

**From:** [Bill Krawetz](#)  
**To:** [Cannabis](#); [Scott Orr](#); [Crystal Acker](#)  
**Cc:** ["Anna Ransome"](#); [rzierdt@gmail.com](mailto:rzierdt@gmail.com)  
**Subject:** RE: INVITATION TO PARTICIPATE: Cannabis Program Update Small Group Outreach - Friends of Graton  
**Date:** August 16, 2021 11:24:06 AM  
**Attachments:** [image001.png](#)  
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[image003.png](#)  
[image004.png](#)  
[Scott Orr West County session Aug 16 2021 Finala.docx](#)

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## EXTERNAL

Hi Scott, Crystal and [Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org),

Thanks for hosting these small group outreach sessions. We trust the outcome of these meetings and the EIR/CEQA review will be a great program that works for all parties in Sonoma County.

Attached is information we discussed today. Feel free to reach out to us with further questions. We did note your questions/comments, will noodle on and get back to you.

Thanks  
Bill, Anna and Rachel

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**On behalf of West County Community Group – FOG, Coffee Lane, GoldRidge Neighborhood group and other areas of the west county...we offer these comments and recommendations as part of the visionary report to the BOS**

**General observations of Sonoma County Cannabis Program:** 3-4 years into it and safe to say no one (growers, neighbors, County staff) can be happy where the program is. For the neighbors, it's been thousands of hours; with nothing to gain (like the growers) it's all damage control for us, the public, and the environment. **Trust** in county officials has been broken with lack of enforcement, accountability, and the latest draft ordinance which was to address neighbor concerns but added no protections. Build it again by doing a thorough EIR and consider all stakeholders...residents as well as growers.

County needs to remember that the cannabis industry is imposing itself on neighborhoods. Cannabis needs to be compatible to the county, not the other way around

Our presentation is two parts, first overall objectives/goals for the program and second suggestions on specific provisions to be included in final ordinance.

**OVERALL OBJECTIVES/GOALS OF THE CANNABIS PROGRAM:**

1. **MORATORIUM** needs to be strongly considered, presented as the first option to the board while your 2-3 year CQEA review occurs for the following reasons:

- Water availability uncertain – need baseline of well and surface water before proceeding. Might be the biggest long term issue facing Sonoma County, that will effect everything else.
- On August 3<sup>rd</sup>, The State of Calif issued emergency orders to take *only enough water* out of the river for *basic human health and safety needs*. Considering the dire drought situation, the tie between ground and surface water and that cannabis is not an essential crop, we can't afford another unessential water draw
- Housing allocation - ABAG has priority/new housing mandated by law. Cannabis is optional and unessential and totally in County's control.
- Too many current permits (Issued and in pipeline) – This creates a moving baseline which makes knowing the long term effects difficult to measure in the EIR. The EIR will determine the right number...especially the multiple 10,000 sq. foot grows on one parcel – certainly that is against CEQA without adequate analysis of the cumulative affect
- The draft ordinance did not satisfy CEQA, and it was more throughout than the current rules, so how can we know if a new grow (permit) now would be ok?
- Climate Change – prudent to halt new grows until understanding the long term impact

2. **NEIGHBORHOOD COMPATIBILITY** Must be Achieved! - Glad the county is reaching out now, but we were ignored and dismissed for years. The main outcome of the first amendment was the BOS direction for Phase 2 to fix neighborhood compatibility concerns. As we all experienced in the recently failed update, none of these issues were addressed and instead a ministerial scheme was proposed resulting in massive public outcry and the county facing a potential lawsuit.

The 8 visioning sessions centered around how to accommodate cannabis, not how neighborhood compatibility can be achieved. So our direction to staff and the BOS is to set

Neighborhood Compatibility as the number one goal. In the long run this will provide comfort to both the public and the growers that Sonoma County has a policy that works for all and can go forward smoothly.

**3. ENVIRONMENTAL SUSTAINABILITY Must Be Achieved!** – Sonoma County has limited resources which are getting stretched thinner and thinner by the worsening climate crisis and the increasing population. The CEQA review is a good start, but we hope that with all the money attached to cannabis; our degraded environment would not be kept at the same level but improved back to its former glory. So not only do no harm, but improve the environment!

