



# ***Negative Declaration***

## **Sonoma County Permit and Resource Management Department**

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Adoption Date: TBD

State Clearinghouse: TBD

Pursuant to the California Code of Regulations, Title 14 section 15071, this summary of findings and the attached Initial Study constitute the Negative Declaration as proposed for the Project described below:

**Project Title:** Medical Cannabis Land Use Ordinance

**File Number:** ORD15-0005

**APN:** Various

**Project Location Address:** The Medical Cannabis Land Use Ordinance will apply to agricultural, industrial, commercial, resource and residential zones within the unincorporated area of Sonoma County.

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**Decision Making Body:** Sonoma County Board of Supervisors

**Applicant:** County of Sonoma

The County of Sonoma proposes to amend the General Plan and Zoning Code to regulate cannabis uses consistent with the Medical Cannabis Regulation and Safety Act, including cultivation, nurseries, dispensaries, laboratories, manufacturing, distribution, and transportation. The proposed Medical Cannabis Land Use Ordinance would allow both personal and commercial cultivation of medical cannabis, with certain limitations.

**Environmental Finding:** Basis on the attached Initial Study, the proposed Medical Cannabis Land Use Ordinance, with associated cultivation standards, would not have a substantial adverse impact on the environment.

### **Proposed Zoning Ordinance Amendment:**

The Medical Cannabis Regulation and Safety Act ("MCRSA"), consisting of AB 243 (Wood), AB 266 (Bonta) and SB 643 (McGuire), was signed into law by Governor Brown on October 9, 2015. This legislation established a comprehensive framework for the regulation of commercial cannabis, covering a broad array of topics including cultivation, nurseries, delivery, transportation, manufacturing, environmental standards and enforcement, general enforcement, advertising and labeling, employer/workplace restrictions, appellation/organic standards, fees and taxation, safety standards, criminal penalties, and tracking and tracing systems. MCRSA also establishes a dual licensing scheme under which anyone engaged in commercial cannabis activity must first obtain a local permit, and then a state license.

While MCRSA took effect on January 1, 2016, the estimated start date for the new State licensing program is January 1, 2018. MCRSA exempts qualified patients and caregivers who cultivate 100 square feet for each qualified patient, up to maximum of 500 square feet on one parcel, from commercial licenses.

The County of Sonoma proposes a comprehensive Medical Cannabis Land Use Ordinance (“Ordinance”) amending the Sonoma County Zoning Code to regulate cannabis land uses consistent with MCRSA, including cultivation, nurseries, dispensaries, laboratories, manufacturing, distribution, and transportation. The Ordinance uses terms consistent with the definitions in MCRSA.

### **Existing Conditions**

Cannabis cultivation is not currently permitted within the Sonoma County Zoning Code, yet Sonoma County is home to a large unregulated cannabis industry. It is difficult to accurately estimate the amount of cannabis cultivation and related businesses already in existence. The Sonoma County Growers Alliance (a cannabis industry advocacy organization) estimates that there may be 10,000 existing cultivators countywide (including cities) with roughly 60% located in “RRD” Resources and Rural Development lands and 40% within “RR” Rural Residential lands. Seventy percent, or 7,000 of the cultivators are small cultivators with less than 2,000 square feet in canopy area.

While Sonoma County has not permitted cannabis cultivation, the North Coast Regional Water Quality Control Board has established a Cannabis Cultivation Waste Discharge Regulatory Program (Order R1-2015-0023) that regulates the waste discharge associated with outdoor cannabis cultivation operations over 2,000 square feet in size and indoor cultivation operations that have the potential to discharge to waters of the state. As of August, 2016, 20 cultivation operations were enrolled in the program in Sonoma County.

Law enforcement has long faced challenges with large cultivation operations trespassing on both private and public lands, the violence and criminal activity associated with an underground industry, and negative impacts to our environment. Unregulated cannabis cultivation is associated with habitat destruction, pollution of waterways, illegal road construction causing erosion and increased sedimentation, unauthorized use of pesticides, illegal water diversion, large amounts of trash, human waste, non-biodegradable waste, and excessive water and energy use. Cultivation within residential areas can cause numerous compatibility impacts including offensive odor, security and safety concerns, use of hazardous materials, unpermitted electrical and building construction causing high fire danger, light and glare, damage to housing stock from mold and mildew, and reduced housing stock due to homes being used for cannabis cultivation.

This Ordinance would provide a regulatory structure, with operational standards, to allow existing operators to become permitted and new operators to enter the developing, regulated market. Although some amount of illegal cannabis activity is expected to continue, the Ordinance is expected to address associated environmental impacts and neighborhood compatibility issues. The Ordinance strives to recognize the existing cannabis industry by providing a pathway to regulated and permitted operations located in appropriate areas.

### **Proposed Ordinance**

The proposed Ordinance would establish a regulatory framework allowing the following cannabis uses, discussed in detail below:

- Personal cannabis cultivation;
- Commercial cannabis cultivation, including:
  - Outdoor cultivation;
  - Indoor cultivation, and;
  - Mixed light cultivation;
- Cannabis nurseries;
- Cannabis testing/laboratories;

- Manufacturing of cannabis products;
- Dispensaries;
- Cannabis distribution facilities, and;
- Cannabis transportation facilities.

Small scale commercial cultivation would be allowed with a ministerial zoning permit, subject to standards, in agricultural and industrial zones. For purposes of this Ordinance “small scale” is considered 10,000 square feet outdoor, 2,500 square feet mixed light, and 500 square feet indoor. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis. All permits would include an annual renewal requirement which provides an opportunity for site inspections for condition compliance and regulatory flexibility as this newly-regulated industry grows.

The proposed Ordinance defines cannabis as an agricultural product, yet distinguishes it from other agricultural crops or commodities due to the use of artificial lights and indoor growing environments, and its unique nature as a controlled substance and cash business. As such, all land use regulations that apply to cannabis uses are distinguished from other agricultural uses in the special use regulations of the zoning code. Cannabis cultivation structures, unlike traditional agricultural structures, would be subject to design review. Cannabis would not be protected under the “Right to Farm” Ordinance, which is intended to protect agricultural operations from being considered a nuisance by requiring public disclosure to surrounding residential uses of potential incompatibility impacts such as noise, odor, or chemical use.

Because cannabis operations are not currently listed as agricultural uses, they are not a compatible use within the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (“Uniform Rules”). A proposed companion amendment to the Uniform Rules would allow limited cultivation subject to the limits of 15% up to 5 acres for all compatible uses for lands under a Land Conservation Act contract. This amendment would enable farmers to supplement their farm income with medical cannabis cultivation without jeopardizing their local tax benefits.

The Ordinance proposes to restrict most indoor cannabis cultivation on agricultural land to existing structures, while providing more opportunity on industrial lands. This would reduce impacts associated with agricultural land conversion and permanent structures placed on prime soils.

This environmental document discloses and analyzes all the potential environmental impacts of the proposed cannabis uses, and analyzes the extent to which the Ordinance’s standards would avoid or mitigate potential impacts. The standards were crafted to avoid or fully mitigate potential impacts, so small scale cultivators in appropriate locations can become permitted in a short timeframe at a lower cost.

### **Personal Cultivation**

The proposed Ordinance would allow personal cultivation for qualified patients and caregivers as a “use by right” in most zones. Residents would be allowed to cultivate 6 plants total with only 3 of these outdoors. Cultivation could occur indoors within an accessory structure or garage subject to the Cultivation Standards (Attachment A). The proposed Ordinance would supersede the Board of Supervisor’s prior Resolution 06-0846 regarding personal possession and cultivation.

### **Commercial Cultivation**

The proposed Ordinance would define cannabis cultivation as:

*“any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant*

*to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.”*

The proposed Ordinance would allow a single entity to obtain multiple cultivation permits, but the total canopy would not be permitted to exceed one acre within Sonoma County.

#### *Zoning Permits*

Zoning permits are ministerial permits issued for a particular purpose subject to standards. Applicants must document and demonstrate that the operation meets all the requirements, and inspections may be conducted to ensure that cannabis operators meets the prescribed criteria. Ministerial permits are exempt from CEQA review and no individualized conditions may be added to the permit.

#### *Minor Use Permits*

Minor use permits (MUPs) are discretionary permits that are analyzed and conditioned on a case-by-case basis. Each minor use permit is subject to CEQA review, and site specific conditions may be added to mitigate potentially significant impacts. Minor use permits are publically noticed and an opportunity for a public hearing is provided.

#### *Conditional Use Permits*

Similar to MUPs, conditional use permits (CUPs) are discretionary permits that are subject to CEQA review and analyzed and conditioned on a case-by-case basis. Conditional use permits are publically noticed and a public hearing is required.

### **Outdoor Cannabis Cultivation**

Outdoor cultivation is similar to other types of row crops in that it is planted in the ground or in pots above ground, in open air subject to natural elements. Cannabis grown outdoors uses no artificial light but may have associated accessory structures for cannabis support uses such as growing immature plants, drying, storing, or trimming. Outdoor cultivation areas are typically fenced or visibly screened for safety purposes. The proposed Ordinance would apply the same standards for mixed light cultivation to “hoop houses” or greenhouse structures, and not allow them for outdoor cultivation.

Outdoor cultivation would be allowed with a ministerial zoning permit in agricultural zones up to 10,000 square feet of canopy size subject to minimum lot size requirements, Cultivation Standards (Attachment A), and the Agricultural Commissioner’s Best Management Practices (Attachment B) as described in the table below. Larger outdoor cultivation operations, up to 43,560 square feet of canopy, would be allowed subject to a use permit in agricultural and resource zones. Very small scale “cottage” cultivation would be allowed with a minor use permit in Rural Residential zones.

**Table 1: Outdoor Cultivation Allowed by Zoning District**

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	Min Parcel Size	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential
				LIA	LEA	DA	RRD	AR	RR
Cottage	25 plants	2 ac	1C	ZP	ZP	ZP	MUP	MUP	MUP
Specialty Outdoor	5,000 sq. ft. or 50 plants	3 ac	1	CUP	ZP	ZP	CUP	—	—
Small Outdoor	5,001 - 10,000	5 ac	2	CUP	ZP	ZP	CUP	—	—
Medium Outdoor	10,001 - 43,560	10 ac	3	CUP	CUP	CUP	CUP	—	—

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

**Indoor Cannabis Cultivation**

Indoor cannabis cultivation occurs completely indoors within permanent non-residential structures, and typically with no outside indication of cannabis cultivation. Indoor cultivation allows for greater control of the growing cycle by using artificial light to simulate sunlight. Indoor cultivation structures require air filtration systems and increased energy use compared to outdoor cultivation. Indoor cultivation operations may use water filtration systems.

Indoor cultivation would be allowed in agricultural and industrial zones with a zoning permit up to 500 square feet as described in the table below. “Specialty indoor” operations from 501-5,000 square feet on agricultural land would be restricted to existing structures. Larger indoor operations would be allowed with a use permit on industrial-zoned parcels.

**Table 2: Indoor Cultivation Allowed by Zoning District**

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential	Industrial Park	Limited Urban Industria	Heavy Industrial	Limited Rural Industria
		LIA	LEA	DA	RRD	AR	RR	MP	M1	M2	M3
Cottage	500	ZP <sup>2</sup>	ZP	ZP	MUP	MUP	MUP	ZP	ZP	ZP	ZP
Specialty Indoor	501 - 5,000	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sub>2</sub>	CUP <sup>2</sup>	—	—	MUP	MUP	MUP	MUP
Small Indoor	5,001 - 10,000	—	—	—	—	—	—	CUP	CUP	CUP	CUP
Medium Indoor	10,001 - 22,000	—	—	—	—	—	—	CUP	CUP	CUP	CUP

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

<sup>2</sup> Cultivation allowed only in existing legally established structures

**Mixed Light Cannabis Cultivation**

The proposed Ordinance would define mixed light cannabis cultivation as

*“cultivation using any combination of natural and supplemental artificial lighting. Includes greenhouses, hoop houses, hot houses and similar structures or light deprivation systems.”*

Mixed light cultivation typically occurs within greenhouses, hoop houses, and other support structures for drying, trimming, and storage. Mixed light operations would be allowed in agricultural areas up to 2,500 square feet with a zoning permit, and in resource and rural residential zones with a use permit, subject to Cultivation Standards (Attachment A), as described in the table below. Larger operations would be allowed with a use permit in agricultural and resource zones.

**Table 3: Mixed Light Cultivation Allowed by Zoning District**

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential
			LIA	LEA	DA	RRD	AR	RR
Cottage	2,500	1C	ZP <sup>2</sup>	ZP	ZP	MUP	MUP	MUP
Specialty Mixed Light	2,501 - 5,000	1B	CUP <sup>2</sup>	CUP	CUP	CUP	—	—
Small Mixed Light	5,001 - 10,000	2B	CUP <sup>2</sup>	CUP	CUP	CUP	—	—
Medium Mixed Light	10,001 - 22,000	3B	—	—	—	—	—	—

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

<sup>2</sup> Cultivation allowed only in existing legally established structures

**Nurseries**

A cannabis nursery would be defined in the Ordinance as:

*“a licensee that produces only clones, immature plants, seeds, and other agricultural products for wholesale sale, used specifically for the planting, propagation, and cultivation of medical cannabis.”*

The proposed Ordinance would allow wholesale cannabis nurseries, with a conditional use permit, in agricultural, resource, and industrial zones. Cannabis nurseries would be allowed only for wholesale distribution. Retail distribution of cannabis clones and starter plants is proposed to be allowed only through a cannabis dispensary. Indoor/greenhouse nurseries within the Land Intensive Agriculture (LIA) zoning district would be limited to existing legally established structures to avoid conversion of land. Indoor cannabis nurseries would also be allowed in the Industrial zones. The existing zoning code distinguishes indoor and outdoor crop production and wholesale and retail nurseries, which is proposed to be clarified with the Ordinance and related definitions.

