3/13/21

Erin Gore

Old River Road Inc dba Garden Society
#C12-0000062-LIC
840 N Cloverdale Blvd,
Cloverdale, CA 95425

Dear Planning Commissioners,

Thank you for the opportunity to have an open discussion with you all about the recently proposed regulations from the County of Sonoma with regards to their proposed changes for cannabis cultivation across the county. Clearly, the County's first attempt to regulate cannabis cultivation failed because of onerous regulations and a convoluted permitting process. I support the efforts of the county to move cannabis cultivation out of Permit Sonoma and have it administered by the Ag Commissioner. While the proposed changes are a good start, they do not address some of the most pressing items needed to allow traditionally agricultural farms to enter the market and maximize their potential.

As a board member of the Cannabis Business Association of Sonoma County and licensed operator in Cloverdale, I believe that the ability for adults to safely experience the benefits of legalized cannabis is both important to the overall implementation of California's legalization of cannabis and a potentially critical revenue generator for the County, both for its tourism industry and its economic workforce development. As has been proven with wine, the ability for people to come to Sonoma County and experience its natural beauty while meeting the producers of that product and consuming it in that setting enables the County to effectively monetize the collective reputations of artisanal producers to the tune of hundreds of millions of dollars.

Cannabis provides a similar opportunity and is arguably of more interest to changing demographics who are focused on consuming less alcohol and living a health-conscious lifestyle. There are few other industries which have the potential to provide this type of economic opportunity to the County while also preserving our rural heritage. There are already laws at the State that protect and promote cannabis appellations due to consumer recognition of the importance of terroir.

Therefore, I have the following requests for immediate incorporation into the County's cannabis updates:

1) Land Use and Zoning Amendments for Retail- Zoning categories which allow for retail uses should be expanded to include the 4 types of agricultural zoning (LIA, LEA, RRD, DA) which currently allow for commercial cultivation. This would allow cultivators to create a "Direct to Consumer" retail experience with a conditional use permit. Currently retail in AG zones is unnecessarily prohibited.

2) On-Site Consumption- Already allowed under California law by Business and Professions Code §26200(g) at a licensed retail with a conditional use permit to create a "tasting room experience". Currently on-site consumption is unnecessarily prohibited entirely in the County.

3) Lift Dispensary Caps- Outdated limitation of 9 dispensaries imposed by the County prior to legalization. We request that the County lift the cap on retail facilities and regulate retail as land use issue exclusively.

Second, as a current licensed operator and multi-generational farming family here in Sonoma County, I have a unique understanding of the impact onerous cannabis regulations have on practical farming practices. With this experience, and in consultation of many industry peers and work teams, I request the following changes be made to the proposed regulations as outlined on the recent public forums.

4) Remove Senseless Setbacks and align to State Law – Removing setback requirements when both parcels in question are commonly owned is another way to encourage thoughtful, environmentally responsible cultivation on larger agricultural properties. Many large farmlands are made up of multiple parcels and requiring setbacks to property lines in these cases achieves nothing other than inefficiencies. Cultivators should be encouraged to locate their cultivation sites in the areas of their property that are the least environmentally sensitive, present the best growing conditions, and are setback from real neighbors, and should not be limited by arbitrary setbacks when the adjoining parcels are commonly owned.

5) Remove Cultural Resource Survey – Delete this section completely. This regulation is onerous and will delay and possibly prevent cannabis cultivation. No other agriculture crop is required to do a Cultural Resource Survey. By including the words "involving ground disturbance" all forms of planting and soil preparation could be deemed ground disturbance. Under CEQA, any site development that requires a building permit will be tasked with doing a cultural survey. This process would be managed through Permit Sonoma who has staff versed on CEQA.

