UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

February 26, 2021

Tennis Wick, Director
County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Mr. Wick:

This letter communicates NOAA's National Marine Fisheries Service's (NMFS) concerns regarding the proposed Mitigated Negative Declaration (MND) addressing the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment (Update) for cannabis cultivation in Sonoma County, California. NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), and ESA-listed Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), CCC steelhead (*O. mykiss*), and California Coastal Chinook salmon (*O. tshawytscha*) reside within many rivers and streams throughout the County. Our concerns stem from the proposed requirements for cultivators using groundwater as their water source, and how these requirements will likely be inadequate in preventing impacts to ESA-listed salmonids and their habitat.

Surface water and underlying groundwater are likely hydraulically linked throughout much of Sonoma County, and this linkage is critically important in creating seasonal habitat for juvenile salmonids. Where the groundwater aquifer supplements streamflow, the influx of cold, clean water is critically important for maintaining temperature and flow volume during summer months. Pumping from these aquifer-stream complexes can adversely affect instream habitat by lowering groundwater levels and interrupting the hyporheic flow between the aquifer and stream.

Groundwater is the predominant source of water for cannabis cultivation operations within Sonoma County. State Water Board regulations concerning surface water diversions for cannabis cultivation contain required best management practices (BMP's) highly protective of instream flow volume and fish habitat, such as requiring summer forbearance, winter diversions, and fish friendly bypass flows. However, similar BMP's are not required by the State Water Board for cultivation sites utilizing groundwater wells as a source for cannabis cultivation. Because of this discrepancy under state law, the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as their water source. We are concerned in particular, that wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may also impact groundwater/surface water dynamics and result in streamflow depletion. With those concerns in mind, we offer the following comments.

Re Page 70, Section 10(b): The MND states the following: *Future 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.* As explained above, very few rural cultivation sites are currently using surface water

diversions as a water source, likely to work around the required BMP's mandated by the State Water Board for surface water diversions. NMFS is concerned about both surface water and groundwater diversions, as they are linked, and we believe the potential for impacts from unrestricted groundwater use is high.

Re Page 71, Section 10(b)(4)(b): This section addresses near-stream wells (e.g., "well is within 500 feet of blue line stream"), and is intended to minimize streamflow depletion impacts. According to the MND, if a well is within 500 feet of a blue line stream, the applicant must document one of three things: 1) prepare a "net zero water plan", 2) document the well is near the Russian River or Dry Creek, or 3) document the well is within the Groundwater Availability Zone 1 or 2. By including the third option, the authors of the MND seem to assume that streamflow depletion impacts are unlikely in Groundwater Availability Zones 1 and 2. However, streamflow depletion can occur within any of the groundwater zones in Sonoma County, and is largely influenced by well distance from the waterway, the pumping intensity, and the transmissivity of the underlying geology, not groundwater availability zones. Thus, the current standards and requirements appear unlikely to adequately mitigate the potential impact of streamflow depletion, making a MND inappropriate. NMFS recommends the Update require either a net zero water plan, or a hydrogeologic analysis confirming streamflow depletion impacts are unlikely, before any cannabis operation utilizing a near-stream well is approved, regardless of which Groundwater Availability zone it may occur in.

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.

NMFS appreciates the opportunity to comment regarding the proposed Mitigated Negative Declaration addressing the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment for cannabis cultivation If you have any comments or questions regarding this letter, please contact Mr. Rick Rogers at rick.rogers@noaa.gov, or 707-578-8552.

Sincerely,



Robert Coey
North Coast Branch Supervisor
North-Central Coast Office

cc: (via email)
Bryan McFadin, North Coast Regional Water Quality Control Board (Bryan.McFadin@waterboards.ca.gov)
Wes Stokes, California Department of Fish and Wildlife (Wes.Stokes@wildlife.ca.gov)
David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)
Daniel Schultz, State Water Board (Daniel.Schultz@waterboards.ca.gov)
Jessica Maxfield, California Department of Fish and Wildlife (Jessica.Maxfield@wildlife.ca.gov)

From: Cameron Hattan
To: Marina Herrera
Subject: Support for All Cali Farms
Date: Tuesday, May 11, 2021 11:29:27 AM

EXTERNAL

5/11/2021
Cameron Hattan
Sebastopol

Dear County Staff,

I would like to express my support for Lisa from All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Sincerely,

Captain Cameron Hattan

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 17, 2021

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

Subject: Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment, Subsequent Mitigated Negated Declaration, SCH No. 2021020259, Sonoma County, California

Dear McCall Miller:

The California Department of Fish and Wildlife (CDFW) received a draft Subsequent Mitigated Negative Declaration (MND) from the County of Sonoma (County) for the Sonoma County Cannabis Land Use Ordinance Update and General Plan Amendment (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

REGULATORY ROLES

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under CESA (Fish and Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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California Department of Food and Agriculture (CDFA) regulates cannabis cultivation and issues licenses to cultivate. In order to obtain an Annual License to cultivate cannabis, applicants must demonstrate compliance with Fish and Game Code 1602. Additionally, according to the *CDFA Reference Guide for the Applicant Attachments*[1], applicants must demonstrate full compliance with CEQA by conducting project-specific review. The County should ensure that the Cannabis MND appropriately evaluates and covers ministerial cultivation sites to adequately meet CDFA licensing requirements.

Sonoma County Cannabis Ordinance Description

The County proposes to adopt amendments to the County Code, Chapter 26 and new Chapter 38, to allow expanded ministerial permitting for commercial cannabis cultivation in agricultural and resource zoned areas. The County also proposes a general plan amendment to include cannabis within the definition of agriculture. This proposal would expand ministerial permitting of commercial cannabis cultivation in agricultural and resource zoned areas of the unincorporated county (Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), and Resources and Rural Development (RRD) Zoning Districts). It would not include the coastal zone.

Environmental Impacts of Cannabis Cultivation: Introduction

CDFW supports efforts to regulate cannabis cultivation and to address some of its numerous and substantial environmental impacts. CDFW believes that, in concept, providing a ministerial pathway for projects that are unlikely to adversely impact public trust resources will be beneficial to a) avoid and discourage development in sensitive habitats and b) support the legal market. However, Sonoma County has a high density of sensitive species and essential habitat areas. Projects with the potential to impact those areas should have greater regulatory oversight. There are multiple sources available that provide sufficient information for the County to designate areas that should not be considered under the ministerial process and should be required to conduct additional assessments to address sensitive resources and to minimize the environmental impacts of cannabis cultivation. These projects will also likely require additional review and oversight that will allow them to confidently move forward with licensing under the CDFA and compliance with Fish and Game Code, section 1602. As such, CDFW is providing comments on specific species and habitats that should be excluded from the ministerial process unless sufficient information is provided to assure that all impacts to sensitive resources can be avoided. Otherwise, projects should be evaluated on a case-by-case basis in coordination with trustee agencies to develop project specific avoidance and mitigation measures.

[1] https://www.cdfa.ca.gov/calcannabis/documents/ApplicationAttachmentsReferenceGuide.pdf

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CDFW devotes a considerable amount of staff time and resources documenting, assessing, permitting, and addressing the environmental impacts and watershed restoration needs resulting from cannabis cultivation (Bauer et al. 2015). CDFW was one of the first agencies in the State to draw attention to the near exponential growth and substantial adverse impacts of cannabis cultivation on forest lands, including impacts from water diversions and stream dewatering, forest clearing and conversion, pollution, and sediment discharges. CDFW staff have conducted inspections on hundreds of cannabis cultivation sites throughout northern California, including Sonoma County, and have published peer-reviewed research on this topic. Therefore, CDFW has considerable experience in assessing the environmental impacts of cannabis cultivation.

Impacts of specific concern to CDFW include, but are not limited to: habitat fragmentation and loss through land clearing, including direct impacts to riparian areas, wetlands, and sensitive natural communities[2]; grading and burying of streams; diversion of surface water for irrigation resulting in reduced stream flows and dewatered streams; delivery of sediment, nutrients, petroleum products, and pesticides into streams; impacts of night lighting and noise on wildlife; impacts to wildlife from use of plastic monofilament netting and similar products; and pollution to the environment from trash and other cultivation related waste.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Land Use Planning

***Issue*:** The proposed Ordinance update proposes that canopy cover for outdoor cannabis cultivation and hoop houses may be up to a maximum of 10 percent of a parcel. Currently, sites allow a maximum canopy cover of one-acre cannabis cultivation. The proposed changes allow for the potential of substantial cannabis cultivation expansion on parcels, especially in rural agricultural areas with large parcel sizes. Expanded cultivation areas increases the potential for species and habitat impacts. Ministerial review may not adequately account for all impacts and may potentially allow projects to proceed without appropriate disclosure and avoidance, minimization and mitigation requirements. Therefore, it is critical to evaluate landscape level impact potential throughout Sonoma County, taking into consideration current and future conservation planning efforts.

[2] https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Background

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***Recommendations*:** The County should limit cultivation on parcels with the potential to support special-status species and their habitat. The Ordinance should establish a current baseline of permitted cannabis cultivation areas and project where new cannabis cultivation expansion may occur on a map. Geo-spatial analysis should be used at an individual property parcel scale, to exclude ministerial approval of cannabis cultivation within areas with habitat to support special-status species and where special-status species occurrences are documented within the California Natural Diversity Database (CNDDB). Exclusion area boundaries should be mapped at a parcel scale. In addition, species-specific protective buffer distances should be developed as part of the Project MND to limit activities that can occur adjacent to mapped exclusion areas.

CDFW understands the County is currently within the planning phase of a landscape level Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) planning effort. Landscape conservation planning takes a proactive approach, identifying priority mitigation and conservation areas in advance of impacts, with the goal of preserving larger areas of higher habitat quality and connectivity (CDFW 2021). The ordinance should adequately review, address, and propose mitigation for Project areas potentially impacting special status species and their habitat in order to facilitate HCP/NCCP planning efforts.

CDFW recognizes the Sonoma County Agricultural and Open Space District (Sonoma County AOSD) has completed a considerable conservation analysis and planning effort in its 2021 Vital Lands Initiative. The Initiative identifies spatially mapped areas of conservation priorities which includes but is not limited to, riparian habitat, wetlands, conifer forests, grasslands, shrublands, hardwood forests, and wildlife habitat for movement (connectivity). Those areas with highest conservation priority can be reasonably expected to have high value of fish and wildlife resources. Cannabis cultivation within those areas of highest conservation priority likely have the greatest potential for significant effects to the environment and fish and wildlife. CDFW encourages the County to incorporate conservation planning efforts by the Sonoma County AOSD into its ordinance to the greatest extent feasible. For proposed cannabis cultivation within areas of highest conservation priority identified by the Sonoma County AOSD, CDFW recommends separate Use Permit and individual CEQA analysis. Alternatively, CDFW supports cultivation prohibition in those areas.

Comment 2: Sec. 38.12.140. Water Use

***Issue*:** CDFW is concerned about the impact of groundwater diversions and their potential to deplete surface water (e.g., rivers and streams) and affect groundwater dependent ecosystems.

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According to the MND, if a well is within 500 feet of a blue line stream, the applicant must document one of three things:

> *1) Prepare a "net zero water plan", 2) Document the well is within 500 feet of the Russian River or Dry Creek, or 3) Document the well is within the Groundwater Availability Zone 1 or 2.*

The third option implies that significant streamflow depletion is unlikely to occur in Groundwater Availability Zones 1 or 2. However, streamflow depletion can occur within any of the groundwater zones in Sonoma County and is dependent on several hydrogeological factors, including but not limited to: well distance from streams; pumping rate and duration; and soil texture and structure. Therefore, the proposed standards inadequately address the hydrological impacts of groundwater pumping.

***Evidence of Impacts*:** Many Sonoma County tributaries have historically provided sustained perennial flow which supports spring, summer, and fall rearing habitat for naturally producing California freshwater shrimp (*Syncaris pacifica*), Central California Coast coho salmon (*Oncorhynchus kisutch*), California Coastal Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*) and other aquatic species. CDFW is concerned available habitat for these species is limited by lack of flow, especially during the summer and early fall periods. The grow season for cannabis cultivation includes summer months (CDFW 2018) during times when stream flows are generally at their lowest (SWRCB 2010). Most Sonoma County fish-bearing tributaries are already subject to large numbers of diversions that are cumulatively affecting the amount of water available for instream habitat. The exact number, location and extent of diversions are unknown. However, in many watersheds, parcels that do not have access to municipal water sources often extract water from the stream either; through direct diversion from the stream or from near stream wells that intercept subterranean stream flow; or from groundwater wells. Groundwater extraction has the potential to impact groundwater dependent resources and reduce streamflow, especially during the late spring and summer months which is a critical time period for the state federally endangered coho salmon and federally threatened steelhead.

The U.S. Geological Survey, in cooperation with the Sonoma County Water Agency, the cities of Cotati, Rohnert Park, Santa Rosa, and Sebastopol, the Town of Windsor, the California American Water Company, and the County of Sonoma, undertook development of a fully coupled groundwater and surface-water model to better understand and to help manage the hydrologic resources in the Santa Rosa Plain watershed (Woolfenden and Nishikawa, 2014). According to modeled result from that report, "increased pumping lowered groundwater levels, causing increased recharge and reduced groundwater evapotranspiration along stream channels, which partially

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mitigated the loss of groundwater storage, but the lower groundwater levels resulted in decreased baseflow, especially during late spring and summer."

***Recommendations**:* 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. From CDFW's perspective, activities causing the same or similar environmental impacts should be reviewed and analyzed with the same rigor. Identified impacts due to hemp cultivation should be avoided, minimized, and/or mitigated. In addition, the analysis should provide detail on the amount of cannabis and hemp cultivation the County proposes to permit within each watershed (e.g., HUC 12 or smaller watershed area), and what impacts the allowed cultivation would have on each of these elements. In order to avoid a concentration of cannabis and hemp cultivation sites in a particular watershed, which could result in potential significant effects, CDFW recommends that prior to issuing permits for new cultivation, the County defines a watershed cap based on an analysis of the impacts to each watershed as described above. Without a defined cap on the number of cultivation sites, analysis of environmental impacts should assume that all parcels meeting zoning criteria could be used for cannabis cultivation. For all cultivation sites, disclosure of the amount of water to be used from each water source, and a current, site-specific analysis of water availability should be required, and the County should reserve the discretion to modify permit conditions. Please note that possession of an active appropriative water right does not guarantee that an adequate water supply is available to support fish and wildlife resources.

