

Extension of Urgency Ordinance No. 6354 -
Cannabis Ordinance Multi-Tenant
Moratorium

Public Comment received
October 15, 2021 through
October 19, 2021 at 12:00 PM

From: [MARTHA COPELAND](#)
To: [Cannabis](#)
Subject: proposed cannabis ordinance
Date: Friday, October 15, 2021 4:28:05 PM

EXTERNAL

I'm trying to read the ordinance, but its very confusing. would it be possible - in the future - to have an ordinary person write a summary (like what we get in voting pamphlets, where there's a summary of the issue).

yes, you write an exec summary. What does this sentence mean:

The urgency ordinance extends the term of those multi-tenant cannabis uses no longer eligible for a ministerial renewal for a period not to exceed five years from the date of the urgency moratorium ordinance effective date, which was 9/21/2021.

Did this just extend all permits to five years, instead of one year? why the automatic extension? why five years? what if there have been problems with the cannabis producer? do those go unnoticed? or did I read this wrong?

My point- help the residents understand the lingo...thanks, martha

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: [Nancy Richardson](#)
To: [Cannabis](#); [McCall Miller](#)
Subject: Request for materials extension of urgency ordinance number 6354
Date: Friday, October 15, 2021 8:27:14 AM

EXTERNAL

Please send me the link to ALL the materials mentioned in the public notice for the extension of the ordinance number 6354 - large scale multi tenant cannabis cultivation permit moratorium to be heard on October 26th. Nancy Richardson

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: [john.galt](#)
To: [Cannabis](#)
Subject: BOOMER & BUST
Date: Saturday, October 16, 2021 12:08:49 PM

EXTERNAL

The county seems to be bowing down to threats from neighbor lawsuits. County counsel is risk adverse. No one in this county sticks up for cannabis farmers. The retired nimbys are all that matter.

And soon we will get state and national agriculture crop designation in my opinion. At that point there is right to farm and all the damage the county has done to appease the 70-80 year olds will be meaningless. All the legacy farmers and families will be gone. And we will have flushed some of the best and brightest in the county down the toilet and ruined their lives for nothing except to make bitter retirees happy by treating the cannabis operators with no compassion for 8 years. Exclusively and invariably every cannabis nimby is 65+.

“Agriculture. Industry. Recreation.”

Not “Reitement. Lawfare. Intolerance.”

Many like we are the real mom and pops cannabis operators in this county and we have spent a tremendous amount of time, money, energy on transitioning to “legal” cannabis. How can the politicians keep having their cake and eat it too by saying they want to protect family businesses like ours while cowering to the most spiteful and malicious group of manipulating hateful silver ponytails? Cannabis folks don’t sue. So we get bullied out of our county by hateful “flower children”. Everyone knows the opposition is in a clear minority. But the county still wastes their time and money appeasing these people until the state and feds declare cannabis agriculture. It is cultural genocide what is happening to west county the last 5 years. It is sick. Lip service to hard working young families. Bankrupting the next generation of county small businesses.

The American Dream is dead. The baby boomer flower children lived the last “dream”. The next generations are living in a nightmare thanks to them. It’s time for the boomers to get some rest, pass the torch, and pass on some of their stolen wealth to the next generations.

Only read this next part if you are interested in my perspective of influence of the baby boomer generation on our country. Some of my favorite people are from this generation but in whole I believe it is time to fade their influence and let them rest.

How long will this terrible generation of hypocritical self-righteous haters be in control of this planet? Don’t they see how much damage they have already done? Do they own the fact they are the first generation to pass on a weaker and poorer country to the next generations? Will they ever pass the torch of leadership and control of politics, culture, business like previous generations did? Why do we hold these old folks on a pedestal? In general that generation should step aside and let some new blood start figuring things out. But the flower children generation have fooled everyone into thinking that without them we wouldn’t understand

anything. We wouldn't know what sex is, we would not have music or arts. Etc. That's garbage. Look how rich and powerful this country was before the baby boomers seized the reigns of influence and power. They are living in a fantasy land, it's a trip that never ends. Their whole lives they have been conditioned to believe they are the chosen generation and are so enlightened. It is quite the opposite. For their whole lives the country has been printing money to artificially boost up their investments at the expense of the next generations' savings and opportunities. And now they won't sit back and enjoy their retirement. They need to throw their weight around with legal crap funded by their ill-gotten gains. It's time to stand up to these spoiled, entitled, hypocritical, manipulative thieves. They are not the same as sweet grandparents from past generations. They seized all the money, property, and power with the money press and massive regulations to protect their investments from new businesses. Their properties were inflated by printing money every time that housing markets went down. Every time stocks went down since the 70s the government would print money to boost grandma's retirement. The losers were all the next generations. Remember "bust the trust"? When will there be "bust the trust" happen for the all the wealth and power that the flower children stole with their money press and Keynesian economics? How is it that every silver hair from that generation has a ton of money and holdings no matter how smart they are? What a "charmed" generation. And to be so ignorant to still believe that anyone wants to do things "their way" after all the clear failures is hard to understand. I resent the fact that these folks got to live the last American dream. And now they pass a nightmare to the next generation while they die with all the money after doing more damage to our country than any enemy could dream of doing. We should repatriate their stolen fortunes. But they will fund and instigate every social justice cause in order to keep peoples' attention away from who the real "entitled" bullies are. I believe it is time to stand up to the bully.

What is happening to Sebastopol? It used to be so vibrant with culture and young excited entrepreneurship. They have all been run out of the county by the county siding with the spiteful boomers. Sebastopol has fallen to the rich boomer-nimbys. All that will be left in this county soon will be retired boomers with their fortunes from manipulating the money press and unskilled field labor. Say goodbye to the arts, boutiques, culture, etc. Look at Sebastopol now vs 10 years ago. Say goodbye to what made this place special.

John Galt
Johngalt131313@yahoo.com
WestCounty Sebtown

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
To: [Cannabis](#)
Subject: Comments: Multi cannabis in neighborhoods
Date: Saturday, October 16, 2021 7:29:10 AM

Sent To: County of Sonoma

Topic: Comments

Subject: Multi cannabis in neighborhoods

Message: Please STOP cannabis from being grown in neighborhoods surrounded by families. The stink, the noise 24/7, the danger, the traffic zooming up and down our dirt road, the screaming threats of murdering us followed by gun shots, these are the reason we don't want this in our neighborhood. We are all on edge with the threat of invasion on one of us. Who was it that just threatened a neighborhood on Pepper Road with a knife?

Sender's Name: Kim Roberts

Sender's Email: kgutzman@gmail.com

Sender's Address:

CA 95472

From: [Cecile Isaacs](#)
To: [Cannabis](#)
Subject: Moratorium on Ministerial cannabis permits, Please
Date: Monday, October 18, 2021 3:16:58 PM

EXTERNAL

Important items to be included in any ministerial (small grower) permit policy:

- 1. Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel**
- 2. All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration**
- 3. Apply these same rules to all renewal applications that have to be resubmitted annually**

Until the Environmental Impact Report (EIR) is completed, I think a moratorium is a fair compromise.