6) Energy Use – Delete this section completely. The requirement to have all 100% renewable energy source and the inability to use a generator will make it infeasible to have a cultivation site in the more remote areas of our County. Isn't this counterintuitive to what the NIMBYs and county officials want? Until the County has developed their Climate Action Plan and provided the infrastructure needed to have an on-grid 100% renewable energy source, there should be no requirements put on any small business to meet these demands. The inability to use generators for day-to-day operations as needed again flies against the desire to have cannabis grows in the unpopulated areas of our county. Many agriculture crops depend on generators for frost protection, irrigation, and other farming practices. An option could be to require whisper generators, noise reducing housing structures and/or propane generators depending on the concern with this power source.

7) Water Use – Delete this section completely. There are already local and state regulatory agencies that manage water use in our County. The California Sustainable Groundwater Management Act (SGMA) protects ground water and the State Water Board, through their regional offices have control over surface water use including streams, rivers, reservoirs, and ponds. Permit Sonoma has determined water scarce areas within our County and has regulations in place for these areas. The requirements from these water-centric regulatory agencies supersede anything the Ag Commissioner believes he can regulate.

Cannabis is having a national moment, with 36 states having some form of state cannabis legalization and full federal legalization on the horizon. California is the largest cannabis market in the world, with the reputation of growing the best cannabis in the world because of incredible genetics, the terroir of the land, and culture of cutting edge, modern products.

Cannabis will never replace the diversity of agriculture across Sonoma County that makes this one of the most beautiful terroirs in the world. Cannabis can, however, provide diversified revenue streams for farmers who have been severely impacted by droughts, fires, floods, freezes, and the pandemic. We see cannabis thriving in our ecosystem by bringing diversity, opportunity, and legacy for generations to come. Thank you for supporting sensible regulations in the County and taking a formal position against these items.

Warmest Regards,

Erin Gore

SONOMA COUNTY FARM BUREAU

Affiliated with California Farm Bureau Federation and American Farm Bureau Federation

March 15, 2021

County of Sonoma Planning Commission
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Commissioners,

Sonoma County Farm Bureau, a general farm organization representing nearly 2,000 family farmers, ranchers, rural landowners, and agricultural businesses in Sonoma County works to promote and protect policies that provide for a prosperous local economy while preserving natural resources and a long-standing county agricultural heritage.

We have reviewed the draft Chapter 38, Sonoma County Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance and are concerned about the overreaching regulations being proposed.

Beliefs, Questions and Comments:

- **Considering that the County of Sonoma is proposing a general plan amendment to include cannabis within the meaning of agriculture, the Sonoma County Farm Bureau Board of Directors is concerned that regulations outlined in this ordinance will inevitably be forced onto other agriculture crops. Comments included in this document are primarily provided because of this concern.**
- **The Sonoma County Farm Bureau Board is opposed to the County's recommendation to recognize cannabis as an agriculture crop since it is not recognized as an agriculture crop by the federal government.**
- Even though we do not support cannabis being considered an agriculture crop in our County, we do find several of the regulations in this Ordinance to be nearly impossible to comply with and not in the spirit of legalizing cannabis grows. If the Ag Commissioner makes it difficult to get permitted grows locally it will lead to the continuation of illegal grows in our County.
- Clearly, the County's first attempt to regulate cannabis cultivation failed because of onerous regulations and a convoluted permitting process. The current plan to move cannabis cultivation out of Permit Sonoma and instead to have the cannabis cultivation administered by the Ag Commissioner makes sense. However, the County should start over with development of this ordinance rather than making amendments to the regulations adopted in 2016 that did not work. It was clear from the public forum that the County is suggesting that there are "minor" to "medium" amendments that are being proposed in Chapter 38 that should not even be discussion points, but these regulations that originated in Chapter 26 are flawed and need to be thoroughly vetted.
- **It is a travesty that the County staff took so long to release the draft of the Cannabis Ordinance. It puts small cannabis cultivation businesses in a position to begrudgingly accept whatever poorly written, overreaching, and vague regulations have been developed for fear of losing the 2021 growing season which starts in a few months.**

- Big picture…39 states already recognize cannabis as a crop although the federal government does not. As mentioned, Sonoma County Farm Bureau through its Cannabis Guiding Principles does not recognize cannabis as an agriculture crop but an agriculture commodity. It is likely with the current administration that the U.S. government will declare cannabis an agriculture crop. What will the County of Sonoma do then? If the County has determined that cannabis is an ag crop (Farm Bureau disagrees) and since cannabis is an annual crop (not perennial) then the County should be prepared to treat it as it does all other row or pasture crops.