Surface water diversions (including subterranean stream flow) are subject to notification under Fish and Game Code 1602. The Ordinance should require projects with surface diversions to comply with 1602 and notify CDFW for all surface diversion activities.

Additionally, CDFW proposes that all near-stream wells (within 500 feet) be evaluated by a qualified professional such as a hydrologist to determine the relationship of surface water interaction and potential for subterranean stream diversion or streamflow depletion. Wells should be evaluated under the CEQA review process to determine their potential for stream water depletion that may adversely affect fish and aquatic life.

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For consistency with the California State Water Resources Control Board (SWRCB) *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation,* the Sonoma Ordinance should require a forbearance period from surface diversions and wells in subterranean streams. The intent of forbearance and storage is to require for water to be diverted during the wintertime when water is more abundant so that this stored water can be used in the summertime to meet irrigation demands.

***Issue 2*:** According to page 95 of the Ordinance, cultivators are required to demonstrate adequate water, but the term is not defined.

Recommendation: CDFW recommends outlining the following requirements in the Ordinance for cultivators to demonstrate adequate water supply on their Project site:

- For surface water and sub-stream flow diversions, sufficient off-stream water storage should be demonstrated prior to receiving a County cultivation permit in order to allow full compliance with the SWRCB forbearance periods. To determine the necessary storage, cultivators should be required to calculate how much water is required for each year of cultivation with consideration to expansion over time. In addition, CDFW encourages use of metal or wood water tanks.

- For well diversions, demonstrating adequate water should include technical analysis prepared by a qualified professional showing diversion from the well is limited to ground water only.

Comment 3: California tiger salamander (*Ambystoma californiense*; CTS) Habitat Exclusion from Ministerial Process

***Issue*:** The present range of the Sonoma Distinct Population Segment (DPS) of CTS is predominantly located on the Santa Rosa Plain but according to CNDDB, the present range also include areas outside of Petaluma, Penngrove and Cotati. The draft MND considers cannabis cultivation projects in agricultural zones for the ministerial process unless a Biotic Resources Assessment states otherwise. However, based on the species life history, the Santa Rosa Plain has an enhanced potential for CTS presence and, therefore, should not be considered eligible for the ministerial process.

Evidence of Impacts: CTS is endemic to Central California, with isolated populations in Sonoma and Santa Barbara counties (Bolster 2010, USFWS 2014). CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Upland habitats must contain underground refugia, such as mammal burrows, that CTS depend upon for food, shelter, and protection (Laredo et al. 1996). Threats to CTS include habitat

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loss/conversion and fragmentation, including dispersal habitat between breeding pools and upland refugia. CTS spend the majority of their lifecycle underground (Trenham et al. 2000) and are susceptible to being crushed during ground disturbance. CTS is also threatened by competition with and predation from invasive species (USFWS 2017). Introduced species such as bullfrogs and sunfishes have had a negative effect on CTS (Bolster 2010). Larval populations undergo large fluctuations, with most populations containing less than 100 breeding pairs (Pechmann et al. 1991, Bolster 2010). Fluctuating *Ambystoma* populations were found to be susceptible to recruitment failure during stochastic events (Pechmann et al. 1991).

Over the past 25 years, land development has increased dramatically within the Santa Rosa Plain, including low- and high-density land use and agricultural conversion (USFWS 2016). The current core range of Sonoma County CTS encompasses approximately 18,000-20,000 acres of fragmented habitat. The species can migrate up to 1.3 miles between a breeding pond and upland burrows (Orloff 2011). CTS spend approximately 95 percent of their lifetime in underground burrows, emphasizing the importance of protecting potential upland habitat in addition to wetland breeding ponds (Trenham 2001).

Pesticides and fertilizers used in cannabis cultivation could decrease fitness or survival of, or cause abnormalities in, *Ambystoma* species, mostly at the larval stage if contaminants drift into breeding pools (Egea-Serrano et al. 2012). Ponds and vernal pools can quickly accumulate these types of pollutants from run-off, making CTS particularly sensitive to pesticide exposure. Concentrated toxins in rodenticide-treated grain placed in ground squirrel burrows could come into direct contact with the permeable skin of CTS (Bolster 2010). Rodenticides that control small mammal populations would also reduce available burrows, making the habitat no longer suitable for CTS (Laredo et al. 1996). Lack of underground refugia could cause longer migration trips and resulting mortality of CTS as a result of exposure to predators, heat, and other elements (Laredo et al. 1996).

Construction or modification of perennial ponds has been shown to provide breeding habitat for invasive bullfrogs that prey on and compete with sensitive amphibians (Kiesecker et al. 2001, Bolster et al. 2011, Fuller et al. 2011 Kupferberg and Fury 2015). Perennial ponds can also provide suitable habitat for non-native tiger salamander and hybrids.

Grading and filling of habitat can result in crushing CTS, collapsing underground burrows and trapping CTS within, and reducing or fragmenting breeding or non-breeding habitat.

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Roads can result in amphibian mortality and fragment habitat as well as create barriers to movement (Trombulak and Frissell 2000). Off-road vehicles can crush and reduce burrow density and alter wetland habitat.

Artificial lighting can disrupt the production of melatonin in *Ambystoma* salamanders if they are exposed to it, altering metabolic rates and reducing tolerance to high temperatures (Perry et al. 2008). Additionally, *Ambystoma* salamanders could miss the cue to migrate if there is artificial light, which could affect breeding.

***Recommendations*:** Please be advised that actions related to cannabis cultivation activities, including but not limited to, site grading, relocation of individuals out of harm's way, and installation of fencing could result in "take" of CTS (or other listed species). A CESA Incidental Take Permit (ITP) (pursuant to Fish and Game Code Section 2080 et seq.) is required in advance of such activities in order to lawfully take this species. A CESA ITP requires CEQA documentation and the proposed MND does not adequately address impacts to CTS or provide for mitigation to reduce the impact to less-than-significant and therefore, CDFW would be unable to rely on the MND to issue an ITP. CDFW recommends excluding any project within the Santa Rosa Plain and within 1.3 miles of an extant positive occurrence of CTS from the ministerial process. New or expanded cannabis cultivation within the Santa Rosa Plain should be thoroughly assessed through a separate Use Permit and individual CEQA analysis. Additionally, sites outside of the Santa Rosa Plain with the potential for CTS occurrence (e.g., rural Southwest Petaluma, and areas east of Penngrove and Cotati) should be delineated and excluded from the ministerial process.

Due to the presence of contiguous suitable habitat features and migration potential throughout the Santa Rosa Plain, it is vital to protect this habitat to allow for recovery of the species. This should be accomplished by ensuring adequate avoidance, minimization, and mitigation measures are required through individual CEQA review and document preparation. Site analyses should take into consideration species life stage history, proximity to critically designated habitat, and potential habitat availability on each Project site. Project activities evaluated to have any risk of CTS occurrence should apply for take coverage through the applicable state and federal agencies.

Comment 4: Sec. 38.12.070 Protection of Biotic Resources

The following describes the proposed MND language when evaluating Biotic Resource impacts:

> "*If the cannabis cultivation area and related structures and development are located within a designated critical habitat area, then one of the following criteria must be met:*

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a. *The biotic assessment concludes that "take" of a listed species within the meaning of the federal and California Endangered Species Acts is not reasonably foreseeable; or*

b. *Applicant obtains all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species."*

***Issues*:** The Ordinance states that projects located within "the limits of existing agricultural land, or other previously disturbed areas would be unlikely to affect sensitive biological resources." However, the concept of "previously developed" within an agricultural use perspective is not defined. Some agricultural land uses provide species habitat and/or allow for species migration.

Additionally, the proposed process does not incorporate CDFW when reviewing the Biotic Resources assessment in determining whether there are potential species impacts on a site. CDFW is concerned with not being included in the review process to provide feedback and/or comments on the Biotic Resources Assessments prior to determining if a project may impact sensitive or special-status species.

Projects requiring off-site habitat restoration and/or mitigation are ineligible for CEQA exemption and must be addressed in an environmental review document. CDFW has limited staffing and resources to act as the lead agency in these situations, therefore it is important that the County identifies projects potentially requiring off-site mitigation and/or restoration and removes these from the ministerial process.

***Evidence of Impacts*:** Row crops, orchards, and vineyards can provide some level of habitat by fish and wildlife resources, including acting as species migratory corridors. As an example, CDFW is aware of a least one instance of CTS pit fall traps that collected adult CTS at the edge of a vineyard. This suggests that CTS migrate through and may use vineyard soil for estivation habitat if suitable burrows are present. Converting vineyards, or other agricultural use, may potentially create migration barriers or have direct impacts to CTS. CDFW regularly observes fencing, grading and fill to native soils, hardscaped and graveled pads, imported soils potentially containing pathogens and extensive infrastructure during inspections to cannabis cultivation sites. CDFW has significant experience participating in and leading survey efforts for the purpose of studying species habitat use. This has enhanced CDFW's understanding of species habitat utilization throughout the state, including landscape throughout Sonoma County.

***Recommendations*:** The County should clearly outline the definition of "previously developed" in the Ordinance. Additionally, the County should thoroughly consider and review all potential biological impacts on a site, even if it is fully within previously developed agricultural land. Biological Resources Assessments should consider

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impacts to existing land uses from changes in site conditions when evaluating whether there is habitat potential on a site.

CDFW would like the opportunity to review existing and proposed cultivation sites for potential impacts to sensitive natural resources. To assist in ensuring effective, efficient and timely review, applicants should initiate the permitting process with the County, and the County should refer projects to CDFW, similar to existing procedures for other project referrals. By applying to the County first, applicants would be provided with a permit tracking number to reference, and contacts with CDFW could be handled more efficiently with a complete application. Therefore, the Ordinance should be revised to reflect that applications and Biotic Resource Assessments will be referred to CDFW after submission to the County. The Biotic Resource Assessment should evaluate all species habitat potential, including Species of Special Concern. Sites with potential to impact special-status species, including Species of Special Concern, should not qualify for ministerial review and should apply for a Use Permit.

In such cases where take of a special-status species is determined to be likely, early consultation with CDFW is encouraged because significant modification to a subsequent project activity and mitigation measures, and an additional CEQA environmental document, may be required. Additionally, take of species listed under the Federal Endangered Species Act would require a separate authorization from the USFWS and/or National Marine Fisheries Service.

Comment 5: Riparian/Wetlands Setbacks

***Issue*:** The Cannabis Ordinance references following riparian and wetland buffer requirements in Sonoma County Code: Section 36-16-120 of Chapter 36, Section11-14-110 of Chapter 11, and Section 26-65-040. These setbacks are not consistent with state requirements (e.g., SWRCB's *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation*[3]). For instance, Section 26-65-040 has a minimum standard of a 25-foot setback to riparian areas. The SWRCB Cannabis Policy has a standard of 50-foot minimum buffer for ephemeral watercourses.

Given the unknown variability of site-specific cannabis activities, CDFW is concerned that the proposed setbacks may not be enough to conclude no adverse effects on any special-status fish. The setbacks may not adequately prevent deleterious materials, including wastewater discharge and other pollutants, from entering wetlands and/or streams. Undesignated wetlands, as discussed above, are defined as "any wetlands not designated in the general plan, local coastal program or zoning code". Requirements for wetland setbacks should be held to the same rigorous standard for all wetlands,

[3] https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

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including vernal pools, regardless of whether they are defined in the general plan, local coastal plan, or zoning code.

***Evidence of Impacts*:** Wastewater discharge and runoff from cannabis activities, especially water containing pesticides, disinfectants, and/or fertilizers, may enter and alter existing streams or their function and associated riparian habitat on the Project site. Wetlands that are hydrologically connected to surface water may transport pollutants and waste material associated with cannabis cultivation.

Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. As buffer width increases, the effectiveness of removing pollutants from surface water runoff increases (Castelle et al. 1992). There is substantial evidence showing narrow buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Recommendations: Riparian and wetland setbacks should be as protective as or more protective than the SWRCB's *Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation* requirements that require the following:

Common Name	Watercourse Class	Distance
Perennial watercourses, waterbodies (e.g., lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

The County should evaluate each cultivation site individually and reserve the right to require greater setbacks in some cases.

Additionally, all sites should be evaluated for potential wetland features within the required Biological Resources Assessment. Sites with signs of wetland features should

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be delineated by a Qualified Professional to determine the appropriate setback distances from constructed areas. The draft requirements do not specifically request a delineation be completed for all wetland types.

Comment 6: Tree Removal and Disturbance

Issue: The updated Ordinance prohibits the removal of protected trees greater than nine inches at diameter breast height (dbh) and any tree greater than 20 inches dbh. The Ordinance update also includes the following language regarding tree removal:

> ***"****If the biotic assessment required by the updated cannabis land use Ordinance determines that construction may impact protected trees, the project applicant shall procure all necessary tree removal permits as required by County Code Chapter 26D. A tree protection and replacement plan shall be developed by a certified arborist."*

This language only indicates that protected trees planned for removal will be considered for replacement. Based on the above, trees less than 20 inches in diameter that are not protected would not require replacement. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. In particular, removal of large trees without adequate mitigation should be considered a substantial adverse change in the physical conditions within the area affected by the Project. CDFW concurs that individual trees should be protected and mitigated; however, CDFW is concerned that the measure does not take into full consideration impacts to habitat such as loss of oak woodlands or account for understory botanical species Although CDFW acknowledges the nature of the MND, without proper disclosure or analysis, the Project may result in impacts to native trees that support rare, sensitive, or listed species. Additionally, future cannabis site construction and operations, including grading and irrigation, may cause direct mortality or affect the function and value of native trees and their associated habitat.

