



## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** The Highland Canopy, LLC (formerly Petaluma Hills Farm); UPC17-0020

**DATE:** June 9, 2022

**TIME:** At or after 1:30 pm

**STAFF:** Crystal Acker, Project Planner

### SUMMARY

<b>Property Owner:</b>	Sonoma Hills Farm, LLC
<b>Applicant:</b>	Samuel Magruder, Managing Member for The Highland Canopy, LLC (formerly Petaluma Hills Farm)
<b>Address:</b>	334 Purvine Road, Petaluma
<b>Supervisory District(s):</b>	District 2
<b>APN:</b>	022-230-020
<b>Description:</b>	Request to approve successful completion of a Two-Year Review of the outdoor cannabis cultivation operation, as required by Condition of Approval, to allow continuation of the outdoor cultivation operation for the full five-year permit term through May 15, 2025.
<b>CEQA Review:</b>	Consistent with previous adopted Mitigated Negative Declaration
<b>General Plan Land Use:</b>	Land Extensive Agriculture (LEA) 100-acre density
<b>Specific/Area Plan Land Use:</b>	Petaluma Dairy Belt Area Plan: Land Extensive Agriculture
<b>Ordinance Reference:</b>	26-06-030 – Allowed Land Uses; 26-88-250 – Commercial Cannabis Uses; 26-88-254 – Cannabis Cultivation-Commercial
<b>Zoning:</b>	Land Extensive Agriculture 100-acre density, Accessory Dwelling Unit Exclusion (LEA B6 100, Z)

### RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve successful completion of a Two-Year Review of the outdoor cultivation operation, as required by Condition of Approval, to allow continuation of the outdoor cultivation operation for the full five-year permit term through May 15, 2025.



## **BACKGROUND/PRIOR ACTIONS RELATED TO THE TWO-YEAR REVIEW**

### ***Approved Project***

The approved project consists of two phases, described below.

The Phase I operation (authorized May 15, 2020) includes up to 28,560 square feet of outdoor cannabis cultivation, and associated security and landscaping improvements. Security improvements for the outdoor operation include fencing with locked gates around the cultivation area, motion-activated security lighting, and cameras around the cultivation perimeter. Landscaping, consisting of trees and shrubs, was planted along the fence on exterior sides (facing Purvine Road & neighbors to the southwest).

The Phase II operation will consist of 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, and 4,080 square feet of indoor propagation in a new greenhouse; on-site processing of site-grown cannabis - consisting of trimming, drying, curing, weighing, and packaging - in a new processing building; construction of various accessibility, emergency access, and fire safety improvements (e.g., internal road and parking improvements, fire truck turnaround, dedicated fire suppression water storage); installation of rainwater capture and water storage tanks for irrigation; installation of permanent security improvements (e.g., security office, building security features including alarms, cameras, and security lighting); and installation of landscaping improvements around the new buildings. Construction has begun on Phase II buildings, but Phase II has not yet been authorized for operation.

The approved Site Plan, Premise Map, and a Vicinity Map are provided as Attachment 3.

### ***Board of Zoning Adjustments, April 11, 2019***

The Use Permit application was first heard at the Board of Zoning Adjustments on April 11, 2019. Much of the public comment provided at the hearing and discussion by Commissioners was related to neighborhood compatibility issues, including odor, visual, and security concerns associated with the proposed outdoor cultivation operation (odor was the primary concern discussed related to outdoor cultivation and was the primary impetus to add the Two-Year review). To address neighborhood concerns, the BZA added the following Condition of Approval for a Two-Year Review:

- 17. Two-Year Review.** *A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use. All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.*

*The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.*

*If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible modification*



*of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code. The planning director may waive the requirement for a public hearing as provided in Section 26-92-040(d), provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received.*

*If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.*

*This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.*

The BZA adopted a Mitigated Negative Declaration, and approved the project with modified Conditions by a 5 (yes) : 0 (No) vote on April 11, 2019.

An appeal of the BZA decision was filed by No Pot on Purvine on April 19, 2019.

### **Board of Supervisors, September 30, 2019**

At the Board of Supervisors hearing, the applicant requested to eliminate Condition of Approval 17 requiring a Two-Year Review for the following reasons: 1) the permit is already term-limited to five years; 2) the time and expense required to conduct review and renewal hearings at two years and again at five years is substantial; and 3) more information will be available for decision-makers to evaluate at the end of five years, including site-specific operational data, information on the cannabis industry in general, and better understanding of odor-control technology.

As at the BZA hearing, much of the public comment and discussion between Board members was related to neighborhood compatibility concerns. The Board did not eliminate the requirement for a Two-Year Review, and instead directed staff to redraft condition language to clarify that the Review could be referred to the BZA if a public hearing was requested, even if the Director's determination was that the operation complied with Conditions of Approval and that the outdoor cultivation activities did not constitute a nuisance. The final Condition of Approval 17, as revised by the Board, is below in track changes:

- 17. Two-Year Review.** *A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance, consistent with the authority granted pursuant to Sonoma County Code Section 26-92-120 (Revocation generally). All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.*

*The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any*



*additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.*

*If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a nuisance, **or a public hearing is requested**, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code. ~~The planning director may waive the requirement for a public hearing as provided in Section 26-92-040(d), provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received.~~*

*If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, and no public hearing is requested, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.*

*This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.*

The BOS adopted the Mitigated Negative Declaration, denied the appeal, and upheld the BZA decision to approve the project with modified Conditions by a 4 (yes) : 1 (No) vote on September 30, 2019.

### **Phase I Authorization for Outdoor Cultivation, May 15, 2020**

Conditions of Approval specific to or otherwise applicable to the outdoor cultivation component include, but are not limited to:

#### Installation of:

- Security fencing, cameras, and locking gates around the Outdoor Cultivation Area (COA23);
- Landscaping around and south of the Outdoor Cultivation Area, designed to screen the grow from public views (COA29);
- Well monitoring equipment and meter (COA49; COA52);
- Temporary security office (COA23); a permanent structure will be provided in Phase II);
- Temporary secure access gate at road entrance (COA23); a permanent electronic gate will be provided in Phase II);
- ADA-compliant portable toilets in compliance with Technical Bulletin B-46 Cannabis Cultivation and Restrooms (COA84); permanent restroom facilities will be provided in Phase II);

#### Completion of applicable surveys and reports:

- Preconstruction surveys for amphibians, ground-nesting birds, and American badger in the cultivation area prior to initial disking, in compliance with mitigation measures BIO-1, BIO-3 and BIO-4. The surveys were negative and the area was cleared for disking on 3/12/2020. (COA110, COA112, COA113)



Payment of all applicable fees:

- At-Cost permit processing costs as of 5/15/2020 (COA1)
- CEQA Filing Fee (COA2)
- Condition Compliance Fee (COA4)
- PRMD Annual Well Monitoring Fee – 2020 (COA51)
- Department of Agriculture Annual Site Monitoring Fee – 2020 (COA5)

Verification of agricultural uses:

- Continued grazing on 25 acres and spring planting of 3-acre commercial vegetable garden (since expanded to 5 acres) (COA26)

State Provisional Cannabis Cultivation License:

- Issued 5/6/2020 for Adult Use Medium Outdoor; Expires 5/6/2021 (COA21)

All of the above conditions were verified as met and Phase I Authorization was granted for up to 28,560 square feet of outdoor cultivation on May 15, 2020.

Authorization to operate any additional project phases has not yet been granted.