- Key: WATER IS PRIORITY
- **Use scientifically and up to date reports** – county's tools are outdated and therefore inaccurate to correctly assess current situation. Examples not necessarily the only ones- water map is from 1981... and the map where cannabis can be grown fails to correctly document sensitive areas. Too often the word of the industry is believed instead of scientific fact... (example - "cannabis is not a water thirsty plant" when the county expert on the vision zoom said that it uses 3 times as much water as grapes.
- Renewable energy sources- 100%

### **Specific Provisions:**

#### **4. PERMITTING:**

- **NO MINISTERIAL – CUPS ONLY:** Fix the CUP process and perform project-site specific environmental reviews in each case. The county draft ordinance recognizes the many impacts of cannabis (24/7, 365 days a year that require 24/7 security, lighting and fencing, waste management, water run-off requirement, water use/ground water use constraints, dust control, odor control, energy use and noise limits), making ministerial permits unjustifiable in 99% of the cases.
- **Keep all permitting in PRMD – no more ministerial permits?** They have abused the system with multiple grows on the same parcel (avoiding CEQA) ...no neighborhood notification....using check-off list instead of using site specific reports.
- **Residential requirement-** grower/owner to live on site; preference for county residents of 5 years. The BOS desire is to support the *existing* small growers and existing ag community. These requirements support this effort.
  - **Permit should be non-transferable.** Again to support the local existing growers
- **Length:** Initially permitting only one year. Make renewals easier after the initial 5 separate yearly permits. This is a trial balloon so let's see if goes for a while. Yearly permitting allows flexibility by county to assess situation...how are things going with water? Any neighbor problems? Compliance?
- All is experimental now
- **Need to measure against current conditions**

#### **5. ADEQUATE SETBACKS OF 1000' FROM PROPERTY LINES**

- Use Yolo: 1000' with no exceptions. 1500' from residential zoning in cities. 100' for indoor w/possible 10% reduction
- 1000' setbacks need to include:
  - Parks and Class 1 Bikeways
  - Schools and educational facilities
  - Camps that children attend
  - Daycares and Nursery Schools
  - Drug Treatment Facilities
  - Residential Care Facilities
  - Residences
  - Businesses which the general public visit

### **EXCLUSION ZONES in combination with setbacks**

Planning Commission had recommended these. Certain circumstances when they could be used in combination with setbacks to lessen neighborhood impacts Works for Airbnbs.

Lake County has extensive exclusion zones

Mendocino has Combining Opt-In and Opt-out zones

If already existing grows, allow to complete crop cycle for current year.

Supervisors could identify qualifying areas and then later residents could petition for formation

### **PARK SETBACKS - Suggested ordinance stipulations:**

No waivers or setback reductions for cannabis projects next to parks. There are tens of thousands of acres of arable land in Sonoma County that are not near parks. Why lessen protection of publicly funded and publicly enjoyed parks for private profit, when that profit can be made in so many other places?

There's no science to support that topography, slope or vegetation will protect the sensitive use from impacts of cannabis. Vegetation does not absorb odors. Fencing, breaming or landscaping is not a viable alternative to distance.

Potential impacts should be evaluated from the park boundary, inclusive of entry roads. Many applications have used setbacks from park features or setbacks from the cannabis grow area or facility as measurements. It's not reasonable to use the closest commonly used hiking path or gathering area as a point of setback because new trails and facilities may be added in the future and the public does not always observe trail boundaries.

Cannabis traffic would detract from the park experience both within the park and on any access road to the park and maintenance roads that are a part of the park, so roads should be included.

Artificial lighting should have minimum duration, motion activation and warm spectrum light due to potential impacts to wildlife. There are multiple studies pointing to the ill effects of night lighting (particularly LED blue spectrum lighting) on bird migration and foraging. Federal

environmental laws protect migrating bird species from even accidental “takes.” Impacting these species runs counter to the purpose of public parks.

Impacts from cannabis operations do not support the mission of Sonoma County Regional Parks. This reads, in part: “preserves irreplaceable natural and cultural resources, and offers opportunities for recreation and education to enhance the quality of life and well-being of residents and visitors to Sonoma County.”

No fencing, as required by security measures in the Cannabis Ordinance, shall intrude upon any wildlife corridor, such as creek beds, wetlands, riparian areas and natural corridors through developed lands. Blocking animal access is counter to the purpose of any park and deprives visitors, including children of encounters with wildlife.