Specific Comments:

Section 38.12.030 – Limitation on Canopy and Structures.

A. Canopy Limitations

Recommendation: Allow cultivation canopy to cover 10% of a property owned by a sole landowner rather than segmenting it by parcels.

Justification: All would agree that cannabis cultivation is best suited for large properties that have few neighbors and vast space to allow for a grow to be less conspicuous. Often, ranches and farms are made up of several parcels. Allowing a landowner to manage a cultivation site based on the entire property (ie clustering) will allow for more efficiency and less environmental disturbance.

Section 36.12.040 – Limitation on Canopy and Structures.
Chapter 36 in the Sonoma County Code is titled, "Vineyard and Orchard Development and Agriculture Grading and Drainage". Is this really an amendment to this section?

A. Setbacks for Outdoor and Hoop House Cultivation

Recommendation: An exception to the 100-foot setback requirement should be made if the adjacent parcels are owned by the landowner who has authorized the cannabis cultivation site.

Justification: As discussed above, allowing a landowner with several contiguous parcels to manage their cultivation site wholistically allows for efficiency and optimal land management.

Section 38.12.050 – Protection of Historic and Cultural Resources.

C. Cultural Resource Survey

Recommendation: Delete this regulation completely.

Justification: This regulation is onerous and will delay and possibly prevent cannabis cultivation. No other agriculture crop is required to do a Cultural Resource Survey and we are concerned this regulation will eventually be imposed on all of agriculture. By including the words "involving ground disturbance" all forms of planting and soil preparation could be deemed ground disturbance. Under CEQA, any site development that requires a building permit will be tasked with doing a cultural survey. This process would be managed through Permit Sonoma who has staff versed on CEQA.

Section 38.12.060 – Tree, Timberland, and Farmland Protection.

A. Tree Protection

Recommendation: Delete this section completely.

Justification: Within the County Code is Chapter 26D – Heritage and Landmark Trees, a long-standing ordinance applies to all land uses and would apply to cannabis cultivation. Further, County leadership has indicated that in May they will have a workshop to discuss expanding the existing tree ordinance that will likely inform the general plan update. Having specific regulations for one county commodity that differs from all other commodities or land-uses will only lead to confusion and conflict between two county departments that have regulatory oversight for the same purpose.

Section 38.12.070 – Protection of Biotic Resources.

A. Habitat and Special Status Species.

Recommendation: Eliminate the requirement for a Biotic Resource Assessment.

Justification: The protection of habitat and special status species falls under various state agencies who have the expertise and existing regulations to manage endangered or threatened species. The Ag Commissioner does not have this level of expertise and likely would look to the subject experts within the state agencies to evaluate the danger to biotic resources once the costly assessment has been completed. Let the agencies tasked with the protection of these specific natural resources do their jobs and to apply regulations on cannabis as they would any other commodity.

Section 38.12.080 – Fire Protection.

Recommendation: Delete this section completely.

Justification: The County's Fire Prevention and Hazardous Materials division is part of Permit Sonoma and this division is responsible for fire safety codes and regulations for the entire County. It is ineffective to dictate requirements within this ordinance for a specific, relatively small land use. The ordinance reads that "an application under this chapter shall include a fire prevention plan for construction and ongoing operations". A fire protection plan for construction is vague, but most likely any construction would demand a building permit which already has a requirement for a fire protection plan. Suggesting a fire protection plan is needed for "ongoing operations" – again, is vague and is discriminatory against this one industry. Further, these regulations proposed may differ from the County's fire safety ordinances that are currently going through an approval process through the State Board of Forestry. This regulation is unnecessary and will likely cause confusion and differences in regulatory interpretation between the Ag Commissioner's office and other regulatory agencies.