***Two-Year Review of Outdoor Cultivation***

The Two-Year Review has a very narrow scope defined by Condition of Approval 17:

*A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance.*

The applicant operated the outdoor cultivation area for two seasons – 2020 and 2021. Monitoring reports and compliance documentation were submitted in early 2022.

On March 29, 2022, staff sent public notification of the opportunity to provide comment on outdoor cultivation activities at 334 Purvine Road and express any concerns. The notice was sent to all property owners within 1,000 feet of the project parcel and to all persons requesting notification as an Interested Party. The public comment period ended at 5:00 pm on April 8, 2022, although one late comment received on April 11, 2022 was included in the review package.

On April 5, 2022, staff completed a draft Two-Year Review package compiling annual monitoring reports, public complaints, public comments, and applicant responses received during 2020 and 2021, and a preliminary staff analysis. This draft package was submitted to the Permit Sonoma Director and made available to the public.

On April 13, 2022, a final package including all comments on the two-year review received through April 11, 2022, a response from the applicant, updated staff analysis, and a final staff recommendation to approve the Two-Year Review was prepared and submitted to the Permit Sonoma Director and made available to the public. The final Two-Year Review package is provided as Attachment 4; the public comments from the review are



provided separately due to file size as Attachment 5 (these were Attachment 9 in the Two-Year Review package). Public comments received April 12, 2022 through June 1, 2022 are provided as Attachment 6.

On April 22, 2022, staff sent public notification that the Permit Sonoma Director had determined that there was no credible evidence of non-compliance with the conditions of approval applicable to outdoor cultivation, and that outdoor cultivation activities at the site do not constitute a public nuisance. The notice was sent to all property owners within 1,000 feet of the project parcel and to all persons requesting notification as an Interested Party. The notice further stated that the Two-Year Review would be approved and the outdoor cultivation operation would be allowed to continue for the full five-year permit term, unless a written request for a hearing was received by the Director prior to May 3, 2022. A hearing was requested on April 26, 2022.

## **ANALYSIS**

### ***Consistency with Conditions of Approval***

Staff reviewed the Conditions of Approval and all submitted documentation of compliance with conditions specific to or otherwise applicable to the outdoor cultivation component. The final Two-Year Review package (Attachment 4) provides additional details of this review; a summary is provided below.

#### Fees

All applicable required fees have been paid to date.

#### Annual Monitoring Reports

All annual monitoring reports have been submitted to date; results are summarized below.

- **Security Incident Log.** The approved Site Security Plan for the project requires maintenance of a security incident log. No security incidents have occurred.
- **Odor Monitoring Log.** The approved Odor Control Plan for the project requires daily odor monitoring during the cultivation season, and reporting of odor complaints and any mitigations conducted to address odor complaints. Odor Monitoring logs for 2020 and 2021 were submitted. Odor complaints were received from one residence on Purvine Road during the 2020 harvest; none were received during the 2021 cultivation season. Mitigation Measure AIR-3 (Condition 109) states that staff may bring the outdoor cultivation component of the project back to the BZA for review if multiple verified odor complaints are received. That does not appear to be warranted, as 2020 complaints were received from a single location and no complaints were received in 2021.
- **Groundwater Well Monitoring and Reporting.** Groundwater reporting forms were submitted for the 2020 and 2021 cultivation seasons. Groundwater use for cultivation is limited to 2.08 acre-feet per year by Condition of Approval 52. In 2020, the property used 1.2 acre-feet (399,280 gallons). In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation. Both years are well below compliance threshold.



### Cannabis Site Inspections

Annual site inspections are conducted by the Sonoma County Department of Agriculture/Weights & Measures. Inspections were completed in 2020 and 2021, which found the operation in full compliance with operating standards and Best Management Practices.

### Landscaping

All applicable landscaping improvements for the outdoor cultivation site have been completed (additional landscaping will be required in the future after construction of cultivation buildings). The outdoor cultivation site is surrounded by a screening fence. Landscaping was planted in 2020 around the exterior sides of the cultivation fence (facing Purvine Road & neighbors to the southwest), and includes native oaks, madrone, pines, ceanothus and blackberry. The property also has a wildflower field for bee-keeping, a 5-acre vegetable garden, a half acre hemp planting, and a row of eucalyptus trees along a portion of the Purvine Road property frontage, which provide additional screening.

### Biological Resource Protection

Mitigation Measures BIO-1, BIO-2 and BIO-3 (Conditions of Approval 110, 112, and 113) require pre-construction surveys for amphibians, ground-nesting birds, and American badger in the cultivation area prior to initial disking. Surveys conducted on 3/3/2020 were negative and the area was cleared for disking and planting on 3/12/2020. Pre-construction surveys in the cultivation area were only required prior to the first cultivation season and do not need to be repeated annually before planting.

### Taxes

As verified by Komal Gill with the Auditor-Controller-Treasurer-Tax Collector Department, taxes were paid for fiscal year 2020-2021, and are current.

### Public Complaints Related to Trucked Water During the 2021 Cultivation Season

Several complaints were received in 2021 related to water hauling to 334 Purvine and other properties in the Petaluma Dairy Belt. In response to complaints, the applicant submitted a letter from their contractor stating all water imported to the 334 Purvine property was used for construction purposes, and there is no evidence that the trucked water was used for cannabis cultivation purposes. Construction uses included, but were not limited to: construction foundation work for the new drying barn and greenhouse; construction of access roads, ADA-compliant pathways, and parking improvements; watering for dust control as required by Mitigation Measure AIR-1 and Condition of Approval 107; and priming of new water pump and distribution systems.

The cannabis ordinance (Sec. 26-88-254(g)(10)) prohibits trucked potable water for cannabis cultivation purposes. However, there is neither a prohibition nor any regulatory requirements in the Zoning Code related to trucked water for non-cultivation purposes, such as construction.

### Code Enforcement Actions

There has been one complaint submitted to Code Enforcement on the parcel - VCM21-1194 – for an occupied travel trailer. The complaint file was closed and no violation issued as the trailer was a refrigerated unit for temporary storage of cannabis during harvest. The trailer was not being occupied and was removed after harvest was completed.



## ***Environmental Analysis***

### CEQA Determination

A Mitigated Negative Declaration (MND) was prepared for the complete project, including the outdoor cultivation operation, which determined that all potential impacts can be mitigated to a less than significant level, and all mitigation measures were incorporated into the project conditions of approval. The project was approved with conditions, and the Mitigated Negative Declaration was adopted by the Board of Supervisors on September 30, 2019. The MND is available on the State Clearinghouse website:

<https://ceqanet.opr.ca.gov/Project/2019039068>.

No additional environmental review is required for the two-year review.

### **PUBLIC COMMENTS**

Public comments in response to this Two-Year Review were most frequently related to concerns about groundwater use and availability. Staff provided groundwater reporting forms to commenters who requested them, along with a summary of what the cultivation irrigation water use has been and what is allowed by the Use Permit. As described above, groundwater use for outdoor cultivation (1.1 to 1.2 acre-feet per year) has been far below the Use Permit limit of 2.08 acre-feet. For comparison, an average California household uses between 0.5 and 1.0 acre-foot of water per year (including both indoor and outdoor uses). Although trucked potable water for cannabis cultivation is prohibited, trucked water for construction (or any other) purpose is neither prohibited nor regulated by the Zoning Code.

Other concerns were related to odor, public access, security, lighting, signage, and noise; each is briefly addressed below.