**Table 4: Nurseries Allowed by Zoning District**

Land Use	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial
		LIA	LEA	DA	RRD	AR	RR	MP	M1	M2	M3
Wholesale (outdoor)	4	CUP	CUP	CUP	CUP	—	—	—	—	—	—
Wholesale (indoor/greenhouse)	4	CUP <sup>2</sup>	CUP	CUP	CUP	—	—	—	CUP	CUP	CUP

CUP- Conditional Use Permit- Noticing and CEQA required

Note: No commercial cultivation is allowed on land under a Land Conservation (Williamson Act) Contract

<sup>2</sup> Cultivation allowed only in existing legally established structures

**Commercial Cannabis Support Uses**

**Testing/Laboratories**

Cannabis laboratories would be defined as “a facility for testing, analysis, and/or research.” Similar types of lab uses include medical labs, soils, materials testing labs, and forensic labs. Laboratories are a necessary component of the cannabis licensing scheme because testing is required for each cannabis crop to determine cannabidiols (CBD’s), tetrahydrocannabinol (THC), pesticide residuals, mold, fungus, and other constituents.

The proposed Ordinance would limit cannabis laboratories to industrial zones with a conditional use permit.

**Manufacturing**

The proposed Ordinance would allow manufacturing of cannabis products, including oils, tinctures and edibles using nonvolatile solvents (MCRSA License Type 6) within industrial areas subject to a conditional use permit. The proposed Ordinance would prohibit manufacturing with volatile solvents (MCRSA License Type 7), defined to include butane, ether, isopropanol, ethanol, acetone, pentane, Hexanes, n-Heptane, and Naphtha. Manufacturing of cannabis with carbon dioxide would be allowed.

**Dispensaries**

After a period of moratorium the Board of Supervisors adopted Ordinance No. 5715 on March 20, 2007 establishing land use regulations for medical cannabis dispensaries, now codified in Sonoma County Code Section 26-88-126. The Board of Supervisors amended the County Code in 2012 to establish a cap of nine dispensaries. There are currently five permitted dispensaries and two in the application process.

The proposed Ordinance would continue to allow dispensaries (MCRSA License Type 10 and 10a) with the cap of nine facilities, but would modify the existing dispensary regulations to reduce the separation criteria from sensitive uses from 1,000 feet to 600 feet (consistent with MCRSA), remove the Level I/Level II distinction, allow deliveries (only from permitted brick and mortar dispensaries), and allow the sale of vaporizing devices, clones and starter plants, and edible products subject to the permit requirements and regulations of the Sonoma County Department of Health Services.

**Distribution Facilities**

Distribution facilities (MCRSA License Type 11) are responsible for receiving cannabis from cultivators, sending cannabis to quality assurance and batch testing, distributing to and from manufacturing operations, and distributing cannabis to licensed dispensaries. No retail sales can take place from a distribution facility. The proposed Ordinance would allow distribution facilities within industrial areas subject to a conditional use permit.

**Transportation Facilities**

Cannabis transportation facilities (MCRSA License Type 12) transport cannabis crops from the cultivation site to a distribution location, then again to manufacturing, and finally to dispensaries. No retail sales of cannabis can take place from a transportation facility. The proposed Ordinance would allow transportation facilities within industrial areas subject to a conditional use permit.

**Table 5: Cannabis Support Uses Allowed by Zoning District**

LAND USE	State License Type	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Commercial Office	Neighborhood Commercial	Retail Business and Services	General Commercial	Limited Commercial
		MP	M1	M2	M3	CO	C1	C2	C3	LC
<b>Testing/Laboratories</b>	8	CUP	CUP	CUP	CUP	—	—	—	CUP	CUP
<b>Manufacturing</b>										
Level 1 - nonvolatile solvents	6	CUP	CUP	CUP	CUP	—	—	—	—	—
Level 2 - volatile solvents	7	—	—	—	—	—	—	—	—	—
<b>Dispensary/Retail Sales</b>										
Storefront and Delivery	10	—	—	—	—	—	CUP	CUP	—	CUP
Dispensaries	10A	—	—	—	—	—	CUP	CUP	—	CUP
<b>Distribution Facilities</b>	11	—	CUP	CUP	—	—	—	—	—	—
<b>Transportation Facilities</b>	12	—	CUP	CUP	—	—	—	—	—	—

CUP- Conditional Use Permit- Noticing and CEQA required

**Cannabis Data and Projected Permit Activity**

The California Department of Food and Agriculture (CDFA) is the responsible state agency for licensing of cannabis cultivation permits beginning in 2018. In August 2016, the CDFA released a statewide survey of potential commercial cannabis license applicants. The survey indicated the number of applicants for each category of cannabis license types by county. Based on this survey data and the maximum size of allowable canopy for each license type, staff compiled a projection of potential acreage and square footage of potential demand for cannabis uses.

The survey indicates that there are 791 potential applicants interested in establishing cannabis operations in Sonoma County, including 431 cultivation permits, 54 nurseries, 93 manufacturing, 11 testing laboratories, 51 dispensaries, 65 distributors and 86 transporters. It should be noted that some applicants may hold two license types at the same location. For example, a cultivation licensee may also hold a manufacturing license at the same location.

Based on the CDFA survey results and using the maximum canopy size allowed for each cultivation license type, staff has estimated a potential demand for 8,790,040 square feet of canopy area including 168 acres (7,318,080 square feet) of outdoor cultivation and 1,475,000 square feet of indoor cultivation.

Estimates provided by the Sonoma County Growers Alliance indicate that there may be as many as 10,000 existing cultivation areas in Sonoma County, 70 percent of which are less than 2,000 square feet of canopy area. Using an average of 1,000 square feet per site, staff approximates 160 acres of existing cultivation area devoted to small or cottage size cultivation and an additional 340 acres of larger operations estimated at 5,000 square feet each. The Sonoma County Growers Alliance estimates that 60 percent of the existing cultivation sites are within the resource zone (RRD) and 40 percent are located in the rural residential zones (AR and RR).

In addition, staff also evaluated the number of parcels within Groundwater Availability zones 1, 2, and 3 that meet the minimum parcel size requirements for cannabis cultivation under the proposed Ordinance to determine the feasibility and availability of land and the potential cumulative impacts. Assuming 5% of the eligible parcels apply for both zoning and use permits for cultivation, staff approximates that 479 acres of combined (indoor and outdoor) cannabis



cultivation could be permitted, with over 1,100 separate applications. Assuming 5% of eligible parcels apply for the ministerial zoning permits enabled by the Ordinance, staff approximates that 170 to 200 combined total (indoor and outdoor) acres of cultivation could be permitted (within groundwater availability zones 1, 2, and 3), with an anticipated 180 permit applications.

### **Federal Oversight**

State and federal law governing medical cannabis are in conflict. Cannabis remains a controlled substance under federal law, specifically classified as a “Schedule I” drug, which is characterized by the Controlled Substances Act, 21 USC section 812(c), as having a high potential for abuse and lacking any accepted medical use. This conflict creates a dilemma for local governments and their law enforcement agencies.

Due to its federal regulatory status, medical cannabis is not considered a food source or drug and is unregulated by the US Food and Drug Administration (FDA) and the California Food and Agricultural Code. This is problematic for cannabis edibles and other manufactured products being produced in non-food grade facilities that are not licensed through the local Health Department. MCRSA will eventually regulate medical cannabis edibles and packaging. The County Department of Health Services is proposing to establish local permit requirements and standards for cannabis manufacturing and dispensaries to address the public health and safety issues related to cannabis manufacturing.

While cannabis cultivation and related uses remain illegal under federal law, greater security concerns and potential for criminal penalties remain. Cannabis operations are prevented from financing their enterprises in ways other legal businesses are permitted, forcing cannabis operators to function on a cash basis. The potential for cash to be stored at cannabis facilities presents additional security concerns that will be addressed in the permitting process.

### **CEQA CHECKLIST**

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

**No Impact: The project would not have the impact described.** The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

**Less Than Significant Impact:** The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

**Potentially Significant Unless Mitigated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The checklist includes a discussion of the impacts and mitigation measures that have been identified. Sources used in this Initial Study are numbered and listed on the last page of this analysis.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agricultural & Forest Resources | <input type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials   | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation              |
| <input type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Utilities/Service Systems       |  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

**Incorporated Source Documents**

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- County Planning Department’s Sources and Criteria Manual
- Sonoma County General Plan and Associated EIR  
Specific or Area Plan
- Sonoma County Zoning Ordinance
- Sonoma County Rare Plant Site Identification Study
- State and Local Environmental Quality Acts (CEQA)
- Full record of previous hearings on project in File
- Correspondence received on the proposed Ordinance.

**1. AESTHETICS: *Would the project:***

a) Have a substantial adverse effect on a scenic vista?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Sonoma County has many open and undeveloped scenic vistas that are visible from public roadways. The majority of Sonoma County’s scenic vistas are protected as Scenic Landscape Units, Scenic Corridors, and Community Separators designated within the Sonoma County General Plan 2020 (GP 2020) and zoned “SR” Scenic Resources Zoning District. Cannabis cultivation and associated support uses would create a new use for rural properties with a likelihood that new structures would be built, some of which may be located within scenic vistas.

The proposed Ordinance would allow small scale commercial cultivation with a ministerial zoning permit, subject to standards, in agricultural and industrial zones. For purposes of this Ordinance “small scale” is considered 10,000 square feet outdoor, 2,500 square feet mixed light, and 500 square feet indoor. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis.

Although outdoor cultivation appears visually to be very similar to vineyards or other row crops, the high value of cannabis creates the need for solid fencing, screening and other security measures, such as 24-hour guards, cameras and associated restroom facilities, as well as the need for additional structures for drying, trimming and packaging. The high value of the crop also lends itself to hoop houses and other protective measures to minimize mold and mildew during the latter part of the season. Indoor, mixed light and greenhouse cultivation operations would be entirely within a structure or greenhouse with other potential structures required for support uses such as drying, trimming, storing, etc. Mixed light structures involve artificial lighting and ventilation, while some cultivators are using darkening tarps for “light deprivation” to induce flowering and increase production. These structures have the potential to be highly visible from scenic corridors and would have potential to contrast with the general form, scale and bulk of other structures or vegetation in the rural areas. Greenhouses and hoop houses in particular have light reflective materials that can make them more visible than other structures. Solid wood fencing is discouraged in rural areas and can also detract from the Scenic Vistas. Depending upon the siting and scale of these structures, there could be a significant visual impact if they are not reviewed and properly sited. For these reasons, the proposed Ordinance requires design review as part of the permitting process for new structures.

Cumulatively, without regulation, there is potential for a large number of additional structures to be constructed that may have adverse effects on scenic vistas. Such structures include temporary hoop houses which may be erected to protect outdoor cannabis from rain, and mixed light greenhouse structures may be large and contrast with the rural landscape and natural vegetation. Indoor cultivation structures resemble industrial buildings, which also contrast with the rural character of Sonoma County’s scenic vistas.

The proposed Ordinance could allow, with a zoning permit, 170 to 200 acres of commercial cannabis cultivation using both outdoor and mixed light techniques. The proposed Ordinance could allow as much as 400 acres of cannabis cultivation by zoning permit and use permit. To avoid the potential visual impacts, the proposed Ordinance requires design review for new structures and includes required setbacks and siting criteria as follows:

- (1) **Property Setbacks- Outdoor.** *Outdoor cultivation areas and all associated structures shall not be located in the front yard setback area and shall be substantially screened*

*from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses. Outdoor cultivation sites and greenhouses/ mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.*

**(2) Property Setbacks- Indoor.** *All structures used for indoor cultivation and all structures used for drying, aging, curing, trimming, and packing and all indoor cultivation structures shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with the cultivation shall not be located in the front yard setback area and shall be substantially screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite.*

**(3) Property Setbacks- Mixed Light/Greenhouse.** *Mixed light and greenhouses shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses. Greenhouses/mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.*

These standards would restrict cultivation operations from siting within the front yard of parcels, and require screening similar to the existing discretionary design review process. Other uses that may not be subject to the cultivation standards, such as nurseries, distribution facilities, or dispensaries would be subject to the review process for a use permit and would be subject to both the PRMD Visual Assessment Guidelines and design review.

PRMD's Visual Assessment Guidelines are used to review new structures and assess their potential visual impact. This methodology considers the site sensitivity combined with the visual dominance of the structure, and provides a threshold of significance and potential mitigation measures to reduce the impact to a less than significant level.

With the addition of the above standards and requirement for design review, the proposed Ordinance would result in a less than significant impact to the County's visual resources and, specifically, scenic vistas.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Cannabis cultivation operations within agriculture, residential, and resource areas will be subject to the standards mentioned above in section 1.a. State scenic highways, including Highway 12 and Highway 116, are further protected with the "SR" Scenic Resources Combining District, which requires design review for structures within 200 feet of the centerline of the roadway. As mentioned above in 1.a., traditional agricultural structures such as barns are exempt from design review requirements, but cannabis structures would not be considered traditional agricultural structures and would be subject to design review and adherence to the standards mentioned

above.

The proposed Ordinance may result in additional structures within state scenic highway areas, but they would not be sited within the front yard of parcels and would need to be substantially screened. If they were to be visible, the structures would be subject to a use permit, and required to be consistent with the rural character of such roadways. For these reasons the impact would be less than significant.

Cannabis cultivation operations have the potential to remove trees; however, the Ordinance includes the following standard which prohibits tree removal unless a use permit is obtained:

*“There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor in-ground cultivation and all indoor or mixed light cultivation and related processing facilities shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone) unless otherwise exempt. Outdoor above ground cultivation sites shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050.”*

Please see section 5.a. for an analysis of the proposed Ordinance’s potential impact to historic resources including historic buildings.

