



County of Sonoma

State of California

Date: August 12, 2020

Item Number: 2020-0738

Resolution Number: _____

Majority Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Finding the Project Exempt from the California Environmental Act and Granting a Use Permit for Specialty Outdoor and Cottage Indoor Cannabis Cultivation and Associated Processing to Glentucky Family Farm, LLC on a 7.74-acre property located at 2211 London Ranch Road, Glen Ellen, CA 95442, APN 054-040-091

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 19, 2017, the applicant Glentucky Family Farm, LLC, represented by Mike Benziger, filed an application for a limited term Use Permit for outdoor specialty cannabis cultivation of up to 50 plants (1,968 square feet), 500 square feet of cottage indoor cannabis cultivation; and 48 square feet of associated cannabis processing to be located on a 7.74-acre parcel located at 2211 London Ranch Road in Glen Ellen; APN 054-040-091; Zoned Land Intensive Agriculture (LIA), Local Guidelines Combining District (LG/MTN (Taylor/Sonoma/Mayacamas Mountains)), and Scenic Resources Combining District (SR) (Scenic Landscape Unit); Supervisorial District No 1.
- 1.2 The submitted application combined two previous applications for the site submitted by the applicant including an application (UPC17-0012) submitted on July 14, 2017 for outdoor cultivation of up to 50 plants (1,968 square feet) and a second application (ZPC17-0003) submitted on July 20, 2017 for 500 square feet of indoor cultivation and associated processing.
- 1.3 On December 28, 2017, the application was deemed complete for processing.

1.4 On December 17, 2019, the Ad Hoc Committee, comprised of two members of the Board of Supervisors, requested that the Board exercise original jurisdiction over 19 applications including the UPC17-0012 and the Board approved the request.

1.5 Approval of the proposed project is exempt from California Environmental Quality Act (CEQA) review under the common sense exemption set forth in CEQA Guidelines section 15061(b)(3) as there is no possibility that the project would have a significant effect on the environment as the project merely continues existing outside cultivation and proposes a very minor conversion of 226 square feet of an existing structure from a garage/gym use to cannabis cultivation and associated processing. The proposed project is further categorically exempt from CEQA review pursuant to CEQA Guidelines, Title 14 California Code of Regulations, § 15301 for Existing Facilities and § 15303 for New Construction or Conversion of Small Structures, in that it involves no change to existing outdoor cannabis cultivation permitted under the County's Penalty Relief Program, and only a minor conversion of a small portion (272 square feet) of an existing structure from a gym/garage to indoor cultivation, associated processing, and upgraded restroom, with no additions or external modifications and negligible expansion of the existing use. The categorical exemptions applicable to the project are not subject to any applicable exception, including the "unusual circumstances" exception that would create a reasonable possibility of significant environmental effects.

1.5 On August 12, 2020 the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project. 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 proposed project and staff's recommended action, and by a _____ vote, found the project to be exempt from CEQA review and approved the Proposed Project ("the Project"), subject to the conditions of approval imposed herein.

1.1 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 Project and applicable CEQA exemptions. 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. General Plan, Planning and Zoning Compliance

2.1 General Plan Consistency.

The Proposed Project is consistent with the General Plan land use designation of Land

Intensive Agriculture, and the goals, objectives, polices, and programs of the General Plan. The Proposed Project is consistent with policies for enhancing and protecting lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials, and with General Plan objectives LU-8.1, 8.3, 9.4, 10.1, and 11.1(b) and the policies for the Land Intensive Agriculture Area.

The existing major agricultural uses in the biodynamic vegetable farm, fruit orchard, and animal pastures would remain in operation. The project would utilize existing structures and there would be no need to construct new structures which could remove existing land from agricultural production. The character of the land would remain agricultural in that the overall level of structural development will be similar to the existing condition. The land does and would continue to look “agricultural” in nature, containing a primary residence, a barn, greenhouses and hoop houses for growing vegetables, and water tanks. The site and surrounding is characterized by intervening topography and landscaping that would screen operations from the public right-of-way and Jack London State Historic Park. For this reason, the project would preserve the natural, visual and scenic resources of the site, avoid urban development of the site, and result in a use of the existing property consistent with General Plan Objectives.

As a result, the Board finds that the proposed project is consistent with the General Plan.

2.2 Zoning Consistency.

The Proposed Project is consistent with the Land Intensive Agriculture (LIA) Zoning District, in that the proposed cannabis cultivation operation is allowed with approval of a Use Permit.

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 and equivalent buffer, lighting standards, security and fencing requirements, odor control, 100% renewable energy use, hours of operation, noise standards, and groundwater monitoring.

The Proposed Project is exempt from the Local Guidelines Combining District (LG/MTN (Taylor/Sonoma/Mayacamas Mountains)) as it does not propose the construction of any new residential development, nor any exterior changes to existing residential structures.

The Proposed Project is consistent with the purpose of the Scenic Resources Combining District (SR) (Scenic Landscape Unit), to preserve the visual character and scenic resources of lands in the county, as it does not propose the construction of any new structures.

As a result, the Board finds that the proposed project is consistent with the Zoning code.

2.3 General Use Permit Finding.

The design, location, size, and operating characteristics of the use are considered compatible with the existing and future resource conserving, agricultural, residential, and recreational land uses within the vicinity. The establishment, maintenance or operation of the use for which the 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 neighborhood of such use, nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the area. The particular circumstances that support this finding are set forth above and include, but are not limited to the following facts which support this finding: (1) The cannabis operation would not involve more than 2,468 square feet of cultivation area; (2) Deliveries and shipping activities shall be limited to 8:00 AM to 5:00 PM; (3) All cannabis-related operations will be screened from public view due to intervening topography and vegetation; (4) Exterior lighting will be downward casting, fully-shielded, and motion-activated; (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 the use; (6) No public access or retail sales are permitted to or for the cannabis operation; (7) No hazardous materials will be stored on site; (8) All equipment shall be in compliance with the General Plan Noise Standard; (9) All energy will be 100% renewably sourced and the applicant will participate in the Sonoma Clean Power Net Green+ program.

Section 3. Additional Finding

3.1 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 use permit is granted for the Proposed Project as presented in the application package consolidated on December 19, 2017 and as described in the Conditions of Approval attached hereto as Attachment 2 and incorporated herein.
4. Staff is directed to file and post a Notice of Exemption of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

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:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.