Section 38.12.090 – Slope and Grading Limitations.

A. Slope Limitation.
B. Grading Limits.

Recommendation: Restate to require cannabis cultivations to follow Chapter 36, Vineyard and Orchard Development and Agricultural Grading and Drainage (VESCO)

Justification: The County has effective regulations in place related to slope and grading requirements for grape cultivation. It is possible that growers who already follow the VESCO requirements for vineyards will have cannabis grows. Do not complicate cultivation and overburden County staff with differing regulations.

C. Ridgetop Protection.

Recommendation: Delete this regulation completely.

Justification: Similar regulations are not required of other agriculture crops and a precedent should not be started with cannabis cultivation. Also, cultivated lands act as fire breaks during wildfires and having protections like this on our ridgelines is an asset.

Section 38.12.010 – Design, Lighting, Security and Screening.

B. Lighting.

Recommendation: Eliminate the requirement that lighting cannot spill over to the night sky; rewrite this section with more defined requirements. Eliminate the requirement for a lighting plan.

Justification: What will be the scientific metrics to measure all these requirements within this regulation? And, given the grow is on a minimum of 10 acres, spillage into the night sky is going to have little to no effect on the grow's surroundings. This section is poorly written and is missing needed parameters to fully develop the intent.

D. Fencing, Screening, Visibility.

Recommendation: Identify that purpose for this section is related to security to prevent other agriculture crops from eventually having similar requirements.

Justification: Sonoma County is proud of its agriculture industry and some of our farmers and ranchers pride themselves on their crops and livestock, often allowing the public to enjoy their tolls by having unscreened fencing. Some of our plant crops do not even have security fencing because they are costly and unnecessary. Farm Bureau is concerned that these regulations will eventually be imposed on all of agriculture if there is not a distinction made as to the security concerns with cannabis cultivation.

Section 38.12.110 – Air Quality and Odor.

A. Dust Control.

Recommendation: Delete this regulation completely.

Justification: Farming is dusty – it is a given. Requiring a Dust Control Plan – and then eventually enforcing that plan, is incomprehensible and impossible. There should be no regulatory requirements related to dust control.

B. Filtration and Ventilation.

Recommendation: Delete this regulation completely.

Justification: There are many agriculture crops that have odors associated with production. It is part of farming and food production. Developing odor standards for one agriculture commodity is going to create a slippery slope for all of Sonoma County's agriculture crops. Odor from cannabis is seasonal and, like other crops, should be tolerated in the interest of having working lands and open space. In addition, what sort of metrics are going to be used to confirm a cultivator is complying and is this really an expertise that the Ag Commissioner's office has?

C. Energy Use.

Recommendation: Delete this regulation completely.

Justification: The requirement to have all 100% renewable energy source and the inability to use a generator will make it infeasible to have a cultivation site in the more remote areas of our County. Isn't this counterintuitive to what the NIMBYs and county officials want? Until the County has developed their Climate Action Plan and provided the infrastructure needed to have an on-grid 100% renewable energy source, there should be no requirements put

on any small business to meet these demands. The inability to use generators for day-to-day operations as needed again flies against the desire to have cannabis grows in the unpopulated areas of our county. Many agriculture crops depend on generators for frost protection, irrigation, and other farming practices.
An option could be to require whisper generators, noise reducing housing structures and/or propane generators depending on the concern with this power source.
Should the Ordinance stand as-is and only allow a generator for cannabis cultivation during a declared emergency, it should be clearly defined in writing in this section that a Public Safety Power Shutoff (PSPS) is considered an emergency and cultivators can use generators during PSPS.

Section 38.12.120 – Waste Management.

Recommendation: Delete this regulation completely.