The proposed Ordinance would allow small scale commercial cultivation with a ministerial zoning permit, subject to standards, in agricultural and industrial zones. Although there may be an increase in structures within scenic highway areas, the Ordinance includes standards which reduce any potential impacts to a less than significant level. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See responses to 1.a. and 1.b. above. The cannabis uses allowed with a ministerial zoning permit under the proposed Ordinance are limited to 10,000 square feet outdoor, 2,500 square feet mixed light, and 500 square feet indoor. Although these are considered small scale, there is potential for cannabis operations to degrade the visual character of the subject properties and surrounding areas. Cannabis cultivation operations are generally 24 hours/7 days per week operations and are likely to have security measures in place such as fencing, cameras, and guards. Mixed light greenhouses also have lighting systems which may be illuminated at night depending on the growing cycle. The siting of new structures, fencing, cameras and lighting will all be subject to design review to ensure that the use will be both well-screened and not degrade the visual quality of the area.

The proposed Ordinance limits the size and scale of the operation in agricultural and resource zones with minimum parcels sizes and square footage requirements (see project description). These limitations ensure a low density of operations and a distance from neighboring uses that would reduce compatibility issues. Cannabis facilities would be consistent with the size and scale of other uses allowed under existing zoning and would be similar to other agricultural operations.

The Ordinance also includes the following standard to ensure mixed light operations do not impact surrounding properties:

**“Lighting.** All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully shielded so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.”

<p>Larger cannabis cultivation operations and support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this proposed Ordinance would be subject to a discretionary use permit subject to CEQA review. Any potential impacts to visual character would be disclosed, evaluated, and mitigated as part of the use permit process.</p> <p>Although there may be an increase in structures, security presence, fencing, and lighting within rural areas, with the addition of standards and design review any impact to visual character would be reduced to a less than significant level.</p>				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See response to Section 1.c. above.				

**2. AGRICULTURE AND FOREST RESOURCES:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

*Would the project:*

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Prime Farmland is located in all three agricultural zones: Diverse Agriculture (DA), Land Extensive Agriculture (LEA), and Land Intensive Agriculture (LIA), with most located in LIA due to prime soil types. The proposed Ordinance would allow existing agricultural operations to diversify crop production to include cannabis cultivation.</p> <p>Cannabis nurseries would also be allowed within agriculturally zoned land but would also be subject to a conditional use permit and CEQA review. The proposed ordinance includes a standard that requires avoidance or mitigation at 1:1 ratio for conversion of the Important Farmlands, including Prime, Unique and Farmlands of Statewide Importance as mapped by the state Farmland Mapping Program for indoor and mixed light operations in agricultural zones. This standard would reduce potential impacts to Important Farmlands to less than significant.</p> <p>The proposed Ordinance could allow, with a ministerial zoning permit, a potential of 170 to 200 acres of commercial cannabis cultivation using both outdoor and mixed light techniques. Including potential cannabis operations allowed by use permit, the proposed Ordinance could allow as much as 400 acres of cannabis cultivation.</p>				

Due to the unique characteristics of cannabis operations, the proposed Ordinance classifies cannabis uses separately from other agricultural crops. As such, provisions applicable to traditional agriculture are expressly not applicable to cannabis cultivation. For instance, cannabis would not be protected under the “Right to Farm” Ordinance, which protects agricultural operations from being considered a nuisance and provides public disclosure to surrounding residential uses of potential incompatibility impacts such as noise, odor, or chemical use. Likewise, cannabis uses would not be a qualifying use for tax benefits under the Uniform Rules for Agricultural Preserves, but would be allowed as a compatible use, pursuant to the companion amendment to the Rules.

Unlike vineyards, cannabis is an annual crop and would not prevent another agriculture use from occurring on the same site after a growing cycle is complete, thereby reducing any potential conversion impacts of outdoor cultivation. The proposed Ordinance limits indoor, greenhouse and mixed light cultivation on agricultural lands because of the reliance on permanent structures.

All types of cultivation have the potential for an increase in the number of structures required for ancillary cultivation activities such as storing, drying, and trimming. Under the proposed Ordinance, cottage, specialty and small outdoor cultivation would be allowed by right in all three agricultural zones, but specialty indoor cultivation would be limited to existing structures that were previously legally established to avoid impacts related to land disturbance and conversion by permanent structures. Mixed light/greenhouse and indoor cultivation would be limited to existing structures in the Land Intensive Agriculture (LIA) zone to prevent conversion of prime agricultural lands to structures.

Due to the small scale of the cannabis cultivation operations allowed with a zoning permit in agricultural zones (less than 10,000 square feet in area), subject to standards that require avoidance of Important Farmlands, and the fact that larger indoor cultivation operations require use permits and are limited to existing structures, the proposed Ordinance would limit the number of acres converted to structures and would not convert a significant amount of important farmland to non-agricultural use. The potential impacts are less than significant.

b) Conflict with existing zoning for agricultural use, or Land Conservation Act (Williamson Act) Contract?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Cannabis operations are not currently listed as either a qualifying or compatible use within the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (“Uniform Rules”). However, a companion amendment is proposed to the Uniform Rules that would allow cannabis cultivation on contracted land as a compatible use. Compatible uses are currently limited to no more than 15 percent of the land area up to a maximum total of 5 acres on contracted lands. As the maximum size of a cannabis cultivation is proposed to be one acre, this Ordinance would ensure consistency with the Rules’ limitations for compatible uses. Additionally, co-locating cannabis cultivation with other agricultural uses is consistent with the County’s policies and programs to assist in stabilizing farm incomes to maintain and protect land in agricultural use.

For this reason the proposed amendment to the County’s Uniform Rules for Agricultural Preserves to allow cannabis operations as a compatible use would not conflict with the purpose and intent of the Land Conservation Act or the County’s Agricultural Preserve Program.

The proposed allowances for cannabis operations in agricultural zones are limited in the size and scale such that cannabis would not displace other agricultural operations. The Ordinance includes a standard to avoid conversion of Important Farmlands to the indoor, mixed light or greenhouse use. General Plan Policy AR-4a (below) would require that the primary use of the

land remain in traditional agricultural or open space use.				
<b>Policy AR-4a:</b> <i>The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.</i>				
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Timberland Production areas are predominantly located within the “TP” Timberland Production and “RRD” Resources and Rural Development Zoning Districts. Timberland is defined as land that is available for and capable of growing commercial timber. Cannabis cultivation would be allowed within the RRD zone only with a use permit. The Ordinance would exclude all cannabis uses within the TP zone with the exception of cultivation for personal use. Personal cultivation would be limited to 6 plants total with only 3 of these outdoors. Cultivation could occur indoors within an accessory structure or garage subject to the Cultivation Standards (Attachment A). Most properties with TP zoning do not have a single family dwelling. Although cannabis cultivation would be allowed in the RRD zone, the proposed Ordinance includes the following standard which would reduce any impacts related to tree removal:</p> <p><i>“There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor in-ground cultivation and all indoor or mixed light cultivation and related processing facilities shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone) unless otherwise exempt. Outdoor above ground cultivation sites shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050.”</i></p> <p>The addition of the above standard reduces any potential impact to timberland production areas to less than significant.</p>				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Forest land areas are predominantly located within the “TP” Timberland Production and “RRD” Resources and Rural Development Zoning Districts. As discussed in 2.c. above there would be very limited opportunities for cannabis cultivation in the TP zone resulting in a less than significant impact. The proposed Ordinance would allow cannabis cultivation within the RRD zoning district only with a use permit, subject to standards including a prohibition on tree removal. In addition, a timber conversion permit is required for any conversion over three acres in size.</p> <p>For these reasons the proposed Ordinance is considered to have a less than significant impact on the loss of forest land to non-forest uses.</p>				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	



See response to comments 2.a. and 2.b. above.

**3. AIR QUALITY:**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

*Would the project:*

a) Conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Cannabis facilities would be under the jurisdiction of either the Northern Sonoma County Air Pollution Control District (NSCAPCD) or the Bay Area Air Quality Management District (BAAQMD). The NSCAPCD does not have an adopted air quality plan because the District is in attainment for all criteria pollutants. However, the BAAQMD is in non-attainment for ozone (state and federal), and PM10 and PM2.5 (state only). The BAAQMD has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air acts. These plans include measures to achieve compliance with both state and federal ozone standards. The plans deal primarily address emissions controls for ozone precursors (nitrogen oxides, volatile organic compounds) and particulate matter (PM 10 and PM 2.5).

The proposed Ordinance would allow small scale commercial cultivation with a ministerial zoning permit in agricultural and industrial zones, subject to standards designed to avoid significant adverse impacts. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis, and would be required to comply with BAAQMD and NSCAPCD regulations.

The proposed Ordinance would not conflict with the District's Air Quality Plan because the proposed cannabis uses allowed under the Ordinance would not emit significant quantities of pollutants. In addition, the Ordinance includes the following standard with requires electrical use to be generated by 100% renewable energy:

**Energy Use.** *Cultivation sites shall be designed to maximize potential for on-site renewable energy use including consideration of geothermal, solar, wind and cogeneration systems. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by either an on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources. The use of generators as a primary source of power shall be prohibited.*

The proposed Ordinance would not conflict or obstruct implementation of the applicable air quality plan, and this impact is considered to be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See discussion under 3.c., below.

c) Result in a cumulatively considerable net	Potentially Significant	Less than Significant	Less than Significant	No impact
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increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Impact	with Mitigation Incorporation	Impact	
<p>Sonoma County is within the jurisdiction of two different air districts; the southern portion is within the Bay Area Air Quality Management District (BAAQMD) and the northern portion of the county is within the Northern Sonoma County Air Pollution Control District (NSCAPCD). Both the California Air Resources Board (CARB) and the Federal Environmental Protection Agency (EPA) use monitoring data in each district to designate whether each area has met or attained the air quality standards established by the Federal or State government for each criteria air pollutant.</p> <p>BAAQMD does not meet the National or State ambient air quality standards for ozone and PM2.5. For PM10, it is unclassified with respect to the Federal standards and nonattainment for the State standards. For all other pollutants it is classified as in attainment or unclassified. The NSCAPCD is in attainment with respect to the State 1-hour and national 8-hour ozone standards but has exceeded the State 8-Ozone level in several recent years. The NSCAPCD is in attainment with respect to the State and national PM10 standards and other criteria air pollutants.</p> <p><b>Ozone.</b> Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by BAAQMD. The emissions inventory for Sonoma County shows that the single largest source of ozone precursors is motor vehicle travel. BAAQMD has recommended screening thresholds for different air emissions and generally does not recommend detailed NOx and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. BAAQMD significance criteria considered projects below this threshold to have a less than significant impact.</p> <p><b>Particulate Matter (PM10 and PM2.5).</b> Particulates are solid or liquid particles, including smoke, dust, aerosols, and metallic oxides that are small enough to remain suspended in the air for a long period of time. PM10 is particulate matter less than ten microns in diameter. PM2.5 is particulate matter less than 2.5 microns in diameter. Sources of particulate matter are residential wood burning, unpaved road travel, construction activities and mineral extraction and industrial processing, farming operations and windblown dust and motor vehicles.</p> <p>The largest emission sources for PM10 consist of construction and farming operations, entrained road dust, and wind-blown dust. The major sources of PM2.5 are combustion of fuels and smoke. In the Bay Area and southern North Coast Air Basin particulate matter emissions from stationary sources have declined significantly through regulation but emissions from road travel have been increasing.</p> <p>Under the proposed Ordinance sources of emissions would include construction equipment, and air quality impacts related to an increase in traffic. The Ordinance would allow small scale commercial cultivation with a ministerial zoning permit, subject to standards, in agricultural and industrial zones. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis and would be required to comply with air quality regulations.</p> <p>Based on the number of parcels that meet the minimum requirements under the Ordinance, there is a potential for 170 to 200 acres of commercial cannabis cultivation, using both outdoor and mixed light techniques, to be issued with a zoning permit, and as much as 400 acres of cannabis cultivation including use permits.</p> <p>Based on the CDFA survey of potential applicants there could be as many as 485 separate applications, some of which may need additional structures. The proposed Ordinance limits indoor cultivation to less than 500 square feet without a use permit. Indoor/greenhouse and</p>			X	

nurseries in agricultural zones are either limited to existing structures or would require a use permit, which would reduce the amount of construction and associated air quality impacts for ministerial uses and allow additional environmental review for larger projects. In instances where new structures would be constructed, construction-related dust could cause temporary, minor increases in PM10. All construction would be required to obtain building and grading permits and adhere to existing air quality regulations. Individually, the construction of cultivation sites and their ongoing operations would not be sufficient in size to, by themselves, result in nonattainment of ambient air quality standards. The standards in the Ordinance require that, *“all cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities,”* which will mitigate potential impacts from construction and operations.

The implementation of the proposed Ordinance would ensure compliance with internal permitting requirements as well as applicable state and local regulations. As explained throughout this document, the Ordinance would require applicants seeking to obtain a local and state permit for cultivation operations to obtain the required permit from PRMD, the Agricultural Commissioner’s Office, and the applicable Regional Board, as defined by the size and scale of proposed cultivation, and to comply with other related regulations. Through these actions, the potential for cumulative impacts would be avoided, minimized, and mitigated.

The small scale operations allowed under this ordinance with a zoning permit are expected to generate low trip volumes similar to home occupation permits or up to 30 to 60 trips per day for larger operations. This volume would not exceed the “2,000 vehicle trips per day” threshold previously mentioned as it relates to ozone. For this reason air quality impacts related to traffic and increased vehicle trips is expected to be less than significant.