Thanks for your consideration.

Cecile Isaacs

Eastside 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: [concerned citizens](#)
To: [BOS](#); [Cannabis](#)
Cc: [Scott Orr](#); [Crystal Acker](#); [Andrea Krout](#); [Tennis Wick](#)
Subject: Rural Enclaves Health and Safety- End ministerial permitting within 1000ft
Date: Monday, October 18, 2021 7:31:18 AM

EXTERNAL

October 18, 2021

Dear Sonoma County Board of Supervisors,

Bloomfield is experiencing first hand the effects of a commercial cannabis operation coming into our community. There has yet to be a permit issued and we have already experienced several of the activities that classify as a public nuisance under the health and safety clause.

We have lived in harmony with the adjacent pasture land which at times is very loud. For example when hundreds of three month old ewes are dropped off and cry for their mothers for days on end. Or when manure is spread and it smells like a cows you know what for weeks. This new activity is different. It is discordant with its environment. It is not about living rurally, working the land and being part of the community.

The rationale that everyone has property rights will not harmonize our communities and tensions will not dissipate until the the health and safety of our rural communities are successfully addressed under the cannabis ordinance. We trust that the EIR will help designate areas where cannabis will be successful. A conditional use process required within a minimum 1000 ft set back of our rural enclaves will allow consideration of issues relative to each individual rural enclave. The solid fence that is going up around our historic cemetery would be included in the scope of the project and Bloomfield would have a chance to mitigate this impact along with the traffic, dust, noise and wildfire danger we are experiencing.

The Health and Safety clause (§ 26-88-250(f) of the cannabis ordinance states;
(f) Health and Safety. Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

Five years of direct experience have confirmed that the minimum setbacks of 100 ft to property line and 300 ft to residence do not prevent nuisance nor the health and safety of nearby residents. Odor alone has been proven to be a huge nuisance at over 700 ft. Scientific studies measuring odor vs distance from outdoor cultivation conducted by Yolo County in their EIR determined that a minimum setback of 1000 ft generally reduced odor to levels considered acceptable.

The Planning Commission agreed that minimum setbacks should be to property line, not residence.

Prior to a determination in the upcoming Sonoma County EIR, a 1000 ft setback to property line must be taken as the minimum setback acceptable to prevent public nuisance. No ministerial permits should be issued within this minimum 1000 ft setback until the EIR is complete.

Please continue the the moratorium on multi- tenant permitting. We also request an additional moratorium on all ministerial permits within a 1000ft of a rural enclaves or that a CUP is required as ministerial permits are illegal as they require discretion in determining a setback that meets the health and safety code.

Thank you

Veva Edelson for CCOBloomfield

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: [Scott Orr](#)
To: [McCall Miller](#); [Sita Kuteira](#)
Subject: FW: Sonoma County Cannabis Permitting Non-Compliance - Water Issues
Date: Monday, October 18, 2021 12:22:17 PM
Attachments: [Attachment1_waterboard.pdf](#)
[Attachment 2 Oct 15.docx](#)
[Block 20210914 letter to board re zoning permits.pdf](#)
[clip_image001.png](#)
[Water Board October 16 2021.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

From: Tennis Wick <Tennis.Wick@sonoma-county.org>
Sent: Monday, October 18, 2021 12:14 PM
To: Scott Orr <Scott.Orr@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>; Marcie Woychik <Marcie.Woychik@sonoma-county.org>; Sheryl Bratton <Sheryl.Bratton@sonoma-county.org>
Subject: FW: Sonoma County Cannabis Permitting Non-Compliance - Water Issues

Tennis Wick, AICP

Director

www.PermitSonoma.org

County of Sonoma

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-1925 |

Office: 707-565-1900 | Fax: 707-565-1103



From: Judith Olney <juditho3300@gmail.com>
Sent: Monday, October 18, 2021 8:14 AM
To: david.kuszmars@waterboards.ca.gov; kason.grady@waterboards.ca.gov
Cc: Olney Judith <judith.olney@att.net>; Harrison Craig <craigspencerharrison@gmail.com>; Tennis Wick <Tennis.Wick@sonoma-county.org>
Subject: Fwd: Sonoma County Cannabis Permitting Non-Compliance - Water Issues

EXTERNAL

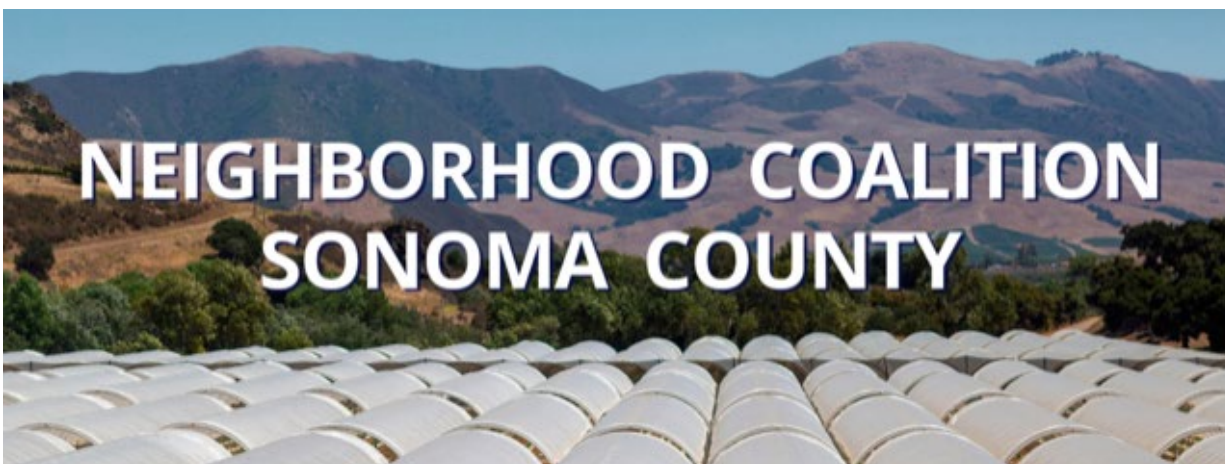
Attachments to October 16th letter relative to Sonoma County Cannabis Permitting Non-Compliance

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.

