



SONOMA COUNTY FARM BUREAU

Affiliated with California Farm Bureau and American Farm Bureau Federation

October 27, 2025

E-MAIL

Chairperson Lynda Hopkins
Members of the Board of Supervisors
575 Administration Drive
Room 100A
Santa Rosa, CA 95403

Subject: Opposition to Proposed Comprehensive Cannabis Program and the "Controlled Agriculture" Classification

Dear Chairperson Hopkins and Members of the Board:

We are writing to express our strong disagreement with key provisions in the proposed Comprehensive Cannabis Program, particularly the classification of cannabis as "controlled agriculture" and its inclusion within the Agricultural Element of the General Plan.

In addition to the comments below, we have attached the letter we submitted to the Sonoma County Planning Commission dated March 15, 2021, reasserting our position. We recognize that the current version before you appropriately addressed a few of our prior concerns from the 2021 draft Chapter 38, Sonoma County Commercial Cannabis Cultivation in Agricultural and Resource Areas Ordinance; however, key areas remain concerning and require additional consideration.

The proposed classification of cannabis as "controlled agriculture" is an ambiguous, unprecedented category that lacks a clear regulatory definition. By attempting to define cannabis as an agricultural crop, even with the "controlled" modifier, the proposal forces an uncomfortable and incompatible use into our existing agricultural zones. This ambiguity creates a regulatory gray area that undermines decades of carefully crafted agricultural zoning and sets the stage for inevitable conflicts. The Sonoma County Farm Bureau Board of Directors maintains its concern that regulations outlined in this ordinance will inevitably be forced onto other agricultural crops.

We find the proposed setback of only 100 feet from property lines in rural, non-residential areas to be grossly inadequate. In vast rural landscapes, a 100-foot buffer fails to mitigate the inevitable odor, visual, and security impacts on neighboring properties, including high-value vineyards and residences. This minimal setback does not reflect responsible planning for rural land use.

We also have profound concern regarding the inclusion of commercial cannabis cultivation within the Agricultural Element of the General Plan. This decision carries significant implications that extend far beyond simple zoning and could destabilize the long-term viability of our county's foundational food and wine industries. Commercial Cannabis remains federally classified as a Schedule I controlled substance. While the state of California recognizes cannabis as an agricultural product, it is not recognized as a crop and

cannabis cultivation is not offered the same protections as traditional agriculture. Cannabis production is substantially different from traditional agricultural crops.

We urge the Board to reject the current proposal's classification and its inadequate rural setbacks, and to recognize that the unique regulatory, security, odor, and economic profile of commercial cannabis makes it incompatible with the county's core agricultural identity and stability. At a time when we are focused on strengthening the rights and protections of agriculture within the General Plan, referencing cannabis as "agriculture" in any form is dangerous and counterproductive to the long-term goal of encouraging and incentivizing local food crop production.

In its current form, we advocate for the adoption of Alternative 2: Limiting all commercial cannabis production to designated Commercial and Industrial Zones only. This approach would appropriately site the industry in areas already equipped with necessary infrastructure and buffers, thereby safeguarding the economic vitality and operational integrity of Sonoma County's foundational agricultural sectors. However, we also recognize a landowner's right to utilize their property; therefore, requiring cannabis growing in hoop houses in rural areas may not be aesthetically preferred, but would mitigate many of the concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Pat Burns".

Pat Burns
President

A handwritten signature in blue ink, appearing to read "Dayna Ghirardelli".

Dayna Ghirardelli
Executive Director



SONOMA COUNTY FARM BUREAU

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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 holistically 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 grow 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.