

STATE CLEARINGHOUSE SUMMARY FORM – WORD DOCUMENT

SONOMA COUNTY CANNABIS LAND USE ORDINANCE UPDATE AND GENERAL PLAN AMENDMENT IS/SMND

Project Description:

The County of Sonoma is proposing 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 of Sonoma also proposes a general plan amendment to include cannabis within the meaning of agriculture. The proposed new Chapter 38 expands ministerial permitting of commercial cannabis cultivation in agricultural and resource zoned areas of the unincorporated county, outside of the coastal zone, sets objective standards for issuance of ministerial permits in those zones to protect public health, safety, and the environment and to promote neighborhood compatibility. It also clarifies and aligns ordinance definitions with state law. The proposed amendments to Chapter 26 are technical in nature. They are designed to align and harmonize with proposed Chapter 38 to avoid duplication concerning ministerial permitting. They also clarify the relationship between the two chapters regarding local land use regulation of cannabis cultivation and supply chain business activity and when a discretionary use permit is required. The ordinance changes include the removal of the prohibition on tasting, promotional activities, and events related to commercial cannabis activities.

Summary of Significant Effects and Mitigation

- **Aesthetics.** The updated Ordinance would allow for an increase in the acreage of cultivation within scenic vistas located outside the coastal zone. Whereas the current Ordinance restricts the total area of outdoor, mixed-light, and indoor cultivation in agricultural and resource zoning districts to no more than one acre per parcel, the updated Ordinance would instead limit cultivation by percent of parcel coverage. Plant canopy cover for outdoor cannabis cultivation and hoop houses would be limited to 10 percent of a parcel. In addition, new cannabis structures on parcels greater than 20 acres in size would be restricted to 50 percent of the maximum lot coverage prescribed for the base zone. These new provisions would allow for more than one acre of cannabis cultivation on parcels at least 10 acres in size. They would also allow for an increase in the number and size of greenhouses, indoor cultivation structures, and other supporting structures, as well as more fencing to protect these structures. A new, reconstructed, or an expanded permanent structures that would need to comply with objective design standards adopted by the Board of Supervisors. As a result, the updated Ordinance could lead to an expansion of cannabis cultivation and associated structures on parcels within scenic vistas. Mitigation measures include standards for screening such as native vegetative barriers and a prohibition on the use of glare producing materials for greenhouses and other structures.

- **Air Quality.** Large-scale operations on parcels at least 60 acres in size could exceed the BAAQMD's applicable screening criterion of approximately 5.95 acres for NO_x, an ozone precursor. As a result, it is possible that cannabis operations would generate NO_x emissions exceeding the BAAQMD's significance threshold of an average of 52 pounds per day during construction or operation, contributing to regional ozone pollution. During the construction of cannabis projects, ground disturbance and the use of construction vehicles on unpaved surfaces could cause a significant short-term increase in emissions of dust emissions, including PM₁₀ and PM_{2.5}. To reduce dust emissions, the updated Ordinance would require that cannabis cultivation sites "utilize dust control measures on access roads and all ground disturbing activities." However, this provision does not specify effective, feasible measures that would substantially control dust emissions. Mitigation measures would include a screening analysis and control of NO_x emissions for large projects, and stronger dust control measures.
- **Biological Resources.** Cannabis cultivation on existing agricultural parcels as well as construction of new associated permanent structures could potentially require some tree removal. Although future cannabis projects would be required to obtain a use permit prior to removal of protected trees, neither the County's tree protection ordinance nor provisions in the updated Ordinance would ensure that such trees are replaced after removal occurs, and that replacement trees are fully protected during project activities. Therefore, the updated Ordinance may result in a loss of trees that is inconsistent with local policies and ordinances. Mitigation would require the replacement of protected trees if removed from cultivation sites.
- **Energy.** The operation of future cannabis cultivation projects would increase gasoline, electricity, and natural gas consumption due to increased vehicle trips and operational energy needs. Because the updated Ordinance would allow for larger cannabis operations, though constrained by percent of parcel size, large-scale new cannabis uses could potentially exceed energy supply during operation. Mitigation would require that applicants prepare an Energy Conservation Plan with a package of measures to reduce or offset the project's energy demand.
- **Geology and Soils.** The updated Ordinance would not require paleontological resource studies prior to construction to effectively identify the potential for paleontological resources to occur at a project site. Mitigation would include a requirement that potential paleontological resources be identified and properly avoided prior to ground disturbing activities more than five feet below the ground surface.
- **Hazards and Hazardous Materials.** Future cannabis cultivation projects could be located on sites in the Cortese List, which have known hazardous materials. Additionally, projects would be located on lands zoned for agricultural uses that are typically associated with the historical use of pesticides and arsenic. Project construction activities that disturb soils on-site could potentially result in the release of hazardous materials into the environment related to previous agricultural use. Mitigation would include the investigation and remediation, if necessary, of contaminated soils on the project site.

- **Noise.** Although the rural siting of cultivation sites and mandatory setbacks would reduce the exposure of sensitive receptors to construction noise, it is expected that some construction activity would generate perceptible increases in ambient noise at sensitive receptors. Construction also could occur in more sensitive evening or nighttime hours unless otherwise prohibited. Heating, ventilation, and air conditioning (HVAC) equipment at cannabis operations and amplified sound at special events also could exceed the County's exterior noise standards. Mitigation would include measures to substantially reduce construction noise at projects located within 1,000 feet of sensitive receptors, setback and shielding requirements for HVAC equipment, and restrictions on the use of amplified sound.
- **Transportation.** New cannabis cultivation projects would have the potential to increase total vehicle miles traveled (VMT) in Sonoma County, as a result of employees driving to and from cultivation sites. These sites would be located in rural areas of the County, where existing average trip lengths are higher than in urban and suburban areas. Individual applicants would need to provide evidence that they would generate fewer than 110 average daily trips, or alternatively provide a full analysis of potential VMT impacts. Mitigation would require this analysis and, as needed, implementation of measures to reduce VMT.
- **Wildfire.** The updated Ordinance would allow for an increase in acreage of cannabis cultivation and associated structures within high fire risk areas. Severe wildfires damage the forest or shrub canopy, the plants below, as well as the soil. In general, this can result in increased runoff after intense rainfall, which can put homes and other structures below a burned area at risk of localized floods and landslides. Existing fire codes and regulations cannot fully prevent wildfires from damaging structures or harming occupants. Mitigation would include reducing the risk of wildfire for sites located near steep slopes and vegetative wildfire fuels and during construction, as well as additional project siting criteria.

Areas of Controversy

None at this time.

Responsible or Trustee Agencies

None