Odor. Installation of odor control systems is required for all structures used in cannabis cultivation and processing (Sec. 26-88-254(g)(2)). However, the code does not include any odor-control or odor-monitoring requirements or thresholds for outdoor cultivation, other than minimum setbacks of 100 feet from property boundaries and 300 feet from residences on surrounding properties (Sec. 26-88-254(f)(6)), and that cannabis operations “shall not create a public nuisance or adversely affect the health or safety of the nearby residents” (Sec 26-88-250(f)).

This lack of a clear threshold to determine when an odor might constitute a public nuisance was the primary neighborhood compatibility concern that prompted the BZA to impose the Two-Year Review requirement. However, most public comments have not been related to odor.

One commenter hopes to see additional vegetation planted in the future after construction is completed. Additional planting will be required post-construction by Condition of Approval 29.

Another commenter suggested that quantifiable odor monitoring should be conducted by a professional third-party, rather than by employees. As described above, odor monitoring is not required by code; however, installation of odor control systems in cannabis-containing structures is. The goals of the applicant’s proposed daily odor monitoring are 1) to verify that odor-control equipment in structures is operating as designed and in compliance with code, and 2) to provide information on whether outdoor odors are detectable at property boundaries. Although the informal daily odor monitoring log conducted by employees does not provide a measurement of odor quantity or intensity, it does provide qualitative data on how far from the source the odor



typically travels and in which direction. The submitted Odor Monitoring Log provides a daily record of whether cannabis odors are detectable at eight different locations on the project parcel. Odor was detected at three locations adjacent to the outdoor cultivation area: B - located east of the grow, C – located northeast of the grow, and to a lesser extent, D – located southwest of the grow. Odor was never detected at any of the five locations along property boundaries to the north, west, or south. Location B is adjacent to the eastern property boundary, but there are no residences nearby in an easterly direction. The outdoor cultivation area was sited where it is near the eastern boundary in consideration of this fact. The submitted monitoring log supports the determination that, although outdoor odor may occur, it does not create a public nuisance or adversely affect the health or safety of the nearby residents.

Public access. Commenters voiced concern that the vacation rental next door at 250 Purvine Road is hosting cannabis tours and/or that the cannabis cultivation area is otherwise being accessed by the public. A question related to how the “licensed premise” is identified by the County was also expressed.

Staff are aware that 250 Purvine Road (next door property under same ownership) has a vacation rental permit (TVR21-0085). Guests are allowed to buy produce and tour the rest of the farm, with the exception of the cannabis cultivation area. The applicant is aware that members of the public cannot be provided access to the cannabis operation, and it appears from reviewing their vacation rental website that they are alerting guests to this prohibition and complying with it. The applicant has also stated that the home is primarily used as a permanent residence and has only occasionally been used as a vacation rental.

There has been “public” access associated with non-cannabis agricultural operations on the parcel, such as the chefs garden, hemp garden, and livestock lease areas. For example, commercial buyers of produce from the 5-acre chefs garden and the owners of the livestock leasing the property for grazing are allowed onto the site, with the exception that they cannot have access to the cannabis cultivation area. There is no evidence of any public access to the cultivation area.

All access to the cultivation area has been by licensed cannabis supply chain businesses. For example, manufacturing or dispensary personnel interested in purchasing site-grown cannabis and distribution personnel picking up a shipment of cannabis would be allowed controlled access to the cultivation area. Note that on-site sampling or consumption of cannabis is not allowed, even for licensed industry professionals.

The cannabis operation under review by the County has the same licensed premise as for a State License, which currently is just the outdoor cultivation area. The licensed premise will include the greenhouse, and drying barn when those are completed. It is separate from the hemp cultivation site (which has its own defined licensed premise that cannot overlap with the cannabis premise) and is separated from other residential and agricultural uses on the parcel. The hemp cultivation site has been registered each year it has been planted; the last registration was HMP21-0011.

Security. Security concerns were primarily related to a misunderstanding that the entire property is not required to have secure access, only the cultivation operation is (which is currently just the outdoor cultivation site). Staff has verified installation of locking gates, cameras, and security lights for the outdoor operation.

Lighting. Annual monitoring by the Sonoma County Department of Agriculture/Weights & Measures found the operation in full compliance with operating standards, including exterior lighting. In response to public comments, the applicant confirmed that all security lighting for the outdoor cultivation site is motion sensor-activated, fully shielded, and downward facing. Additional information provided by the applicant indicated that



the tenant at 334 Purvine Rd had installed some string lighting on a fence along the farm road, which was up for about 6 months before being removed in response to a request by one of the neighbors.

In addition, the applicant did use some safety lighting in the hoop house last spring but were informed by the Agriculture/Weights & Measures Department during a site inspection that no type of lighting was allowed in hoop houses, after which the lighting was removed.

Signage. Painted murals advertising a business are considered wall signs (such as the with Sonoma Hills Farm mural painted on the shed). Staff has discussed the need for an administrative Design Review approval for the current sign/mural with the applicant. The applicant has indicated they will be repainting the mural to remove the name of the business, which would not be subject to design review. Although not technically part of the approved project, the banner sign on the fence at 250 Purvine will be removed by the owner.

Noise. One commenter stated that they frequently heard a noise like gunshots that they believed was generated by the cannabis operation. In response to this comment, the applicant indicated that many different land owners shoot guns in the vicinity, but stated that no owner or employee nor any family member or friend visiting the property have ever shot a gun on the property at 344 Purvine, and further reiterated that they are aware of and enforce the County’s prohibition on allowing firearms at a cultivation site.

Some additional comments, which did not appear to be directly related to the operation of the outdoor cultivation site, were also submitted and are included in Attachment 5; portions of these were redacted by staff due to the inappropriate content.

## **RECOMMENDATIONS**

### ***Staff Recommendation***

Staff recommends that the Board of Zoning Adjustments approve successful completion of a Two-Year Review of the outdoor cultivation operation, as required by Condition of Approval, to allow continuation of the outdoor cultivation operation for the full five-year permit term through May 15, 2025.

## **ATTACHMENTS**

1. Draft Resolution
2. Adopted Conditions of Approval, BOS 9/30/2019
3. Figures: Figure 1. Site Map; Figure 2. Premise Map; Figure 3. Vicinity Map; Figure 4. Aerial Map
4. Two-Year Review Package, 4/13/2022
5. Public Comment 3/29/2022 through 4/11/2022 (this was Attachment 9 of the 4/13/2022 Two-Year Review Package)
6. Public Comment 4/12/2022 through 6/1/2022
7. Board of Zoning Adjustments Staff Report, 4/11/2019 (for background informational purposes only)
8. Board of Supervisors Staff Report, 9/30/2019 (for background informational purposes only)



Resolution Number 22-

County of Sonoma  
Santa Rosa, California

June 9, 2021  
UPC17-0020 Crystal Acker

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING  
SUCCESSFUL COMPLETION OF A TWO-YEAR REVIEW OF  
OUTDOOR CANNABIS CULTIVATION FOR THE HIGHLAND  
CANOPY, LLC, FOR PROPERTY LOCATED AT 334 PURVINE  
ROAD PETALUMA, CA 94952; APN 022-230-020.