In summary, because cannabis cultivation and related operations have only short term construction impacts and minimal vehicle trips associated with such operations, the proposed Ordinance would not result in cumulatively considerable net increase in criteria pollutants which would cause the attainment values for the designated criteria pollutants to be exceeded.

d) Expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Sensitive receptors are facilities where sensitive populations (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Sensitive receptor uses include residences, schools, retirement homes, convalescent homes, hospitals, and medical clinics. Cannabis activities are not anticipated to include any significant stationary pollutant emission sources or significantly increase impacts from mobile pollutant emission sources because the operations allowed with a zoning permit are small in scale and will include minimal construction. As discussed in Section 3.c. above, indoor cultivation over 500 square feet on agricultural lands would be restricted to existing structures or would require a use permit and CEQA review.

All commercial cannabis operations would be required to be at least 600 feet away from sensitive receptors. The majority of these uses will be sited on large agricultural properties in rural areas or within structures on industrially zoned land some distance from sensitive receptors. Small scale cultivation operations (up to 25 plants outdoor, 500 square feet indoor, and 2,500 square feet mixed light) would be allowed within Rural Residential lands subject to a minor use permit and standards. Such standards would also prohibit electric generators, which can cause air pollutants, except in an emergency situation.

Large cannabis cultivation operations and other support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance would be subject to a discretionary use permit subject to CEQA review on a case by case basis. For these reasons the proposed Ordinance is considered to have a less than

significant impact on exposure of sensitive receptors to substantial pollutant concentrations.				
e) Create objectionable odors affecting a substantial number of people?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis cultivation operations are associated with a strong odor, especially outdoor cultivation operations during the final phase of the growing cycle (typically in late Summer, early Fall). Generally, the larger the size of the cultivation activity and the proximity to sensitive uses, the greater the potential for odor to be evident. Outdoor cultivation has a greater potential for odor than indoor or mixed light because it is not contained and would not have opportunity for a filtered ventilation system.</p> <p>Cannabis cultivation is proposed to be classified separately from other types of agricultural crops and commodities and will not carry the same kind of protections afforded to traditional types of agriculture. Cannabis cultivation would not be protected under the “Right to Farm Ordinance, which protects agricultural operations from being considered a nuisance and provides a public disclosure to surrounding residential uses of potential incompatibility impacts from agricultural operations such as noise, odor, and chemical use.</p> <p>The largest cultivation operations permitted with a ministerial zoning permit would be 10,000 square feet outdoor, and 2,500 square feet mixed light, and 500 square feet indoor. Cultivation operations up to 43,560 square feet outdoor, 22,000 square feet indoor, and 10,000 square feet mixed light would be subject to a use permit subject to CEQA.</p> <p>The proposed Ordinance includes a 2-5 acre minimum parcel size requirement for outdoor cultivation and an increased setback of 300 feet to occupied residences and businesses (such as tasting rooms). These provisions would reduce odor impacts by restricting outdoor cultivation to large parcel sizes, thereby allowing odors to disperse.</p> <p>Personal cultivation would be limited to 6 plants total with only 3 of these outdoors. Cultivation could occur indoors within an accessory structure or garage subject to the Cultivation Standards (Attachment A). Although personal cultivation would be allowed on smaller parcels, the odor produced by 6 plants would be less than significant.</p> <p>Indoor and mixed light cultivation operations also have the potential to create objectionable odors. For this reason the proposed Ordinance includes the following standard:</p> <p><i>“All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.”</i></p> <p>Based on the proposed Ordinance’s inclusion of the above requirements and standards related to minimum parcel size, setbacks, and air filtration requirements for indoor and mixed light operations, the impact of producing odor impacting a substantial number of people is considered less than significant.</p>				

**4. BIOLOGICAL RESOURCES: *Would the project:***

<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>
			<p>X</p>	
<p>Special status species are plant and animals that are listed or candidate species under the Federal or State Endangered Species Acts and other species considered rare enough to warrant special consideration. Reported occurrences of special status species are compiled by the California Natural Diversity Data Base (CNDDDB) of the California Department of Fish and Wildlife (CDFW). The lead regulatory agencies responsible for implementing the endangered species act are the CDFW and U.S. Fish and Wildlife Service (USFWS).</p> <p>The proposed Ordinance would allow personal cultivation limited to 6 plants total with only 3 of these outdoors. Cultivation could occur indoors within an accessory structure or garage subject to the Cultivation Standards (Attachment A). The Ordinance would also allow commercial cannabis cultivation with a ministerial zoning permit up to 10,000 square feet outdoor, 2,500 square feet in mixed light, and 500 square feet indoor, subject to the Cultivation Standards. Cultivation beyond these amounts and other cannabis support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) would be subject to a discretionary use permit subject to CEQA review on a case by case basis.</p> <p>Unregulated cannabis cultivation has been associated with impacts to biological resources. The proposed Ordinance provides a pathway for unregulated operations to come into compliance. To reduce impacts to biological resources, cultivation sites would be required to adhere to the following standard:</p> <p><i>“Cultivation areas shall be located to avoid impacts to sensitive biotic habitats including woodlands, wetlands, rivers, streams, and habitat connectivity corridors. Future cannabis cultivation located within or adjacent to these areas would require a biotic assessment at the time of application to demonstrate that the facility avoids sensitive habitat. Any proposed cultivation activity located within adopted critical habitat areas must have appropriate permits or waivers from the CDFW.</i></p> <p><i>There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor in-ground cultivation and all indoor or mixed light cultivation and related processing facilities shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone) unless otherwise exempt. Outdoor above ground cultivation sites shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050.”</i></p> <p>The above standard would ensure that future cannabis operations would assess, discover, and avoid/mitigate any sensitive habitats. For this reason the proposed Ordinance is considered to have a less than significant impact related to special status species or their habitat. Potential water quality impacts are discussed below in Section 4.c.</p>				
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>
			<p>X</p>	

Sensitive natural communities identified in Sonoma County include coastal salt marsh, brackish water marsh, freshwater marsh, freshwater seeps, native grasslands, several types of forest and woodland (including riparian, valley oak, Oregon white oak, black oak, buckeye, Sargent cypress and pygmy cypress), old growth redwood and Douglas fir forest, mixed serpentine chaparral, and coastal scrub, prairie, bluff, and dunes. Many of these communities also support populations of special status species and are important to native wildlife, as discussed in 4.a. above.

The proposed Ordinance would not apply to the coastal area so coastal scrub, prairie, bluffs and dunes and salt marsh, pygmy cypress would not be affected. Standards discussed in item 4.a. above would reduce impacts in inland areas of the County by avoiding or mitigating effects of cultivation on sensitive biological communities.

For these reason the proposed Ordinance would have a less than significant impact on sensitive natural communities.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Wetlands are transitional areas between aquatic and terrestrial habitats and include marshes, vernal pools, seeps, springs, and portions of riparian corridors with wetland vegetation. Wetlands are recognized for their high fish and wildlife habitat values, occurrences of unique plant and animal species, and importance in water recharge and filtration. Wetlands meeting certain criteria are subject to regulations of the US Army Corps of Engineers, USFWS, CDFW, or applicable Regional Water Quality Control Boards (Water Boards). The proposed Ordinance would not weaken or alter these existing requirements.

Known wetland areas have been mapped as part of the National Wetlands Inventory and within the Sonoma County General Plan Open Space maps, which are also designated with the "BR" Biotic Resource zoning district.

As discussed in 4.a. above, the proposed Ordinance would require each cannabis operation to prepare a biotic assessment at the time of application. This biotic assessment would identify potential wetlands in advance of development and cultivation being allowed and provide the opportunity to avoid impacts.

In addition, the proposed Ordinance would not be in effect within the Coastal Zone therefore there will be no impact to coastal wetlands. The Coastal Zoning ordinance will be updated with the Local Coastal Plan Update currently underway. During the interim period, cannabis uses are not listed as an allowed use and are therefore not permitted within the Coastal Zone under the rules of permissive zoning.

Large cultivation operations and other support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance would be subject to a discretionary use permit subject to CEQA review and permitting by the resource agencies listed above.

Given the existing regulations and the proposed Ordinance standards, the impact to federally protected wetlands, marshes, vernal pools or coastal areas is considered to be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or	Potentially Significant Impact	Less than Significant with	Less than Significant Impact	No impact
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wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		Mitigation Incorporation		
			X	
<p>See also responses 4.a., 4.b., and 4.c. above. By complying with GP 2020 policies and Zoning Code setbacks for riparian corridors and the adjacent streamside conservation areas, cannabis operations would avoid impacts to habitat corridors along streams. Given the above considerations, the proposed code amendments would not impact the movement of fish or wildlife. Refer to Section 9 “Hydrology and Water Quality” for discussion of impacts on stream flow.</p>				
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Please see discussion under Section 4.a. above. The proposed Ordinance would not alter or conflict with existing local policy and with the addition of the proposed standards, all existing policies related to protection of biological resources will be adhered to.</p> <p>As stated in 4.a., the proposed Ordinance includes a standard prohibiting tree removal without a use permit. Therefore the proposed Ordinance would not conflict with policies related to the protection of biological resources or tree preservation policies and the impact is considered less than significant.</p>				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Habitat Conservation Plans (HCP) and Natural Community Conservation Plans (NCCP) are site-specific plans to address effects on sensitive species of plants and animals. The only HCPs in Sonoma County relate to certain timber production areas in the northwest area of the County (for spotted owl) and in the lower Petaluma River/Sonoma Creek watershed (for salt marsh harvest mouse/black rail/clapper rail). These areas are designated with the “BR” Biotic Resource zoning district. The standard previously discussed in Section 4.a. above would ensure that no cannabis cultivation could occur within these areas and therefore this impact is considered less than significant.</p>				

**5. CULTURAL RESOURCES:** *Would the project.*

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The proposed Ordinance includes the following standard:</p> <p><b>“Cultural and Historic Resources.</b> <i>Cultivation sites shall avoid or mitigate impacts to significant cultural and historic resources. Sites located within a Historic District shall be subject to review</i></p>				

*by the Landmarks Commission, unless otherwise exempt, consistent with Section 26-68-020.*

*If concentrations of prehistoric or historic-period materials are encountered during ground-disturbing work at the project location, all work in the immediate vicinity will be halted until a qualified archaeologist can evaluate the finds and make recommendations. The applicant/operator must immediately notify PRMD of the find. Historic-period features that may be present include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric cultural remains might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), and/or stone milling equipment, such as mortars and pestles.*

*If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall hire a qualified archaeologist will be contacted to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification.*

*If paleontological resources are found, all work in the vicinity of the find must cease, and a paleontologist and PRMD staff must be notified to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and PRMD staff."*

The inclusion of the above standard, required for all operations regardless of permit threshold (zoning or use permit), would ensure that no historic resources would be impacted. Therefore the proposed Ordinance is considered to have a less than significant impact on historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See section 5.a. above.				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See section 5.a. above.				
d) Disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See section 5.a. above.				



**6. GEOLOGY AND SOILS: *Would the project:***

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Any cannabis operation established under the proposed Ordinance would be subject to the siting criteria, general development and special use standards of the Sonoma County Code, as it relates to building and grading, addressing seismic safety including fault rupture, strong ground shaking, liquefaction, and landslides. The proposed Ordinance would not lessen these existing requirements and would result in less-than-significant impact related to geologic hazards.				
ii. Strong seismic ground shaking?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of future structures are subject to load and strength standards of the California Building Code (CBC), which take seismic shaking into account.  Any cannabis operation established under the proposed Ordinance would be subject to the siting criteria, general development and special use standards of the Sonoma County Code, as it relates to building and grading, addressing seismic safety including fault rupture, strong ground shaking, liquefaction, and landslides. The proposed Ordinance would not lessen these existing requirements and would result in less-than-significant impact related to geologic hazards.				
iii. Seismic-related ground failure, including liquefaction?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See section 6.a.ii above.				
iv. Landslides?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See section 6.a.ii above.				
b) Result in substantial soil erosion or the loss of topsoil?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Soil erosion is widespread in Sonoma County and areas of weak soil and steep slopes are at highest risk. Activities such as grading, vegetation removal and drainage attention can initiate soil erosion and result in sedimentation of lakes, streams, and other waterways. Unregulated cannabis cultivation sites have caused impacts related to soil erosion and sedimentation of waterways.</p> <p>Under existing regulations any earthwork, grading, trenching, backfilling must be conducted in accordance with erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code). In addition, cultivation operations would be subject to the standards included in the proposed Ordinance as follows:</p> <p><b>“Grading and Access.</b> <i>Cultivation sites shall not be located in areas with slopes that exceed 15 percent. Cultivation sites shall be designed to maintain natural grades and use existing roads for access. Following the creation of temporary access roads, construction staging areas, or field office sites used during construction, all natural grades shall be restored and revegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.</i></p> <p><b>Runoff and Stormwater Control.</b> <i>Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the review authority. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off or discharge into waterways. All cultivation operators shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.”</i></p> <p>With the addition of these standards into the proposed Ordinance and required adherence to the Sonoma County Code any impacts related to soil erosion would be less than significant. See further discussion of related issues (such as maintenance of required post construction water quality facilities) under Section 9 “Hydrology and Water Quality.”</p>				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>If new construction is proposed on an unstable geology or soil condition, consideration of the underlying geology and soils is a standard part of building permit review process. All new structures, as well as renovated buildings would be required to meet County Building Code Standards for structural stability.</p> <p>The standards mentioned in Section 6.b. above, including the restriction of cultivation on slopes of 15% or less, would reduce potential slope stability impacts to less than significant. Due to</p>				

these reasons the proposed Ordinance is expected to have a less-than-significant impact.				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. Review and consideration of the soil conditions is a standard part of the site plan and design carried out under the existing plan check and building permit process. The building standards applied would adequately minimize any risk to life or property related to expansive soils and no impacts would occur.				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>It is anticipated that cannabis cultivation operations would produce some amount of waste water from excess irrigation in hydroponic, indoor or greenhouse systems. Indoor and mixed light operations may use water recycling technology that may reduce the amount of discharge but could increase the amount of nutrients and chemicals in the wastewater that is discharged. For either the closed or open hydroponic systems, the nutrient solutions used by cultivators eventually become out of balance and growers must discard them.</p> <p>The two primary pollutants found in hydroponic wastewater are phosphates and nitrates. Phosphates can attach to sediments such as clay particles, while nitrates are very soluble in water. Both of these pollutants can trigger eutrophication, causing algal blooms, which deplete oxygen in the water and can also release toxins that can kill animals or cause humans to be sick. Nitrate leaching can cause several environmental problems including the loss of calcium and other cations as well as moving into surface or ground water where it can severely impact drinking water. Elevated nitrate-N concentrations in drinking water can result in “blue-baby syndrome” and be fatal to infants by interfering with oxygen transport in the blood. To address these issues, the Ordinance requires that cultivators comply with best management practices and that excess irrigation water from cultivation activities be discharged to an irrigation or bio-retention treatment systems, sewer, or a septic system that has been properly evaluated and sized.</p> <p>Additionally, the North Coast Regional Water Quality Control Board (NCRWQCB) has established a Cannabis Cultivation Waste Discharge Regulatory Program (Order R1-2015-0023) for those parcels within its jurisdiction that regulates the waste discharge associated with outdoor cannabis cultivation operations over 2,000 square feet in size and indoor cultivation operations that have the potential to discharge to waters of the state. Three regulatory tiers are established based on threat to water quality and compliance may be achieved through an approved third party program. As of August, 2016 20 cultivation operations were enrolled in the program in Sonoma County (five of these by third party certification).</p> <p>As there are other parcels not under the NCRWQCB’s jurisdiction, the proposed Ordinance also includes the following standard which requires adherence with the Agricultural Commissioner’s Best Management Practices and the applicable Regional Board requirements:</p> <p><b>“Waste Water Discharge.</b> <i>A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated and proper</i></p>				