Recommendations: CDFW recommends that the MND add criteria that the County can use to determine whether any cultivation project requires site-specific CEQA review and does not meet the criteria for a ministerial process, such as impacts to trees. Disclosure through the CEQA process will assist the County in identifying significance of impacts and appropriate mitigation measures.

CDFW recommends the Project avoid large diameter tree removal (e.g., 15-inches and greater), prohibit loss of oak woodlands and conversion of timberland, and avoid special-status botanical resources. On-site tree replacement should be considered as a potential impact minimization measure, but not sufficient to completely offset temporal impacts from loss of large mature trees. CDFW recommends Project mitigation from loss of large trees on-site, and potentially should include off-site preservation of trees in

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perpetuity. Additionally, any on-site tree protection and replacement plans should include specific tree and understory performance criteria, with monitoring and management of the replaced trees.

Comment 7: Nesting Birds

***Issue*:** The MND acknowledges that trees may be removed for project activities yet does not include minimization or avoidance measures addressing impacts to nesting birds from Project disturbance or tree removal.

***Evidence of Impacts*:** The Project may result in population declines or local extirpation of special-status birds, disturbance to migratory birds, habitat loss and fragmentation, and reduced reproductive capacity. Grading, vegetation removal, and other ground disturbances could result in direct mortality, disturbance to breeding behavior, or nest abandonment. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. § 10.13). Sections 3503, 3503.5 and 3513 of the Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA. Project implementation allows cannabis activities that may directly impact, or indirectly through habitat modifications, native bird species, which would be considered significant.

***Recommendations*:** To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's MND, and that these measures be made conditions of approval for the Project:

CDFW recommends that the following protective measures be included in the MND:

1. Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.

2. Active Nest Buffers: If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, a species appropriate buffer between the nest and active construction should be established. The buffer

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should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist should have the authority to cease all construction work in the area until the young have fledged, and the nest is no longer active.

Comment 8: Light Pollution

***Issue*:** The Project would generate sources of light in rural areas, near wildlands, and near sensitive natural vegetation communities, including permanent lighting from additional buildings or greenhouses, security lighting, and temporary lighting for proposed nighttime construction. The draft MND does not discuss the type or color of lighting that will be used outdoor, i.e., bright security lighting along the perimeter, white light, blue light, etc.

The MND states that it will revise the nighttime lighting requirement to be used only for security reasons. However, the MND does not include measures stating how nighttime lighting would be reduced. CDFW acknowledges and agrees with the ordinance requirement for shielded, downward facing nighttime lighting to reduce lighting spillover onto adjacent properties. In addition to lighting impacts on neighboring areas, artificial lighting and light pollution may cause significant impacts to rare, threatened, endangered, and nocturnal wildlife and migratory birds. Light pollution impacts can disrupt routine behavior of the species life cycle, degrade the quality of the environment utilized by said species and can substantially reduce the number of individuals. The MND does not fully analyze the biological impacts of lighting on wildlife species.

***Evidence of Impacts*:** Sensitive species, wildlife, and their habitats may be adversely affected by increased and artificial night lighting, even temporarily due to night construction activities. Light plays a vital role in ecosystems by functioning as both an energy and an information source (Gaston et al. 2012, 2013). The addition of artificial light into a landscape disrupts this role, altering the natural circadian, lunar, and seasonal cycles under which species have evolved. Artificial lights result in direct illumination, altering the natural patterns of light and dark, and sky glow (i.e., scattered light in the atmosphere), which can extend the ecological impacts of light far beyond the light source (Longcore and Rich 2004). On cloudy nights in urban areas, for example, the sky glow effect can be of an equivalent or greater magnitude than high-elevation

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summer moonlight (Kyba et al. 2013). The addition of artificial light into a landscape can impact a broad range of system processes, including:

- Activity patterns
- Availability and detectability of food resources
- Movement, navigation and migration
- The timing of phenological events
- Physiological functions
- Foraging behavior and predator-prey interactions
- Phototaxis (attraction and movement towards light)
- Circadian rhythms (both physiological and behavioral)
- Causing disorientation, entrapment, and temporary blindness

***Recommendations*:** CDFW recommends the following set of criteria of types of lighting that may be used on-site:

- In addition to facing lights downward, lights should be motion-activated, or turned off or dimmed during critical times of the year (e.g., migration) and during times of night that have the most significant impact on wildlife (i.e., dawn and dusk) (Gaston et al., 2012, 2013).

- Lights with wildlife-friendly spectral composition (i.e., minimize light avoidance/attraction) should be used (Gaston et al. 2012, 2013). LED lights are well suited for operating at variable brightness and being switched off or dimmed during certain times of the year or during times of low demand, as they operate at full efficiency and have no “warm-up” time (Gaston et al., 2012, 2013).

    - Vegetation may also be used to shield sensitive areas against light, and light-absorbent surfaces can be used in in place of reflective surfaces (Gaston et al., 2012, 2013).

- All lights should be disposed of properly, as many contain mercury and other toxins.

- Hoop-houses and other grow facilities that use lighting (e.g., light deprivation) should be required to be completely covered at night from sunset to sunrise.

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Comment 9: Fencing Hazards

***Issue*:** The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc.

***Evidence of Impacts*:** Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Further information on this subject may be found at: https://ca.audubon.org/conservation/protect-birds-danger-open-pipes.

***Recommendations*:** CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

Comment 10: Monofilament Plastic Netting Prohibition

***Issue*:** Monofilament plastic netting is commonly used as trellising on cannabis plants. This plastic netting can be harmful as wildlife can become entangled and/or trapped. This topic is not considered or evaluated within the MND.

Evidence of Impacts: Plastic netting used in these products has been found to entangle many different species of wildlife, including reptiles, amphibians, birds, and small mammals. CDFW has documented wildlife mortality related to monofilament including to raptor and mammal species. Snake entrapment is of particular concern, as there have been numerous reports of snake injury and mortality due to entanglement in plastic netting used in temporary erosion and sediment control products (Rich et al 2020). Additionally, plastic materials persist in the environment for years before breaking down into smaller fragments. When plastic fragments break down, these smaller fragments or microplastics often blow away or wash materials into waterways and habitat areas.

***Recommendations*:** The Ordinance should prohibit use of monofilament plastic netting and identify comparable materials that may be allowed that are less harmful to fish and wildlife. Allowable alternatives may include bio-degradable material, such as jute and coir (coconut husk fibers) in both erosion control measures and trellising materials.

Comment 11: Sec. 38.16.030. – Authority for Enforcement

CDFW views this Ordinance/MND update as an opportunity to provide gratitude and support for the ongoing enforcement County Code Enforcement has taken to suppress illicit cannabis cultivation while supporting the legal market. CDFW staff has first-hand experience working with county enforcement staff and commends them on their work.

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As always, there is more work to be done in this area and we encourage the ongoing and continued work.

CDFW enforcement staff have partnered with the County on enforcement cases. As an example, we have documented instances in the Santa Rosa Plain where past and current cultivation has occurred, usually by impacting upland grassland habitat, thereby impacting CTS. We would like to see our ongoing partnership evolve to restore, remediate, and mitigate impacts that have already occurred to special-status species habitat as a result of illegal cannabis cultivation, such as to CTS in the Santa Rosa Plain.

The Ordinance update indicates that the Agricultural Commissioner is responsible for conducting enforcement inspections and to determine any subsequent enforcement actions due to activities violating the provisions of the Ordinance. To maintain an active site monitoring and compliance effort for permitted cultivation operations, CDFW recommends that the County ensure adequate funding and personnel are available to assist with conducting inspections as needed.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts. We believe that greater regulatory oversight and enforcement by local Lead Agencies can help minimize the environmental impacts of

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cannabis cultivation. CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Ms. Mia Bianchi, Environmental Scientist, at Mia.Bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: **California Department of Fish and Wildlife**
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From:	Grace Barresi
To:	Marina Herrera; Cannabis
Subject:	UPC 17-0041 Comments for public hearing
Date:	Thursday, May 20, 2021 3:00:14 PM

EXTERNAL

Thursday, May 20, 2021

Dear Ms. Herrera, Permit Sonoma, and Board of Supervisors:

Thank you for giving me the opportunity to voice my concerns about the proposed Conditional Use Permit, UPC 17-0041. The parcel's location is **not** appropriate for a commercial cannabis business. I am opposed to the approval of this permit for the following reasons:

1. **The project is on a Class 4 water zone** parcel — the lowest rating for water supply in Sonoma County. And we're in drought (again!!). The project will result in major environmental impacts, as evidenced by letters from National Oceanic and Atmospheric Administration (NOAA) and California Department of Fish and Wildlife (CDFW).

Supporting arguments:

- **The Planning Commission just voted to prohibit cannabis cultivation in Class 3 and 4 water zones**. This vote decision is in the Staff Report for the May 18 cannabis agenda, which was skipped in lieu of the EIR agenda item. Please recognize the Planning Commission's decision in this matter

- **Used outdated data for groundwater justification:** Staff used a 2010 groundwater analysis -- 11 year ago (reference page 11). *"Groundwater recharge was simulated for Water Year 2010 which was selected as precipitation was close to the 30-year average for much of Sonoma County".*

- The National Oceanic and Atmospheric Administration (NOAA) recently expressed concerns about the use of groundwater in a letter to Tennis Wick, Director of Permit Sonoma, dated February 26, 2021.

  According to NOAA:
  "Groundwater is the predominant source of water for cannabis cultivation operations within Sonoma County. *State Water Board regulations concerning surface water diversions for cannabis cultivation contain required best management practices (BMP's) highly protective of instream flow volume and fish habitat, such as requiring summer forbearance, winter diversions, and fish friendly bypass flows. However, similar BMP's are not required by the State Water Board for cultivation sites utilizing groundwater wells as a source for cannabis cultivation. Because of this discrepancy under state law, the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as*

their water source. ***We are concerned in particular, that wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may also impact groundwater/surface water dynamics and result in streamflow depletion.***

- California Department of Fish and Wildlife (CDFW) also expressed concerns about the use of groundwater for cannabis cultivation in a letter addressed to McCall Miller, dated March 17, 2021:

  According to CDFW:
  "CDFW is concerned about the impact of groundwater diversions and their potential to deplete surface water (e.g., rivers and streams) and affect groundwater dependent ecosystems.

  Rainwater run-off deposits into the headwaters of Santa Rosa Creek, a blue-line creek that is breeding grounds for endangered steelhead and coho salmon. As CDFW stated, ground water diversions have the potential to deplete surface water.

2. **The parcel is located in a very high fire prone area and does not meet the California state law requirements for fire safe roads (Title 14 SRA Fire Safe Regulations).**

Supporting arguments:

a. This property is located 5.6 miles into a dead-end road; The current 2020 regulations state that dead-end roads cannot be longer than 1 mile and that two-way roads must be 20 ft wide.

b. This property is located on a narrow road that does not meet the state road requirements for width. The upper 3/4 mile of Los Alamos Road is only 12 ft wide and the private shared access road (McCormick Rd) is 10-12 ft wide (0.4 miles long), far less than the 20 ft required.

c. A private driveway is used to access the commercial site. That is explicitly prohibited in the SRA Fire Safe Regulations, which require a 20 ft wide road access.

It's a reality that if Sonoma County approves the cannabis permit, Sonoma County will be party to violating state laws described above.

Deny this permit due to the potential negative environmental impacts. And help the small grower, cannabis cultivator Lisa Lai, find a more suitable location. The County owes that to her and to her impacted neighbors for not providing clear guidance on these issues years ago, like through the cannabis ordinance or an EIR.

Thank you for your attention,

Grace Barresi, Sebastopol

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BOARD OF FORESTRY AND FIRE PROTECTION
THE NATURAL RESOURCES AGENCY
STATE OF CALIFORNIA

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October 23, 2020

Linda Schiltgen
Deputy County Counsel
County of Sonoma
Linda.Schiltgen@sonoma-county.org

Re: BOF Certification Questions: Sonoma County Responses

Dear Ms. Schiltgen:

The Board is in receipt of your letter dated October 18, 2020, and addressed to Board of Forestry and Fire Protection (Board) Chair Keith Gilless and Vice Chair Darcy Wheeles. It has been distributed to the Board members for consideration. Because your letter provides responses to questions posed by Board staff, please accept this response by Board staff on their behalf.

Background

A brief summary is appropriate for context. For several months, the Board, its staff, and representatives from the County of Sonoma (Sonoma County) have been engaged in discussions relative to the potential certification of Sonoma County's local fire safe ordinance as equaling or exceeding the Board's Fire Safe Regulations (14 CCR § 1270 et seq.). Board members and staff have expressed concerns about portions of Sonoma County's ordinance that either omit standards included in the Fire Safe Regulations or set standards that, on their face, appear to be less stringent than the Fire Safe Standards. At the September 22, 2020, Joint Committee Meeting of the Board, Board staff were directed to provide Sonoma County with a list of specific questions posed by both Board members and staff, that, if answered, would allow Board staff to properly evaluate the local ordinance and enable staff to make a recommendation to the Board in favor of certification. By letter dated October 12, 2020, Board staff issued those questions to Sonoma County. By your letter dated October 18, 2020, Sonoma County provided its responses for Board staff consideration.

When being presented with the myriad of issues related to certification, it is important not to lose sight of the fundamental task before the Board. The Board is reviewing the Sonoma County ordinance pursuant to 14 CCR § 1270.04 to decide whether to exercise its discretion "to certify [the ordinance] as equaling or exceeding [the Board's regulations] when they provide

the same practical effect."[1] While it is generally not difficult to determine whether a particular provision of an ordinance equals or exceeds a corresponding provision in the Board's regulations, the same cannot be said for determining whether a local ordinance that fails to equal or exceed the Board's regulation nonetheless provides the *same practical effect*. To aid in this determination, the Board's regulations provide a detailed definition of the term *same practical effect*. With these tools, the Board must evaluate each provision of a local ordinance and compare it to the corresponding provision in the Board's regulations to determine whether the local ordinance provision equals or exceeds the Board's regulation or provides the same practical effect. Still, the task before the Board is challenging and requires careful and deliberate consideration, especially when applying the complex definition of *same practical effect*.