Justification: No other agriculture crops or commodities are required to submit a waste management plan; therefore, this should not be imposed on the cannabis industry. How costly will this be for the Ag Commissioner's office to regulate and, except for chemical waste, what sort of expertise does this department have on waste? In addition, in order to get a state permit to grown cannabis, a waste management plan must be submitted and approved.

Section 38.12.130 – Wastewater and Runoff.

Recommendation: Delete this regulation completely.

Justification: There are two local Regional Water Boards that have jurisdiction over wastewater and runoff and the State Waterboard already oversees wastewater through the state cannabis cultivation permitting process. They are the experts in this subject area and have in place permitting requirements associated with vineyards, wineries, horse operations and dairies. Surface water runoff and wastewater management BMPs varies by regions within our County and the specific anomalies of our various watersheds is managed by the state agencies. We have the Russian River TMDL and the Petaluma River TMDL which has more stringent requirements than the rest of the County and it is likely that some of these grows will be subject to BMPs associated with these plans. Further, portable toilets are allowed in construction and other agriculture processes, why should cannabis cultivation be subject to different requirements?

Section 38.12.140 – Water Use.

Recommendation: Eliminate this section by pointing to the regulatory agencies that already manage water use.

Justification: There are already local and state regulatory agencies that manage water use in our County. The California Sustainable Groundwater Management Act (SGMA) protects ground water, and with three of our water basins, Sonoma Water is in the middle of developing Groundwater Sustainability Plans that will dictate water use, water fees and monitoring requirements. The State Water Board, through their regional offices have control over surface water use including streams, rivers, reservoirs, and ponds. Permit Sonoma has determined water scarce areas within our County and has regulations in place for these areas. The requirements from these water-centric regulatory agencies supersede anything the Ag Commissioner believes he can regulate.
Should you continue with the regulations outlined in the Ordinance, this entire section should be rewritten, organized, and simplified. It appears to have a "cut and paste" project from various sources. Getting input from a water engineer may be helpful.

Section 38.14.020 – Activities Allowed with a Ministerial Permit

A. Hours of Operation.

Recommendation: Allow all functions of cannabis cultivation to operate 24 hours per day.

Justification: Farming and cultivation tends to be seasonal, and deliveries, shipping and processing activities should have no limitations. The need to immediately harvest a crop, the ability to allow employees to work during the cooler early morning hours and the harvest frenzy that puts a strain on resources requires growers to have flexibility with their hours of operation.

F. Events

Recommendation: The approach to events that support agriculture should be global and apply to all crops and commodities. Through Permit Sonoma, the County is about to complete their effort to develop a Winery Event Policy and the requirements and regulations within this document should be used to manage all agriculture events in the County.

Justification: There should be standard policies governing events for all agricultural crops and commodities to allow for fair enforcement and consistency.

Items not Covered in the Draft Ordinance:

Retail Sales: To allow for the farm to consumer experience that Sonoma County's agriculture industry is known for, the cannabis industry should be allowed to do retail sales at their cultivation site. Through a Conditional Use Permit, the retail sales function could be managed and regulated based on policies and requirements already in place for other retail sales business sectors.

Conflict with other Agriculture Crops: Implied, but not expressed, there should be a written clarification that the cultivation of cannabis cannot restrict or deny the production of other ag crops or commodities in the surround area. All farming practices have best management practices that need to be followed and one crop should not prevent these BMPs from occurring for another crop.
To protect existing, traditional crops that may be located near a grow, cannabis cultivators should be required to file an attestation document that acknowledges that they have evaluated the adjacent land uses or potential land uses and is accepting the risk and liability associated with potential contamination or damages from neighboring crops.