*management and disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sewer, septic, irrigation or bio-retention treatment systems. If discharging to a septic system an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is required. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity."*

The Agricultural Commissioner's Best Management Practices for Cannabis operations include the following:

- *Recycle or properly dispose of all plastic bags, containers, or irrigation materials.*
- *Properly dispose of green waste in a manner that does not discharge pollutants to a watercourse. This may be accomplished by composting, chipping, and/or shredding.*
- *Used growth medium (soil and other organic medium) shall be handled to minimize discharge of soil and residual nutrients and chemicals to watercourses. Proper disposal could include incorporating into garden beds, spreading on a stable surface and re-vegetating, storage in watertight dumpsters, or covering with tarps or plastic sheeting prior to proper disposal.*
- *Compost piles are to be located outside of riparian setbacks and in a manner that will not discharge pollutants to a watercourse. If necessary, construct berm or install fiber roll around compost area to prevent runoff or use straw wattles around perimeter.*

In addition, all zoning and use permits approved under the proposed Ordinance would require annual renewal which provides the opportunity for further research and review of cannabis operations and the associated amounts of wastewater. This annual review would provide opportunity for additional conditions or changes in the above standard to further reduce impacts related to wastewater.

The proposed Ordinance standards coupled with the Regional Board's oversight would reduce any potential impacts to wastewater to a less than significant level.

**7. GREENHOUSE GAS EMISSIONS: *Would the project:***

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Indoor cultivation and mixed light cultivation operations, including the use of energy-intense lighting and ventilation systems, could operate for 24 hours per day. In order to address the potential for greenhouse gas (GHG) emissions associated with this energy demand, the Ordinance includes the following standard:

*"Cultivation sites shall be designed to maximize potential for on-site renewable energy use including consideration of geothermal, solar, wind and cogeneration systems. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not*

*from renewable sources. The use of generators as a primary source of power shall be prohibited.”*

With this requirement there will be no increase in GHG emissions from indoor or mixed light cultivation operations related to energy use.

All three types of cultivation will require the use of fossil fuels for construction and vehicle traffic related to deliveries and employee trips, resulting in minor amounts of GHG emissions. The Ordinance could enable additional development for cannabis operations and additional GHG emissions. However, many of the existing cannabis operations that are currently unregulated will be brought into compliance and be required to mitigate their potential GHG emissions. It is anticipated that the GHG emissions from existing cannabis operations would be reduced with the implementation of the ordinance. New facilities or development that are proposed would be required to reduce their GHG emissions by the standards referenced above.

Given the small scale of the facilities allowed under the proposed Ordinance with a zoning permit and the existing regulatory requirements, the facilities authorized by the proposed code amendment would not result in significant GHG and the resulting impact is less-than-significant.

Large cannabis operations (including large cultivation sites, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance will be subject to a discretionary use permit including CEQA review. Potential impacts related to GHG emissions would be evaluated as part of the use permit process on a case by case basis. The use permit process will involve additional environmental analysis and mitigation of any GHG impacts.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Sonoma County has established a countywide GHG reduction target to reduce emissions 25 percent below 1990 levels by 2015. A new countywide Climate Action Plan, with a new set of GHG targets, has been adopted by the Regional Climate Protection Authority and is in the process of being reviewed and adopted by the nine cities and the County. The Ordinance would not conflict with the Climate Action Plan.

The proposed Ordinance would establish a regulatory structure for the permitting of cannabis cultivation and support uses. The proposed Ordinance would not conflict with any adopted policies or regulations related to GHG emissions. Nor would it hinder meeting Sonoma County’s target. As noted in section 7.a. above with standards included in the proposed Ordinance GHG emissions would be less than significant.

**8. HAZARDS AND HAZARDOUS MATERIALS: *Would the project:***

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Numerous local, State, and federal laws and regulations regulate the use, storage and disposal of hazardous and medical materials including management of contaminated soils and dust. While implementation of the proposed Ordinance would allow development of cannabis operations, the proposed Ordinance would not affect or lessen the requirement to comply with existing laws and regulations governing the transport, use, storage, handling and disposal of hazardous materials. The Ordinance would bring existing cannabis operations into the regulatory framework and is expected to reduce potential impacts from improper use, handling and transportation of hazardous materials.

All cultivation operations would be subject to Best Management Practices adopted by the Agricultural Commissioner and Regional Water Quality Control Board and would require annual inspections that would substantially reduce the potential for impact related to the handling and disposal of hazardous materials.

The Ordinance includes the following standard:

*“All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.”*

With the inclusion of this standard, the Ordinance would not create a significant hazard and has a less than significant impact.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See Item 8.a. above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

The Ordinance includes standards related to hazardous materials as discussed in Item 8.a. above and also includes a 600 foot separation criteria (reflecting state law) for cannabis uses from sensitive uses including schools.

In addition, the use of large amounts of hazardous materials is not expected as part of the small amount of cannabis cultivation proposed under the Ordinance. The majority of cannabis operations (including large cultivation sites, manufacturing, laboratories, distribution, transportation, and dispensaries) allowed by this Ordinance will be subject to a discretionary use permit including CEQA review. Any potential impacts related to hazardous materials would be evaluated as part of the use permit process on a case by case basis.

Given the required setback from schools, the minimal use of hazardous materials for cultivation, and the use permit requirement for larger cultivation operations, the Ordinance would result in a less-than-significant hazardous materials impact.

d) Be located on a site which is included on a list of hazardous materials sites compiled	Potentially Significant Impact	Less than Significant with	Less than Significant Impact	No impact
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pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		Mitigation Incorporation		X
<p>It is not expected that cannabis operations allowed under the Ordinance would be initiated in locations included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, however the proposed Ordinance includes the following standard which restricts uses from such sites unless a use permit is obtained.</p> <p><b><i>“Hazardous Materials Sites. No cannabis operation shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is required.”</i></b></p> <p>With the inclusion of this standard the proposed Ordinance would have a less than significant impact related to hazardous materials sites.</p>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Sonoma County contains six public use airports. The largest is the Charles M. Schulz Sonoma County Airport located off Airport Boulevard near Windsor. Smaller municipal airports are located in Cloverdale, Healdsburg, Petaluma, Sonoma Skypark, and Sonoma Valley.</p> <p>All structures related to cannabis operations under the proposed Ordinance would be required to adhere to existing land use requirements. Since such operations would comply with existing height limitations of the zoning district, these facilities are not expected to violate any of the height restrictions in the various airport safety zones designated in the County’s Comprehensive Airport Land Use Plan. This Ordinance will be referred to the Airport Land Use Commission for review and comment. As such the proposed Ordinance would have no impact related to airport safety.</p>				
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Refer to response to item 8.e., above.				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The proposed Ordinance would not impair implementation of, or physically interfere with the County’s adopted emergency operations plan. The proposed Ordinance would not change existing circulation patterns and would have no effect on emergency access or response times. The proposed Ordinance would not result in an impact related to emergency response or evacuation plans.</p>				

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis operations are associated with high fire risk and have been responsible for structure fires in both urban and rural areas. Indoor and mixed light cultivation utilize large amount of electricity and illegal operations have been known to install inadequate or improper electrical equipment which increase the likelihood of fire hazards. In addition, the illegal manufacturing of cannabis into other products such as hash oil have caused explosions due to the use of volatile chemicals. Many cannabis operations have been operating illegally within the Resources and Rural Development (RRD) land use areas which 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.</p> <p>The proposed Ordinance will allow personal cultivation of 6 plants, only three of these outdoors, and commercial cannabis cultivation with a ministerial zoning permit up to 10,000 square feet outdoor, 2,500 square feet in mixed light, and 500 square feet indoor, subject to the Cultivation Standards. Cultivation beyond these amounts and other cannabis support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) would be subject to a discretionary use permit subject to CEQA review on a case by case basis.</p> <p>Cultivation operations within the RRD zoning district are allowed only with a discretionary use permit. Although these will be reviewed on a case by case basis, there is potential for a significant cumulative impact by allowing such uses within known high fire hazards. In addition, the Ordinance includes standards requiring fencing, locked gates, and security measures which may be problematic for emergency efforts to extinguish fires.</p> <p>To alleviate these impacts the proposed Ordinance contains the following standard:</p> <p><i>“Cultivation sites shall meet Chapter 13 of the Sonoma County Code (the Fire Safety Ordinance). The operator must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.”</i></p> <p>With the addition of this standard requiring a Fire Prevention Plan, and the small scale of cultivation operations allowed by ministerial zoning permit (up to 10,000 square feet outdoor, 500 square feet indoor, or 2,500 square feet greenhouse/mixed light), the proposed Ordinance would have a less than significant impact related to wildland fire hazards.</p>				

**9. HYDROLOGY AND WATER QUALITY: *Would the project:***

a) Violate any water quality standards or waste discharge requirements?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis operations have the potential to impact water quality due to grading, pesticide application, fertilizers and the use of irrigation. The proposed Ordinance includes the following standards which requires adherence to the Agricultural Commissioner’s Best Management Practices and the required creation of a Waste Management Plan.</p>				



**“Waste Management.** A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the review authority. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with Best Management Practices and County standards.

*All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of to a County Transfer Station or County Landfill before the end of the seventh day.”*

If waste water is disposed of in a pond or by surface application all Water Board regulations, including monitoring and reporting requirements, apply. The proposed Ordinance includes a standard (below) which requires verification that the operation complies with Water Board requirements before permits may be issued.

The North Coast Regional Water Quality Control Board has established the Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP) for cultivation operations 2,000 square feet or more. Additionally, smaller operations or with a similar environmental effect, where there is a threat to water quality, may be directed to enroll. As of August, 2016, 20 cannabis cultivation operations within Sonoma County have enrolled. Although a similar program has not been adopted within the Bay Area Regional Water Quality Control Board, the proposed Ordinance includes the following standard:

*“A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated and proper management and disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sewer, septic, irrigation or bio-retention treatment systems. If discharging to a septic system an evaluation by a qualified sanitary engineer demonstrating the system’s capacity to handle the waste is required. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.”*

Given the above requirements, the proposed Ordinance would not result in violation or exceedance of water quality standards and impacts are considered to be less-than-significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Sonoma County contains several major groundwater basins including the Santa Rosa Plain, Sonoma and Petaluma Valleys. Over 80 percent of the County is designated in marginal Class 3 or 4 zones where ground water supplies are limited and uncertain. Groundwater in zones 3 or 4 typically occurs in fractured bedrock rather than a porous aquifer.

Cannabis facilities in rural areas would rely on either surface (rivers, lakes, and springs) or well water sources. Accordingly, the introduction of cannabis cultivation in these areas could increase the use of groundwater and deplete supplies.

The proposed Ordinance could allow, with a zoning permit, a potential of 170 to 200 acres (within Groundwater Availability Zones 1-3) of commercial cannabis cultivation using both outdoor and mixed light techniques, which would likely use groundwater supplies. Cumulatively assessing all potential cannabis operations allowed by zoning permit and by use permit there may be as much as 400 acres of cannabis cultivation.

Estimates of the water use of cannabis cultivation operations range from one and six gallons per day per individual cannabis plant. The table below provides a range of water demand depending on the size and type of operation, as supplied by various industry sources. For comparison purposes, a single family residence uses 1.5 to 2.0 acre-feet of water per year.

**TABLE 1: Projected Water Use for Indoor and Outdoor Cultivation Assuming Range of 1 to 6 Gallons per Plant per Day**

Type of cultivation	Maximum Size	Number of Plants	Water Use (Gallons per year)	Water Use (Acre Feet Per Year)
Cottage	25 plants	25	9,125 to 54,750	0.03 to 0.2
Outdoor cultivation	5,000 sf	556	133, 440 to 800,640	0.4 to 2.5
Indoor cultivation	5,000 sf	556	202,940 to 1,217,640	0.7 to 4
Outdoor cultivation	10,000 sf	1,111	266,640 to 1,599,840	0.8 to 5
Indoor cultivation	10,000 sf	1,111	405,515 to 2,433,090	1.3 to 8

The proposed Ordinance includes the following water supply and water quality standards to reduce or eliminate potential impacts.