Begin forwarded message:

From: Judith Olney <milestonesmet@gmail.com>
Subject: Sonoma County Cannabis Permitting Non-Compliance - Water Issues
Date: October 16, 2021 at 11:33:59 AM PDT
To: david.kuszmar@waterboards.ca.gov, kason.grady@waterboards.ca.gov
Cc: Olney Judith <milestonesmet@gmail.com>, Harrison Craig <craigspencerharrison@gmail.com>, Tennis Wick <Tennis.Wick@sonoma-county.org>



October 16, 2021

To: David Kuszmer, PE, California Water Board, Southern Cannabis Regulatory Unit

Kason Grady, North Coast Regional Water Quality Control Board

Cc: Tennis Wick, Director Permit Sonoma

Subject: Sonoma County Cannabis Permitting Non-Compliance - Water Issues

Background: On March 18, 2021, the CA Water Board entered a letter into the Administrative Record for Sonoma County's ill-fated draft Ministerial Cannabis Permit Ordinance. Your letter noted areas where Sonoma's ordinance(s) do not comply with State and Regional Water Board General Order or standards, such as riparian setbacks, discharge to septic systems, Site Management Plans for drainage and erosion control on all sites, and Nitrogen Management Plans for Tier 2 sites.

Item IV “Discharge to Septic Systems” requirements requires review by State agencies to determine whether Sonoma County made any modifications to address discharge prohibitions in the Wastewater Management Plan requirements in the CUP Permitting Ordinance. “ *State guidance is clear: ...prohibits the discharge of industrial wastewater (e.g. excess irrigation water, effluent, process water or graywater) to an onsite wastewater treatment systems (e.g. septic tank), to surface water, or to land (e.g. via irrigation or bio-retention treatment systems...* ”

Your letter goes on to state that from the adoption of the 2017 General Order to March 2021, the Regional Water Board has yet to approve a permit for such discharge to septic systems.

New Water Issues/ Public Hearing: The Sonoma County Board of Supervisors removed its proposed Chapter 38 Cannabis Ordinance from consideration in May, 2021, and directed Staff to continue processing permits under the County’s Conditional Use Permit Ordinance.

On September 21st after significant community pressure, including Attachment 3, a letter from Block & Block Attorneys, the County approved a temporary moratorium on the practice of issuing multiple 10,000 sq ft cannabis ministerial cultivation permits on a single parcel; thereby, by-passing General Order and CalCannabis regulations, including required water and wastewater studies.

New permits under Section 26-88-254(f)(2) were suspended for 45 days; however, Sonoma County did not suspend existing operations while cannabis cultivators sought the required Use Permits for these multi-tenant 1-acre grows.

There have been approximately 75 “medicinal” ministerial permits conferred by the County. The public has not been provided information as to which of these operations are in Water Zones 3 or 4, and are continuing to operate absent proof of on-site water availability or a complete hydrogeologic report. We can identify several parcels, including projects in Petaluma’s dairy belt and Bennett Valley. **With this letter, we are requesting that the CA Water Board or North Coast Regional Water Quality Control Board request this information and appropriate documentation from Sonoma County officials.**

Extending the moratorium on “large scale, multi-tenant cannabis cultivation permits” is the subject of an October 26, 2021 Public Hearing at or after 1:45 pm.

Request: Ideally, the CA Water Board and the North Coast Water Quality Control Board will obtain requirement information relative to this permitting loop-hole and weigh in on Sonoma County’s non-compliance with critical water use, water quality, setbacks, and discharge requirements.

Supporting Documents: Sonoma County’s cannabis permitting processes, and lack of enforcement, raise multi-faceted concerns relative to water use and water quality protection.

1. **[Attachment 1: March 18, 2021 CA Water Board Letter](#):** The primary concern is the potential lack of compliance with the CA Water Board requirements and requests listed in the CA Department of Fish and Wildlife March 17th letter, including, yet not limited to, wetland analyses with the most protective standards required for wetland setback requirements.

Again, Sonoma County’s setback requirements are less stringent than State standards. And, again, there is no evidence that Sonoma County changes its ordinance(s) to bring setbacks into compliance with State standards.

2. **[Attachment 2: October 12, 2021 letter to Tennis Wick, Permit Sonoma, from Craig Harrison, with Supervisor response](#):** As noted in the CA Department of Fish and Wildlife letter, cannabis cultivation water theft in rural areas is a major problem. Now, there’s evidence that

cannabis operators may be taking water from Petaluma and Santa Rosa municipal systems as well. To date, Sonoma County has refused to take action to abate this non-compliance with Ordinance water supply requirements. Indeed, Permit Sonoma has declined to investigate this matter at all, or to refer it to the Sonoma County District Attorney's Office or the Sonoma County Sheriff's Office for investigation.

We are aware that the Water Board works closely with municipal water system providers and request that the State propose actions to be taken to stop water theft.

3. [Attachment 3: September 14, 2021 Block and Block Attorney Letter: Continued operation of illegally permitted cannabis operations during the process to obtain the required Conditional Use Permit.](#) The concern is with all multi-tenant operations receiving non-compliant ministerial permits, with no or inadequate water availability or water quality studies - especially the impacts of operations in water scarce areas.

Thank you in advance for your consideration of these issues. Note: the Neighborhood Coalition and Save our Sonoma Neighborhoods request a response to this letter at your earliest convenience.

Judith Olney – Member of the Neighborhood Coalition

Craig Harrison – Member of Save our Sonoma Neighborhoods

Attachments embedded in Links - See pdf below

North Coast Regional Water Quality Control Board

March 18, 2021

Sonoma County Planning Commission
c/o McCall Miller
County Administrator's Office
575 Administration Drive, Suite 104A
Santa Rosa, CA 95403
cannabis@sonoma-county.org

(transmitted via email only)

**Re: NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD
COMMENTS ON SONOMA COUNTY'S PROPOSED CANNABIS LAND
USE ORDINANCE UPDATE, GENERAL PLAN AMENDMENT, AND
ASSOCIATED SUBSEQUENT MITIGATED NEGATIVE DECLARATION,
SCH NO. 2021020259**

Dear McCall Miller:

The North Coast Regional Water Quality Control Board (Regional Water Board) Cannabis Waste Discharge Regulatory Program (Cannabis Program) received the subject documents and is grateful for the opportunity to provide comment. The Regional Water Board understands Sonoma County's (County's) efforts to allow expanded ministerial permitting for commercial cannabis cultivation in agricultural and resource zoned areas. However, the Regional Water Board has concerns regarding how the County's proposed permitting process and requirements may overlap and/or conflict with the State Water Resources Control Board's (State Water Board's) *Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation* (Cannabis Policy) and *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order).¹ To this end, the following comments are provided with the aim of furthering the County's efforts, providing additional information concerning the Cannabis Policy and General Order, and for the purpose of obtaining additional clarity with respect to certain water resource protection issues.

¹ The Cannabis Policy and General Order are available at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/

I. Expanded Ministerial Permitting

The proposed amendments have the potential to authorize cannabis cultivation without extensive site-specific review of proposed cannabis cultivation operations. Currently, the County issues permits on project-by-project basis, that while not a streamlined process, does allow for an exhaustive environmental review process. The proposed switch from a project-specific discretionary review and approval process to a ministerial process places increased importance on the successful implementation of Best Management Practices (BMPs) by cannabis cultivators.