Right to Farm Ordinance: Until cannabis cultivation is a federally recognized crop, the Sonoma County Right to Farm Ordinance should not apply to cannabis cultivation. As stated, even though the County sees cannabis as an agriculture crop, the Sonoma County Farm Bureau recognizes it as a commodity**. We request the Ordinance state that cannabis cultivation will be recognized as an agriculture crop by the County of Sonoma and thus under the umbrella of the Right to Farm Ordinance only when it has been declared an agricultural crop by the federal government.**

Mitigation Fund: We have had years of illegal cannabis grows that have had damaging environmental impacts, created unmanaged waste and unfortunately, for those growers seeking permits, has created a negative stigmatism around cannabis cultivation. **The County should develop a funding process either by setting aside tax monies and/or by assessing cultivators to clean-up and restore lands that have been impacted by unregulated cannabis operations.**

What should the Planning Commission and the Board of Supervisors do?

Considering the County has delayed the public release of this draft ordinance and the document in its present form is ambiguous, poorly constructed and enforcement may be challenged; **the County should accept the following sections that deal with the process (Sections 38, Article 02; Section 38, Article 04; Section 38, Article 06; Section 38, Article 08; Section 38, Article 10 and Section 38, Article 12 - with some revisions)** and allow the handful of cannabis cultivators ready to begin operations the opportunity to cultivate this year. Then, working with stakeholders who understand the cannabis industry and the public concerned with cannabis cultivation, review and more completely build out, or eliminate the remaining articles.

March 16, 2021

To: County of Sonoma Board of Supervisors
County of Sonoma Planning Commission
Sonoma County Dept. of Agriculture/Weights and Measures
Permit Sonoma

Memo: Cannabis industry feedback on proposed language for cannabis cultivation ordinance changes

Dear Planning Commissioners and Supervisors of Sonoma County,

The Cannabis Business Association of Sonoma County ("CBASC") is comprised of over 100 licensed cannabis cultivators, manufacturers, distributors, and retailers who are tax-paying businesses here in Sonoma County. Our members are experts in the cannabis industry because, amongst other things, we are governed by state and local cannabis regulations and we are in a unique position to understand how these regulations impact the cannabis industry. Relevant to this correspondence, CBASC's purpose is to advocate for responsible cannabis policies to be implemented in Sonoma County which creates a sustainable supply chain and equitable economic opportunity for our businesses, their employees, and the broader Sonoma County community.

We appreciate the County's intent to enact common sense amendments to the existing Sonoma County Cannabis Ordinance, but we believe that the proposed amendments fail to achieve that intent in several regards as discussed further below. This is due, in part, because of the County's failure to include cannabis industry stakeholders in the recent drafting process leading up to these proposed amendments.

Tellingly, the ordinance does not address any cannabis operator who has been in the system through penalty relief for the past four years waiting out this process. As you may know from our prior correspondence and "listening sessions", these operators have had their livelihoods destroyed by the dysfunctional County process and preposterously restrictive local regulations. First and foremost, our recommendation is to prioritize these penalty relief applicants and ensure they have an expedited pathway to full County permitting.

Overall, we can perhaps most succinctly state our position as being aligned with the position articulated by the Farm Bureau of Sonoma County (the "Farm Bureau Position"; letter attached for your reference). As you can see from the Farm Bureau Position, and CBASC agrees, cannabis should not receive disparate local regulatory treatment from how the County treats other agricultural activities. This uniformity of County regulatory treatment applies to water use, grading, events, and direct to consumer sales.

Below, you will find a list of our specific concerns, recommended changes, and justification for the change. These issues and proposed changes have already been recommended to staff but were evidently ignored during the amendment drafting process.

The timing of these amendments is also unfortunate, specifically as related to cultivators, because they are left with an exceedingly small window to attempt a successful 2021 growing season. Assuming there will be further delays of these proposed changes, we will lose yet another growing season to County dysfunction which will invariably cause even more operators to face severe financial hardship and perhaps the loss of what would otherwise be licensed, tax-paying businesses.