WHEREAS, the applicant, The Highland Canopy, LLC (formerly Petaluma Hills Farm, LLC) c/o Samuel Magruder, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a commercial cannabis operation including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, 28,560 square feet of outdoor cultivation (total cultivation area of 39,536 square feet), 4,080 square feet of indoor propagation, and associated processing on site-grown cannabis located at 334 Purvine Road Petaluma, CA 94952; APN 022-230-020; Zoned Land Extensive Agriculture (LEA), B6 100, Accessory Dwelling Unit Exclusion (Z); Supervisorial District No 2 (UPC17-0020); and

WHEREAS, a Mitigated Negative Declaration (“MND”) was prepared for the Project, and on or about March 11, 2019, 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; and

WHEREAS, on April 11, 2019, the Board of Zoning Adjustments held a duly noticed public hearing on the MND and the Project at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the MND and the Project and all interested persons were given an opportunity to hear and be heard regarding the MND and the Project; and

WHEREAS, on April 11, 2019, the Board of Zoning Adjustments voted 5-0-0 to adopt the MND and Mitigation Monitoring and Reporting Program and approve the Use Permit for the Project subject to conditions of approval; and

WHEREAS, on April 19, 2019, Kevin Block on behalf of No Pot On Purvine, Phoebe Lang, Ayn Garvisch, and Britt Jensen appealed the decision of the Board of Zoning Adjustments to the Board of Supervisors, pursuant to County Code (“Appeal”), raising issues related to General Plan consistency, code violations by the applicant, odor impacts, public safety and site security, special events and public access, and neighborhood compatibility; and

WHEREAS, on September 30, 2019, the Board of Supervisors conducted a duly noticed public hearing on the MND, the 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 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 Project, subject to conditions of approval; and

WHEREAS, Condition of Approval 17 requires that a review of outdoor cultivation activities shall be undertaken by the Permit Sonoma Director two (2) years after commencement of the first outdoor harvest to determine compliance with the conditions of approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance, consistent with the authority granted pursuant to Sonoma County Code Section 26-92-120 (Revocation generally); and

WHEREAS, the scope of the Two-Year Review is narrow and must not include any aspects of UPC17-0020 that do not relate to outdoor cultivation, unless Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance; and

WHEREAS, on May 15, 2020; Phase I Authorization was granted for up to 28,560 square feet of outdoor cultivation, and the operation of the outdoor cultivation area commenced in 2020 and continued through 2021; and

WHEREAS, on March 29, 2022, public notification of the opportunity to provide comment on two years of outdoor cultivation activities at 334 Purvine Road and express any concerns was sent to all property owners within 1,000 feet of the project parcel and to all persons requesting notification as an Interested Party; and

WHEREAS, on April 22, 2022, public notification that the Permit Sonoma Director had determined that there was no credible evidence of non-compliance with the conditions of approval applicable to outdoor cultivation, and that outdoor cultivation activities at the site do not constitute a public nuisance was sent to all property owners within 1,000 feet of the project parcel and to all persons requesting notification as an Interested Party. The notice further stated that the Two-Year Review would be approved and the outdoor cultivation operation would be allowed to continue for the full five-year permit term, unless a written request for a hearing was received by the Director prior to May 3, 2022; and

WHEREAS, a hearing was requested on or about April 26, 2022; and

WHEREAS, the Two-Year Review is consistent with the previous adopted MND, none of the conditions under Section 15162 of the CEQA Guidelines are met, and no additional environmental review is required for the Two-Year Review; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on June 9, 2022, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Two-Year Review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. Environmental Determination: A Mitigated Negative Declaration was prepared for the complete project, including the outdoor cultivation operation, which determined that all potential impacts can be mitigated to a less than significant level, and all mitigation

measures were incorporated into the project conditions of approval. The project was approved with conditions, and the MND was adopted by the Board of Supervisors on September 30, 2019. The Two-Year Review is consistent with the previous adopted MND, none of the conditions under Section 15162 of the CEQA Guidelines are met, and no additional environmental review is required for the Two-Year Review.

2. Compliance with Zoning Code: The outdoor cultivation area has been operating in compliance with the operating standards and development criteria of the Cannabis Ordinance, Sonoma County Code Sections 26-88-250 and 254, including state licensing, cultivation limits, property setbacks, lighting standards, security and fencing requirements, hours of operation, noise standards, hazardous materials use, waste management, erosion control, groundwater monitoring, and prohibition on importing trucked potable water for cannabis cultivation.
  - a. Inspections of the outdoor cultivation area conducted by the Sonoma County Department of Agriculture/Weights & Measures verified the following operating standards were met for both 2020 and 2021 cultivation seasons:
    - i. Valid State License.
    - ii. Outdoor canopy at 28,560 square feet, consistent with the permitted canopy area of 28, 560 square feet.
    - iii. Property setbacks from the outdoor cultivation greater than 100 feet from property boundaries and greater than 300 feet from off-site residences.
    - iv. Security cameras in operation, and security lighting at the cultivation site motion-sensor activated and downward casting.
    - v. Fencing, locked gates, and screening present at the cultivation site.
    - vi. Waste containers closed and secured, cannabis waste secured, and agricultural chemical/pesticide storage secured at the cultivation site.
    - vii. Erosion control measures present (straw) and no soil erosion observed at the cultivation site.
    - viii. Groundwater well meter present and operational at the cultivation site.
  - b. The cannabis ordinance (Sec. 26-88-254(g)(10)) prohibits trucked potable water for cannabis cultivation purposes. However, there is neither a prohibition nor any regulatory requirements in the Zoning Code related to trucked water for non-cultivation purposes. The applicant imported trucked water for construction purposes, and there is no evidence that the trucked water was used for cannabis cultivation purposes.
3. Compliance with Conditions of Approval: The outdoor cultivation area has been operating in compliance with the conditions of approval, including payment of required fees and taxes, maintenance of an on-site agricultural use, submission of annual monitoring reports, installation of landscaping, biological resource protection, groundwater pumping limits, and the prohibition of visitor-serving uses.

- a. Payment of inspection and permitting fees and payment of taxes for fiscal year 2020-2021 was verified by Permit Sonoma and the Auditor-Controller-Treasurer-Tax Collector Department (Conditions of Approval 1, 2, 4, 5, 28 and 51).
- b. On-site agricultural uses include 25 acres of grazing, a 5-acre commercial vegetable garden and a half acre hemp garden (Condition of Approval 26).
- c. All annual monitoring reports have been submitted or are not applicable, including Security Incident Logs (not applicable, as no incidents have occurred), Odor Monitoring Logs, and Groundwater Well Monitoring and Reporting Forms (Conditions of Approval 23, 24 and 50).
- d. The outdoor cultivation site is surrounded by a screening fence. Landscaping was planted in 2020 around the exterior sides of the cultivation fence (facing Purvine Road & neighbors to the southwest), and includes native oaks, madrone, pines, ceanothus and blackberry. The property also has a wildflower field for bee-keeping, a 5-acre vegetable garden, a half-acre hemp planting, and a row of eucalyptus trees along a portion of the Purvine Road property frontage, which provide additional screening (Conditions of Approval 23 and 29).
- e. Pre-construction surveys for amphibians, ground-nesting birds, and American badger were conducted on March 3, 2020, in the cultivation area prior to initial disking. Surveys were negative and the area was cleared for disking and planting on March 12, 2020. Pre-construction surveys in the cultivation area were only required prior to the first cultivation season and do not need to be repeated annually before planting (Conditions of Approval 110, 112 and 113).
- f. Groundwater use for cultivation is limited to 2.08 acre-feet per year. In 2020, the property used 1.2 acre-feet (399,280 gallons). In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation. Both years are well below the compliance threshold (Condition of Approval 52).
- g. Visitor-serving uses are not allowed associated with the cultivation area. A complaint submitted to Code Enforcement on the parcel - VCM21-1194 – for an occupied travel trailer was closed and no violation was issued as the trailer was a refrigerated unit for temporary storage of cannabis during harvest. The trailer was not being occupied and was removed after harvest was completed. There has been “public” access associated with non-cannabis agricultural operations on the parcel, such as the chefs garden, hemp garden, and livestock lease areas, and there is no evidence of any public access to the cultivation area. All access to the cultivation area has been by licensed cannabis supply chain businesses (Conditions of Approval 11, 12.13 and 50).
- h. The operator must install and maintain odor control air filtration and ventilation systems for all permanent structures used for cannabis cultivation and processing, must perform and keep a log of daily odor monitoring inspections, and must log complaints and their resolutions. Odor complaints were received from one residence on Purvine Road during the 2020 harvest; none were received during the 2021 cultivation season. The applicant has conducted daily

