



County of Sonoma

State of California

Date: January 28, 2025

Item Number: 25

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Denying an Appeal by Ayris Hatton and Allan Kipperman from a Decision of the Sonoma
County Board of Zoning Adjustments, Adopting a Mitigated Negative Declaration and
Mitigation Monitoring Program, and Granting a Use Permit to Bloomfield Flowers, LLC, for a
Commercial Cannabis Operation Located at 4707 Bloomfield Road, Petaluma, CA 95466, APN
027-050-022.**

Resolved, that the Board of Supervisors (“Board”) of the County of Sonoma (“County”) finds and determines as follows:

Section 1. Proposed Project and Procedural History

- 1.1 On December 20, 2019, the applicant, Bloomfield Flowers, LLC, filed an application for a limited term Conditional Use Permit for a commercial cannabis operation consisting of 10,000 square feet mixed light cultivation; 5,000 square feet indoor cultivation; accessory propagation; and centralized processing of cannabis; on a 113-acre parcel located at 4707 Bloomfield Road, Petaluma; APN 027-050-022; Zoned LEA (Land Extensive Agriculture) B6-160 acre density, RC50/50 (50-foot Riparian Corridor Setback) (“the Proposed Project”).
- 1.2 A Mitigated Negative Declaration (“MND”) was prepared for the Project, and on or about April 22, 2024, the MND was posted and made available for agency and public review in accordance with the California Environmental Quality Act (“CEQA”), 14 California Code of Regulations, §§15000 et seq. (“CEQA Guidelines”) and County CEQA guidelines.
- 1.3 On August 22, 2024, the Board of Zoning Adjustments (“BZA”) held a duly noticed public hearing on the MND and the Proposed Project at which time the BZA heard and received all relevant testimony and evidence presented orally or in writing regarding the MND and the Proposed Project and all interested persons were given an opportunity to hear and be heard regarding the MND and the Proposed Project.
- 1.4 On August 22, 2024, the BZA voted 4-1-0-0 to adopt the MND and Mitigation Monitoring and Reporting Program and approve the Use Permit for the Proposed Project.

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- 1.5 On August 27, 2024, Aryis Hatton and Allan Kipperman appealed the decision of the BZA to the Board, pursuant to County Code (“Appeal”), raising concerns related to Hours of Operation, Traffic, Long Term Operational Noise, Ambient Night Lighting and glare from proposed structures, and more recently project odors.
- 1.6 On January 28, 2025, the Board conducted a duly noticed public hearing on the MND, the Proposed Project, and the Appeal. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the MND, the Proposed Project and the appeal, and by a majority vote, found the MND had been prepared in conformance with CEQA, approved the MND, denied the appeal and approved the Proposed Project (“the Project”), subject to the conditions of approval imposed herein.
- 1.7 The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board’s intentions regarding the MND, the Appeal and the Project. The Board’s decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board’s hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

Section 2 CEQA Determination

- 2.1 During public review, the County received comments from the California Department of Fish and Wildlife (“CDFW”). In response, changes were made to the MND and substitute mitigation measures were proposed. A letter responding to CDFW’s comments, along with the revised MND, was sent to the agency on July 9, 2024, and no further response has been received. On August 22, 2024, the BZA held a hearing on the revised mitigation measures, made the findings required by CEQA, and adopted the revised mitigation measures. No recirculation of the MND was required pursuant CEQA Guidelines Sections 15073.5 and 15074.1 because the changes include new information to clarify and amplify the MND and substituted mitigation measures that are equivalent or more effective at avoiding or reducing potentially significant effects. The Board concurs with the findings including on the substitute mitigation measures as follows:
 - a. In accordance with CEQA Guidelines Section 15074.1(b)(2), new Mitigation Measure BIO-2 is equivalent or more effective in mitigating or avoiding potential significant effects and the new mitigation measure in itself will not cause any potentially significant effect on the environment. Specifically, the mitigation measure requires a greater distance in which habitat assessments (150 meters/492 feet) and surveys (500 feet) shall be conducted, increased time in which preconstruction surveys should be conducted prior to ground disturbance (14-days), reference to CDFW guidelines (2012 CDFW Staff Report), and incorporation of additional language to differentiate ground nesting species (specifically burrowing owl) from other raptor species.
 - b. In accordance with CEQA Guidelines Section 15074.1(b)(2), new Mitigation Measure BIO-3 is equivalent or more effective in mitigating or avoiding potential significant effects and the new mitigation measure in itself will not cause any potentially

significant effect on the environment. Specifically, the mitigation measure requires identification of a specific maternity bat roosting season (April 1 through July 31) during which surveys must be conducted, increasing the assessment distance to 300 feet (from 100 feet), specification of what constitutes suitable habitat within trees (cavities, crevices, deep bark fissures), and presumption of presence if any suitable habitat exists.