The last four years were some of the hardest economic years for agriculture in Sonoma County. With droughts, fires, floods, fires, and the pandemic, farmers' livelihoods of all industries have been challenged. By merely aligning our local cannabis ordinance with existing state law and treating cannabis the same as other agricultural activities, we have an opportunity to not only alleviate these extreme financial pressures, but to also build a sustainable local industry which creates equitable employment opportunities for our communities and significant revenue streams from cannabis related tourism.

By adopting the changes we suggest below, the County has an opportunity to choose policy over politics. We are hopeful that the County will finally begin to treat locally licensed cannabis businesses as true partners in our community. This can be accomplished by legislating sound local regulations which provides for real opportunities to operate successful businesses. This, in turn, will drive revenue streams back to not only the County, but importantly, many other businesses and households within the County. This is a virtuous cycle which can only be accomplished through meaningful policy amendments such as those articulated below as well as is described the Farm Bureau's Position.

What can be done now?

Considering the County has delayed the public release of this draft ordinance and the document in its present form is ambiguous, poorly constructed and enforcement may be challenged; the County should accept the following sections that deal with the process (Sections 38, Article 02; Section 38, Article 04; Section 38, Article 06; Section 38, Article 08; Section 38, Article 10 and Section 38, Article 12 - with some revisions) and allow the handful of cannabis cultivators ready to begin operations the opportunity to cultivate this year. As well, current CUP applicants desperately needs a fair process to switch to a ministerial one, and their applications processed first. Then, working with stakeholders who understand the cannabis industry and the public concerned with cannabis cultivation, review and more completely build out, or eliminate the remaining articles.

Regards,

Erich Pearson
CBASC Board Chair

Specific Comments and Recommended Changes to Proposed Cannabis Ordinance

Setbacks
Eliminate setback on commonly owned parcels. We don't need to be set back from ourselves, we like cannabis!
Eliminate 300' setback to homes commonly owned.
Change 1000' setbacks from "linear parks" as this discourages property owners from supporting much needed bike trails.

Alignment with State Law – Distribution and Microbusiness License Types
Allow for distribution licenses ("self distro") for farmers on ag land.
Allow for microbusiness license for farmers on ag land.
These are commonly used licenses that allow farmers to manage their supply chain. This creates lower overall costs and the foundation of a direct to consumer business model.

Path for CUP to convert to ministerial

There MUST be a path for current CUP participants to convert to ministerial immediately with no new onerous regulations.

Tax Fee Calculation Needs Overhaul
Restructure the tax calculation to align to industry practices.
The current tax rate has farmers paying up to 2x more than the original 3% intended. This encourages illicit market sales.
Tax rate should be set to 1% of Gross Receipts.

Renewal and Land Entitlement
5 year CUP for Centralized Processing needs to convert to land entitlement forever. Expansions should be allowed on grandfathered sites so long as footprints expands away from sensitive use. Grandfathering provisions need to apply to permit renewals as well.

Fee Overhaul for Stacking Permits
The Dept. of Ag needs to re-access fees on multi-permits of parcels with multiple 10,000 sf permits. Currently the fees are more than Ag's costs and will only get more out of line with 10% stacking of permits.

Penalty Reductions
Per previous requests of Ad-hoc, the ordinance should include penalty reductions. The current penalties are punitive and treat the industry unfairly. We request that penalties be aligned to other ag industries.

Prohibit Drone Use for Code Enforcement
Code Enforcement should not be allowed to use drones on licensed operators. Inspections should be consistent with state policy and other ag crop policies. Utilizing drones is traumatic to the operator and any animals they may have, and create a hostile partnership.

Hoop House Changes
Allow for year-round hoop houses to reduce waste. This limitation is not based on agriculture needs or environmental considerations. Hoop houses are a vital part of agriculture and should be allowed to remain in place so long as they are maintained. And, they protect cannabis from vineyard overspray, a concern of grape and cannabis farmers.

