prudent approach would be to wait to approve the proposed Ordinance until it can be reviewed as *part* of the recommended “comprehensive” program. The County has not demonstrated a need to rush this Project through now, while at the same time, the Planning Commission is recommending that the County “immediately” undertake a more comprehensive environmental review of its overall commercial cannabis program.

Not only is the County developing its permitting program backward and contrary to commonsense planning principles, but it is also improperly “segmenting” the overall program into multiple, individual approvals. CEQA prohibits “segmentation” of a

project—the “chopping up [of] proposed projects into bite-size pieces which, when taken individually, may have no significant adverse effect on the environment.” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma* (2007) 155 Cal.App.4th 1214, 1223-24 (“*Tuolumne*”) (quoting *Plan for Arcadia, Inc. v. City Council of Arcadia* (1974) 42 Cal.App.3d 712, 726); *see also Tuolumne*, 155 Cal.App.4th at 1229 (“when one activity is an integral part of another activity, the combined activities are within the scope of the same CEQA project” and must be analyzed together). CEQA instructs that “[w]here an individual project is a necessary precedent for action on a larger project . . . an EIR must address itself to the scope of the larger project.” Guidelines § 15165.

The proposed Project and associated SMND violate CEQA because they fail to acknowledge that the Project is part of the County’s overall commercial cannabis permitting regime, and therefore fail to disclose the environmental impacts of the “whole of [the] action.” *See* CEQA Guidelines § 15378(a). The Planning Commission’s April 15, 2021 Resolution recommending that the County “immediately” undertake a “more comprehensive” review of the commercial cannabis permitting program clearly illustrates that the proposed Ordinance and the overall program are “part of a single, coordinated endeavor.” *Assn. for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 639.

## V. Conclusion

FMWW feels strongly that the County’s decision regarding amendments to this ordinance must be science-based to ensure protection of the sensitive resources found in the area. The best available science currently supports a Board decision to impose a moratorium on new cannabis grow applications until an EIR that analyzes the impacts of the proposed Project is completed. In addition, FMWW requests that, at a minimum, the Board entirely exclude the Mark West Watershed from any additional cannabis cultivation and processing activities.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph “Seph” Petta



Carmen J. Borg, AICP,  
Urban Planner

**Exhibits**

**Exhibit A** FMWW Comments to the Planning Commission dated March 18, 2021.  
**Attachment 1:** Letter from Greg Kamman, Senior Ecohydrologist with CBEC Ecoengineering, dated March 16, 2021  
**Attachment 2:** Jeremy Kobor, et al., Integrated Surface and Groundwater Modeling and Flow Availability Analysis for Restoration Prioritization Planning, Upper Mark West Creek Watershed, Sonoma County, CA (Dec. 2020)

**Exhibit B** Letter from Gregg Erickson, Regional Manager Bay Delta Region of the California Department of Fish and Wildlife to Sonoma County Planning Commission dated March 17, 2021.

cc: Scott Orr, [scott.orr@sonoma-county.org](mailto:scott.orr@sonoma-county.org)  
Jennifer Klein, [Jennifer.Klein@sonoma-county.org](mailto:Jennifer.Klein@sonoma-county.org)  
Susan Gorin, [Susan.Gorin@sonoma-county.org](mailto:Susan.Gorin@sonoma-county.org)  
David Rabbitt, [David.Rabbitt@sonoma-county.org](mailto:David.Rabbitt@sonoma-county.org)  
Chris Coursey [Chris.Coursey@sonoma-county.org](mailto:Chris.Coursey@sonoma-county.org)  
James Gore [District4@sonoma-county.org](mailto:District4@sonoma-county.org)  
Lynda Hopkins [Lynda.Hopkins@sonoma-county.org](mailto:Lynda.Hopkins@sonoma-county.org)  
Andrew Smith, [Andrew.smith@sonoma-county.org](mailto:Andrew.smith@sonoma-county.org)  
Tennis Wick, [Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)