- 2.2 Based on its review of the IS/MND and public comments, the Board directs the following changes to the IS/MND, Mitigation Monitoring Program, and Conditions of Approval and finds no recirculation of the MND is required pursuant CEQA Guidelines Sections 15073.5 and 15074.1.
- a. In accordance with CEQA Guidelines Section 15074.1(b)(2), updated Mitigation Measure Noise 1 is equivalent or more effective in mitigating or avoiding potential significant effects and the revised mitigation measure in itself will not cause any potentially significant effect on the environment. Specifically, the mitigation measure requires greater sound attenuation for external HVAC equipment in compliance with the General Plan Noise Standards expressed in Table NE-2 and aligns the performance standard with existing Condition of Approval 95. The substitute mitigation measure requires all HVAC noise emissions to comply with the noise standards in Table NE-2 of the Sonoma County General Plan. Specifically, noise levels shall not exceed 50 dBA L50 during the daytime (7 a.m. to 10 p.m.) and 45 dBA L50 during nighttime (10 p.m. to 7 a.m.) as measured at the exterior property line (this typically can be obtained with a Level II acoustic enclosure from the equipment manufacturer). Compliance with additional noise metrics in Table NE-2, including L25, L08, and L02, are also required as applicable.
- 2.3 In making its determinations, the Board has gained a well-rounded understanding of the range of the environmental issues related to the Project by its review of the MND, including the abovementioned amendments, the prior proceedings at the BZA, all comments, testimony, letters and reports regarding the MND, and its own experience and expertise in these environmental issues. Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the MND, the information presented in the Appeal and post-appeal comments, the technical reports, information, and responses submitted prior to and after the BZA hearing, staff responses addressing those reports and comments, and all public comments and information submitted at or before the Board hearing. The Board's findings are based on full appraisal of all viewpoints, all evidence, and all information in the record of these proceedings. The Board further finds that the MND reflects the Board's independent judgment and analysis.
- 2.4 Based upon the entire record, there is no substantial evidence of a fair argument that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the mitigation measures and conditions of approval imposed herein that avoid or substantially lessen all potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant.

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- 2.5 The Board finds that the MND has been completed in compliance with CEQA and that the MND adequately and fully describes and evaluates the changes or alterations to the Proposed Project that have been requested as part of the Project.

Section 3. General Plan, Planning and Zoning Compliance

3.1 General Plan Consistency

The proposed project is consistent with the General Plan land use designation of Land Extensive Agriculture, and the goals, objectives, policies, and programs of the General Plan. The proposed project is consistent with policies for managing and conserving agricultural areas and preserving areas of agricultural character. A majority of the subject parcel is used for existing agricultural operations including horse training, a commercial vegetable garden, bee keeping, and grazing and primary use of the parcel is and will remain in agricultural production. The project does not increase residential density or urban development, and would preserve the natural, visual, and scenic resources of the site.

3.2 Area Plan Consistency

The proposed project is consistent with the Petaluma Dairy Belt Area Plan land use designation of Land Extensive Agriculture and Area Plan policies because there would be no increase in residential density, agricultural uses including grazing and a commercial organic garden would be supported on the site, and the project would not conflict with surrounding agricultural uses.

3.3 Zoning Consistency

The proposed project is consistent with the Land Extensive Agriculture (LEA) Zoning District, in that the proposed cannabis cultivation operation is allowed with approval of a Conditional Use Permit. The purpose of the LEA District is to enhance and protect lands best suited for permanent agricultural use but capable of relatively low production per acre of land. The proposal maintains the agricultural uses on the majority of the land (110 acres; 97% of the total land area) and does not facilitate residential use.

The proposed project is consistent with the operating standards and development criteria of the Cannabis Ordinance, Sonoma County Code Sections 26-88-250 and 254, because it complies with the minimum parcel size, cultivation limits, setbacks, lighting standards, security and fencing requirements, odor control, 100% renewable energy use, hours of operation, noise standards, and groundwater monitoring.