The Regional Water Board's review of the County's proposed revisions to its Cannabis Ordinance reveals that in some cases the BMPs required by the County are less stringent than those required by the Regional and State Water Boards (Water Boards), and vice versa. For instance, the Water Boards' riparian setback provisions for cannabis cultivation activities are much more stringent than the County's. On the other hand, the County's steep slope provisions and restrictions on the use of trucked water for irrigation are generally more stringent than the Water Boards'. In these and other such instances, it is important that the permitting outcomes from the County's ministerial process incorporate the most protective BMPs from both the County's Cannabis Ordinance and the Water Boards' Cannabis Policy and General Order. This will prevent potential threats to water quality and the beneficial uses from going unaddressed.

II. Local and State Permitting Sequencing

Similar to the County, the Water Boards require that cannabis cultivators obtain coverage under the Cannabis General Order prior to commencing any cultivation activities. The term "cannabis cultivation" is defined by the Water Boards as "[a]ny activity involving or necessary for the planting, growing, pruning, harvesting, drying, curing, or trimming of cannabis. This term includes, but is not limited to: (1) water diversions for cannabis cultivation, and (2) activities that prepare or develop a cannabis cultivation site or otherwise support cannabis cultivation and which discharge or threaten to discharge waste to waters of the state." (Cannabis Policy, Attachment A, Definition 9). The County's trigger for requiring a cultivation permit under its proposed Cannabis Ordinance is similar, but not identical. Based on past experience, the Regional Water Board understands that site-specific circumstances may at times call for alternating sequencing of the Water Boards' enrollment process and the County's permitting process.

With that in mind, the Regional Water Board seeks clarification concerning the County's requirement that cultivators must provide copies of all other agency/department permits, licenses, or certificates to the Agricultural Commissioner to serve as verification of compliance with local, state, and federal law. (Sec. 38.02.040, subd. (C).) As written, it is unclear whether the County's process requires cultivators to enroll in other agency/department permits as a condition precedent to obtaining a County permit or upon the issuance of a County permit to cultivate. For example, must a cultivator provide proof of enrollment in the Cannabis General Order via a Notice of Applicability

from the Regional Water Board as a condition precedent to applying for a County permit or merely demonstrate enrollment at the time the County issues a permit? This clarification will help highlight for applicants the importance of timely applying for and obtaining all necessary permits from the County, the Water Boards, and any other agencies with relevant authorities. Therefore, the Regional Water Board recommends that as part of the Permit Application Preparation and Filing process (Sec. 38.06.030, subds. (A-D)), the County encourage concurrent enrollment with any requisite Water Boards permit(s), and those of any other State agency as appropriate.

The Regional Water Board recommends this process for two reasons. First, if the County requires enrollment in the Cannabis General Order prior to issuance of a County permit there is potential to create administrative complications.² Second, there is the potential that the technical plans and reports required under the Cannabis General Order may overlap with the plans, specifications, maps, reports, assessments, and other information required under the County's permitting process, and thus opportunities for developing plans that satisfy multiple agencies' requirements should be highlighted for permit applicants. This is discussed in greater detail in the next section.

III. Required Site Plans and Reports

Enrollees in the Cannabis General Order are required to submit various technical and planning reports³ to the Regional Water Board. Many of the necessary components of the required technical plans and reports are similar to those listed in the County's Standards for Commercial Cannabis Cultivation (Art. 12). For instance, Site Management Plans (SMPs) required under the Cannabis General Order address compliance with riparian setback restrictions, site grading and drainage requirements, erosion and sediment control, construction and maintenance of roads and stream crossings, waste and wastewater management, and water storage and use. Due to the similar nature of the technical plans and reports required under the Water Boards' and County's enrollment and permitting processes for cannabis cultivation, the Regional Water Board asks that the County acknowledge the overlap between multiple agencies' planning and reporting requirements (including those imposed by state agencies other than the Water Boards), and encourage permit applicants to proceed with plan and report preparation with the broad scope of applicable agency requirements and approval authorities in mind.

² For example: If a cannabis cultivator enrolls in the Cannabis General Order prior to issuance of a County permit and the County ultimately rejects the application, the Regional Water Board's self-certification enrollment process does not allow for a refund to the cultivator for the enrollment fee, which can range between \$600 and \$8,000.

³ Site Management Plan (for all sites), Site Erosion and Sediment Control Plan (Medium Risk sites), Distributed Area Stabilization Plan (High Risk sites), Nitrogen Management Plan (Tier 2 sites), and Site Closure Plan (all sites).

IV. Discharges to Septic Systems

The Cannabis General Order implements general and specific requirements for cannabis cultivation activities, as listed in Attachment A of the Cannabis Policy. General Term 27 of Attachment A prohibits the discharge of industrial wastewater (e.g. excess irrigation water, effluent, process water, or graywater) to an onsite wastewater treatment system (e.g. septic tank), to surface water, or to land (e.g. via irrigation or bio-retention treatment systems) without a separate individual or general permit from the Water Boards. Separate waste discharge requirements (i.e. an individual or general permit) or waiver thereof can be sought for the discharge of cannabis wastewater into a septic system or to land. However, it is unlikely the Regional Water Board would issue such a permit. 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. Additionally, the Water Boards consider excess irrigation water, effluent, and process water from commercial cannabis cultivation to be industrial process waters, which are prohibited to be discharged to onsite wastewater treatment systems (OWTS) by the Water Boards OWTS Policy. 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.

Lastly, the Regional Water Board supports the analysis and all concerns expressed by the California Department of Fish and Wildlife, Bay Delta Region's public comment on the subject documents, dated March 17, 2021. In particular, the Regional Water Board wishes to highlight the issues raised and recommendations made in Comment 5. All cannabis cultivation sites should be evaluated for potential wetland features and the most protective standards applied for wetland setback requirements. Notably, the Regional Water Board has regulatory authority over work conducted in or near streams and wetlands, and any such work requires separate coverage under a Water Quality Certification and/or waste discharge requirements from the Regional Board.

The Regional Water Board appreciates this opportunity to comment on the County's efforts to streamline its cannabis cultivation permitting process and hopes these comments will help align and create consistency across the Water Boards and County's permitting procedures. If you have any questions or concerns, please contact me at David.Kuszmar@waterboards.ca.gov.