Summary of Staff Findings

At its core, the Board's task is fundamentally a very narrow inquiry: *For each substantive requirement in the Fire Safe Regulations, does the local ordinance have a provision that equals or exceeds or has the same practical effect as that Fire Safe Regulation standard?*

Board staff have completed their review of Sonoma County's responses and continue to have significant concerns that the ordinance does not satisfy the Board's standards for certification. Sonoma County's responses pertaining to standards for existing roads and for ingress/egress that allows concurrent civilian evacuation are of particular concern. Accordingly, Board staff lack an evidentiary basis to support a recommendation for certification. Board staff have enclosed an updated matrix, dated to reflect the upcoming November 3, 2020, Joint Committee Meeting of the Board, that provides more specific observations and staff recommendations.[2]

This is an appropriate point to address Sonoma County's position that if the Board does not certify its ordinance, then Sonoma County is prevented from enjoying the benefits of the portions of its ordinance that it believes clearly equal or exceed the Fire Safe Regulations. The Board would like to reiterate to Sonoma County that certification of its ordinance by the Board is not required for Sonoma County to apply its own standards that go above and beyond the state minimum standards. Board certification is a creature of regulation, the benefit of which is to publicly document a mutual understanding of the Board and the local jurisdiction that a local ordinance equals or exceeds the Fire Safe Regulations. Under Public Resources Code § 4290, subdivision (c), the Board's minimum standards do not supersede any Sonoma County

[1] References in this letter to the "equal or exceed" standard includes this "same practical effect" standard.

[2] The attached November 3, 2020, matrix represents Board staff's current evaluation and recommendations to the Board, and supersedes any prior matrix, whether final or draft, including the deliberative draft September 4th matrix, which apparently Sonoma County misunderstood to be something more than merely an informal tool to facilitate productive discussion in advance of the September Board meeting.

ordinance that equals or exceeds the minimum state standards.[3] Thus, if Sonoma County has stricter, greater, or enhanced requirements in its ordinance, the lack of certification by the Board does not preclude Sonoma County from deciding to apply these stricter requirements.

Turning now to Sonoma County's responses, it is worth mentioning that it is unnecessary for Board staff to address each individual response. The purpose of the exercise is to provide Board staff sufficient information so that it may complete its evaluation of Sonoma County's ordinance and issue a recommendation for the Board's consideration. As noted above, the certification determination is made in light of the language of the local ordinance and any documents incorporated by reference. Supplemental information, such as Sonoma County's responses, merely illuminates the local jurisdiction's interpretation of its ordinance and how it equals or exceeds the Fire Safe Regulations.

In any event, Sonoma County's responses reflect a number of recurring issues of concern to Board staff that can be summarized generally without focusing on the content of specific responses or specific sections of the ordinance. Board staff have consistently expressed concerns that the Sonoma County ordinance and Administrative Policy do not articulate specific minimum standards for each type of road referenced in the ordinance and Administrative Policy[4] nor does it articulate what standards govern the fire official's assessment that a road provides concurrent civilian evacuation. Board staff's questions were particularized and specific attempts to identify those standards so that Board staff could evaluate where they equal or exceed the Fire Safe Regulations.

Detailed Discussion

Board staff acknowledge that some of Sonoma County's responses on certain other issues resolved Board concerns or provided additional clarity. This letter focuses on major issues that preclude the Board staff from issuing a recommendation in favor of certification. Board staff refer interested parties to the staff-prepared final matrix for the November 3, 2020, Board meeting for a more comprehensive discussion of portions of the ordinance that equal or exceed the Fire Safe Regulations.

Sonoma County's ordinance and responses to staff questions on the following topics are inadequate. Sonoma County's responses do not provide the requested citations nor identify the specific standards that Sonoma County contends apply. Instead, the responses reiterate

[3] It is necessary to acknowledge that the statute does not include a "same practical effect" standard. A local ordinance applied pursuant to Public Resources Code § 4290(c), without obtaining Board certification, must "equal" or "exceed" the Fire Safe Regulations in the ordinarily understood sense of those words. Thus, a non-certified local ordinance applied by a local jurisdiction is potentially subject to a stricter legal standard than is required for certification under 14 CCR § 1270.04.

[4] The ordinance and Administrative Policy contemplate new roads, existing roads, existing public roads, existing private roads, and existing roads approved on a discretionary basis and a ministerial basis. Sonoma County is entitled to have as many subcategories as it chooses, but each must have an established standard that equals or exceeds the Fire Safe Regulations.

positions that, while not unimportant, are nonetheless irrelevant to the narrow certification inquiry before the Board.

We will first address the various arguments that are not relevant to and therefore do not inform staff's analysis.

Sonoma County Argument 1: Some portions of the ordinance equal or exceed the Fire Safe Regulations

Sonoma County's introductory paragraph includes a chart outlining several provisions showing how its ordinance equals or exceeds the Fire Safe Regulations. This general claim is reiterated in response to several questions.

The Board acknowledges that many elements of Sonoma County's standards clearly equal and exceed the minimum standards of the Fire Safe Regulations. This has been well established in documents provided for Board consideration, as well as testimony at several Board and Joint Committee Meetings this year. However, exceeding the Fire Safe Regulations in certain aspects does not excuse an ordinance's failure to equal or exceed other standards imposed by the Fire Safe Regulations.

Thus, the Board's determination that one provision of a local ordinance equals or exceeds the Fire Safe Regulations has no bearing on the Board's consideration of other unrelated provisions of the local ordinance. This argument is an unnecessary distraction and does not inform whether all provisions satisfy the certification standard. As such, the Board does not focus on these statements when applying the certification standard.

Sonoma County Argument 2: Takings / Inability to secure easements for expanding roads

Another argument advanced in Sonoma County's preliminary comments asserts that the Fire Safe Regulations effect an unconstitutional "taking" of private property for public use because they make a landowner individually responsible for upgrading existing roads that serve other parcels. Other variations of this argument suggest that the Fire Safe Regulations encourage Not-In-My-Backyard (NIMBY) opposition to prevent development or allow a landowner to extort a neighbor by refusing to sell an easement to facilitate road widening to comply with state standards. These arguments are also reiterated in response to several questions seeking clarity about Sonoma County's standards and how they equal or exceed the Fire Safe Regulation.

The Fire Safe Regulations have not been legally challenged, let alone invalidated, as being unconstitutional in any sense. They are binding as minimum standards on Sonoma County, notwithstanding speculative practical inconveniences at the local level. It is Sonoma County's prerogative to impose those burdens on individual landowners instead of exercising other options at its disposal, such as eminent domain. In any event, the issue of who bears financial responsibility for upgrading existing roads that serve as access to new building construction has no bearing on whether road standards in Sonoma County's ordinance – such as minimum road

widths – equal or exceed the corresponding standard in the Fire Safe Regulations. As such, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

Sonoma County Argument 3: Fire Safe Regulation Exception Process

Another argument advanced in Sonoma County's preliminary comments asserts inadequacies in the Fire Safe Regulations' "exception process" (14 CCR § 1270.06), including a loophole authorizing local jurisdictions to waive any requirement in the Fire Safe Regulations. This argument is reiterated in response to several questions.

While the Board appreciates Sonoma County's comments and will certainly takes these into account to consider whether regulatory changes are warranted to address this point, Sonoma County's concerns regarding 14 CCR § 1270.06 do not have bearing on the present issues related to certification of Sonoma County's ordinance, for multiple reasons. First, Sonoma County adopted its own "exceptions to standards" provision, § 13-23, in its ordinance. Notwithstanding certain staff comments in the matrix, the Board may determine that these provisions equal or exceed the minimum standards in § 1270.06. Second, assuming for the sake of argument that 14 CCR § 1270.06 allows for "behind closed doors" determinations, or fails to provide a thorough open and public process, this is irrelevant as to whether *other* sections of Sonoma County's ordinance equal or exceed the Board's minimum standards. Finally, to the extent Sonoma County finds the minimum standards in 14 CCR § 1270.06 unsatisfactory, the regulation expressly states that local jurisdictions "may establish additional procedures or requirements for exception requests." Thus, to the extent Sonoma County believes that the Board's exception standards in § 1270.06 are deficient, Sonoma County may remedy these by imposing additional requirements. Consequently, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

Sonoma Ordinance Issue 1: Existing Road Standards

We now turn to Sonoma County's discussion of the specific standards and citations in response to the Board staff's questions relating to existing road standards and the concurrent evacuation requirement. Sonoma County's responses continue to make conclusory statements about the quality of its ordinance and Administrative Policy. Board staff are repeatedly told that these documents have "clear standards" and a "strict set of requirements," but do not reference actual standards or citations. Board staff needs this information to properly evaluate the ordinance for certification. Without it, Board staff are compelled to conclude that no such standards exist and recommend to the Board that Sonoma County's ordinance does not satisfy the certification standard for existing roads.

Throughout the certification process, Sonoma County has repeatedly maintained that Public Resources Code section 4290 and the Fire Safe Regulations do not apply to existing roads. Sonoma County's position is incompatible with the plain language of PRC § 4290,[5] the Fire Safe Regulations,[6] and opinions and letters issued by the Attorney General of California.[7] More importantly, the Fire Safe Regulations themselves – which constitute the basis for the certification determination – clearly provide no exemption for existing roads, and it is these regulations that the Sonoma County ordinance must equal or exceed. This represents a fundamental and intractable disagreement between the Board and Sonoma County. Sonoma County's position on existing roads, standing alone, is a legitimate basis for determining that the ordinance does not equal or exceed the Fire Safe Regulations.

Moreover, Sonoma County's position has a discernible impact on it characterizes its ordinance, and the amount of effort necessary for Board staff to parse its assertions for accuracy and compliance with the certification standard. Specifically, any assertion Sonoma County makes about "roads" requires the Board to evaluate whether Sonoma County intends to apply that standard to existing roads.

Setting aside this fundamental disagreement as to the applicability of the Fire Safe Regulations, Sonoma County has argued that, in the alternative, even though it believes existing roads are exempt, Sonoma County's Administrative policy nonetheless applies to existing roads and equals or exceeds the Fire Safe Regulations.

Board staff have reviewed the ordinance and Administrative Policy in great detail. The only specific standard identified in the Administrative Policy is a 12-foot width requirement for existing private roads. On its face, this falls short of the minimum road standard in 14 CCR § 1273.01. That is a significant obstacle to Board certification. More concerning, however, is that the policy provides no standards for other types of existing roads. As noted before, the Administrative Policy contemplates a public/private distinction, as well as a discretionary/ministerial distinction. No standards for these types of existing roads exist in the ordinance or Administrative Policy. Until these deficiencies are remedied to the Board's satisfaction, Sonoma County's ordinance and Administrative Policy is conclusively ineligible for certification. As Sonoma County's responses fail to provide the requested information with sufficient detail, Board staff can only conclude that no such standards exist and recommend to the Board that the ordinance does not meet the certification standard.

Additionally, Sonoma County's reliance on the Administrative Policy as setting the exclusive standard for existing roads raises concerns beyond the road width issues. The Fire Safe

[5] "These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas… ." (Emphasis added.)
[6] See 14 CCR § 1270.02 which includes the same language in fn5 and includes an exemption for roads that is limited to agricultural, mining, and timber-related operations.
[7] See, e.g., AG Opinion No. 92-807 (1993); AG letter to Monterey County Planning Commission (Oct. 25, 2019).

Regulations set other standards for roads, such as grade, surface requirements, radius, turnouts, turnarounds, and dead end roads. However, the Administrative Policy is silent on those issues, and Sonoma County's responses do not identify what standard, if any, apply for those existing road requirements, and where they can be located in the ordinance or Administrative Policy.

In this respect, Sonoma County's response to Question 1.1.3.3 is emblematic. The Board staff posed a direct request seeking specific information: "For convenience and reference, please complete the following table by filling in the specific ordinance section or Administrative Policy section that addresses the specified SRA Fire Safe Regulation." One axis of the referenced table identified (with citations) all of the above-referenced road requirements in the Fire Safe Regulations that Sonoma County's ordinance must equal or exceed. Along the other axis, the table identified all of the categories of existing roads referenced in the Administrative Policy. Sonoma County's task was to provide an ordinance or Administrative Policy citation in each box.

Board staff believed the table provided the best and simplest opportunity for Sonoma County to provide the information necessary to support certification with respect to requirements for existing roads. Sonoma County's response does not provide any relevant or informative citations. For two columns, Sonoma County cross-referenced six of its other responses to unrelated questions. The County responses did not comply with the call of the question to provide a citation, nor could any relevant citations or standards be discerned from the referenced answers. In fact, some of the cited responses made no mention of the relevant terms. With respect to the remaining categories of existing road standards (public/private and ministerial/discretionary), Sonoma County referenced provisions of its ordinance that apply to *new* roads.[8] These citations are also unresponsive to the call of the question because §13-25(f) of the ordinance clearly states that existing road standards are governed by the Administrative Policy.

In the last couple of weeks, Sonoma County has advanced a new argument indicating that its adoption of an optional appendix from the California Fire Code satisfies the requirement for establishing road requirement standards that satisfy the Fire Safe Regulations. As Board staff made clear in a prefacing comment to Question 2.2 and subsequent follow up questions, compliance with the California Fire Code does not ensure compliance with the Fire Safe Regulations. Those standards are relevant only to the extent that they equal or exceed the Fire Safe Regulations. The Board staff's follow up questions on this point quoted a number of the appendix standards which Sonoma County revised so that the standard may also be satisfied by compliance "with the Sonoma County Fire Safe Standards or as approved by the fire code official." The reference to the Sonoma County standard is a circular reference to the very

[8] If Sonoma County intends the particular referenced ordinance provisions to apply both to new roads and existing roads, the ordinance and Administrative Policy will require substantial revision.

standard that Sonoma County has been unable to identify to Board staff. Additionally, it appears that the fire code official has unfettered discretion to impose any standard – including a lesser standard or no standard at all. Sonoma County's responses do not contradict this reasoning or clarify the requirements. Board staff stand by the position that Sonoma County's adoption of the California Fire Code Appendix is meaningless in connection with establishing that the Sonoma County ordinance and Administrative Policy provide minimum standards that equal or exceed the Fire Safe Regulations' road requirement standards.