odor monitoring during outdoor cultivation to provide information on whether outdoor odors are detectable at property boundaries. Although the daily odor monitoring log conducted by employees does not provide a measurement of odor quantity or intensity, it does provide qualitative data on how far from the source the odor typically travels and in which direction. The submitted Odor Monitoring Log provides a daily record of whether cannabis odors are detectable at eight different locations on the project parcel. Odor was primarily detected at three locations adjacent to the outdoor cultivation area: B - located east of the grow, C – located northeast of the grow, and to a lesser extent, D – located southwest of the grow. Odor was ~~never~~ rarely detected at any of the three ~~five~~ locations along the Purvine Road property boundaries-boundary to the west (maximum of three recorded odor days in 2020; none in 2021), or at the northeast property corner (maximum of 7 recorded odor days in 2020; none in 2021) or at the southeast property corner (maximum of 12 recorded odor days in 2020; 1 in 2021) on the north, west, or south. Location B is adjacent to the eastern property boundary, but there are no residences nearby in an easterly direction (the nearest is approximately 1,250 feet away). The outdoor cultivation area was sited where it is near the eastern boundary in consideration of this fact. The submitted monitoring log's low number of occurrences of detectable odor at property boundaries to the north, west, and south, and the distance between the eastern property boundary and nearby residences supports the determination that, although outdoor odor may occur, it does not create a public nuisance or adversely affect the health or safety of the nearby residents (Condition of Approval 24).

BE IT FURTHER RESOLVED the Board of Zoning Adjustments finds the Two-Year Review appropriately limited to the outdoor cultivation activities because there is no evidence that Conditions of Approval have not been met or have been violated, or that the use constitutes a public nuisance;

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants successful completion of the Two-Year Review required by the adopted Conditions of Approval in Exhibit "A", attached hereto, and finds that no modification to the Use Permit is warranted.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner

Commissioner

Ayes:      Noes:      Absent:      Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

**EXHIBIT A**  
**Board of Supervisors Cannabis Conditions of Approval**  
**And Mitigation Monitoring Program**

<b>Date:</b>	September 30, 2019	<b>File No.:</b>	UPC17-0020
<b>Site Address:</b>	334 Purvine Road, Petaluma	<b>APN:</b>	022-230-020
<b>Applicant/Operator:</b>	Petaluma Hills Farm, LLC., Samuel Magruder		
<b>Applicant Address:</b>	34 Page Street, San Francisco, CA 94102		
<b>Business Owner(s):</b>	Samuel Magruder, Managing Member Gian-Paolo Veronese, Managing Member Mike Harden, Managing Member		
<b>Landowner:</b>	Sonoma Hills Farm, LLC., Michael Harden, Managing Member		
<b>Landowner Address:</b>	34 Page Street, San Francisco, CA 94102		

**Project Description:** Request for a limited term use permit for a commercial cannabis operation, including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, 28,560 square feet of outdoor cultivation, and 4,080 square feet of indoor propagation. On-site processing of site-grown cannabis will occur, consisting of trimming, drying, curing, weighing, and packaging. Indoor cultivation, indoor processing, and outdoor harvesting will occur 7 days per week, 24 hours per day, as needed. Outdoor cultivation activities (except for harvest) will occur 7 days per week but will be limited to daylight hours. Deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday. The operation will have a maximum of 10 employees. The operation will not be open to the public.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following conditions have been met.**

**FEES:**

1. Permit Processing and Development Fees. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
2. CEQA Filing Fee. Within five working days after project approval, the applicant/operator shall pay a mandatory Notice of Determination filing fee of \$2,404.75 (or the latest fee in effect at the time of payment) for County Clerk processing. The fee will be charged against the project At-Cost deposit account and billed to the applicant, unless the applicant requests an alternate payment method, such as a check made out to the Sonoma County Clerk and submitted to Permit Sonoma in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.



3. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.
4. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,675.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
5. Department of Agriculture Annual Site Monitoring Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Department of Agriculture Annual Site Monitoring Fee of \$900.00 (or other amount consistent with the adopted fee schedule in effect at the time) to verify compliance with the ordinance. The applicant/operator shall be responsible for payment of additional annual site monitoring fees for each year over the effective term of the permit. The annual site monitoring fee shall be paid by January 31 of each year the permitted operation is active.
6. Traffic Mitigation Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Traffic Mitigation Fee per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.

**PLANNING:**

**Contact Permit Sonoma Planning at 707-565-8357**

7. **Type(s) and Limitations of Use:**
  - a. This use permit allows for cannabis cultivation, including associated processing and packaging of cannabis grown on-site only.
  - b. This use permit does not allow public access to the cannabis operation.
  - c. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
  - d. If phased construction will occur rather than full buildout of permitted uses, a Phasing Plan shall be submitted for review and approval by Permit Sonoma staff within 90 days of Use Permit approval. At a minimum, the Phasing Plan shall include a floor plan and corresponding table disclosing the following for each room:
    - i. Room identifier/label.
    - ii. Square footage per room.
    - iii. Canopy area per room.
    - iv. Use (e.g., flower, vegetative propagation, processing, distribution).



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



- v. Proposed phase and timeline for each phase
  - e. The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0020 as modified by these conditions.
8. **Propagation Area.** This use permit allows for 4,080 square feet of indoor propagation, 0.00 square feet of mixed light propagation, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 4,080 square feet. The operator shall not increase propagation area beyond 4,080 square feet at this location without prior approval from Permit Sonoma staff.
9. **Cultivation Area.** This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.
10. **Hours of Operation.** Indoor cultivation, indoor processing, and outdoor harvesting operations are allowed to occur 24 hours per day, 7 days a week. Outdoor cultivation activities (except for harvest) are allowed to occur 7 days per week but shall be limited to daylight hours. Deliveries and shipping operations shall be limited to the hours of 8:00 am to 5:00 pm Monday through Friday.
11. **Special Events.** Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.
12. **Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.
13. **Temporary Occupancy Structures.** Tents, yurts, and other temporary structures designed for human habitation are prohibited.
14. **24-Hour Contact.** The Applicant shall provide 24-hour contact information to all adjacent neighbors. Applicant must log and investigate all complaints and take prompt action to correct any problem.
15. **On-Street Parking.** Parking on Purvine Road is prohibited.
16. **Term of Permit.** This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever ensure to the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0020 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The Operator must apply for permit renewal at least 90 days prior to expiration of the Use Permit Certificate to avoid interruption of service.
17. **Two-Year Review.** A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation



operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance, consistent with the authority granted pursuant to Sonoma County Code Section 26-92-120 (Revocation generally). All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.

The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.

If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a nuisance, or a public hearing is requested, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code.

If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, and no public hearing is requested, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.

This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.