Sincerely,

David Kuszmar, PE #C65460
Senior Water Resource Control Engineer
Southern Cannabis Regulatory Unit

210318_NCRWQCB_Comments_on_SoCo_Cannabis_Ordinance_FINAL

Cc: California Department of Fish and Wildlife

Gregg Erickson, Gregg.Erickson@wildlife.ca.gov
Mia Bianchi, Mia.Bianchi@wildlife.ca.gov
Wes Stokes, Wesley.Stokes@wildlife.ca.gov

State Water Resources Control Board

Kevin Porzio, Kevin.Porzio@waterboards.ca.gov
Dan Schultz, Daniel.Schultz@waterboards.ca.gov
Dylan Seidner, Dylan.Seidner@waterboards.ca.gov

North Coast Regional Water Quality Control Board

Kason Grady, Kason.grady@waterboards.ca.gov

California Department of Food and Agriculture

Michael Vella, michael.vella@cdfa.ca.gov
Lindsay Rains, lindsay.rains@cdfa.ca.gov

Attachment 2: October 12, 2021 Letter to Permit Sonoma with County response

From: Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>
Sent: Thursday, October 14, 2021 3:59 PM
To: craigspencerharrison@gmail.com; Susan Gorin <Susan.Gorin@sonoma-county.org>
Subject: RE: Referral of Investigation of Unauthorized Water to District Attorney or Sheriff's Office

Hi Craig,

I just wanted to close the loop on this. The Ag Commissioner's office did investigate this, and was unable to substantiate the report. This provision is difficult to enforce, as they would need to actually see water being used on cannabis.

As far as the taking of the water from the City, that would be an issue for the City of Santa Rosa if it was a City hydrant. If you have any photos or videos of this happening, please do share them with the City, and with our office.

Arielle Kubu-Jones

District Director | Supervisor Susan Gorin | 1st District
arielle.kubu-jones@sonoma-county.org | 707.565.2241

From: craigspencerharrison@gmail.com <craigspencerharrison@gmail.com>
Sent: Wednesday, October 13, 2021 7:38 AM
To: Susan Gorin <Susan.Gorin@sonoma-county.org>
Cc: Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>
Subject: RE: Referral of Investigation of Unauthorized Water to District Attorney or Sheriff's Office

EXTERNAL

You will soon be hearing of other instances of cannabis growers transporting city water from hydrants, which violates the cannabis ordinance, state cannabis law, and waterboard policies/laws.

Residents who have cut back water for domestic use are not going to be happy with their elected officials if they do nothing and make excuses for illegal activity.

Craig

From: Susan Gorin <Susan.Gorin@sonoma-county.org>
Sent: Tuesday, October 12, 2021 10:49 PM

To: craigspencerharrison@gmail.com

Cc: Arielle Kubu-Jones <Arielle.Kubu-Jones@sonoma-county.org>

Subject: Re: Referral of Investigation of Unauthorized Water to District Attorney or Sheriff's Office

Thanks Craig, I'll ask about it.

Susan Gorin

1st District Supervisor
County of Sonoma

*Be #SonomaSmart – Wash hands, wear masks, keep the distance.
It's all about community.*

575 Administration Drive, Room 100A
Santa Rosa, CA 95403
www.sonoma-county.org
susan.gorin@sonoma-county.org
Direct 707-565-2982
Cell 707-321-2788

On Oct 12, 2021, at 8:01 AM, craigspencerharrison@gmail.com wrote:

EXTERNAL

Dear Tennis:

I have been following the saga of water being taken from a Santa Rosa hydrant on Scotland Court, Santa Rosa, and transported to 2260 Los Alamos Road, the location of a cannabis cultivation operation.

To summarize, numerous eye witnesses on Scotland Court have since June seen a white pick-up truck with a water tank on a trailer and an additional tank in the bed draw water using a "construction meter" from a hydrant at the corner of Scotland Drive and Scotland Court.

Water was taken daily, often multiple times a day. Kent Matowitz, who lives nearby, saw this activity and followed the pickup truck on Los Alamos Road. He watched it open the gate and turn onto Weeks Ranch Road, which is the entrance to the cannabis operation at 2260 Los Alamos Road.

This should concern county officials because § 26-88-254(g)(10) of the Cannabis Land Use Ordinance provides:

An on-site water supply source adequate to meet all on-site uses on a sustainable basis shall be provided. Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees. Trucked water shall not be allowed, except as provided below and for emergencies requiring immediate action as determined by the Director.

The City of Santa Rosa forbids the use of water from hydrants to be used for a cannabis operation, including but not limited to § 14.20.020 (unauthorized taking of City water) and § 14.20.040 (operation of City valve or hydrant without permission of City).

When the eye witnesses contacted Santa Rosa City Water regarding this issue on or about September 20, city officials alerted the individual who has the water meter. The white pick-up truck ceased drawing water and hauling it to 2260 Los Alamos Road after September 22.

I understand that eye witnesses have contacted PRMD and the Ag Department, and that the Ag department was deemed to be the responsible office to investigate. Daniella at the Ag Department stated that unless they catch the grower red-handed they have little interest in pursuing this. Given their estimated response time of at least an hour after a report, that is impossible. The public suggested a method to determine if city water was stored in any of the 7 water tanks, the pool or the pond, by analyzing a water samples (cost is \$25/sample) but the Ag Department was not interested. The Ag Department even invented excuses for the water deliveries, suggesting that it was for firefighting. Given the immense amount of unauthorized water that seems to have been delivered (see below), this statement is not only ridiculous, it reveals an attitude of “hear no, speak no, see no evil” that is inappropriate for any regulatory agency. The primary duty of any county agency is to protect the public.

A Public Records Act request is pending to learn the identity of the contractor with the meter license and the amount of water taken during this growing season. A rough estimate is that this activity occurred for about 100 days and at a rate of about 1,000 gallons per day, for an estimated total of 100,000 gallons. All Sonoma County residents have been urged to cut back their use of water by 20% because we are in a persistent drought. To put 100,000 gallons in perspective, Santa Rosa residents use about 50 gallons per person per day.

<https://projects.scpr.org/applications/monthly-water-use/city-of-santa-rosa/>. 100,000 gallons is the daily use of 2,000 residents. It represents the 20%

daily savings (20% of 50 = 10 gallons) of 10,000 residents. Thousands of residents have abandoned their lawns or vegetable gardens or are taking fewer showers. I doubt that they think their sacrifices were undertaken to allow a cannabis operation to violate the law and use city water to support an inappropriate cultivation site that lacks an on-site water supply source adequate to meet its needs on a sustainable basis.

Given what seems to be an inability or a lack of interest in officials from PRMD or the Ag Department to get to the bottom of this, I request that PRMD refer this matter for investigation and possible enforcement action to the Sonoma County Sheriff's Department and/or the Sonoma County District Attorney. They can interview witnesses under oath, including Patrick Bransford (owner of the cannabis cultivation), employees of the cannabis operation, the individual(s) who drove the white pick-up truck, and the Weeks family who saw the water trucks pass by on their private road almost daily. They can subpoena business records and otherwise have the tools and hopefully the will to protect the scarce water resources of Sonoma County during one of the worst droughts in our lifetimes.