**“Water Supply.** *An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted below and for emergencies requiring immediate action as determined by the director. The onsite water supply shall be considered adequate with documentation of any one of the following sources:*

- a. *Municipal Water: The public water supplier providing water service to the site has adequate supplies to serve the proposed use.*
- b. *Recycled Water: The use of recycled process wastewater from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.*
- c. *Surface Water: A diversion permit issued by the State Water Resources Control Board of an existing legal water right.*
- d. *Well Water:*

- 1. *The site is located in Groundwater Availability Zone 1, 2 or 3 and not within*

*an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or*

2. *Within Groundwater Availability Zone 4 or area for which a Groundwater Management Plan has been adopted or designated priority basin, the proposed facility would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses: or*
3. *A qualified professional prepares a hydro-geologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and the operation will not:
 
  - i. *result in or exacerbate an overdraft condition in basin or aquifer;*
  - ii. *result in reduction of critical flow in nearby streams; or*
  - iii. *result in well interference at offsite wells.**

**Groundwater Monitoring:** *Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be calibrated at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, Project Review Division by January 31 of each year. The annual report shall show a cumulative hydrograph of static water levels and the total quarterly quantities of water pumped from well(s) used in processing.”*

Based on this standard, cultivation operations in the most critical water areas (zone 4) would need to demonstrate “no net increase” by using all available water conservation techniques. With the inclusion of this standard and the small scale of cultivation that would be allowed with a zoning permit, the proposed Ordinance is anticipated to have a less than significant impact related to groundwater depletion.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

Cultivation operations have been known to cause impacts to existing drainage patterns. The proposed Ordinance would allow small scale operations in areas where it can be found that there will be no impact to riparian and biotic resources (see discussion under section 4.a.). In addition,

the Ordinance includes standards, quoted above, governing grading, access, runoff, and stormwater control. The above standards limit proposed cultivation sites to less than 15% slopes and require runoff controls. Due to the inclusion of these standards operations developed under the proposed Ordinance would have a less than significant impact related to alterations of existing drainage patterns.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See responses to 9.a. and 9.c. above.				
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See response to 9.c. above.				
f) Otherwise substantially degrade water quality?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: Refer to response to 9a, 9b. and 9c above.				
g) Place housing within a 100-year hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
The proposed Ordinance would not allow, facilitate, authorize or in any way encourage the placement of housing in the floodplain areas. Therefore the proposed Ordinance would not result in an impact related to the 100-year flood zone.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Sonoma County flood hazard zones are applied consistent with the Special Flood Hazard Areas depicted by the Federal Emergency Management Agency (FEMA). The F1 zone does not allow development of any new structures related to cannabis uses. The F2 zone would allow development of structures that are above the flood elevation. Other structural requirements may apply so that flood flows are not diverted or redirected. No imported fill is allowed in the 100-year				

flood zone. As such, the proposed Ordinance would not place structures that could impede or redirect flood flows and no impact would result.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>See response to items 9.d. and 9.h., above. Areas that could be possibly inundated by a dam failure are shown in Figure 8.7 of the Sonoma County Hazard Mitigation Plan. Potentially inundated areas include some valley floor areas which are primarily agriculturally zoned. The risk is considered minimal and acceptable as long as the cannabis operations comply with the requirements of the F1 and F2 zones, as discussed above.</p> <p>The proposed Ordinance would not include nor result in any new housing or additional population being placed in the inundation area. In addition the Army Corps of Engineers, the State Division of Dam Safety, and the Sonoma County Water Agency oversee the operation and inspection of many dams in the area to help assure their safety. Given the above considerations, the proposed Ordinance impacts with respect to increasing risk and exposure to dam failure inundation is considered less-than-significant.</p>				
j) Inundation by seiche, tsunami, or mudflow?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>The proposed Ordinance would not apply to the coastal zone were tsunamis occur. Any structure would also have to conform to building and setback requirements in the building and grading ordinances from lakes and ponds. As such, the proposed Ordinance would result in no impact related to tsunamis.</p>				

**10. LAND USE AND PLANNING: *Would the project***

a) Physically divide an established community?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>The primary purpose of the Ordinance is to provide a regulatory framework for cannabis cultivation and associated facilities including the location, scale, and operating standards. Personal and small commercial cultivation facilities are proposed to be allowed with the issuance of a ministerial zoning permit, subject to standards. The majority of cannabis operations (including large cultivation sites, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance will be subject to a discretionary use permit including CEQA review on a case by case basis. None of these facilities are large enough in scale to physically divide a community.</p>				
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
All cannabis cultivation operations and associated structures would be required to comply with the requirements of the Sonoma County Zoning Code, including zoning designations adopted for the protection of Biotic Resource areas and Riparian Corridors. The proposed standards within the Ordinance prohibit facilities to be located in a sensitive environmental resource area. The proposed standards also require compliance with the regulatory requirements of any agency with jurisdiction over the subject site. Therefore the Ordinance is considered to have a less than significant impact on any adopted plans adopted for the purpose of avoiding or mitigating an environmental effect.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: See 4.f. above.				

**11. MINERAL RESOURCES: *Would the project:***

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
All mineral resource sites of local, regional, or state significance are designated with an “MR” Mineral Resource Combining Zone. This zone preempts the uses normally allowed in the base zone. Small cultivation operations envisioned by the Ordinance would have no impact on the underlying mineral resources of the site.  The majority of cannabis operations (including large cultivation sites, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance would be subject to a discretionary use permit including CEQA review. Any potential impacts related to mineral resources would be evaluated as part of the use permit process on a case by case basis. For these reasons the proposed Ordinance would not have any impact on the availability of known mineral resources.				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: See response 11.a., above.				

**12. NOISE: *Would the project result in:***

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. Cannabis operations could cause potential noise impacts through preparation of land for outdoor cultivation, construction activities for associated structures, noise from onsite power generators, and road noise from related traffic. The proposed Ordinance includes the following standard:</p> <p><i>“Cultivation operations shall not exceed the General Plan Noise Standards Table NE-2, measured in accordance with the Sonoma County Noise Guidelines.”</i></p> <p>In addition, the Ordinance standards include a provision that <i>“the use of generators as a primary source of power shall be prohibited.”</i></p> <p>Most noise generated from cannabis operations, such as temporary noise related to short term construction, occurring during the daytime, would not exceed existing noise standards. In addition, any traffic associated with cultivation would be minimal and similar to other very small agricultural and residential uses. Considering the above, the proposed Ordinance would result in a less-than-significant noise impact.</p>				
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The nature of cannabis cultivation uses does not involve vibration or ground borne noises, except for potential impacts related to construction of related structures. These impacts would be from conventional construction equipment and would be short-term and temporary, limited to daytime hours.</p> <p>Some cannabis operations located in remote areas utilize power generators as the primary source of power, which can create noise impacts and expose people to excessive vibration and noise levels. The proposed Ordinance prohibits the use of generators as a primary source of power thus the potential for impacts is substantially reduced to less than significant. The Ordinance may help reduce impacts related to existing operations. The Ordinance’s potential for impact is less than significant.</p>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>As discussed in section 12.a. above, the proposed Ordinance would allow development with a minor amount of noise, most of which is associated with construction. This construction noise is considered temporary and short term. Cannabis operations have been associated with long term noise impacts due to the use of electrical generators as the primary source of power. As</p>				

previously noted, the Ordinance standards include a provision prohibiting the use of generators as a primary power source. Generators may still be used in emergency situations, but this would not constitute a permanent increase in ambient noise levels. For these reasons the Ordinance is considered to have a less than significant impact related to noise.				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: Refer to response 12.a., above.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
In those instances where a cultivation operation is located near an airport the State Aeronautics Code requires the Community Noise Equivalent Level (CNEL) noise metric to be used when evaluating the noise impacts of aircraft operations. Commercial and service uses, wholesale trade, warehousing, light industrial are considered acceptable up to a CNEL of 65. A review of the CNEL contours for each airport indicates that the 65 CNEL occurs in close proximity to the runway approach and take-off zones and does not extend extensively into surrounding lands. As such, the proposed Ordinance's impact would be less-than-significant.				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: See Comment 12.e., above.				

**13. POPULATION AND HOUSING: *Would the project:***

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
The proposed Ordinance includes the establishment of a new regulatory framework for cannabis cultivation and support uses. The project would allow a new type of commercial enterprise on existing properties. No new subdivisions or housing units would be allowed under the proposed Ordinance.				
Therefore the proposed Ordinance would not induce substantial population growth in the area or displace existing housing or people necessitating the construction of housing elsewhere.				
b) Displace substantial numbers of existing	Potentially Significant	Less than Significant	Less than Significant	No impact



housing necessitating the construction of replacement housing elsewhere?	Impact	with Mitigation Incorporation	Impact	
			X	
Cannabis cultivation has displaced a number of housing units to “grow houses” and in many instances degraded home with indoor cultivation leading to mold and mildew in the homes. The Ordinance would prohibit cultivation within a residence or any structure with a residential occupancy; therefore, the Ordinance would have a beneficial impact on preserving the housing stock.				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Comment: See 13.a. above.				

**14. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The proposed Ordinance includes the establishment of a new regulatory framework for cannabis cultivation and support uses. Cannabis cultivation operations in the rural areas could increase the demand of fire and emergency services due their remote locations, use of generators, and increase in the number of people necessary on site for security purposes.</p> <p>The majority of remote rural lands that may be problematic are located within the RRD (Resources and Rural Development) zoning district. The proposed Ordinance would require all cannabis operations within this zone to obtain a use permit.</p> <p>All cannabis uses developed under the proposed Ordinance would be developed to reduce impacts associated with the need for public services due to the inclusion of standards related to safety, fire protection, and building and grading permit requirements. The following standards are included in the proposed Ordinance to reduce such impacts:</p> <p><b>“Grading and Access.</b> <i>Cultivation sites shall not be located in areas with slopes that exceed 15 percent. Cultivation sites shall be designed to maintain natural grades and use existing roads for access to the extent practical. Following the creation of temporary access roads, construction staging areas, or field office sites used during construction, all natural grades shall be restored and revegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.</i></p> <p><b>Fire Code Requirements.</b> <i>The operator shall prepare and implement a Fire Prevention Plan for</i></p>				

*construction and ongoing operations and obtain an Operational Permit from the Fire and Emergency Services Department. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around all structures.*

**Building Requirements.** *All structures used in commercial cultivation, including greenhouses require a building permit and shall comply with all applicable sections of the County Code. Cultivation uses that involve employees, contractors, or provide access to the public will require a site review for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.*

**Security and Fencing.** *A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensored and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted in residential zones. Weapons and firearms are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards.”*

Due to the inclusion of these standards, and restricting ministerial permits within the RRD zone, the proposed Ordinance’s impact on government facilities, fire and police protection is anticipated to be less than significant.

i. Fire protection?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See response to 14.a. above.				
ii. Police?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See response to 14.a. above.				
iii. Schools, parks, or other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

			X	
<p>The proposed Ordinance includes the establishment of a new regulatory framework for cannabis cultivation and support uses. Such uses do not increase the amount of housing or population which would increase use of existing schools, parks, or other facilities. In addition, schools and parks are considered sensitive uses under the proposed Ordinance and at least a 600 foot separation will be required for all cannabis cultivation and support uses. For these reasons the proposed Ordinance’s impact on school, parks, or other public facilities is considered less than significant.</p>				
iv. Parks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: See response 14.a.iii., above.</p>				
v. Other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: See response 14.a.iii., above.</p>				

**15. RECREATION:**

<p>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The proposed Ordinance includes the establishment of a new regulatory framework for cannabis cultivation and support uses. Such uses do not increase the amount of housing or population which would increase use of existing parks. In addition, parks are considered a sensitive use under the proposed Ordinance and a 600 foot separation will be required for all cannabis cultivation and support uses. For these reasons the proposed Ordinance’s impact on parks is considered less than significant.</p>				
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: See item 15.a. above.</p>				

**16. TRANSPORTATION / TRAFFIC:** *Would the project:*

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

The Ordinance would allow small scale commercial cultivation with a ministerial zoning permit, subject to standards, in agricultural and industrial zones. For purposes of this Ordinance “small scale” is considered 10,000 square feet outdoor, 2,500 square feet mixed light, and 500 square feet indoor. All other cannabis support uses and larger cultivation operations would be subject to a use permit and further CEQA analysis. Any potential impacts related to transportation would be evaluated as part of the use permit process on a case by case basis.

Based on the number of parcels that meet the minimum requirements under the Ordinance to develop a cannabis cultivation operation, there is a potential for 170 to 200 acres of commercial cannabis cultivation, using both outdoor and mixed light techniques. Cumulatively assessing all potential cannabis operations there may be as much as 400 acres of cannabis cultivation. Based on the CDFR survey of potential applicants there could be as many as 485 separate applications for ministerial zoning permits.

Traffic impacts would vary with type and size of operation and number of employees. Cannabis operations may have security guards on site on a 24 hour/7 day per week basis, which would deviate from the traditional types of rural activities. In addition, operations in rural areas where there are not existing single family homes or agricultural operations may necessitate the development of new roadways. Cannabis cultivation operations would involve increased traffic during the initial set up and construction phase and then traffic would involve employee trips and seasonal increases in traffic due to planting, harvesting and distribution. The greatest traffic generation is anticipated to be employee trips during planting and harvest operations.

The potential small scale cultivation sites allowed by the Ordinance with a ministerial permit are expected to have smaller trip generation rates similar to a home occupation (8 trips per day) and are expected to be scattered throughout Sonoma County and be located where the existing or proposed residential use will be the cultivation operator. The General Plan 2020 EIR assessed the amount of traffic anticipated based on a full build out of residential uses within the County. These small scale cannabis operations would create a similar amount of traffic.