Again, Sonoma County has had repeated opportunities to identify and provide citations for these standards. Sonoma County repeatedly declines to do so. Until Sonoma County can provide direct and adequate responses to the Board's important questions, the Board has no evidentiary basis to support a decision to certify the Sonoma County ordinance.

Sonoma County Ordinance Issue 2: Concurrent civilian evacuation

A distinct component of the Fire Safe Regulations that is somewhat related to the road conditions issue is that emergency access requirements must accommodate ingress and egress for emergency vehicles *and concurrent civilian evacuation*. Board members and staff have asked Sonoma County on prior occasions to clarify how Sonoma County's ordinance and Administrative Policy satisfy this requirement.

The Administrative Policy states, in an introductory paragraph, that a Fire Inspector will perform an evaluation to "confirm that the proposed development equals or exceeds the below requirements, and the proposed development shall be safely accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response."

We acknowledge and appreciate that Sonoma County confirms in its responses that the concurrent evacuation standard is an additional standard to equaling or exceeding "the below requirements." However, Sonoma County does not articulate what standards guide the Fire Official in making that determination.

The first requirement following that statement in the Administrative Policy highlights the importance of that query. The requirement sets a road width standard for existing private roads at 12-ft plus 1-foot of vegetation clearance on both sides. This leads Board staff to question how a 12-foot road, which falls short of the Fire Safe Regulation road width requirement, could be certified as ensuring concurrent civilian evacuation during a wildfire. Nor does this section of the Administrative Policy provide guidance as to what standards guide the Fire Official in making a subjective determination. Absent clarification – which did not occur in response to the Board staff's questions – the Board is appropriately reluctant in determining that the ordinance and Administrative Policy equal or exceed the Fire Safe Regulations.

In addition, Sonoma County routinely refers Board staff to §§ 13-62 and 13-63, in response to Board staff's concerns about the lack of specific articulable standards in the ordinance and Administrative Policy. Sonoma County's reliance is misplaced, however, as those sections merely confer discretionary authority to require compliance with additional fire safety measures. Critically, permissive authority provides no assurances to the Board that additional requirements will be imposed at the level contemplated by the Fire Safe Regulations.

Conclusion

In conclusion, Sonoma County's responses to questions issued by Board staff fail to resolve a number of significant concerns expressed by Board members and staff over the preceding months. The question before the Board at the November 3, 2020, Board meeting is whether the Sonoma County ordinance equals or exceeds the substantive requirements in the Fire Safe Regulations. At this time, the Sonoma County ordinance and Administrative Policy include requirements that fall short of the Fire Safe Regulations and omit standards that are required as a counterpart to other provisions of the Fire Safe Regulations. Until Sonoma County addresses these infirmities, Board staff lack a basis to recommend, and the Board lacks a legal basis to certify, the ordinance as equaling or exceeding the Fire Safe Regulations.

Consistent with our prior communications and correspondence, this letter reflects only the position of Board staff. We wish to be transparent with Sonoma County regarding our ongoing concerns and how we intend to advise the Board in advance of the November Board meeting. Ultimately, the Board will be responsible for making its own assessment on the question of whether the Sonoma County ordinance should be certified as equaling or exceeding the Fire Safe Regulations. Similarly, we respect the right of Sonoma County to disagree with Board staff positions expressed in this letter or the enclosed matrix when the matter is considered by the Board's Joint Committee on November 3, 2020.

Respectfully,



Jeff Slaton
Senior Board Counsel
Board of Forestry and Fire Protection
Jeffrey.Slaton@bof.ca.gov

From: Compliance Department
To: Marina Herrera
Subject: Letter of Support for Project UPC17-0041
Date: Tuesday, May 18, 2021 11:45:23 AM
Attachments: SPARC Support Letter UPC17-0041 20210518.pdf

EXTERNAL

Hello Marina,

Please see the support letter for UPC17-0041 attached and restated in this email:

Dear County Staff,

I would like to express my support for Lisa from All Cali Farms.

Lisa has been working diligently for years to secure a permit for her small farm. It meets all of the requirements of the Sonoma County Ordinance and CEQA. We encourage you to move to approve her permit application. She is a local and a legacy farmer, and this is the quality and type of project that the county should support.

Thank you for your time and consideration.

Sincerely,

Erich Pearson
SPARC
Santa Rosa, CA

Thank you,

SPARC Licensing & Compliance Department
P 707-584-6923
975 Corporate Center PKWY, STE 115, Santa Rosa CA 95407



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From: Marshall Behling
To: Cannabis; Marina Herrera
Subject: UPC17-0041, 2000 Los Alamos Rd- May 25 before BOS
Date: Thursday, May 20, 2021 11:46:49 AM

EXTERNAL

PUBLIC COMMENT

UPC 17-0041 (2000 Los Alamos Road, Santa Rosa) is a great example of a wrong location for cannabis cultivation. I implore you to do the right thing and reject this application on many grounds outlined below. Do the right thing and wait for the EIR to tell us all where cannabis should be grown. This parcel is not the right place. Zone 3 and 4 are not the right place especially in a drought emergency.

The remote parcel is located on a 6 mile long dead-end road (Los Alamos Road). This parcel is also located in a very high fire zone and in a water scarce zone. The property and barn where the applicant was growing 549 square feet was burned out in the Glass fire. Yet the applicant now wants to INCREASE the size of the grow from 549 square feet to 3800 square feet with an additional 800 square feet of processing and a new 3000 square foot green house for mixed light cultivation. The total will jump from 549 square feet to 7000 square feet. She also wants to build a two story building and greenhouse to accommodate the expanded grow as well as rebuild the old barn.

The private road off Los Alamos servicing the parcel is only 10-12 feet wide which a violation of the state SRA regulation. Dead-end roads cannot be longer than 1 mile, and all roads must be 20 foot wide roads to access any new development. Neither of the access roads meet these criteria. New and expanded developments should not be allowed in the wildfire urban interface or in violation of state law. Why put more people in harm's way and further endanger the residents who already live there?

The CEQA document and hydrology report do not acknowledge cycles of drought which are becoming the norm. This parcel is in a class 4 water scarce

zone. Water is a precious resource that should not be squandered for an expansion of the PRP grow. Moreover, the wells in that area are sketchy. The ground water recharge rate for UPC 17-0041 was analyzed in 2009-2010, a wet year. Present day analyzes should be required.

Thanks, Marshall Behling

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From:	Nancy and Brantly Richardson
To:	Cannabis
Cc:	Marina Herrera; BOS
Subject:	UPC 17-0041 PUBLIC COMMENT
Date:	Thursday, May 20, 2021 3:15:16 PM

EXTERNAL

PLEASE FORWARD TO THE APPROPRIATE ADDRESS FOR THIS BOS HEARING ON MAY 25TH

From: Nancy and Brantly Richardson <nrchrdsn@sonic.net>
Sent: Friday, April 9, 2021 1:31 PM
Subject: UPC 17-0041 PUBLIC COMMENT

PUBLIC COMMENT

UPC 17-0041 (2000 Los Alamos Road, Santa Rosa) is the **perfect** example of a wrong location for cannabis cultivation.

The remote parcel is located on a 6 mile long dead-end road (Los Alamos Road). This parcel is also located in a very high fire zone and in a water scarce zone. The property and barn where the applicant was growing 549 square feet was burned out in the Glass fire. Yet the applicant now wants to INCREASE the size of the grow from 549 square feet to 3800 square feet with an additional 800 square feet of processing and a new 3000 square foot green house for mixed light cultivation. The total will jump from 549 square feet to 7000 square feet. She also wants to build a two story building and greenhouse to accommodate the expanded grow as well as rebuild the old barn.

The private road off Los Alamos servicing the parcel is only 10-12 feet wide which a violation of the state SRA regulation. Dead-end roads cannot be longer than 1 mile, and all roads must be 20 foot wide roads to access any new development. Neither of the access roads meet these criteria. New and expanded developments should

not be allowed in the wildfire urban interface or in violation of state law. Why put more people in harm's way and further endanger the residents who already live there?

The CEQA document and hydrology report do not acknowledge cycles of drought which are becoming the norm. This parcel is in a class 4 water scarce zone. Water is a precious resource that should not be squandered for an expansion of the PRP grow. Moreover, the wells in that area are sketchy. The ground water recharge rate for UPC 17-0041 was analyzed in 2009-2010, a wet year. Present day analyzes should be required.

Two strikes already and this applicant should "strike out" at the hearing in May. It is astonishing that the applicant does not realize the folly of expanding the application in such an inappropriate location. The applicant is a tenant and should find a suitable location where she can have her desired commercial sized operation rather apply for an increase of over 1200% !!!

Climate change is real and this location features the dual drawbacks: fire and water. If this application is approved it would be like a cancer growing near Hood Mt. State Park 80% of which has been burned and may take many years to recover. The applicant requests a variance from the park setback requirements but this application does not acknowledge this "heavy vegetation" is non-existent after the fire.

Nancy and Brantly Richardson, Santa Rosa

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From: norcal growers
To: Marina Herrera
Subject: Lisa Lai
Date: Monday, May 17, 2021 10:21:40 PM

EXTERNAL

Subject Attn: UPC17-0041

5/17/2021
Vince and Lynn Scholten
Sebastopol, CA

Dear County Staff,

I would like to express my support for Lisa from All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Sincerely,

Vince and Lynn Scholten

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Via email to Marina.Herrera@sonoma-county.org and Cannabis@sonoma-county.org

Marina Herrera
Sonoma County

May 20, 2021

Re: **Comments on UPC 17-0041**

Dear Ms. Herrera,

I appreciate the opportunity to provide the perspective of Bennett Valley Resident for Safe Development on this proposed conditional use permit. This is the wrong location for this project and it should be denied. The grower should relocate to a more suitable location, such as an industrial-zoned area. In any event, CEQA requires a full environmental impact report.

1. **Water Issues**

The project is located in a class 4 water zone—the most challenging zone in the county—and uses groundwater. It takes much needed water in the uplands of a critical watershed, which harms the entire watershed. By definition, wells in the class 4 water zone always have very low water yields. Moreover, I understand the well has not been tested under the current drought conditions and there are questions as to whether this area can recharge adequately. A full environmental impact report is needed to address these issues.

NOAA/National Marine Fisheries (NMFS), a federal trustee agency, has raised concerns in the attached letter dated February 26, 2021 to Sonoma County's Director of PRMD. NMFS is concerned that because "the vast majority of cannabis cultivation applications throughout the County are opting for groundwater wells as their water source, . . . wells are being drilled and pumped without appropriate analysis regarding their potential impact to surface water, especially near-stream wells that may also impact groundwater/surface water dynamics and result in streamflow depletion." Page 1. Because of this concern, NMFS recommends that the county "require either a net zero water plan, or a hydrogeologic analysis confirming streamflow depletion impacts are unlikely, before any cannabis operation utilizing a near-stream well is approved." Page 2. There is no net zero water plan, nor has the analysis confirming streamflow depletion impacts been completed. For this reason alone, the permit should be denied.

The California Department of Fish and Wildlife (CDFW), a state trustee agency, raises concerns about water in the attached letter dated March 17, 2021 to Sonoma County. At page 6 it states

> 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.

The analyses recommended by the state trustee agency have not been undertaken. For this reason alone, the permit should be denied until a full environmental impact report has been completed addressing this and other issues.

2. Fire Safe Road Issues

The project is located at mile 5.6 on the 6-mile dead end Los Alamos Road in a very high fire zone where wildland fires have burned twice since 2017. Then a private 0.4-mile road that is 10-12 feet wide provides access to the project site. Because this is a state responsibility area (SRA), Cal Fire's SRA regulations apply, Cal. Code. Regs., tit. 14, §§ 1270-1276. Because the dead-end road exceeds one mile in length, this project violates the limit on dead-end roads, § 1273.08(a). The access road also violates the requirement that access roads be at least 20 feet wide. § 1273.01. Even under the proposed revisions to this rule, which may not be applicable for years depending upon legal challenges, existing roads must be at least 14 feet wide. Proposed § 1273.12(a)(1). This road fails to meet those standards.

In 2019, the Office of the Attorney General confirmed that dead-end road limitations apply to projects such as this when it commented the proposed Paraiso Springs Resort located in a fire-prone area in Monterey County. The Attorney General's Office wrote

> The Project does not comply with the state's dead-end road limitations and road width limitations applicable to the State Responsibility Area (SRA). . . . the County expresses its view that the dead-end road limitation does not apply to the Project, because the road, having been built in the 19th century and maintained by the County, is not subject to the SRA regulations. Neither the regulations nor the statute setting forth the SRA requirements, however, include an exemption for historic roads or roads maintained by the county. In general, the SRA requirements apply to any application for new construction with only limited exceptions for certain parcel or tentative maps approved before 1991 and roads used solely for agriculture, mining or timber related purposes.[1]

When Monterey County contended that its local code exempts existing roads from the regulation for width and a ban on long, dead-end roads, the Attorney General's Office responded that whether a road "is a preexisting road is inconsequential," and "a County Code exemption for

[1] Letter from Deputy Attorney General Heather C. Leslie to Planning Commission of Monterey County, pp. 1-2 (July 9, 2019).

existing roads is inapposite."[2] Fundamentally, "exempting a Project from the SRA regulations simply because [it] is a pre-existing road would undermine the intent of the SRA regulations."[3]

The application of the SRA Fire Safe Regulations to existing roads was reconfirmed by the Senior Board Counsel, Board of Forestry and Fire Protection, in October 2020 (attached). With regard to the failed attempt of Sonoma County to certify its ordinance as equal of exceeding the regulations, he wrote

> Throughout the certification process, Sonoma County has repeatedly maintained that Public Resources Code section 4290 and the Fire Safe Regulations do not apply to existing roads. Sonoma County's position is incompatible with the plain language of PRC § 4290.5 the Fire Safe Regulations, and opinions and letters issued by the Attorney General of California. More importantly, the Fire Safe Regulations themselves–which constitute the basis for the certification determination–clearly provide no exemption for existing roads, and it is these regulations that the Sonoma County ordinance must equal or exceed. [citations omitted].[4]

Sonoma County claims that installing a turnaround at the end, one turnout in the middle, and widening the entrance from Los Alamos Road has the same practical effect as a 20-foot-wide road for achieving concurrent evacuation and fire apparatus ingress. This is clearly erroneous and would be overturned by any court of law.