## **6. SAFETY / LOCATION OF CANNABIS OPERATIONS:**

- Any business that requires 24/7 security doesn't belong anywhere near residential neighborhoods regardless of how the land is zoned. This not only endangers innocent people, but would change the character of a neighborhood permanently. As further proof of this incompatibility, a grower is now suing the County, saying the prohibition against him having guns is a violation of his 2<sup>nd</sup> amendment rights! He claims he's been robbed 6 times. No we don't want that in our neighborhood.
- Industrial zones: Direct/Strongly suggest placing grow operations in industrial zones. Operations of this type are more appropriate in a commercial business area where support services are available (police, fire, water, staffing, parking) and people's lifestyles are not jeopardized. One way to incentivize growers to locate in an industrial zone would be a simpler permitting process for these.
- CEQA does have a Health & Safety provision and cannabis is a huge risk to all folks
- Firearms: Don't allow firearms on site – Against fed law
- Safety plan is required for each site.

## **7. ENFORCEMENT** needs to be codified in the law:

- Must have funding staffing and teeth in regulations,
- Fines AND Suspension of Licenses: Considering the profitability of cannabis, a financial fine will not deter a grower from continuing operations even when out of compliance. Any financial penalties proposed need to be imposed in conjunction with a stop operating order. There should be a probationary period (1- 5 years) where they can't apply for a permit to grow again. There needs to be enough of a penalty to assure compliance.
- Neighbors can't be responsible for monitoring and reporting violations
- Continue with no notification of inspections. (question whether they do this)

## **8. WATER:** Key provisions needed:

- No grows in water sensitive areas: zones 3 or 4 or within 500 feet of a stream.
- In other areas the grower must prove water usage is sustainable (no net loss, net zero water plan).
- 500' minimum setbacks from wetlands, riparian corridors, blue line creeks, natural lakes and ponds to protect the resource and the survival of threatened and endangered species

- Wells water levels must be monitored regularly (quarterly).
- An expanded streamflow monitoring network and direct measurements of cannabis water use would improve our ability to quantify (and mitigate) impacts to streamflow and sensitive species. (UC Berkeley Cannabis Research Center)
- Any catchment pond must not reduce ground water recharge or negatively affect downstream users.
- All uses/users must be included in EIR study. Northern Marin is part of Sonoma County Water District. Mendocino County draws water from upper Russian River watershed. All the ABAG housing allocations for these areas must be considered. The potential loss of Potter damn water diversion needs to be included.
- Refer to recommendations of NATIONAL MARINE FISHERIES SERVICE Feb 21, 2021 Letter: “Surface water and underlying groundwater are likely hydraulically linked”. “Furthermore, while we understand that the current Update applies only to cannabis cultivation, NMFS recommends the County also update their well ordinance and permitting procedures to apply this requirement (i.e., require a net zero water plan, or a hydrogeologic analysis confirming streamflow depletion impacts are unlikely) to **all** permit applications for near-stream wells”
- Refer to recommendations of CDFW March 2021 letter to the County RE: cannabis: “CDFW recommends the County assess the aquatic carrying capacity of watersheds to support cannabis cultivation and propose a limit on density or number of cultivation sites. The focus of the assessment should be to determine the maximum water use availability from watersheds that maintains adequate water supply for fish and wildlife species, considering the cumulative impact of existing and future legal and illegal diversions. Prior to issuing permits for new cultivation sites, the County should prepare the assessment at a watershed scale describing a) existing water use and availability, b) potential for sediment and other pollutant discharge, and c) percentage of habitat fragmentation within a given watershed. Hemp should be incorporated into this analysis since it requires essentially the same cultivation techniques and water use”

**9. AIR QUALITY, ODOR, AND NOISE CONTROLS** spelled out in the recent draft for indoor operations should also apply to outdoor grows. This is where neighbors will more likely be impacted. Your document acknowledges odor should not leave the property line for indoor grows. The same principles need to be carried forward for outdoor grows.

- Odor issues must be addressed. Smell (1:7 parts or more standard in many entities. See Yolo County document) does not extend beyond the property line. Can be measured by a meter...Ways to mitigate odor...plant different strains...plant further away from neighboring property...plant in a different configuration
- Kern County study showed odor travels 2 miles.
- There is science now to measure and quantify.
- Mitigation can mean different strains, smaller grows, re-location of grows.
- Odor and Noise should be considered both a “health & safety” issue and “nuisance” issue for CEQA review and place in the ordinance.

- Noise plan should have similar requirements as Odor: Minimize (goal of Don't leave property), Monitor and report on regularly

**10. OVER-CONCENTRATION-** needs to be stopped:

Yolo restricts to 7 grow sites within 12 sq. mile area. Concentration of permitting needs to be monitored. There are huge amounts of grows outside Petaluma in the Dairy belt (for example) ...this is a water scarce area.