I am copying Supervisor Gorin because this activity seems to have taken place entirely in her district and she may have an interest in ensuring that the laws that protect our environment and Sonoma County residents are enforced and not ignored. As a former mayor of Santa Rosa, Supervisor Gorin will appreciate the problems of allowing cannabis operations to misappropriate large amounts of city water.

Thank you for your consideration.

Craig S. Harrison

4953 Sonoma Mountain Road

Santa Rosa, CA 95404

707-573-9990

<https://www.craigsharrison.net/>

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.

BLOCK & BLOCK

ATTORNEYS

September 14, 2021

By Electronic Mail

Supervisor Lynda Hopkins (district5@sonoma-county.org)
Supervisor Chris Coursey (district3@sonoma-county.org)
Supervisor James Gore (distric4@sonoma-county.org)
Supervisor Susan Gorin (susan.gorin@sonoma-county.org)
Supervisor David Rabbitt (david.rabbitt@sonoma-county.org)
Sonoma County Board of Supervisors
575 Administration Drive Room 100A
Santa Rosa, CA 95403

Re: Cannabis Zoning Permit Moratorium

Dear Chair Hopkins and Members of the Board:

I am writing to bring to your attention two serious deficiencies in the County's handling of cannabis zoning permits. The scope and duration of the upcoming moratorium should be expanded so that the County addresses them both.

Medicinal Zoning Permits

First, under the Cannabis Ordinance, zoning permits are limited to medicinal cannabis (SCC 26-88-250(c)(1)). In 2018, the Board considered expanding the use of zoning permits to allow for recreational use but decided not to pursue that course of action after the need for additional CEQA review became evident.

Although the Cannabis Ordinance is perfectly clear, the County makes no effort to enforce the medicinal restriction by monitoring the distribution of product from zoning permit grows, even when an applicant seeks renewal.

The vast majority of such grows in the County are likely producing recreational cannabis in violation of the Cannabis Ordinance and state law. The County is aiding and abetting this large-scale evasion by carelessly failing to enforce this restriction or, worse, intentionally looking the other way.

The proposed moratorium is an opportunity to put an effective monitoring and enforcement program in place to ensure that projects approved by zoning permit are in fact producing and distributing only medicinal cannabis. Until that is done, zoning permits should not be issued or renewed.

Multi-Tenant Zoning Permits

Second, a moratorium on the issuance of multi-tenant ministerial cannabis permits will enable the County to correct an error in the way staff has issued such permits for years.

The Cannabis Ordinance, section 26-88-254(f)(2), authorizes the County to issue ministerial zoning permits to multiple tenants on a single parcel if, and only if, “the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.”

Table 1A governs allowed cannabis uses and permit requirements in agriculture zones. The maximum area allowed under a zoning permit for a “small outdoor” grow on land designated LEA or DA is 10,000 square feet and the minimum parcel size is 10 acres. Thus, the “aggregate cultivation area” for zoning permits for outdoor cultivation for multiple tenants operating on a single parcel may not exceed 10,000 square feet.

“*Aggregate* cultivation area” means the total area that may be cultivated by all multiple tenants on a single parcel, i.e., the maximum area under cultivation by all such tenants *combined*. If four tenants hold zoning permits on a single LEA or DA parcel, for example, they may grow 2,500 square feet each of outdoor, or an *aggregate* of 10,000 square feet, because 10,000 square feet is the maximum area of outdoor cannabis that may be cultivated on a single LEA or DA parcel pursuant to Table 1A.

Staff has consistently misinterpreted the multi-tenant provision to allow, for example, four tenants with zoning permits to grow up to 10,000 square feet *each*, or an aggregate of 40,000 square feet, on a single LEA or DA parcel. There are many such projects operating around the County today.

In his staff report discussing the proposed moratorium, the Agricultural Commissioner acknowledges that he issues multi-tenant ministerial permits based on this misreading of

the Ordinance.¹ His erroneous application of the multi-tenant provision does a serious disservice to the public since, as the Commissioner notes, multi-tenant zoning permits are ministerial and are therefore issued without public notice, environmental review, or a right of appeal.

The County should utilize the moratorium to remedy these multi-tenant violations quickly. It should (1) provide a full accounting of all multi-tenant cannabis cultivation projects, operating based on zoning permits, that exceed an aggregate outdoor cultivation area of 10,000 square feet in LEA and DA zones; (2) require those projects to reduce their areas under cultivation such that the combined total per parcel is no more than 10,000 square feet to comply with the Cannabis Ordinance; and (3) grant otherwise qualified pending applications for multi-tenant ministerial permits on a single LEA or DA parcel for an aggregate outdoor cultivation area of 10,000 square feet for all applicants combined.

Clear and consistent rules, fairly enforced, are in the interest of neighbors and the industry. I urge the Board to continue to work toward that goal.

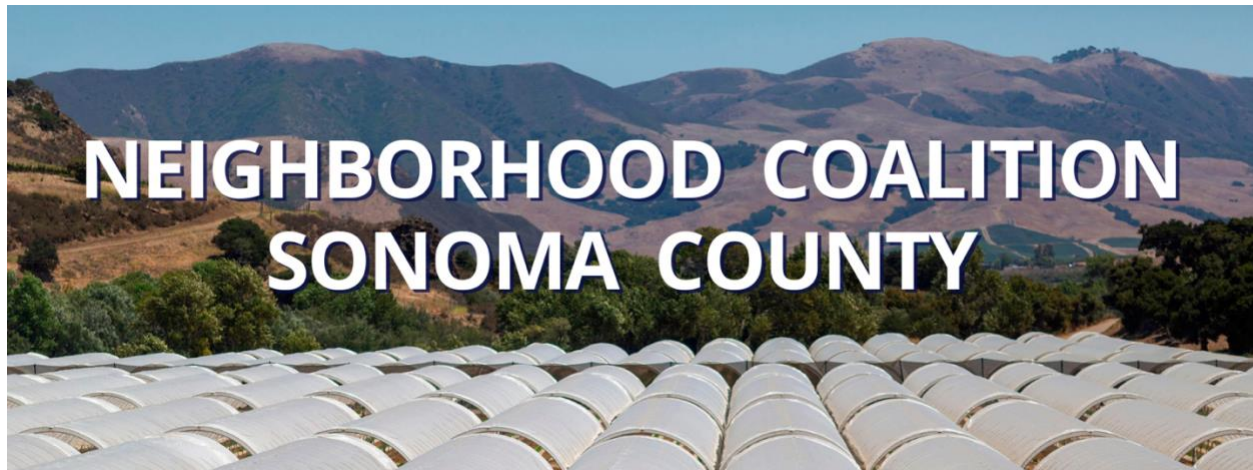
Sincerely,



Kevin P. Block

Cc: Robert Pittman, Sonoma County Counsel (robert.pittman@sonoma-county.org)
Richard Parrott, Department of Cannabis Control (richard.parrott@cdfa.ca.gov)
Kevin Ponce, Department of Cannabis Control (kevin.ponce@cdfa.ca.gov)
Lindsay Rains, Department of Cannabis Control (lindsay.rains@cdfa.ca.gov)

¹ “Under the multi-tenant provision, four operators could each get a ministerial permit for up to 10,000 square feet each [sic] on the same 10 acre LEA parcel . . .” (*Summary Report by the Department of Agriculture to the Board of Supervisors on the Cannabis Ordinance Multi-Tenant Urgency Moratorium*, September 21, 2021 Agenda, page 2 of 5.)