Because the project is located in a state responsibility area and on lands classified as very high fire severity zones, CEQA requires that the proponent must address whether the project would substantially impair emergency response plans or emergency evacuation plans. The proponent apparently believes that consistency with purported compliance with the SRA Fire Safe Regulations meets its obligations. Besides the abject failure to meet the requirements of the SRA Fire Safe Regulations, noted above, CEQA directly forbids an assumption, without underlying analysis, that simply complying with a regulatory standard is adequate to mitigate a potentially significant impact. *See, e.g., Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 16-17 (compliance with regulation alone not a basis for finding impact less than significant); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-09 (environmental effect may be significant despite compliance with such requirements).

Any proposed facility is already required to comply with fire regulations. Merely requiring compliance with existing agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. *See Kings County Farm Bureau v. City*

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[2] Letter from Deputy Attorney General Nicole Rinke to Planning Commission of Monterey County, p. 2 (October 25, 2019).
[3] *Id.*
[4] Letter from Jeff Slaton, Senior Board Counsel, Board of Forestry and Fire Protection to Linda Schiltgen, Deputy County Counsel, County of Sonoma, p. 6 (October 23, 2020).

of Hanford (1990) 221 Cal.App.3d at 716. There is no substantial evidence to support the any conclusion that the project's fire hazard impacts will be less-than-significant.

3. The Project is a Public Nuisance.

Before the County can approve any conditional use permit under the Zoning Code, it must find that the proposed use is not detrimental to the health, **safety**, peace, comfort or **welfare of the neighborhood or the general public**. Sonoma County Code § 26-92-070(a). Emphasis added.

In addition, under § 26-88-250(f), the standard is more specific for issuance of a commercial cannabis permit. Any grow operation:

> shall not create a **public nuisance** or adversely affect the health or **safety of nearby residents or businesses** by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, **traffic**, vibrations, **unsafe conditions** or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes."

Emphasis added. Here, in an area that is not only designated by the state to be a very high fire zone, wildland fires have actually burned twice in this area since 2017. It is extremely dangerous to locate any commercial venture here, which exposes employees, residents of the road, and firefighters to unwarranted risks. The narrow access road is too unsafe for such an activity,



because the disaster that would occur when a civilian vehicle and a fire truck met on the narrow road is very real, not hypothetical. This project is a public nuisance.

4. Tree Removal.

The grower should not be allowed to remove 38 trees (two-thirds of the trees on a 15-acre parcel) to build new structures. This area burned a few months ago in the Glass Fire, and the remaining oak trees should be allowed to recover to provide needed habitat. The report fails to mention the size of the trees. CDFW is very concerned about tree removal, especially large diameter trees 15-inches and greater. Its letter, pp. 13-14 states

> The Project avoids large diameter tree removal (e.g., 15-inches and greater), prohibits loss of oak woodlands and conversion of timberland, and avoids special-status botanical resources. On-site tree replacement should be considered as a potential impact minimization measure, but not sufficient to completely offset temporal impacts from loss of large mature trees. CDFW recommends Project mitigation from loss of large trees on-site, and potentially should include off-site preservation of trees in perpetuity.

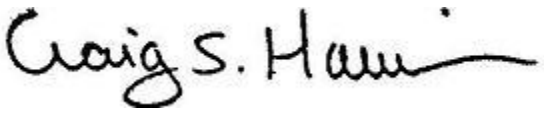
In addition, the trees are needed to prevent soil erosion in the headwaters of Santa Rosa Creek, a spawning ground to both steelhead and coho salmon that are under protection of the federal Endangered Species Act. As stated in the letter from NMFS, the federal trustee agency is concerned about cannabis cultivation impacting ESA-listed salmonids and their habitat.

5. An Environmental Impact Report is Required.

If this project is to move forward, an environmental impact report is required. CEQA requires an agency evaluating a project to develop an EIR whenever "substantial evidence supports a fair argument that a proposed project 'may have a significant effect on the environment.'" *Committee for Re-Evaluation of T-Line Loop v. San Francisco Municipal Transportation Agency* (2016) 6 Cal.App.5th 1237, 1245-46 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123). The fair argument standard establishes a "low threshold" for requiring a lead agency to prepare an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928. Courts "owe no deference to the lead agency's determination," and judicial review must show "*a preference for resolving doubts in favor of environmental review*." *Id.* (italics in original).

This permit should be denied, or sent back with a requirement to undertake an environmental impact report. In any event, this cultivation should not be allowed to remain in the PRP.

Sincerely,



Craig S. Harrison
Santa Rosa
On behalf of Bennett Valley Residents for Safe Development

From:	Sarah Shrader
To:	Marina Herrera
Subject:	Subject Attention: UPC17-0041
Date:	Tuesday, May 11, 2021 11:40:46 AM

EXTERNAL

Dear County Staff,

I would like to express my support for Lisa from All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Sincerely,

Sarah Shrader

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975 Corporate Center PKWY, STE 115
Santa Rosa, CA, 95407

05/18/2021

VIA EMAIL

Marina Herrera, Planner II
Marina.Herrera@sonoma-county.org
2550 Ventura Avenue
Santa Rosa, CA 95403

RE: Letter of Support for Project UPC17-0041

Dear County Staff,

I would like to express my support for Lisa from All Cali Farms.

Lisa has been working diligently for years to secure a permit for her small farm. It meets all of the requirements of the Sonoma County Ordinance and CEQA. We encourage you to move to approve her permit application. She is a local and a legacy farmer, and this is the quality and type of project that the county should support.

Thank you for your time and consideration.

Sincerely,

Erich Pearson
SPARC
Santa Rosa, CA

From: Tiffany Nading
To: Marina Herrera
Subject: Lisa Lai
Date: Monday, May 3, 2021 8:23:02 PM

EXTERNAL

Subject: UPC17-0041

Dear Ms. Herrera,

I have been a personal friend of Lisa Lai and her family for eight years. During that time I have watched her grow her cannabis business; dedicating her time and energy I to the new industry. She is an active member of CBASC, SCGA and the Hessel Grange.

Even though she has dedicated much of her time to the industry, she continued volunteering for her children's school pre COVID. She especially enjoyed volunteering at the garden and environmental field trips, passing her enjoyment of plants and animals to the young minds in our community. She is a passionate biologist with a deep love and respect for the natural environment. I think she is crazy for all the time she spent with her bees, that is before the glass fire ripped them away from her.

Over the last four years, I saw her sacrifice a second income for her family while she worked her farm by herself without pay. All her profits were poured back into her farm, permit costs, and taxes. I spent many hours watching her kids for her so she could work. I know she enjoys serving her local community by providing it's members with clean, high quality, organic medicine.

Now, the glass fire has burned down her farm. She is not growing anymore and is stuck at a stand still because she can no longer participate in penalty relief.

She is a local, environmentally conscious, a legacy farmer, and asking for a very small farm. I urge you to grant her her permit.

Sincerely,

Tiffany Bell
Sonoma

Sent from my iPhone

Sent from my iPhone

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From: Dick and Vi Strain
To: Marina Herrera
Subject: UPC17-0041, 2000 Los Alamos Rd - May 25 before BOS
Date: Wednesday, May 19, 2021 3:48:28 PM

EXTERNAL

Ms Herrera,

I'm commenting on the above application as follows:

SRA Fire Safe Regulations
The road to this location violates the SRA fire safe regulations. The road is a 5.6 mile dead end road, far in excess of the 1 mile maximum allowed with no possible mitigation. The road width is unsafe for concurrent fire engine ingress and civilian evacuation. It would be impossible for a business and/or residents to flee a fire with a fire truck coming up the road to fight the fire. The terrain adds to this dilemma as there are steep drop-offs from the road.

High Fire Zone
It is obvious this area is in a high fire zone as it was burned in the Glass Fire. The potential for fire is not going away and is in fact increasing with climate change and the resulting higher temperatures drying out vegetation and the looming scarcity of water resources.

Water
This location is in a class 4 water zone. Cannabis water use has been shown to be much higher than other agricultural uses.The Counties water data is from 2010 and is not relevant today and yet is still being used to determine approvals for cannabis. Also, see High Fire Zone above.

Tree Removal
The removal of 38 trees to be replaced with a large greenhouse adjacent to Hood Mt Regional Park will be an eyesore and not in keeping with the natural environment of this location. The trees are a natural resource to be protected and allowed to regenerate to keep their place on the land if they are able to regenerate. I saw no analysis of this issue in the review of this application.

Comments
I'm commenting against this proposal due to the above issues. Also, I live in a location where a cannabis operation is proposed and would use substandard residential streets for ingress and egress. There would be no way for residents to evacuate during a fire or other calamity with the increased traffic of cannabis operations. I'm concerned about my communities safety and all communities safety when the SRA Fire Safe Regulations are ignored and not enforced. I want to know why even after a fire, the County is not willings to enforce the requirements of SRA Fire Safe Regulations?

This application needs to be put on hold or denied until the County has completed the EIR that the Board of Supervisors just authorized at their May 18th meeting. An EIR will determine the appropriate locations for cannabis in which residential uses have sufficient setbacks and proper locations for cannabis operations relative to environmental elements are considered. The removal of 38 trees to be replaced by a greenhouse is a major change in character for the property as well as degrading the environment and not allowing a return to its natural state after a fire disaster. Water use in a drought emergency is also a very valid reason to put a hold on this project, especially in a class four water zone.

Please deny this project or set it aside until there is adequate facts to support approval.

Thank you for your consideration of my comments

Vi Strain
Sonoma County

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From: **Steve Imbimbo** steve.imbimbo@gmail.com
Subject: Re: photos of fire truck and passenger vehicle on narrow road
Date: May 19, 2021 at 7:24 AM
To: Deborah Eppstein deppstein@gmail.com
Cc: marylee guinon maryleeguinon@gmail.com

SI

Like this?





On Tue, May 18, 2021 at 8:48 PM Deborah Eppstein <deppstein@gmail.com> wrote:
I am nto back in CA until 3rd week in July. Can you tip the fire engine or preferably the car down the hill?

On May 18, 2021, at 6:41 PM, Steve Imbimbo <steve.imbimbo@gmail.com> wrote:

Here is the 1st pass, not too good because photo of road is not straight on. Any chance of staging a photo on the road like the Palmer one? Have the car (wider the better) on the edge of the inside and then it is perfect to scale and put the fire truck in. Multiple copy and pastes just never look good.

<Los Alamos.jpg>

On Sun, May 16, 2021 at 7:31 PM Deborah Eppstein <deppstein@gmail.com> wrote:
or perhaps they think it si for dead-heads, so that is why they support it

On May 16, 2021, at 6:59 PM, Steve Imbimbo <steve.imbimbo@gmail.com> wrote:

Someone should remind the County why it is called a "dead-end road".

On Sun, May 16, 2021 at 6:33 PM Deborah Eppstein <deppstein@gmail.com> wrote:
yes, that portion of Los Alamos is 12 ft wide. Plus its 5.6 mile dead end- but whose counting?

On May 16, 2021, at 6:24 PM, Steve Imbimbo <steve.imbimbo@gmail.com> wrote:

I'll get something out tomorrow. One pic is a good view of a wildfire 3 truck and I have dimensions I can scale.
Section of road you sent me is confirmed 12 feet wide?
I've attached one I did before using a scaled drawing of a fire apparatus truck, I use the dimensions I researched (same as dump truck, roughly 8'-6" wide.

Any chance of someone taking a pic on the road similar to the one I did for Palmer Creek? Straight on view of a car,measure road width where car is and width of car.

On Sun, May 16, 2021 at 10:41 AM Deborah Eppstein <deppstein@gmail.com> wrote:
At first I thought these were photoshopped as they ere so outrageous- but all too real!

On May 16, 2021, at 10:38 AM, marylee guinon <maryleeguinon@gmail.com> wrote:

<rawImage impasse fire truck cars.jpg>

Thx Debby and Steve
these are the best pics I could get after searching for hours.
I wish I could get a pic during a conflagration of cars and fire apparatus.
If you have opinions about the pics I have found, please do comment.
(titled: Shitstorm brought to you by your local jurisdiction. Who needs regulations anyway?)
Marylee Guinon
<fire truck off bridge maxresdefault.jpg>
<car evac fire hill.jpg>
<Marks_photos_060 ROSS truck and fire truck.jpg>
<fire truck off road.jpg>

On Sat, May 15, 2021 at 9:56 AM Deborah Eppstein <deppstein@gmail.com> wrote:
Steve, do you recall seeing any photos of a fire engine meeting a passenger car on a narrow road and not being able to pass? Marylee would like this for a summary we are getting many prominent organizations in CA to sign , to

send too BOF. We have nto been able to dig one up. May we need to borrow a fire engine and get oru own photo.

And just since i know you will appreciate this, the staff report for 2000 Los Alamos Road, which of course recommends approval (comes before BOS May 25 at 3 pm), states that the SRA Fire Safe Regulations “provide for safe access of wildfire equipment and civilian evacuation concurrently . In general this includes requiring that two lane roads have two 10 ft traffic lanes and that one-lane road have oen 12 ft traffic lane.”