**18. Operator(s) and Employees:**

- a. The applicant/operator and all employees must be age 21 years or older. This use permit allows for a maximum of 10 employees.
- b. The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- c. An applicant/operator providing false or misleading information result in nullification or revocation of this issued use permit.

**19. Ownership changes.** Written notification shall be provided to Permit Sonoma prior to any of the following changes: 1) a new person meeting the definition of cannabis business owner of the permit holder, 2) change in business entity type of the permit holder, 3) change in legal business name of the permit holder, 4) a new person serving as operator of the permit holder, or 5) a new property owner. Supporting documentation shall be submitted to Permit Sonoma within 30 days of any of the aforementioned changes.

**20. Tracking.** The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records



tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the County upon request.

21. **State Licensing.** The applicant/operator shall be required to obtain a state license and shall comply with any applicable state licensing requirements, such as operational standards and locational criteria.
22. **Occupational Safety.** The applicant/operator shall comply with all federal, state and local laws and regulations governing California Agricultural Employers, which may include but is not limited to: federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.
23. **Security Plan.** The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

24. **Odor.** The applicant/operator shall install and maintain an odor control air filtration and ventilation system to control humidity and mold and to control off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including mixed light greenhouses.

Daily inspections shall be performed by the on-site manager, and shall comply with the approved Odor Control Plan, as modified by these conditions. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).

Daily inspections by the on-site manager shall also be conducted of the outdoor cultivation site (when in operation). Outdoor inspections shall be conducted when plant chemistry is most active (dusk or dawn; the actual inspection time shall be noted in the log), and shall note any damage to planted windbreaks that might reduce effectiveness.

A log of inspection results shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. Any odor complaints received shall also be documented, along with the complaint resolution and the timeframe required to address the odor issue, and shall also be included in the annual report. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

If verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce odor generation, including use of engineered solutions, such as Vapor-Phase Systems (Fog Systems).



25. **Energy Use.** The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean Power EverGreen program has been submitted and shall be maintained, unless another 100 percent renewable alternative is proposed. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.
26. **Maintenance of On-Site Agricultural Use.** The applicant/operator shall maintain a primary agricultural use on the parcel. Currently, primary agricultural uses include a lease to graze cattle on 25 acres of the property and a lease to grow organic produce for restaurants on 1 acre of the property. Failure to maintain a primary agricultural use shall be considered a violation of this use permit, subject to revocation or modification.
27. **Signage.** The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
28. **Taxes.** Cannabis uses shall be current on applicable Sonoma County Cannabis Business Taxes and any additional taxes enacted by the voters or this permit may be subject to revocation or non-renewal.
29. **Water Efficient Landscaping.** Landscaping plans must comply with the County Water Efficient Landscape Ordinance as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Prior to Building Permit Issuance, a Landscape Plan shall be submitted for review and approval by Permit Sonoma. The approved Plan shall be implemented by the applicant/ operator prior to issuance of the Use Permit Certificate or operation of the use. Verification of implementation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
30. **Water Conservation Plan.** A Water Conservation Plan for the building shall be submitted for review and approval by Permit Sonoma. The Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include: installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse. The approved Water Conservation Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.
31. **Greenhouse Gas Reduction Plan.** A Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be submitted for review and approval by Permit Sonoma. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to: best available conservation technologies for all energy and water uses; installation of renewable energy facilities to meet demand on-site; provisions of electric vehicle charging stations; bicycle facilities including secure bike parking and lockers and showers for employees; employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc. The approved Greenhouse Gas Reduction Plan shall be implemented by the applicant/ operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.



32. **Lighting.** All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Outdoor security lighting shall have motion-sensors. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

33. **Design Review.** Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Prior to Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.

34. **Cultural Resource Protection.** The grading permit shall have the following notes printed on plan sheets prior to issuance:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult with and/or notify the appropriate tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense."

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."



35. **Use Permit Certificate.** A Use Permit Certificate with these conditions, approved proposal statement, and approved floor plan shall be maintained on site and made available to county officials upon request.
36. **Conformance with Statutes.** This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.

**BUILDING:**

**Contact Permit Sonoma Building Plan Check at 707-565-2095**

37. The applicant/operator shall apply for and obtain building related permits from Permit Sonoma for new construction. The necessary applications appear to be, but may not be limited to accessibility report and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s). A signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
38. Due to the scope of this commercial project, the California Business & Professions Code requires plans and calculations to be prepared by California licensed design professionals (architects, engineers). Cover sheet of plans shall identify the full scope of work, and shall include an architectural analysis of the proposed project including occupancies of all spaces, areas, area and height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements and fixture requirements. All buildings shall comply with prescriptive requirements of all applicable codes, including Energy and CALGreen.
39. In order to determine proper fire separations, the intended occupancies and uses of the facility, and spaces therein shall be clearly stated on the plans; similarly, the approved use and occupancy of the adjacent spaces in the building shall be shown. A detail of the wall assembly separating those spaces shall be shown on the plans. Plans shall include an analysis of proposed occupant load, area and height limitations, emergency egress and fire rated construction details.
40. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
41. All manufacturing uses shall be defined and scoped. All fertilizers, pesticides, corrosives, flammables, explosives and/or toxic materials that may be stored or used at the facility shall be defined, scoped and quantified. A control area analysis shall be provided for any of the above materials exceeding code-prescribed thresholds.
42. Mechanical, electrical and plumbing plans shall be fully detailed. Plumbing system materials used to convey concentrated byproducts of water reuse process equipment shall be identified and detailed from point of inlet to point of discharge. Path of reclaimed condensate systems and associated storage and conveyance equipment shall be identified and detailed.
43. The applicant/operator shall comply with California Building Code section 11B-202.3, which requires that alterations to existing elements or spaces to comply with the accessibility requirements of CBC 11B Division 2. All buildings, structures, sidewalks, curbs, and related



facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements. Plans shall include details of the path of travel from accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent CBC as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure. For this purpose, a change of use or occupancy classification is considered to be an alteration.

44. All permanently installed equipment shall be identified in the appropriate section of the mechanical/electrical/plumbing sheets. Product information shall be included to verify installation and use of equipment is consistent with manufacturer's listing and/or recommendations.
45. Prior to any site review or field inspections, any materials or systems that could present a danger to inspectors shall be isolated and secured. All field inspection staff shall be accompanied by personnel familiar with systems and construction capable of describing and controlling equipment.
46. Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.
47. Per CBC Ch. 10, any racking systems proposed shall be limited in size to allow continuous unobstructed egress from all portions of the room of facility and shall also comply with Chapter 15 of the ASCE 7-10 design standard, specifically Section 15.5.3 for anchorage of racks to meet seismic requirements.

**Natural Resources Geologist:**

**Contact Permit Sonoma Natural Resources at 707-565-1352**

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

48. Prior to the issuance of any building permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PERMIT SONOMA Project Review staff and County Counsel prior to recordation.

**PRIOR TO OCCUPANCY:**

49. Water well(s) used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point.

**OPERATIONAL REQUIREMENTS:**

50. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after



being turned off. Static water shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the County by January 31 of each year. The annual report shall show the location of the well(s) with the groundwater level measuring device and the location of the water meter(s), and shall include a cumulative hydrograph of static water levels and total quarterly quantities of water pumped from well(s) used in the operation.

51. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
52. Prior to building permit final or granting of occupancy or initiation of the use, the County shall verify that the well monitoring equipment has been installed and that the access easement has been recorded. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. In the event that project groundwater use exceeds 2.08 acre-feet per year from the project well, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce water use. In the event that groundwater use exceeds 2.08 acre-feet per year by more than 10 percent, Permit Sonoma staff shall bring this matter back to the Board of Zoning Adjustments to consider whether additional measures to reduce water use are appropriate.