Based on available data, a one-acre cultivation site is estimated to require 12-15 employees during the peak seasonal period. A recent cannabis cultivation application under review at the City of Santa Rosa was also projected to have 12-15 employees for a 10,000 square foot indoor operation. Fifteen employees could generate 30 to 60 trips a day on average.

The proposed Ordinance would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. There would be increases in the amount of traffic generated but, as discussed, these increases would be small and scattered, and were anticipated as part of GP 2020 and the associated EIR. In addition, the Ordinance requires annual renewal of zoning and use permits, which will provide an opportunity to provide more stringent conditions and standards related to VMT associated with cannabis uses. For these reason the impact is considered less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
The Ordinance would not result in a significant increase in traffic and would not contribute to congestion, as discussed in response to item 16 (a), above. The proposed Ordinance would not conflict with an applicable congestion management plan.				
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
The proposed Ordinance would have no foreseeable impact on air traffic patterns.				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis operations may locate in remote areas within the RRD zoning district, which is known for steep, rocky, hillsides. New road construction in these larger areas may present significant hazards related to design. For these reasons development of cannabis uses within the RRD land use will require a use permit, which will be subject to a case by case discretionary review and individual CEQA analysis. Larger cannabis projects in all zones will similarly require individual CEQA analysis and case-by-case discretionary review, which will identify and mitigate all potential traffic safety impacts.</p> <p>New driveway entrances will be required to comply with Sonoma County Code provisions requiring adequate sight distances and safe entry onto roadways, through proper driveway location, trimming of existing landscaping, and relocation of existing mailboxes, signs, and other structures.</p> <p>See also the discussion under section 6.b.. Due to the restriction of ministerial permits within the RRD zoning district and the standards included in the proposed Ordinance, it is anticipated to have a less than significant impact related to physical road hazards.</p>				
e) Result in inadequate emergency access?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
As previously discussed cannabis cultivation operations may be sited in remote areas with access issues, most likely within the RRD land use. See response to 16 a. and 16d. above, which reduce this impact to a less than significant level.				
f) Conflict with adopted policies, plans, or	Potentially Significant	Less than Significant	Less than Significant	No impact

programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Impact	with Mitigation Incorporation	Impact	
			X	
Refer to responses to item 16.a. and b., above. Cannabis operations would not result in a conflict with adopted policies, plans, or programs supporting alternative transportation. Accordingly the proposed Ordinance would have a less-than-significant.				

**17. UTILITIES AND SERVICE SYSTEMS: *Would the project:***

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>The proposed Ordinance would allow cannabis cultivation with a ministerial zoning permit up to 10,000 square feet outdoor, 2,500 square feet in mixed light, and 500 square feet indoor, subject to standards. The majority of cannabis cultivation and other support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance would be subject to a discretionary use permit subject to CEQA review on a case by case basis.</p> <p>It is anticipated that cannabis cultivation operations would produce some amount of waste water. Indoor and mixed light operations may utilize water recycling technology that may reduce the amount of discharge but could increase the amount of nutrients and chemicals in the wastewater that is discharged. It is unclear how much, if any, wastewater discharge outdoor operations produce. The proposed Ordinance includes the following standard:</p> <p><i>“A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated and proper management and disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sewer, septic, irrigation or bio-retention treatment systems. If discharging to a septic system an evaluation by a qualified sanitary engineer demonstrating the system’s capacity to handle the waste is required. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.”</i></p> <p>The North Coast Regional Water Quality Control Board has established a Cannabis Cultivation Waste Discharge Regulatory Program (Order R1-2015-0023) which either directly or via approved third party program regulates the waste discharge associated with outdoor cannabis cultivation operations over 2,000 square feet in size.</p> <p>The proposed Ordinance standards coupled with the Regional Board’s oversight would reduce any potential impacts to wastewater to a less than significant level.</p>				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

construction of which could cause significant environmental effects?			X	
<p>Cannabis cultivation operations and support uses would be allowed in both rural and urban areas. Cultivation sites within urban service areas would have access to public sewer which would have sufficient ability to handle this new use. Rural operations would have to comply with the appropriate Regional Board requirements which may entail construction of onsite wastewater detention or other treatment or pretreatment facilities.</p> <p>The majority of cannabis cultivation and other support uses (including nurseries, manufacturing, laboratories, distribution, transportation, and dispensaries) included in this Ordinance would be subject to a discretionary use permit subject to CEQA review on a case by case basis.</p> <p>Given the above considerations, the proposed Ordinance would result in a less-than-significant impact on the need for water and waste water treatment facilities.</p>				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis cultivation operations developed under the proposed Ordinance would be subject to a standard requiring approval of storm water management plans, ensuring that the construction or expansion of drainage facilities would not result in significant impacts. With the addition of this standard the proposed Ordinance is anticipated to have a less than significant impact related to the construction of storm water and drainage facilities.</p>				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
See response 9.b..				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
Refer to response to item 17.b., above.				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis cultivation sites have been known to generate a large of amount of waste requiring remediation, cleanup, and restoration. There is not sufficient information on cannabis operations</p>				

and their anticipated solid waste needs to provide an accurate analysis for purposes of this Initial Study. Most cultivation operations use some form of potting soil which is disposed of after a certain number of growing cycles. Green waste in the form of stems and leaves may also require disposal. The proposed Ordinance includes the following standard:

*“A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the review authority. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with Best Management Practices and County standards.”*

With the addition of the above standard the proposed Ordinance is anticipated to have a less than significant impact related to solid waste disposal.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See response to 17.f. above.

## 18. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

See responses 4.a., 4.b., 4.c., 4.d., 4.f., 5.a., 5.b., and 5.c. As set forth therein, the proposed Ordinance would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Due to the inclusion of strict standards imposed for all cannabis operations allowed under the proposed Ordinance, there would be a less than significant impact related to the degradation of the environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	



<p>Cumulative impacts, as defined in the CEQA Guidelines (Cal. Code Regs. Tit. 14, section 15355), refer to two or more individual effects, that when considered together, are considerable or that increase other environmental impacts. The Ordinance has the potential to have impacts that are individually limited but cumulatively considerable, as discussed in previous sections.</p> <p>As explained throughout this document, the Ordinance would require applicants seeking to obtain a local and state permit for cultivation operations to obtain the required permit or zoning clearance certificate from PRMD, the Agricultural Commissioner’s Office, and the applicable Regional Board, as defined by the size and scale of proposed cultivation, and to comply with other related regulations. Through these actions, the potential for cumulative impacts would be avoided, minimized, and mitigated.</p>				
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Cannabis operations have significant potential to cause substantial adverse impacts on human beings, both directly and indirectly, including impacts related to odor, security concerns, noise, pesticide use, and location siting criteria.</p> <p>All potential impacts and adverse effects on human beings were analyzed and strict standards were crafted and included into the Ordinance to fully mitigate these impacts. As set forth in multiple sections of this document, the proposed Ordinance would not have a substantial adverse effect on humans.</p>				

## Sources

1. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
2. Sonoma County General Plan 2020 <http://www.sonoma-county.org/prmd/gp2020/index.htm>
3. California Department of Food and Food and Agriculture Medical Cannabis Cultivation Program <https://www.cdfa.ca.gov/is/mccp/>
4. Sonoma County Growers Alliance <http://www.scgalliance.com/>
5. City of Santa Rosa Cannabis Applications (by request)
6. North Coast Regional Water Quality Control Board- Cannabis Cultivation Waste Discharge Regulatory Program [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

## Planning Commission Draft

### Section 26-88-250 Cannabis Uses - Medical

- (a) **Purpose.** This section provides the development and operating standards for personal and commercial medical cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.
- (b) **Applicability.** Medical cannabis uses shall be permitted only in compliance with the requirements of Section 26-88-250 through 256 and all other applicable requirements for the specific type of use and those of the underlying base zone.
- (c) **Limitations on Use.** Medical cannabis uses shall only be allowed in compliance with the following sections and all applicable codes set forth in the County Code, including but not limited to, building, grading, plumbing, septic, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirement required by other local, state and federal regulatory agencies having jurisdiction over the type of operation. The operator shall provide copies of other agency and department permits, licenses, or certificates to PRMD to serve as verification for such compliance. Permits for medical cannabis uses shall only be issued where written permission from the property owner or landlord is provided.
- (d) **Permit Requirements.** Medical cannabis uses shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Medical Cannabis Uses and Permit Requirements. No other type of cannabis uses are permitted except as specified in Table 1A-D.
- (e) **Term of Permit.** Permits for medical cannabis uses shall be issued for a period not to exceed one year from the date of permit approval and shall be subject to annual permit renewals.
- (f) **Health and Safety.** Medical cannabis uses shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. Medical cannabis uses 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.
- (g) **Taxes.** Medical cannabis uses shall comply with any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.

- (h) **Operator Qualifications.** Commercial medical cannabis operators must meet the following qualifications:
1. Commercial medical cannabis operators and all employees must be 21 years of age.
  2. Commercial medical cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial medical cannabis operations shall not be permitted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
  3. Until January 2020, commercial medical cannabis permits may be issued only to persons that provide written proof that the operator has been a resident of Sonoma County for at least the last two years.
  4. The commercial medical cannabis operator must own at least fifty-one percent (51%) of the business or entity applying for or holding the commercial medical cannabis permit and must maintain full management control, including operations of the business or entity applying for or holding the commercial medical cannabis permit.
  5. The operator must give preference to hiring local residents.
  6. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or revocation of any issued permit.
- (i) **Weights and Measures.** All scales used for commercial transactions shall be registered for commercial use and sealed by the Sonoma County Agricultural Commissioner's Office of Weights and Measures.
- (j) **Tracking.** Commercial medical cannabis operators shall comply with any track and trace program established by the County and state agencies. Commercial medical cannabis operators must maintain records tracking all medical cannabis production and products and shall make all records related to commercial medical cannabis activity available to the County upon request.
- (k) **Inspections.** Commercial medical cannabis operations shall be subject to inspections by appropriate local and state agencies, including but not limited to, Sonoma County Department of Public Health Services, Agricultural Commissioner and the Permit and Resource Management Department.
- (l) **Enforcement Process.** Complaints regarding cannabis operations will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of the county code or of a zoning standard or use permit

condition. Sheriff reports, online searches, citations, aerial photos or neighbor documentation may constitute proof of a violation. If code enforcement verifies that a medical cannabis use is operating in violation of the county code, is otherwise unpermitted or that a zoning or use permit condition violation has occurred, a notice of violation may be issued. At the discretion of the code enforcement officer or the director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a cannabis operation may not be reapplied for or issued for a period of at least two (2) years.

- (m) **Civil Penalties.** In addition to any and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of violation of this Chapter, any person who violates any provision of this Chapter shall be liable and responsible for, and shall pay to the County, a civil penalty of \$500 for a first violation, \$750 for a second violation within twelve months of the first violation, and \$1000 for each additional violation within twelve months of the first violation.
- (n) **No criminal liability for violation.** This Section is not intended to, and does not, establish any criminal liability for a violation of this Section related to all cannabis uses. A violation of this Section shall be subject to all civil enforcement methods.
1. Enhanced penalty for non-permitted operations. A cannabis operation that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of ten (10) times the normal application fee.
  2. Three Strikes Penalty. Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or operator at the property within a two-year period, the permit for a cannabis operation is summarily revoked, subject to prior notice and to appeal, if requested within ten (10) days. Should such a revocation occur, an application to reestablish a cannabis operation at the subject property shall not be accepted for a minimum period of two (2) years.
  3. Violation of Standards or Conditions—Administrative Citations. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the county code, this subsection provides for administrative citations, adopted pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the county code, zoning or use permit condition are subject to administrative citation. Each day thereafter that the violation continues shall be considered a separate violation.
  4. Monitoring and Enforcement Fee. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

## **Section 26-88-252 Cannabis Cultivation – Medical Personal Use**

- (a) **Purpose.** This section establishes development criteria and operating standards for personal medical cannabis cultivation. Cultivation of medical cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone in compliance with Section 26-88-250. These standards shall apply to any medical cannabis growing environment including, but not limited to, outdoor, mixed light/greenhouse or indoor environments.
- 1) **Residency Requirement.** Cultivation of medical cannabis for personal use is limited to parcels with a residence and the qualified patient or primary caregiver shall reside full-time on the premises where the cultivation is occurring. Cultivation is not allowed within any dwelling unit, second dwelling unit, guest house, or any other residential accessory structure permitted for residential occupancy (R3 building code occupancy). No cultivation shall occur in apartments, duplexes, triplexes, or other multifamily dwellings.
  - 2) **Maximum Personal Cultivation.** Cultivation of medical cannabis for personal use is limited to no more than six (6) mature plants per residence with no more than three (3) mature plants outdoors. Prohibited in the R2 and R3 zones.
  - 3) **Prohibition of Volatile Substances.** The use of volatile substances as defined in the fire and building codes (butane, alcohol, etc.) to manufacture cannabis products is prohibited.
  - 4) **Outdoor Personal Cultivation.**
    - i. Cannabis plants shall not be located in the front yard setback area and shall not be visible from a public right of way. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite.
  - 5) **Indoor and Mixed Light Personal Cultivation.**
    - i. Indoor, greenhouse and mixed light cultivation must be contained within a self-contained accessory structure, greenhouse or garage with a U occupancy under the building code. Cultivation within a residential structure with an R3 occupancy under the building code is prohibited.
    - ii. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.
    - iii. Structures associated with the cultivation shall not be located in the front yard setback area. All structures used for cultivation shall adhere to the setbacks

stated within the base zone. There shall be no exterior evidence of cultivation either within or outside the residence. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite. Greenhouses shall be substantially screened from the public right of way.

- iv. All structures used for cultivation shall have locking doors to prevent access to children or other users. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent an odor, humidity, or mold problem on the premises or adjacent parcels.
- v. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.
- vi. The use of generators is prohibited, except as emergency back-up systems.