Even Sonoma County did not bring that twisted distortion into their year long battle with BOF, as the 12 ft traffic lane is only for one-way roads 1273.01(b) “All one-way roads shall be constructed to provide a minimum of one 12 ft traffic lane, not including shoulders”.

On Cougar Lane we are just polishing up our grant application to the county for $205,000 to remove dead burned trees on each side fo Cougar Lane, due tomorrow. It would be awesome if we would get this!

Enjoy the weekend!
Debby

<Palmer Fire Truck.pdf>

BOARD OF FORESTRY AND FIRE PROTECTION
THE NATURAL RESOURCES AGENCY
STATE OF CALIFORNIA

KEITH GILLESS, CHAIR
Wade Crowfoot, *Secretary*
Gavin Newsom, *Governor*

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
BOF Website (www.bof.fire.ca.gov)

October 23, 2020

Linda Schiltgen
Deputy County Counsel
County of Sonoma
Linda.Schiltgen@sonoma-county.org

Re: BOF Certification Questions: Sonoma County Responses

Dear Ms. Schiltgen:

The Board is in receipt of your letter dated October 18, 2020, and addressed to Board of Forestry and Fire Protection (Board) Chair Keith Gilless and Vice Chair Darcy Wheeles. It has been distributed to the Board members for consideration. Because your letter provides responses to questions posed by Board staff, please accept this response by Board staff on their behalf.

Background

A brief summary is appropriate for context. For several months, the Board, its staff, and representatives from the County of Sonoma (Sonoma County) have been engaged in discussions relative to the potential certification of Sonoma County's local fire safe ordinance as equaling or exceeding the Board's Fire Safe Regulations (14 CCR § 1270 et seq.). Board members and staff have expressed concerns about portions of Sonoma County's ordinance that either omit standards included in the Fire Safe Regulations or set standards that, on their face, appear to be less stringent than the Fire Safe Standards. At the September 22, 2020, Joint Committee Meeting of the Board, Board staff were directed to provide Sonoma County with a list of specific questions posed by both Board members and staff, that, if answered, would allow Board staff to properly evaluate the local ordinance and enable staff to make a recommendation to the Board in favor of certification. By letter dated October 12, 2020, Board staff issued those questions to Sonoma County. By your letter dated October 18, 2020, Sonoma County provided its responses for Board staff consideration.

When being presented with the myriad of issues related to certification, it is important not to lose sight of the fundamental task before the Board. The Board is reviewing the Sonoma County ordinance pursuant to 14 CCR § 1270.04 to decide whether to exercise its discretion "to certify [the ordinance] as equaling or exceeding [the Board's regulations] when they provide

the same practical effect."[1] While it is generally not difficult to determine whether a particular provision of an ordinance equals or exceeds a corresponding provision in the Board's regulations, the same cannot be said for determining whether a local ordinance that fails to equal or exceed the Board's regulation nonetheless provides the *same practical effect*. To aid in this determination, the Board's regulations provide a detailed definition of the term *same practical effect*. With these tools, the Board must evaluate each provision of a local ordinance and compare it to the corresponding provision in the Board's regulations to determine whether the local ordinance provision equals or exceeds the Board's regulation or provides the same practical effect. Still, the task before the Board is challenging and requires careful and deliberate consideration, especially when applying the complex definition of *same practical effect*.

Summary of Staff Findings

At its core, the Board's task is fundamentally a very narrow inquiry: *For each substantive requirement in the Fire Safe Regulations, does the local ordinance have a provision that equals or exceeds or has the same practical effect as that Fire Safe Regulation standard?*

Board staff have completed their review of Sonoma County's responses and continue to have significant concerns that the ordinance does not satisfy the Board's standards for certification. Sonoma County's responses pertaining to standards for existing roads and for ingress/egress that allows concurrent civilian evacuation are of particular concern. Accordingly, Board staff lack an evidentiary basis to support a recommendation for certification. Board staff have enclosed an updated matrix, dated to reflect the upcoming November 3, 2020, Joint Committee Meeting of the Board, that provides more specific observations and staff recommendations.[2]

This is an appropriate point to address Sonoma County's position that if the Board does not certify its ordinance, then Sonoma County is prevented from enjoying the benefits of the portions of its ordinance that it believes clearly equal or exceed the Fire Safe Regulations. The Board would like to reiterate to Sonoma County that certification of its ordinance by the Board is not required for Sonoma County to apply its own standards that go above and beyond the state minimum standards. Board certification is a creature of regulation, the benefit of which is to publicly document a mutual understanding of the Board and the local jurisdiction that a local ordinance equals or exceeds the Fire Safe Regulations. Under Public Resources Code § 4290, subdivision (c), the Board's minimum standards do not supersede any Sonoma County

[1] References in this letter to the "equal or exceed" standard includes this "same practical effect" standard.

[2] The attached November 3, 2020, matrix represents Board staff's current evaluation and recommendations to the Board, and supersedes any prior matrix, whether final or draft, including the deliberative draft September 4th matrix, which apparently Sonoma County misunderstood to be something more than merely an informal tool to facilitate productive discussion in advance of the September Board meeting.

ordinance that equals or exceeds the minimum state standards.[3] Thus, if Sonoma County has stricter, greater, or enhanced requirements in its ordinance, the lack of certification by the Board does not preclude Sonoma County from deciding to apply these stricter requirements.

Turning now to Sonoma County's responses, it is worth mentioning that it is unnecessary for Board staff to address each individual response. The purpose of the exercise is to provide Board staff sufficient information so that it may complete its evaluation of Sonoma County's ordinance and issue a recommendation for the Board's consideration. As noted above, the certification determination is made in light of the language of the local ordinance and any documents incorporated by reference. Supplemental information, such as Sonoma County's responses, merely illuminates the local jurisdiction's interpretation of its ordinance and how it equals or exceeds the Fire Safe Regulations.

In any event, Sonoma County's responses reflect a number of recurring issues of concern to Board staff that can be summarized generally without focusing on the content of specific responses or specific sections of the ordinance. Board staff have consistently expressed concerns that the Sonoma County ordinance and Administrative Policy do not articulate specific minimum standards for each type of road referenced in the ordinance and Administrative Policy[4] nor does it articulate what standards govern the fire official's assessment that a road provides concurrent civilian evacuation. Board staff's questions were particularized and specific attempts to identify those standards so that Board staff could evaluate where they equal or exceed the Fire Safe Regulations.

Detailed Discussion

Board staff acknowledge that some of Sonoma County's responses on certain other issues resolved Board concerns or provided additional clarity. This letter focuses on major issues that preclude the Board staff from issuing a recommendation in favor of certification. Board staff refer interested parties to the staff-prepared final matrix for the November 3, 2020, Board meeting for a more comprehensive discussion of portions of the ordinance that equal or exceed the Fire Safe Regulations.

Sonoma County's ordinance and responses to staff questions on the following topics are inadequate. Sonoma County's responses do not provide the requested citations nor identify the specific standards that Sonoma County contends apply. Instead, the responses reiterate

[3] It is necessary to acknowledge that the statute does not include a "same practical effect" standard. A local ordinance applied pursuant to Public Resources Code § 4290(c), without obtaining Board certification, must "equal" or "exceed" the Fire Safe Regulations in the ordinarily understood sense of those words. Thus, a non-certified local ordinance applied by a local jurisdiction is potentially subject to a stricter legal standard than is required for certification under 14 CCR § 1270.04.

[4] The ordinance and Administrative Policy contemplate new roads, existing roads, existing public roads, existing private roads, and existing roads approved on a discretionary basis and a ministerial basis. Sonoma County is entitled to have as many subcategories as it chooses, but each must have an established standard that equals or exceeds the Fire Safe Regulations.

positions that, while not unimportant, are nonetheless irrelevant to the narrow certification inquiry before the Board.

We will first address the various arguments that are not relevant to and therefore do not inform staff's analysis.

Sonoma County Argument 1: Some portions of the ordinance equal or exceed the Fire Safe Regulations

Sonoma County's introductory paragraph includes a chart outlining several provisions showing how its ordinance equals or exceeds the Fire Safe Regulations. This general claim is reiterated in response to several questions.

The Board acknowledges that many elements of Sonoma County's standards clearly equal and exceed the minimum standards of the Fire Safe Regulations. This has been well established in documents provided for Board consideration, as well as testimony at several Board and Joint Committee Meetings this year. However, exceeding the Fire Safe Regulations in certain aspects does not excuse an ordinance's failure to equal or exceed other standards imposed by the Fire Safe Regulations.

Thus, the Board's determination that one provision of a local ordinance equals or exceeds the Fire Safe Regulations has no bearing on the Board's consideration of other unrelated provisions of the local ordinance. This argument is an unnecessary distraction and does not inform whether all provisions satisfy the certification standard. As such, the Board does not focus on these statements when applying the certification standard.

Sonoma County Argument 2: Takings / Inability to secure easements for expanding roads

Another argument advanced in Sonoma County's preliminary comments asserts that the Fire Safe Regulations effect an unconstitutional "taking" of private property for public use because they make a landowner individually responsible for upgrading existing roads that serve other parcels. Other variations of this argument suggest that the Fire Safe Regulations encourage Not-In-My-Backyard (NIMBY) opposition to prevent development or allow a landowner to extort a neighbor by refusing to sell an easement to facilitate road widening to comply with state standards. These arguments are also reiterated in response to several questions seeking clarity about Sonoma County's standards and how they equal or exceed the Fire Safe Regulation.

The Fire Safe Regulations have not been legally challenged, let alone invalidated, as being unconstitutional in any sense. They are binding as minimum standards on Sonoma County, notwithstanding speculative practical inconveniences at the local level. It is Sonoma County's prerogative to impose those burdens on individual landowners instead of exercising other options at its disposal, such as eminent domain. In any event, the issue of who bears financial responsibility for upgrading existing roads that serve as access to new building construction has no bearing on whether road standards in Sonoma County's ordinance – such as minimum road

widths – equal or exceed the corresponding standard in the Fire Safe Regulations. As such, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

Sonoma County Argument 3: Fire Safe Regulation Exception Process

Another argument advanced in Sonoma County's preliminary comments asserts inadequacies in the Fire Safe Regulations' "exception process" (14 CCR § 1270.06), including a loophole authorizing local jurisdictions to waive any requirement in the Fire Safe Regulations. This argument is reiterated in response to several questions.

While the Board appreciates Sonoma County's comments and will certainly takes these into account to consider whether regulatory changes are warranted to address this point, Sonoma County's concerns regarding 14 CCR § 1270.06 do not have bearing on the present issues related to certification of Sonoma County's ordinance, for multiple reasons. First, Sonoma County adopted its own "exceptions to standards" provision, § 13-23, in its ordinance. Notwithstanding certain staff comments in the matrix, the Board may determine that these provisions equal or exceed the minimum standards in § 1270.06. Second, assuming for the sake of argument that 14 CCR § 1270.06 allows for "behind closed doors" determinations, or fails to provide a thorough open and public process, this is irrelevant as to whether *other* sections of Sonoma County's ordinance equal or exceed the Board's minimum standards. Finally, to the extent Sonoma County finds the minimum standards in 14 CCR § 1270.06 unsatisfactory, the regulation expressly states that local jurisdictions "may establish additional procedures or requirements for exception requests." Thus, to the extent Sonoma County believes that the Board's exception standards in § 1270.06 are deficient, Sonoma County may remedy these by imposing additional requirements. Consequently, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

Sonoma Ordinance Issue 1: Existing Road Standards

We now turn to Sonoma County's discussion of the specific standards and citations in response to the Board staff's questions relating to existing road standards and the concurrent evacuation requirement. Sonoma County's responses continue to make conclusory statements about the quality of its ordinance and Administrative Policy. Board staff are repeatedly told that these documents have "clear standards" and a "strict set of requirements," but do not reference actual standards or citations. Board staff needs this information to properly evaluate the ordinance for certification. Without it, Board staff are compelled to conclude that no such standards exist and recommend to the Board that Sonoma County's ordinance does not satisfy the certification standard for existing roads.

Throughout the certification process, Sonoma County has repeatedly maintained that Public Resources Code section 4290 and the Fire Safe Regulations do not apply to existing roads. Sonoma County's position is incompatible with the plain language of PRC § 4290,[5] the Fire Safe Regulations,[6] and opinions and letters issued by the Attorney General of California.[7] More importantly, the Fire Safe Regulations themselves – which constitute the basis for the certification determination – clearly provide no exemption for existing roads, and it is these regulations that the Sonoma County ordinance must equal or exceed. This represents a fundamental and intractable disagreement between the Board and Sonoma County. Sonoma County's position on existing roads, standing alone, is a legitimate basis for determining that the ordinance does not equal or exceed the Fire Safe Regulations.

Moreover, Sonoma County's position has a discernible impact on it characterizes its ordinance, and the amount of effort necessary for Board staff to parse its assertions for accuracy and compliance with the certification standard. Specifically, any assertion Sonoma County makes about "roads" requires the Board to evaluate whether Sonoma County intends to apply that standard to existing roads.

Setting aside this fundamental disagreement as to the applicability of the Fire Safe Regulations, Sonoma County has argued that, in the alternative, even though it believes existing roads are exempt, Sonoma County's Administrative policy nonetheless applies to existing roads and equals or exceeds the Fire Safe Regulations.

Board staff have reviewed the ordinance and Administrative Policy in great detail. The only specific standard identified in the Administrative Policy is a 12-foot width requirement for existing private roads. On its face, this falls short of the minimum road standard in 14 CCR § 1273.01. That is a significant obstacle to Board certification. More concerning, however, is that the policy provides no standards for other types of existing roads. As noted before, the Administrative Policy contemplates a public/private distinction, as well as a discretionary/ministerial distinction. No standards for these types of existing roads exist in the ordinance or Administrative Policy. Until these deficiencies are remedied to the Board's satisfaction, Sonoma County's ordinance and Administrative Policy is conclusively ineligible for certification. As Sonoma County's responses fail to provide the requested information with sufficient detail, Board staff can only conclude that no such standards exist and recommend to the Board that the ordinance does not meet the certification standard.