#### **Grading and Storm Water:**

#### **Contact Permit Sonoma Grading and Storm Water at 707-565-1352**

53. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
54. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be currently registered in the State of California.
55. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.



56. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.
57. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
58. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Monofilament netting, including photo- or biodegradable plastic netting shall not be used.
59. Residue or polluted runoff from the outdoor cultivation areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
60. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
61. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit



must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

62. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

**FIRE:**

**Contact Fire and Emergency Services at 707-565-2191**

Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:

*(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*

63. Due to the scope of this project a Fire Services Pre-Construction meeting is required.
64. Prior to initiation of the use, the project shall submit a Fire Prevention Plan demonstrating compliance with the Sonoma County Fire Safety Ordinance (Sonoma County Code), subject to review and approval by the Sonoma County Fire Marshal. The Plan be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions: *(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 - 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*
65. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property.
  - a. A fire inspection shall be conducted by the Sonoma County Fire and Emergency Services Department to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
  - b. The Sonoma County Fire and Emergency Services Department may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.



- c. The building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.
66. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises the applicant shall provide a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The report and opinion shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon. CFC Sec. 104.7.2, CBC Sec. 414.1.3.
67. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
68. Site Plan shall indicate any proposed exterior security fencing, personnel gates or vehicular gates. Note exit discharge shall be direct and unobstructed to the public way.

#### **Fire - Operational Permits**

69. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code for Cannabis type operations (CFC Sec. 105.6.50(11)).
  - a. Hazardous material: storing, transporting on site, dispensing, using or handling hazardous materials
  - b. Cannabis type operations
70. An annual fire safety inspection maybe required by the fire code official for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

#### **Construction Permits**

71. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code.
72. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

#### **Fire - Emergency Planning and Response**

73. A Fire Protection plan shall be provided prior to operation and shall provide information about the property including but not limited to the following. See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>



- a. Emergency Contacts
- b. Address
- c. Property owner
- d. Fire access roads including gates
- e. Water supplies and hydrants
- f. Location of hazardous materials
- g. Utilities
- h. Floor plans showing intended use of each room/area
- i. Employee training for use of regulated materials in the fire code
  - i. When required by the local fire jurisdiction special processing of cannabis may require the facility to have identified trained staff including a main point of contact to oversee and train employees in the special process.
  - ii. This process shall have onsite training records for review and a manual in address emergencies associated with the special process.(Example is extraction equipment)

#### **Fire - Access**

74. Prior to operation, the applicant/operator shall at a minimum facilitate locating an emergency, avoid delays in response and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide and unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code. The following shall be approved by the fire code official prior to operation.

- a. All existing roads providing access to new commercial cannabis operations with structures shall be provided with an access road not less than 20 feet in width. Access roads may be allowed to be reduced to 12 feet in width with turnouts as approved by the fire code official.
  - i. This requirement shall apply from the property line of the application to the public right-of-way.
  - ii. This requirement may be waived with written approval by Sonoma County Fire or the Fire Code Official.
- b. All roadways and building shall be identified by approved road signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.

#### **Fire - Water Supply**

75. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.

- a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.



- b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.

### **Vegetation Management**

76. On each parcel, building setbacks shall be in compliance with the California Fire Code and California Building Code as adopted and amended by Sonoma County Code, and Sonoma County Fire Safe Standards Section 13-55.

### **Fire - Occupancy**

77. Prior to occupancy, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

### **ENVIRONMENTAL HEALTH (Permit Sonoma):**

**Contact Permit Sonoma Health at (707) 565-1924**

### **PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

#### **Water**

78. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation: a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures. b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
79. The project is located within the Petaluma Nitrate Study Area and consequently the water supply well is required to have a 100-foot annular seal, or water intended for human or animal consumption must be treated in compliance with the Sonoma County Well Ordinance (Sec. 25B-8(b)). Prior to issuance of building permits, a treatment plan shall be submitted to the Project Review Health Specialist for review and approval. The Plan shall comply with all requirements of the well ordinance and shall provide a site plan identifying where treatment equipment and treated and non-treated water lines will be located.

Prior to issuance of a Use Permit Certificate or final occupancy, water treatment equipment shall be installed and verified by Permit Sonoma staff.



80. Prior to issuance of a Use Permit Certificate or final occupancy, the applicant shall install appropriate warning signage at all non-potable water access points. Signage shall be dual language or shall include "Do Not Drink the Water" pictographs. Verification of sign installation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
81. Prior to issuance of a building permit, the components of the indoor irrigation system shall be proven to be appropriately specific for the intended use and shall comply with the equipment manufacturer's instructions, cautions, and warnings. For the health and safety of employees working in an enclosed greenhouse environment containing high moisture with aerosolized chemicals and microbes, installation and use of the irrigation equipment/components shall adhere to the manufacturer's installation, use, and maintenance instructions. Proof of appropriately specific irrigation system equipment and components shall be submitted to the Project Review Health Specialist.

### **Septic**

82. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Revised Use Permit. Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.
83. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the "finalized" Abandonment Permit.
84. Toilet facilities shall be provided for employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

### **Solid Waste**

85. Prior to building permit issuance, the applicant/operator shall submit a design for trash enclosures and recycling areas for review and approval by the Permit Sonoma Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance (total of 19 feet high) at the location where the bins are tipped.

### **PRIOR TO OCCUPANCY:**

#### **Water**

86. Prior to Occupancy the applicant/operator shall have the water supply system evaluated for



potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2016 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

87. Prior to occupancy, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD. The Project Review Health Specialist shall receive a letter from the Cross Connection Control Specialist stating that backflow prevention has been installed as recommended.

### **Solid Waste**

88. Prior to building occupancy, the applicant shall submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs for review and approval. The Project Review Health Specialist shall receive a clearance letter or e-mail from Sonoma County Environmental Health regarding the project solid waste management plan and compost/trash enclosure design.

### **OPERATIONAL REQUIREMENTS:**

#### **Water**

89. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
90. A safe, potable water supply shall be provided and maintained.

#### **Septic**

91. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
92. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

#### **Noise**

93. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:



TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

94. Mitigation Measure NOISE-1 HVAC Unit Sound Wall: A wall for sound attenuation shall be constructed on three sides of the cultivation HVAC unit. The wall shall be constructed of ½ inch thick (at a minimum) plywood and studs; the top of the wall shall extend to a minimum of two feet above the top of the HVAC unit. Solid walls of brick, masonry, or other robust materials are also allowable instead of lumber as long as they attenuate sound to an equal or greater degree.
95. Mitigation Measure NOISE-2 Construction Operation: All plans and specifications or construction plans shall include the following notes:
- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site stating the allowable hours of construction, and including the Coordinator's 24-hour phone number for public contact regarding noise issues. The Coordinator shall investigate all complaints to determine the cause (such as starting too early, faulty muffler, etc.), and shall take prompt action to correct any problem. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
  - b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - c. Except for actions taken to prevent an emergency or to deal with an existing emergency, all construction activities (including equipment start-up, operation, servicing, and deliveries) shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma staff as soon as practical.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.



96. If noise complaints are received from nearby residents, and they appear to be valid complaints, then the applicant/operator shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The applicant/operator shall implement any additional Mitigation Measures needed to meet noise standards.