October 16, 2021

To: David Kuszmer, PE, California Water Board, Southern Cannabis Regulatory Unit
Kason Grady, North Coast Regional Water Quality Control Board

Cc: Tennis Wick, Director Permit Sonoma

Subject: Sonoma County Cannabis Permitting Non-Compliance and Water Issues

Background: On March 18, 2021, the CA Water Board entered a letter into the Administrative Record for Sonoma County's ill-fated draft Ministerial Cannabis Permit Ordinance. Your letter noted areas where Sonoma's ordinance(s) do not comply with State and Regional Water Board General Order or standards, such as riparian setbacks, discharge to septic systems, Site Management Plans for drainage and erosion control on all sites, and Nitrogen Management Plans for Tier 2 sites.

Item IV "Discharge to Septic Systems" requirements requires review by State agencies to determine whether Sonoma County made any modifications to address discharge prohibitions in the Wastewater Management Plan requirements in the CUP Permitting Ordinance. "*State guidance is clear:...prohibits the discharge of industrial wastewater (e.g. excess irrigation water, effluent, process water or graywater) to an onsite wastewater treatment systems (e.g. septic tank), to surface water, or to land (e.g. via irrigation or bio-retention treatment systems...*"

Your letter goes on to state that from the adoption of the 2017 General Order to March 2021, the Regional Water Board has yet to approve a permit for such discharge to septic systems.

New Water Issues/ Public Hearing: The Sonoma County Board of Supervisors removed its proposed Chapter 38 Cannabis Ordinance from consideration in May, 2021, and directed Staff to continue processing permits under the County's Conditional Use Permit Ordinance.

On September 21st after significant community pressure, including Attachment 3, a letter from Block & Block Attorneys, the County approved a temporary moratorium on the practice of issuing multiple 10,000 sq ft cannabis ministerial cultivation permits on a single parcel; thereby, by-passing General Order and CalCannabis regulations, including required water and wastewater studies.

New permits under Section 26-88-254(f)(2) were suspended for 45 days; however, Sonoma County did not suspend existing operations while cannabis cultivators sought the required Use Permits for these multi-tenant 1-acre grows.

There have been approximately 75 “medicinal” ministerial permits conferred by the County. The public has not been provided information as to which of these operations are in Water Zones 3 or 4, and are continuing to operate absent proof of on-site water availability or a complete hydrogeologic report. We can identify several parcels, including projects in Petaluma’s dairy belt and Bennett Valley. **With this letter, we are requesting that the CA Water Board or North Coast Regional Water Quality Control Board request this information and appropriate documentation from Sonoma County officials.**

Extending the moratorium on “large scale, multi-tenant cannabis cultivation permits” is the subject of an October 26, 2021 Public Hearing at or after 1:45 pm.

Request: Ideally, the CA Water Board and the North Coast Water Quality Control Board will obtain requirement information relative to this permitting loop-hole and weigh in on Sonoma County’s non-compliance with critical water use, water quality, setbacks, and discharge requirements.

Supporting Documents: Sonoma County’s cannabis permitting processes, and lack of enforcement, raise multi-faceted concerns relative to water use and water quality protection.

1. [Attachment 1: March 18, 2021 CA Water Board Letter](#): The primary concern is the potential lack of compliance with the CA Water Board requirements and requests listed in the CA Department of Fish and Wildlife March 17th letter, including, yet not limited to, wetland analyses with the most protective standards required for wetland setback requirements.

Again, Sonoma County’s setback requirements are less stringent than State standards. And, again, there is no evidence that Sonoma County changes its ordinance(s) to bring setbacks into compliance with State standards.

2. [Attachment 2: October 12, 2021 letter to Tennis Wick, Permit Sonoma, from Craig Harrison, with Supervisor response](#): As noted in the CA Department of Fish and Wildlife letter, cannabis cultivation water theft in rural areas is a major problem. Now, there’s evidence that cannabis operators may be taking water from Petaluma and Santa Rosa municipal systems as well. To date, Sonoma County has refused to take action to abate

this non-compliance with Ordinance water supply requirements. Indeed, Permit Sonoma has declined to investigate this matter at all, or to refer it to the Sonoma County District Attorney's Office or the Sonoma County Sheriff's Office for investigation.

We are aware that the Water Board works closely with municipal water system providers and request that the State propose actions to be taken to stop water theft.

3. [Attachment 3: September 14, 2021 Block and Block Attorney Letter: Continued operation of illegally permitted cannabis operations during the process to obtain the required Conditional Use Permit.](#) The concern is with all multi-tenant operations receiving non-compliant ministerial permits, with no or inadequate water availability or water quality studies - especially the impacts of operations in water scarce areas.

Thank you in advance for your consideration of these issues. And, the Neighborhood Coalition and Save our Sonoma Neighborhoods request a response to this letter at your earliest convenience.

Judith Olney – Member of the Neighborhood Coalition

Craig Harrison – Member of Save our Sonoma Neighborhoods

Attachments embedded in links

From: [Linda Barr](#)
To: [Cannabis](#)
Subject: moratorium cannabis
Date: Monday, October 18, 2021 3:41:11 PM

EXTERNAL

Dear Supervisors,

I find myself writing yet another email concerning Cannabis issues. I've written to you previously expressing my concerns regarding that industry, regardless of whether it is now legal or not. Legal or not, I believe that the fallout from it is detrimental to all of Sonoma County and even the entire state of California.

But today I am writing specifically because I see that you will be "revisiting" the emergency moratorium on ministerial multi-tenant cannabis cultivation. I have four thoughts which I will share with you.

Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel.

All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration,

Apply the same rules to all renewal applications that have to be resubmitted annually.

Please don't ever lose sight of the high volume of water necessary to cultivate cannabis, and the on going drought. California is a geographically arid state. We should never be growing crops that require high water consumption.

Sincerely,

Linda Barr

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: [Greg Koss](#)
To: [district5](#); [district4](#); [district3](#); [district2](#); [district1@sonoma-county.org](#); [Cannabis](#)
Subject: Moratorium Vote
Date: Tuesday, October 19, 2021 1:16:11 AM

EXTERNAL

Hi,

It's incredible that we have to keep fighting about this. The risks to individuals and the county are clear and proven over the last 5 years. Please protect the homeowners and residents of the county.