#### **26-88-254 Cannabis Cultivation – Commercial Medical**

- (b) **Purpose.** This section establishes development criteria and operating standards for commercial medical cannabis cultivation activities as allowed by the base zone in compliance with Section 26-88-250.
- (a) **Applicability.** This section shall apply to all commercial medical cannabis cultivation activities, including but not limited to, outdoor, indoor and mixed light or greenhouse environments and associated cloning, drying, aging, curing, trimming, and packing facilities. Medical cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately. Commercial medical cannabis cultivation operations shall comply with the following development criteria and operating standards in addition to the requirements of Section 26-88-250.
- (b) **Permit Requirements.** Commercial medical cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation areas shall be issued by the Agricultural Commissioner. Zoning permits and use permits for all other cultivation activities including indoor and mixed light or greenhouse and associated processing operations shall be issued by PRMD. New structures and conversion of existing structures to cannabis cultivation will also be subject to design review.
- (c) **Limitations on Use.** All cultivation shall be conducted and maintained in compliance with this Section and the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner. The Agricultural Commissioner shall determine the applicable best management practices and shall enforce the provisions of this section for outdoor cultivation areas and management of pesticides and fertilizers for all cultivation types. All associated structures used in cultivation and related processes for cloning,

drying, aging, curing, trimming, and packing shall be subject to permits issued by PRMD and shall be conducted and maintained in compliance with this Section.

Multiple cultivation permits may be issued to a single person or entity as defined herein, provided that the total combined canopy area of cultivation within the County does not exceed one acre. For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person for the purposes of this standard.

(d) **Development Criteria.**

- (1) **Number of Facilities.** No more than one cultivation use/operator may be approved per contiguous parcel ownership, except in the industrial and agricultural zones. No more than two cottage cultivation types may be issued per contiguous parcel ownership unless a use permit is obtained. In the agricultural and industrial zones, multiple zoning permits may be issued for multi-tenant operations on a single parcel provided that the minimum parcel size is met for the total combined canopy size and the total combined canopy size does not exceed the maximum size limit allowed for the type of cultivation in compliance with Table 1A-D *Allowed Cannabis Uses and Permit Requirements*. (i.e. Outdoor maximum is 43,560 sf; Indoor/Mixed Light maximum is 22,000 sf)
- (2) **Square Footage Limitations.** The total combined square footage of the canopy or cultivation area shall not exceed the maximum size thresholds as defined in Table 1A-D *Allowable Cannabis Uses and Permit Requirements*. Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed and areas where equipment is stored and washed shall be limited to the on-site cultivation use only, unless a use permit is obtained for processing.
- (3) **Property Setbacks- Outdoor.** Outdoor cultivation areas and all associated structures shall not be located in the front yard setback area and shall be substantially screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses. Outdoor cultivation sites and greenhouses/ mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.



- (4) Property Setbacks- Indoor.** All structures used for indoor cultivation and all structures used for drying, aging, curing, trimming, and packing and all indoor cultivation structures shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with the cultivation shall not be located in the front yard setback area and shall be substantially screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure. No visible markers indicating that cannabis is cultivated on the site shall be visible from offsite.
- (5) Property Setbacks- Mixed Light/Greenhouse.** Mixed light and greenhouses shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses. Greenhouses/mixed light structures shall be setback a minimum of 600 feet from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.
- (6) Building Requirements.** All structures used in commercial cultivation, including greenhouses and require a building permit and shall comply with all applicable sections of the County Code. Cultivation uses that involve employees, contractors, or provide access to the public will require a site review for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.
- (7) Biotic Resources.** Cultivation areas shall be located to avoid impacts to sensitive biotic habitats including woodlands, wetlands, rivers, streams, and habitat connectivity corridors. Projects located within or adjacent to these areas will require a biotic assessment at the time of application to demonstrate that the facility avoids sensitive habitat. Any proposed cultivation activity located within adopted critical habitat areas must have appropriate permits or waivers from the state Department of Fish and Wildlife.

There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor in-ground cultivation and all indoor or mixed light cultivation and related processing facilities shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone) unless otherwise exempt. Outdoor above ground cultivation sites shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050.

- (8) Cultural and Historic Resources.** Cultivation sites shall avoid or mitigate impacts to significant cultural and historic resources. Sites located within a Historic District shall be subject to review by the Landmarks Commission, unless otherwise exempt, consistent with Section 26-68-020.

If concentrations of prehistoric or historic-period materials are encountered during ground-disturbing work at the project location, all work in the immediate vicinity will be halted until a qualified archaeologist can evaluate the finds and make recommendations. The operator must immediately notify PRMD of the find. Historic-period features that may be present include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric cultural remains might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), and/or stone milling equipment, such as mortars and pestles.

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification.

If paleontological resources are found, all work in the vicinity of the find must cease, and a paleontologist and PRMD staff must be notified to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and PRMD staff.

- (9) Farmland Protection.** Where a commercial cultivation site is located within an Agricultural Zone (LIA, LEA, DA), the primary use of the parcel shall remain in agriculture use pursuant to General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within Important Farmlands, including Prime, Unique and Farmlands of Statewide Importance as designated by the state Farmland Mapping and Monitoring Program, but may mitigate by relocating agricultural production on a 1:1.

If the facility is located on a site under a Land Conservation Act (Williamson Act) contract, the use must be listed as a compatible use in the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, and allowed by the type of contract and approved Land Conservation Plan. An application for modification of the contract and Land Conservation Plan may be required.

- (10) Fire Code Requirements.** The operator shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain an Operational Permit from the Fire and Emergency Services Department. The Fire

Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around all structures.

- (11) **Grading and Access.** Cultivation sites shall not be located in areas with slopes that exceed 15 percent. Cultivation sites shall be designed to maintain natural grades and use existing roads for access. . Following the creation of temporary access roads, construction staging areas, or field office sites used during construction, all natural grades shall be restored and revegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.
- (12) **Hazardous Materials Sites.** No cannabis operation shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is required.
- (13) **Lighting.** All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully shielded so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (14) **Runoff and Stormwater Control.** Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the review authority. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off or discharge into waterways. All cultivation operators shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.
- (15) **Security and Fencing.** A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensored and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to insure the safety of persons and to

protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted in residential zones. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards.

**(e) Operating Standards.**

- (1) Annual Inspections.** All cultivation sites shall be subject to annual on-site inspections by the Agricultural Commissioner. The inspection shall be conducted during regular business hours, with at least 24-hours' notice.
- (2) Air Quality and Odor.** All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.
- (3) Energy Use.** Cultivation sites shall be designed to maximize potential for on-site renewable energy use including consideration of geothermal, solar, wind and cogeneration systems. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with 100% renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators as a primary source of power shall be prohibited.
- (4) Hazardous Materials.** All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County Fire and Emergency Services Department or Agricultural Commissioner.
- (5) Hours of Operation.** Indoor cultivation activities may be conducted seven days a week, 24-hours per day as needed. Outdoor processing activities, deliveries

and shipping shall be limited to the hours from 8 am to 5 pm, unless a use permit is obtained.

- (6) **Noise Limits.** Cultivation operations shall not exceed the General Plan Noise Standards Table NE-2, measured in accordance with the Sonoma County Noise Guidelines.
- (7) **Occupational Safety.** Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA and California Agricultural Labor Relations Act.
- (8) **Waste Management.** A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the review authority. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with Best Management Practices and County standards.

All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of to a County Transfer Station or County Landfill before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.

- (9) **Waste Water Discharge.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated and proper management and disposal. . All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sewer, septic, irrigation, greywater or bio-retention treatment systems. If discharging to a septic system an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is

required. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.

**(10) Water Supply.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted below and for emergencies requiring immediate action as determined by the director. The onsite water supply shall be considered adequate with documentation of any one of the following sources:

1. Municipal Water: The public water supplier providing water service to the site has adequate supplies to serve the proposed use.
2. Recycled Water: The use of recycled process wastewater from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.
3. Surface Water: A diversion permit issued by the State Water Resources Control Board of an existing legal water right.
4. Well Water:
  1. The site is located in Groundwater Availability Zone 1, 2 or 3 and not within an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or
  2. Within Groundwater Availability Zone 4 or area for which a Groundwater Management Plan has been adopted or designated priority basin, the proposed facility would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses: or
  3. A qualified professional prepares a hydro-geologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and the operation will not:

- i. result in or exacerbate an overdraft condition in basin or aquifer;
- ii. result in reduction of critical flow in nearby streams; or
- iii. result in well interference at offsite wells.

**(11) Groundwater Monitoring:** Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be calibrated at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, Project Review Division by January 31 of each year. The annual report shall show a cumulative hydrograph of static water levels and the total quarterly quantities of water pumped from well(s) used in processing.

## **CANNABIS CULTIVATION BMPs**

The following Best Management Practices are designed for in ground cultivation, but shall be applied to container grown Cannabis as applicable.

### **Pesticide Use Requirements**

Pesticides must be registered by both the US Environmental Protection Agency (US EPA) and the California Department of Pesticide Regulation (DPR) before they can be sold and used in California.

There are no pesticides registered specifically for use directly on marijuana and the use of pesticides on marijuana plants has not been reviewed for safety or human health effects.

Under California law, the only pesticide products not illegal to use on marijuana are those that contain an active ingredient that is exempt from residue-tolerance requirements and registered and labeled for a use that is broad enough to include use on marijuana (e.g. unspecified green plants) or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and 3 CCR § 6147. (FAC §§ 12973, 12995; 3 CCR § 6490.)

Before using any pesticide, ALWAYS read and follow the pesticide label. **The label is the law.**

If you apply registered pesticides to your crop, you must obtain an operator identification number from the County Agricultural Commissioner and submit monthly pesticide use reports to that office. (FAC § 11408; 3 CCR § 6622; 3 CCR § 6627.)

US EPA designates certain pesticide products as federally “Restricted Use” products when they determine those products may cause unreasonable adverse effects even when used as directed on the product labeling. Restricted Use pesticides are limited to use by certified applicators, or to those under the supervision of a certified applicator.

DPR designates certain pesticide active ingredients as California “Restricted Materials” when they determine those pesticides are especially hazardous to human health or the environment.

Restricted Materials require a permit issued by the County Agricultural Commissioner. Permits will not be issued for marijuana cultivation sites. (FAC § 14001, et seq.; 3 CCR § 6400.)

Employers must protect their workers from exposure to pesticides. State law requires that employers follow the pesticide label and provide required personal protective equipment, provide required training and access to pesticide labels and safety information, and properly store, handle, and dispose of pesticides.

See Compliance Assistance Booklet; 3 CCR § 6670, et seq.; 3 CCR § 6700, et seq.; <http://www.cdpr.ca.gov/docs/enforce/cmpliaast/bkltmenu.htm>.

### **Rodenticide Use Requirements**

Rodenticides that require a California Restricted Materials permit cannot be used; and those that are designated as federally Restricted Use products can only be used by a certified applicator. See above.



There are some rodenticides labeled for below ground applications that are not designated as California Restricted Materials or federally Restricted Use pesticides that can be used if consistent with the label.

The following rodent repellants may be used in and around marijuana cultivation sites consistent with the label: Capiscum Oleoresin, Putrescent Whole Egg Solids, and Garlic.

Refer to DPR document, "Legal Pest Management Practices for Marijuana Growers in California" (attached) for more detailed information.

Inspect planting stock for pests and disease prior to planting. Avoid planting stock with pests and disease.

Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over fertilization.

Do not store any fertilizers, pesticides, or soil amendments in the riparian setback or in any manner which may result in the discharge of a pollutant. Storage of all pesticides must comply with state regulations.

### **RIPARIAN PROTECTION**

Observe riparian corridor setbacks for agricultural cultivation as applicable. These shall be maintained as "no touch" areas.

No equipment and/or vehicles shall be stored in the riparian setback.

Composting areas shall not be located in the riparian setback area.

### **WATER USE AND STORAGE**

Irrigation must be conducted in a manner that does not result in runoff from the cultivated area.

Any water tanks or storage facilities must obtain all necessary permits from the Sonoma County Permit and Resource Management Department.

If using an irrigation system, inspect for and repair leaks prior to planting each year and periodically during the season.

### **WASTE MANAGEMENT**

Recycle or properly dispose of all plastic bags, containers, or irrigation materials.

Properly dispose of green waste in a manner that does not discharge pollutants to a watercourse. This may be accomplished by composting, chipping, and/or shredding.

Used growth medium (soil and other organic medium) shall be handled to minimize discharge of soil and residual nutrients and chemicals to watercourses. Proper disposal could include incorporating into garden beds, spreading on a stable surface and re-vegetating, storage in watertight dumpsters, or covering with tarps or plastic sheeting prior to proper disposal.

Compost piles are to be located outside of riparian setbacks and in a manner that will not discharge pollutants to a watercourse. If necessary, construct berm or install fiber roll around compost area to prevent runoff or use straw wattles around perimeter.

## **EROSION CONTROL/GRADING AND DRAINAGE**

Leave a vegetative barrier along the property boundary and interior watercourses to act as a pollutant filter.

Avoid soil disturbance between November 1st and April 15th.

All exposed and disturbed soil to be covered with a minimum of 2 inches of mulch, such as straw, bark, wood chips, etc., by November 15th. Alternatively, establish a thick cover crop over disturbed areas.

Erosion control materials shall be available on site at all times in the form of straw or appropriate mulch adequate to cover area of disturbed soil. In the event of a forecast storm event likely to produce runoff, apply mulch prior to rain event.

Any grading or drainage conducted as part of site preparation shall have the appropriate permits from the Sonoma County Permit and Resource Management Department (PRMD), or the Sonoma County Department of Agriculture/Weights & Measures as applicable.