Additionally, Sonoma County's reliance on the Administrative Policy as setting the exclusive standard for existing roads raises concerns beyond the road width issues. The Fire Safe

[5] "These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas… ." (Emphasis added.)
[6] See 14 CCR § 1270.02 which includes the same language in fn5 and includes an exemption for roads that is limited to agricultural, mining, and timber-related operations.
[7] See, e.g., AG Opinion No. 92-807 (1993); AG letter to Monterey County Planning Commission (Oct. 25, 2019).

Regulations set other standards for roads, such as grade, surface requirements, radius, turnouts, turnarounds, and dead end roads. However, the Administrative Policy is silent on those issues, and Sonoma County's responses do not identify what standard, if any, apply for those existing road requirements, and where they can be located in the ordinance or Administrative Policy.

In this respect, Sonoma County's response to Question 1.1.3.3 is emblematic. The Board staff posed a direct request seeking specific information: "For convenience and reference, please complete the following table by filling in the specific ordinance section or Administrative Policy section that addresses the specified SRA Fire Safe Regulation." One axis of the referenced table identified (with citations) all of the above-referenced road requirements in the Fire Safe Regulations that Sonoma County's ordinance must equal or exceed. Along the other axis, the table identified all of the categories of existing roads referenced in the Administrative Policy. Sonoma County's task was to provide an ordinance or Administrative Policy citation in each box.

Board staff believed the table provided the best and simplest opportunity for Sonoma County to provide the information necessary to support certification with respect to requirements for existing roads. Sonoma County's response does not provide any relevant or informative citations. For two columns, Sonoma County cross-referenced six of its other responses to unrelated questions. The County responses did not comply with the call of the question to provide a citation, nor could any relevant citations or standards be discerned from the referenced answers. In fact, some of the cited responses made no mention of the relevant terms. With respect to the remaining categories of existing road standards (public/private and ministerial/discretionary), Sonoma County referenced provisions of its ordinance that apply to *new* roads.[8] These citations are also unresponsive to the call of the question because §13-25(f) of the ordinance clearly states that existing road standards are governed by the Administrative Policy.

In the last couple of weeks, Sonoma County has advanced a new argument indicating that its adoption of an optional appendix from the California Fire Code satisfies the requirement for establishing road requirement standards that satisfy the Fire Safe Regulations. As Board staff made clear in a prefacing comment to Question 2.2 and subsequent follow up questions, compliance with the California Fire Code does not ensure compliance with the Fire Safe Regulations. Those standards are relevant only to the extent that they equal or exceed the Fire Safe Regulations. The Board staff's follow up questions on this point quoted a number of the appendix standards which Sonoma County revised so that the standard may also be satisfied by compliance "with the Sonoma County Fire Safe Standards or as approved by the fire code official." The reference to the Sonoma County standard is a circular reference to the very

[8] If Sonoma County intends the particular referenced ordinance provisions to apply both to new roads and existing roads, the ordinance and Administrative Policy will require substantial revision.

standard that Sonoma County has been unable to identify to Board staff. Additionally, it appears that the fire code official has unfettered discretion to impose any standard – including a lesser standard or no standard at all. Sonoma County's responses do not contradict this reasoning or clarify the requirements. Board staff stand by the position that Sonoma County's adoption of the California Fire Code Appendix is meaningless in connection with establishing that the Sonoma County ordinance and Administrative Policy provide minimum standards that equal or exceed the Fire Safe Regulations' road requirement standards.

Again, Sonoma County has had repeated opportunities to identify and provide citations for these standards. Sonoma County repeatedly declines to do so. Until Sonoma County can provide direct and adequate responses to the Board's important questions, the Board has no evidentiary basis to support a decision to certify the Sonoma County ordinance.

Sonoma County Ordinance Issue 2: Concurrent civilian evacuation

A distinct component of the Fire Safe Regulations that is somewhat related to the road conditions issue is that emergency access requirements must accommodate ingress and egress for emergency vehicles *and concurrent civilian evacuation*. Board members and staff have asked Sonoma County on prior occasions to clarify how Sonoma County's ordinance and Administrative Policy satisfy this requirement.

The Administrative Policy states, in an introductory paragraph, that a Fire Inspector will perform an evaluation to "confirm that the proposed development equals or exceeds the below requirements, and the proposed development shall be safely accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response."

We acknowledge and appreciate that Sonoma County confirms in its responses that the concurrent evacuation standard is an additional standard to equaling or exceeding "the below requirements." However, Sonoma County does not articulate what standards guide the Fire Official in making that determination.

The first requirement following that statement in the Administrative Policy highlights the importance of that query. The requirement sets a road width standard for existing private roads at 12-ft plus 1-foot of vegetation clearance on both sides. This leads Board staff to question how a 12-foot road, which falls short of the Fire Safe Regulation road width requirement, could be certified as ensuring concurrent civilian evacuation during a wildfire. Nor does this section of the Administrative Policy provide guidance as to what standards guide the Fire Official in making a subjective determination. Absent clarification – which did not occur in response to the Board staff's questions – the Board is appropriately reluctant in determining that the ordinance and Administrative Policy equal or exceed the Fire Safe Regulations.

In addition, Sonoma County routinely refers Board staff to §§ 13-62 and 13-63, in response to Board staff's concerns about the lack of specific articulable standards in the ordinance and Administrative Policy. Sonoma County's reliance is misplaced, however, as those sections merely confer discretionary authority to require compliance with additional fire safety measures. Critically, permissive authority provides no assurances to the Board that additional requirements will be imposed at the level contemplated by the Fire Safe Regulations.

Conclusion

In conclusion, Sonoma County's responses to questions issued by Board staff fail to resolve a number of significant concerns expressed by Board members and staff over the preceding months. The question before the Board at the November 3, 2020, Board meeting is whether the Sonoma County ordinance equals or exceeds the substantive requirements in the Fire Safe Regulations. At this time, the Sonoma County ordinance and Administrative Policy include requirements that fall short of the Fire Safe Regulations and omit standards that are required as a counterpart to other provisions of the Fire Safe Regulations. Until Sonoma County addresses these infirmities, Board staff lack a basis to recommend, and the Board lacks a legal basis to certify, the ordinance as equaling or exceeding the Fire Safe Regulations.

Consistent with our prior communications and correspondence, this letter reflects only the position of Board staff. We wish to be transparent with Sonoma County regarding our ongoing concerns and how we intend to advise the Board in advance of the November Board meeting. Ultimately, the Board will be responsible for making its own assessment on the question of whether the Sonoma County ordinance should be certified as equaling or exceeding the Fire Safe Regulations. Similarly, we respect the right of Sonoma County to disagree with Board staff positions expressed in this letter or the enclosed matrix when the matter is considered by the Board's Joint Committee on November 3, 2020.

Respectfully,



Jeff Slaton
Senior Board Counsel
Board of Forestry and Fire Protection
Jeffrey.Slaton@bof.ca.gov

From:	Deborah Eppstein
To:	Marina Herrera
Cc:	Scott Orr; Sita Kuteira; Linda Schiltgen
Subject:	Staff Report UPC17-0041, 2000 Los Alamos Road
Date:	Wednesday, May 19, 2021 4:28:49 PM
Attachments:	Los Alamos Rd fire truck and passenger car.pdf Slaton BOF 10 23 2020 highlights.pdf

EXTERNAL

Dear Marina,

The recommendation from Permit Sonoma to approve the PRP application on May 25, UPC17-0041, 2000 Los Alamos Road, is a major violation of the state SRA Fire Safe Regulations. Director Wick even mentioned yesterday that they need to be upheld when looking at new cannabis permits. The county supervisors and county counsel have confirmed that we will follow state law.

The fire road inspection report of both 4-15-19 and 11-19-20 completely ignored any mention of the main access road, Los Alamos Road, which is a 5.6 mile dead end road, far in excess of the 1 mile max under the SRA regulations, and which also is only 12 ft wide for the upper 3/4 mile, thus not able to provide concurrent wildfire equipment ingress and civilian evacuation as required in the regulations (see attached photo). State regulations require 20 ft wide roads, no longer than 1 mile if dead-end, and actually less if it serves any parcel <20 acres as does Los Alamos Road. The state Attorney General's office has confirmed that there can be no exceptions for dead-end road length. Los Alamos Road clearly does not come close to meeting the minimum SRA regulations.

The fire inspection report only focused on the private McCormick Road, 0.4 miles long and 10-12 ft wide, and said that adding one turnaround at the end, one turnout in the middle, and widening the access provides 'same practical effect' as a 20 ft wide road. in providing concurrent fire engine ingress and civilian evacuation. That is in direct contradiction to what Senior Board Counsel Jeffery Slaton at Board of Forestry communicated to Sonoma County counsel on October 23, 2020 (attached, p8):

"This leads Board staff to question how a 12-foot road, which falls short of the Fire Safe Regulation road width requirement, could be certified as ensuring concurrent civilian evacuation during a wildfire. "

Furthermore, the staff report (p9) incorrectly summarizes what the SRA regulations state, saying that "two-lane roads have two 10 foot traffic lanes (this is correct) and that one-lane roads have one 12-feet traffic lane." The latter statement is taken out of context and ignores that the SRA regulations only allow the 12 ft width that for one-way roads, not two-way roads [§ 1273.01(a) and (b)]. McCormick Road si a two way road, not a one way road.

§ 1273.00. Intent (underlining added)
Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width (underlining added)
(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements

are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

The staff report goes on to say that the Board of Forestry is currently working with stakeholders to consider appropriate road width standards for existing roads. However, as Ms Schiltgen is well aware, no new standards have been agreed, public comment is ongoing and the current 2020 SRA Fire Safe Regulations are the law that must be followed.

I have brought the failure of this site at 2000 Los Alamos Road to meet the minimum SRA fire safe regulations on multiple occasions with the planners since 2018, first with Migcom, and more recently with yourself, including detailed comments on the MND provided during the public comment period in April. However, these comments appear to have been ignored.

There are many other issues with approving this application- its in water zone 4 with two very low yield wells, is in a very high fire zone and was burned by the Glass fire, so even the prior, unpermitted existing barn would need to be rebuilt, and the applicant wants to remove 38 trees (presumedly oak) to build a greenhouse adjacent to Hood Mt Regional Park. Grading in a fire scar above the headwaters of Santa Rosa Creek is unwise, we need to let oak trees recover, and the thick underbrush which previously screened this site is now gone. Plus the remote location makes sheriff response time very long.

This permit would violate state law must be denied, plus there are many other reasons as noted above that it should be denied.

Will you have time to discuss by phone this week? Scott and Sita, I would appreciate your comments as well.

Thanks,
Debby
Deborah Eppstein
801-556-5004

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From: Cody Leck
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Thursday, May 20, 2021 9:21:25 PM

EXTERNAL

Marina Herrera,

My name is Cody Leck and I am a resident of Petaluma, CA, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Cody Leck
wcleck@gmail.com
7610 Valley Ford Road
Petaluma, CA, USA, California 94952

From: Corrine Mills
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Friday, May 21, 2021 7:08:26 AM

EXTERNAL

Marina Herrera,

My name is Corrine Mills and I am a resident of Santa Rosa, CA, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Corrine Mills
fla2cali@gmail.com
760 Leo Drive
Santa Rosa, CA, USA, California 95407

From: David Drips
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Thursday, May 20, 2021 9:12:33 PM

EXTERNAL

Marina Herrera,

My name is David Drips and I am a resident of Petaluma, CA, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

David Drips
fireplug1980@yahoo.com
741 Bailey Avenue
Petaluma, CA, USA, California 94952

From: Erin Gore
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Friday, May 21, 2021 6:25:42 AM

EXTERNAL

Marina Herrera,

My name is Erin Gore and I am a resident of Cloverdale, CA 95425, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Erin Gore
erin@thegardensociety.com
840 North Cloverdale Boulevard
Cloverdale, CA 95425, USA, California 95425

From: Jennifer Boss
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Thursday, May 20, 2021 9:36:24 PM

EXTERNAL

Marina Herrera,

My name is Jennifer Boss and I am a resident of Cottonwood, CA, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Jennifer Boss
corynjenn@yahoo.con
3647 Savage Drive
Cottonwood, AZ, USA, California 96022

From: Jennifer King
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Friday, May 21, 2021 3:14:11 AM

EXTERNAL

Marina Herrera,

My name is Jennifer King and I am a resident of Camp Meeker, CA 95472, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Jennifer King
jennifer@hightidedistro.com
30 Mission Street
Camp Meeker, CA 95472, USA, California 95419

From: Kim Gardner
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Thursday, May 20, 2021 11:11:51 PM

EXTERNAL

Marina Herrera,

My name is Kim Gardner and I am a resident of Petaluma, CA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Kim Gardner
kimlichtergardner@gmail.com
245 Paula Lane
Petaluma, California 94952

From: Noam Crawford
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Friday, May 21, 2021 12:19:05 AM

EXTERNAL

Marina Herrera,

My name is Noam Crawford and I am a resident of Guerneville, CA 95446, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Noam Crawford
hti3311@yahoo.com
14778 Canyon 4 Road
Guerneville, CA 95446, USA, California 95446

From: Randy Barnes
To: Marina Herrera
Subject: Support Letter for All Cali Farms
Date: Thursday, May 20, 2021 9:33:40 PM

EXTERNAL

Marina Herrera,

My name is Randy Barnes and I am a resident of Santa Rosa, CA, USA. I am writing to express my support for Lisa and All Cali Farms.

She has been waiting so long for her small farm to be permitted. It meets all of the requirements and we ask that you move to approve her permit application. She is a local and a legacy farmer. This is the type of project that county officials and the community agreed should get their permits first.

Thank you for your time and consideration.

Randy Barnes
randy.m.barnes@gmail.com
1579 Los Alamos Road
Santa Rosa, CA, USA, California 95409