Vote No on granting ministerial approvals without the conditions below.

1. **Limit all new ministerial permits, including multi-tenant, to no more than 10,000 square feet, total combined, per parcel**
2. **All ministerial permits, since they are intended for individual small growers only, should have 1000 foot minimum setbacks to neighboring properties, with adjacent parcels not allowed to grow contiguous cannabis to prevent over-concentration**
3. **Apply these same rules to all renewal applications that have to be resubmitted annually**

The Conditional Use Permit (CUP) process remains available for growers who do not meet these conditions. When applying for a CUP, neighbors are notified and they have a chance to respond with any concerns. What we're trying to prevent is 1-2 staffers approving bad projects, behind closed doors, which are hostile to neighbors. Until the Environmental Impact Report (EIR) is completed, we see this as a fair compromise.

Thanks,
-G

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](#); [Andrew Smith](#); [McCall Miller](#)
Subject: Letter to Supervisors RE_ Moratorium on Multi-Tenant Applications (1).pdf
Date: Tuesday, October 19, 2021 9:36:36 AM
Attachments: [ATT00001.htm](#)
[Letter to Supervisors RE_ Moratorium on Multi-Tenant Applications \(1\).pdf](#)

EXTERNAL

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.

Ron Ferraro
2401 River Rd.,
Windsor, California

Sent Via Email

Board of Supervisors Chambers
575 Administration Drive, Room 102A,
Santa Rosa, California

RE: Moratorium on Multi-Tenant Cannabis Operations

Supervisors,

I am writing to you today to express my interpretation of the recent Cannabis Moratorium imposed In Sonoma County which may have serious consequences on Sonoma County's dwindling cannabis industry. After reviewing the concerns of the staff in regards to the multi-tenant provision in the ordinance, which has resulted in the current 45 day moratorium on multi-tenant operations, it seems that the cause for concern is circumvention of CEQA and the potential exposure of the County to CEQA litigation in issuing these types of permits. However, per the staff summary:

*"The State Department of Cannabis Control requires all operators to obtain state cannabis licenses, all of which require discretionary approval. While most single operations that the County issues ministerial approvals for are found to be exempt from CEQA by the State, it is likely that the State will require environmental review for many multi-tenant operations and especially those that have several multi-tenant operations in close proximity. This means that while multi-tenant applicants may receive streamlined ministerial permits from the County, they may still need to undergo full environmental review with the State. **Due to staffing, expertise, and location, it is preferable from the State's and applicants' perspectives that this environmental review be done at the local level instead of by the State.** For discretionary permits, once the County has completed environmental review, the State generally must rely on that environmental review for issuance of a state cannabis license."*

The excerpt above from the staff summary should alleviate any concern that the Board of Supervisors have in regards to applicants circumventing CEQA, given that the state will take the position as the lead agency to conduct a discretionary CEQA evaluation should the local jurisdiction issue a CEQA exemption. As mentioned, the environmental reports conducted for cannabis applications, including multi-tenants operations take into consideration all of the uses on the parcel and neighboring parcels to ensure that there is no impact to biotic or hydrogeologic resources. If the county wants to ensure that there is no impact they should further investigate the legitimacy of specific reports in areas that seem problematic rather than shutting down the opportunity to have multi-tenants operations as a whole.

Furthermore, given the ongoing issues that the County has had in processing discretionary cannabis applications, It appears the staff is overstepping their rights in speaking for applicants, and the State, exemplified in this excerpt from the staff report: *"it is preferable from the State's and applicants' perspectives that this environmental review be done at the local level instead of by the State."* As Supervisor Gore mentioned, the multi-tenant provision is not so much a "loop-hole," as it is the only path forward. If the County had the staffing and capabilities of actually processing cannabis applications then applicants would not have resorted to only submitting for ministerials as the Conditional Use Permits (CUPs) are preferred for setting up truly functional operations. CUPs are preferable to most commercial cultivators because there is capability to build drying/processing buildings, propagation areas, artificial and mixed lighting, etc. The functionality of these permits does not compare to the ministerial process.

At the September 21 hearing in regards to the Moratorium Deputy Director of Planning, Scott Orr, reiterated that PRMD hardly has the capacity to take on the existing applications in the pipeline. The concept that an applicant is willing to submit four applications to the Department of Agriculture rather than submit one application to PRMD should demonstrate the applicant's preference in regards to which department reviews their application. While most believe a ministerial permit is easier to obtain than a conditional use permit, the opposite is true given that there is a very slim threshold of criteria that needs to be met with no chance at setting conditions as part of the project approval.

As staff mentioned in their report, the intent of the multi-tenant provisions in the ordinance was to reduce the barriers to enter the market. Had the Board of Supervisors' original intent been to limit and control cannabis operations in the county they would have done so by only providing for permitting through the Conditional Use Permit pathway, however that was not the stated intent. The intent was to limit the impacts of cannabis cultivation which are greatly reduced with the 1 acre limit per parcel and requiring that applicants, whether single operation or multi-tenant, meet very specific criteria to be able to acquire permits through the ministerial pathway.

The Board of Supervisors should be able to recognize that there is no CEQA threat in issuing multiple ministerial permits because the state will take the role as the lead agency to conduct a discretionary CEQA review. The Board should further recognize that moving such permits to PRMD is not efficient and that the planning department is already overwhelmed with the cannabis program and will not be able to handle what the Department of Agriculture has been able to handle. I urge you not to extend the current moratorium, but rather analyze the multi-tenant provisions under the EIR for a new ordinance.

Sincerely,

Ron Ferraro
Local Sonoma County Operator

From: [Rachel Zierdt](#)
To: [Cannabis; district2](#)
Subject: Oct 26
Date: Tuesday, October 19, 2021 10:08:24 AM

EXTERNAL

Dear Supervisor,

I am very disturbed about the county staff proposal to fix the misinterpretation of the ordinance which allowed circumventing the intent of the BOS to help small farmers. Allowing all layering on ministerial permits to run for 5 years is ridiculous. The Board had asked for the staff to get rid of the bad actors..clearly one or two large corporations hiding behind their LLC's label. The AG department knew that they were questionable all along yet encouraged this easier path. Now their solution is to reward this poor behavior on their behalf and allow 5 years of a free pass....This is not what you asked and why is this their only solution? Vote no on this path..its the PRP all over again.

I urge you to do the following.

Limit all new ministerial permits including renewals on multi-tenant parcels to no more than 10,000 square feet, total combined per parcel as required by the State. These permits should have 1000 foot minimum setbacks to neighboring properties. These rules should apply to renewals that have to be resubmitted annually.

Thank you.
Rachel Zierdt

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.