3.4 General Use Permit Finding

The establishment, maintenance, or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace,

comfort, and general welfare of persons residing or working in the area of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances that support this finding include the following facts: 1) The cannabis operation would not involve more than one acre of cannabis cultivation area, less than 2.5% of the project parcel; 2) The mixed light cannabis cultivation area is greater than 100 feet from property boundaries and greater than 300 feet from adjacent off-site residences and indoor and processing areas comply with the setbacks established by the base zone of the parcel; 3) The project parcel is greater than 10 acres (113-acres); 4) All cannabis cultivation areas will be screened from public view from Bloomfield Road; 5) Security measures will be implemented to uphold the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such use; 6) All equipment shall be in compliance with the General Plan Noise Standard; 7) Operations will generally occur during daylight hours, however may occur 24-hours a day 7-days a week. All deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday; 8) All cultivation and interior structural lighting will be fully contained within the mixed-light and indoor structures; exterior lighting will be downward casting and fully-shielded; 9) Hazardous materials will be stored in accordance with local, state and federal regulations; 10) All energy will be 100% renewably sourced; 11) No public access or retail sales are permitted; and 12) The project parcel is predominantly surrounded by large parcels with agricultural uses.

Section 4 Additional Findings

- 4.1 Hours of Operation. Appellants contend that the hours of operation are excessive given the rural nature of the area; however, the Board finds that the operations that may occur outside of regular operating hours are of a very limited nature and thus unlikely to cause noise disturbance to neighbors and also are similar in scale to the surrounding dairy operations and are thus will not significantly change the rural agricultural nature of the area.
- 4.2 Traffic. Appellants raise concerns regarding traffic generated by the proposed project; however, the project is expected to generate a maximum of only 58 total trips if all employees were to commute to the site, with a maximum average daily estimate of 23 trips and approximately 8 peak-hour trips. Therefore, no traffic study was required pursuant to County guidelines. It is located on Bloomfield Road, a county-maintained road with an average daily traffic volume of 547. Due to the low trip generation and entrance off a public road sufficiently constructed and maintained to handle the additional capacity, the Board finds that the project will not result in additional traffic impacts.
- 4.3 Long Term Operational Noise. Appellants raise concerns regarding long term operation noise, particularly from the use of ventilation fans. Due to the low number of vehicle trips and its location on a minor collector road, transportation noise will not significantly impact the existing ambient traffic noise level. Regular project operations will occur indoors and will not require the use of heavy equipment or machinery. A noise study is not required for cannabis cultivation operations that only propose indoor activities because the type of light equipment used in indoor and mixed-light structures (e.g. fans, ventilation, etc.) produces only low levels of noise that are contained and attenuated by the building itself and thus not significantly audible at the

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property line (100 feet away). For ventilation equipment outside the structures, Mitigation Measure Noise 1 requires enclosure of external equipment which will ensure noise levels are less than significant and do not exceed General Plan Noise Standards. For permanently installed emergency generators, standard Condition of Approval imposes additional requirements to contain noise. Further, all elements of the project are subject to Condition of Approval 96 that ensures General Plan Noise Standards are not exceeded and impacts from noise are less than significant.

4.4 Night lighting and Glare. Appellants raise concerns regarding ambient lighting at night and daytime glare. The proposed project will comply with zoning code requirements that light be fully shielded, downward casting and not spill over onto structures, other properties or the night sky, and that indoor and mixed-light cultivation be fully contained and not escape (Condition of Approval 28). To further minimize glare impacts, the mixed-light greenhouse roof will be constructed with frosted pane glass, which diffuses light and reduces potential glare. Compliance with these standards will be verified in design review pursuant to Condition of Approval 26. For these reasons the Board finds that impacts from night lighting and glare will be less than significant.

4.5 The findings and determinations set forth in this Resolution are based on the entire record of these proceedings. References to specific statutes ordinances, regulations, standards, reports or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

NOW, THEREFORE, Be It Further Resolved that based on the foregoing findings and determinations and the full record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are adopted.
3. The Appeal of the Board of Zoning Adjustments approval of the Proposed Project use permit is denied.
4. The use permit is granted for the Proposed Project as presented in the application, and as described in the Conditions of Approval attached hereto as Exhibit A and incorporated herein, subject to design review as required by conditions of approval.
5. Staff is directed to file and post a Notice of Determination of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

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Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Hermosillo:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.