- *County expert during visioning said that cannabis uses about 3 X as much water as grapes...(Napa report found 5-6X) No one can deny that it is a heavy water user. Indoor uses less than outdoors. Why don't they grow it hydroponically?*

**11. PARCEL SIZE:** Should be increased to 20 acre minimum. In 2019 when the BOS mandated the 10 acre minimum they knew it was a short term stop gap measure that didn't address many situations on the ground. Increasing the minimum to 20 acres provides a reasonable chance for a grower to set up operations far enough away from a neighbor, situated properly on the parcel to have minimal impacts on neighbors.

- There is likely enough parcels over 20 acres to accommodate all growers

**12. NO PROCESSING EXCEPT IN INDUSTRIAL/COMMERCIAL ZONING**

24/7 operations – need for multiple employees – traffic from deliveries and workers – high risk (product in final valuable form) – More of industrial activity so should not be allowed adjacent to residences or rural setting.

- Our concern is crops from multi-growers all transported and processed at one rural site.

**13. EVENTS AND TASTING**

Don't support at all until proper inebriation testing is available. Long term would need to restrict concentration include all types of events in one area (Wine, beer, weddings, cannabis, etc.)

14. Inconvenient Truth –**ENERGY USEAGE** – need to be at least 50% renewable  
 Marijuana CEO Kevin Sabit....carbon emissions – thirsty plant....2000 watts of energy – 40X what it takes to grow lettuce  
 In Mass – 10% industrial electricity use currently  
 Energy needed to grow enough bud for one joint (gm) consumes as much energy as driving 20 miles in an energy efficient car.

**15. TIMELINE OF PROJECT.**

Sending out proposals for bid in Jan before all aspects of what is going to be covered seems premature.

Consider using Yolo County consultants...they did a great job for Yolo...very thorough. They seem to have experience.

**From:** [Rachel Zierdt](#)  
**To:** [Cannabis](#); [Scott Orr](#)  
**Subject:** notes for cannabis ordinance  
**Date:** August 26, 2021 8:35:24 AM

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1.

Based on how poorly written and how contentious the current cannabis ordinance has become, I draw these Conclusions....and offer the following for inclusion in the EIR and new ordinance going forward....

1. moratorium should be instituted due to water shortages and so that the EIR can get a accurate baseline on the county situation
2. Setbacks need to be a minimum of 1000 feet and maybe more due to individual aspects of the property. Odor should not leave the property.
3. Permits should be for one year initially for at least 3 years before lengthened if all goes well.
4. Permits should not be transferrable,
5. Enforcement needs to have teeth....not subjective...real consequences...crop destroyed and fines be significant. Neighbors should not be expected to be the watch guards.
6. No ministerial permits only CUPS
7. Schools, parks and other sensitive areas should be protected by larger setbacks.
8. Hoophouses should not be allowed. They are mass polluters.
9. Growing in industrial zones should be encouraged with less stringent regs.
10. Eliminate PRP grows. They are illegal. No more grandfathering if they can't meet the current standards.
11. 20 acre minimum parcels.
12. There should be limit on number of grows (concentration in one area etc.) in areas of the county and the total amount in the county should also be set.



Rachel Zierdt

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From: [Rachel Zierdt](#)  
To: [Cannabis](#); [Scott Orr](#)  
Date: August 26, 2021 8:58:38 AM

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Due to the flawed and Contentious ordinance we currently have, I have since suggestions that can be included in the EIR. I appreciate this opportunity to clarify and add to previous suggestions I have made.

1. We need an immediate **moratorium** on permitting. No more permitting on any kind of commercial grows for cannabis, wineries etc. due to the dire water conditions caused by a drought.
2. **1000 foot setbacks** should be minimum. Individual conditions will dictate how much further the setbacks need to be including odor not leaving the property lines. Other sensitive areas such as schools parks as examples.
3. **Permits** at least at the beginning should be at no more than **one year** and to **not be transferable**. After three years of no problems the county could consider extending permits to three or five years.
4. **Enforcement needs to have teeth**. Fines should be steep and forfeiture of crops could be expected. Neighbors should not be the ones that are having to be the guards.
5. The **PRP needs to be eliminated** immediately. These growers have had five years of illegal crops. If they can't comply now should be no grandfathering in.
6. **Growing in industrial areas** should be encouraged perhaps with less stringent rules.
7. There should be a **20 acre minimum** parcel size.
8. **Subjective aspect of permitting and enforcing needs to be eliminated**
9. **RR an AR exclusions should be continued**.
10. **Neighborhood** should be allowed to have **exclusion zones** to preclude growing in their neighborhoods.

Thank you.

Rachel Zierdt

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