Cultural Resource Survey
Delete this regulation completely. This regulation is onerous and will delay and possibly prevent cannabis cultivation. No other agriculture crop is required to do a Cultural Resource Survey and we are concerned this regulation will eventually be imposed on all of agriculture. By including the words “involving ground disturbance” all forms of planting and soil preparation could be deemed ground disturbance. Under CEQA, any site development that requires a building permit will be tasked with doing a cultural survey. This process would be managed through Permit Sonoma who has staff versed on CEQA, and not the Dept. of Ag.

Tree Protection
Delete this section completely. Within the County Code is Chapter 26D – Heritage and Landmark Trees, a long-standing ordinance applies to all land uses and would apply to cannabis cultivation. Further, County leadership has indicated that in May they will have a workshop to discuss expanding the existing tree ordinance that will likely inform the general plan update. Having specific regulations for one county commodity that differs from all other commodities or land-uses will only lead to confusion and conflict between two county departments that have regulatory oversight for the same purpose.

Fire Protection
Delete this section completely. The County's Fire Prevention and Hazardous Materials division is part of Permit Sonoma and this division is responsible for fire safety codes and regulations for the entire County. It is ineffective to dictate requirements within this ordinance for a specific, relatively small land use. The ordinance reads that "an application under this chapter shall include a fire prevention plan for construction and ongoing operations". A fire protection plan for construction is vague, but most likely any construction would demand a building permit which already has a requirement for a fire protection plan. Suggesting a fire protection plan is needed for "ongoing operations" – again, is vague and is discriminatory against this one industry. Further, these regulations proposed may differ from the County's fire safety ordinances that are currently going through an approval process through the State Board of Forestry. This regulation is unnecessary and will likely cause confusion and differences in regulatory interpretation between the Ag Commissioner's office and other regulatory agencies.

Lighting
Eliminate the requirement that lighting cannot spill over to the night sky; rewrite this section with more defined requirements. Eliminate the requirement for a lighting plan. What will be the scientific metrics to measure all these requirements within this regulation? And, given the cultivation is on a minimum of 10 acres, spillage into the night sky is going to have little to no effect on the cultivation's surroundings. This section is poorly written and is missing needed parameters to fully develop the intent.

Dust Control
Delete this regulation completely. Farming is dusty – it is a given. Requiring a Dust Control Plan – and then eventually enforcing that plan, is incomprehensible and impossible. There should be no regulatory requirements related to dust control.

Water Use
Eliminate this section by pointing to the regulatory agencies that already manage water use. There are already local and state regulatory agencies that manage water use in our County. The California Sustainable Groundwater Management Act (SGMA) protects ground water, and with three of our water basins, Sonoma Water is in the middle of developing Groundwater

Sustainability Plans that will dictate water use, water fees and monitoring requirements. The State Water Board, through their regional offices have control over surface water use including streams, rivers, reservoirs, and ponds. Permit Sonoma has determined water scarce areas within our County and has regulations in place for these areas. The requirements from these water-centric regulatory agencies supersede anything the Ag Commissioner believes he can regulate. Should you continue with the regulations outlined in the Ordinance, this entire section should be rewritten, organized, and simplified. It appears to have a "cut and paste" project from various sources. Getting input from a water engineer may be helpful.

Events

The approach to events that support agriculture should be global and apply to all crops and commodities. Through Permit Sonoma, the County is about to complete their effort to develop a Winery Event Policy and the requirements and regulations within this document should be used to manage all agriculture events in the County. There should be standard policies governing events for all agricultural crops and commodities to allow for fair enforcement and consideration of events.

Retail in Agriculture Zones with Conditional Use Permit

Currently prohibited in the zoning map. By allowing retail in agriculture zones you are allowing farmers to create a Direct to Consumer experience for that farmer to retail their farm products from their farm to the locals and tourists who seek cannabis as a healthier lifestyle and want to meet the maker of the product and savor the terroir of Sonoma County. This is a vital economic opportunity that has minimal implications because it will be required to go through the conditional use permit process. Without this change though, there is not the opportunity for retail in agricultural zones and therefore this will lead to less economic diversity and equitable opportunity across the county.