### **Solid Waste**

97. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.

### **Smoking**

98. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
99. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash can.
100. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited in any work area.

### **SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**Contact Transportation & Public Works at 707-565-2231**

### **Right of Way Requirements**

101. The Applicant/Operator shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
- a. As necessary to create public right-of-way a total of 25 feet wide on the Applicant's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Purvine Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
  - b. To contain all Public drainage facilities.



### Intersections of Roads and Driveways

102. The Applicant/Operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Purvine Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Purvine Road) meets these requirements.
- a. A minimum throat width of 24 feet (measured 30 feet from the edge of pavement).
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Petaluma Hill Road. A 1:10 pavement taper shall be constructed on both sides of the entrance. Entrance curve radii may be reduced with the approval of the Fire Services Division of the Sonoma County Department of Emergency Services.
  - c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with current AASHTO requirements for the speed traveled on Purvine Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.
  - f. Improvements shall be constructed prior to use of the property for the proposed land entitlement.
103. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria prior to issuance of building permits:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
  - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
  - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.



104. The applicant/operator shall not construct, install, or place any monuments and/or signs within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any project entry where it intersects a public roadway.

#### **Emergency Vehicle Access**

105. The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the public road traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

#### **Processing**

106. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

#### **MITIGATION MEASURES FROM MND, DATED 3/11/2019, AS AMENDED 4/11/2019:**

107. Mitigation Measure AIR-1 Construction Dust and Air Quality Control:

The following dust and air quality control measures shall be included in the project:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- e. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- f. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Trackout shall not be allowed at any active exit from the project site onto an adjacent paved public roadway or shoulder of a paved public roadway that exceeds cumulative 25 linear feet and creates fugitive dust visible emissions without cleaning up such trackout within 4 hours of when the Construction Coordinator identifies such excessive



trackout, and shall not allow more than 1 quart of trackout to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.

- i. Visible emissions of fugitive dust shall not be allowed during cleanup of any trackout that exceeds 20 percent opacity as determined by the Environmental Protection Agency in *Method 203B - Opacity Determination for Time-Exception Regulations* (August 2017).

Trackout is defined by BAAQMD in Regulation 6, Rule 6: Prohibition of Trackout (August 2018) as any sand, soil, dirt, bulk materials or other solid particles from a site that adhere to or agglomerate on the exterior surfaces of vehicles (including tires), and subsequently fall or are dislodged onto a paved public roadway or the paved shoulder of a paved public roadway on the path that vehicles follow at any exit and extending 50 feet out onto the paved public roadway beyond the boundary of the site. Material that has collected on the roadway from erosion is not trackout.

108. Mitigation Measure AIR-2 Operational Odor Control for Structures: The cannabis cultivation building shall install and maintain an odor control air filtration and ventilation system that controls humidity and mold and ensures there will be no off-site odor from structures. Daily inspections shall be performed by the on-site manager. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).
109. Mitigation Measure AIR-3 Operational Odor Control for Outdoor Cultivation: In the event that multiple verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems).
110. Mitigation Measure BIO-1 Amphibian Pre-Construction Survey(s): Pre-construction surveys shall be performed within 24 hours of initiation of project activities (including initial ground disturbing activities). Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period; however, construction activities may resume 24 hours after the end of the rain event. Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the sensitivity of special-status species potentially occurring in the project area. If any special status amphibians are encountered during the surveys, all work in the area shall be placed on hold while findings are reported to state and federal regulatory agencies, and it is determined what, if any, further actions must be followed to prevent possible take of the species.
111. Mitigation Measure BIO-2 Roosting Bat Pre-Construction Survey(s): If initial ground disturbance or building demolition occurs during the bat maternity roosting season (May 1 through August 31), a qualified biologist shall conduct a bat roost assessment of trees and structures within 100 feet of the construction site. Surveys shall be conducted immediately prior to construction



(within 1 to 2 days). Surveys shall be conducted immediately prior to construction (within 1 to 2 days). If the biologist determines there is potential for maternity roosting bats to be present within 100 feet of the project site, nighttime emergence surveys shall be performed to determine if maternity roosting bats are present. If bat maternity roosts are present, the biologist shall establish an appropriate exclusion zone around the maternity roost. Once all young have become independent of the roost, construction may take place in the former exclusion zone.

112. Mitigation Measure BIO-3 Nesting Bird Pre-Construction Survey(s): If initial ground disturbance or vegetation removal occurs during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding bird survey no more than 14 days prior to ground disturbance to determine if any birds are nesting in underground burrows or dens, or in trees on or adjacent to the project site. If active nests are found close enough to the project site to affect breeding success, the biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending on the species, nest location, and existing visual buffers, but typically would entail a minimum of 500 feet for raptor species and 300 feet for other migratory species. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone. If initial ground disturbance is delayed or there is a break in project activities of more than 14 days within the bird-nesting season, then a follow-up nesting bird survey shall be performed to ensure no nests have been established in the interim. If a burrowing owl or occupied burrow is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the owl or burrow to a safe location.
113. Mitigation Measure BIO-4 American Badger Pre-Construction Survey: If initial ground disturbance or vegetation removal occurs during the badger breeding season (February through May), a qualified biologist shall conduct a badger survey prior to construction activities. This survey could be conducted concurrently with preconstruction nesting bird surveys conducted within the same time period. If a badger or its den is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the badger or den to a safe location.
114. Mitigation Measure BIO-5 Pre-Construction Rare Plant Survey: If initial ground disturbance occurs during the blooming period of congested-headed hayfield tarplant (May-November), a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. If the plant is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include collection and redistribution of the seedbank.
115. Mitigation Measure CUL-1 Archive or Salvage Building Materials: Prior to demolition of any structures, the applicant shall inventory the architectural elements to re-use on site or donate to the Sonoma County Historical Society or other appropriate archival facility. Any associated artifacts or other architectural elements that are feasible to archive or store shall be salvaged. The associated artifact or architectural element shall be carefully removed and properly stored for reuse or delivered to the archive facility in good condition to be used in future conservation work.

116. Mitigation Measure CUL-2 Interpretive Display: The applicant shall work with the Sonoma County Historical Society or the Petaluma Historical Library and Museum in developing an interpretive display about the Collings family history and chicken farming on the property that can be displayed on site. This could include a film documentation, historical photographs, and/or an oral history with interviews conducted by a professional oral historian with Walter Collings.
117. Mitigation Measure CUL-3 Archaeological Monitoring: A qualified Archaeological Monitor shall be present onsite during all initial grading and ground disturbance activities, including any vegetation removal or grubbing. Monitoring shall continue until, in the Archaeological Monitor's judgment, cultural resources are not likely to be encountered.

If archaeological materials are encountered during ground-disturbing activities, all work within 25 feet of the discovery shall be halted until the archaeologist assesses the finds, consults with the appropriate individuals and agencies, and makes recommendations for the treatment of the discovery. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to Permit Sonoma and the NWIC upon completion of the project.

**GENERAL:**

118. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
119. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.
120. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
121. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void



and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.



## Attachment 3

### Graphics

Figure 1. Site Plan

Figure 2. Premise Map

Figure 3. Vicinity Map

Figure 4. Aerial Map

**GENERAL NOTES:**

- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS INCLUDING THOSE CONTAINED IN LAKE COUNTY CODE CHAPTERS 8.10, 12.02, 13.01, AND 15.05.
- A COPY OF THE APPROVED PLAN MUST BE AVAILABLE ON-SITE AT ALL TIMES.
- CONTRACTOR SHALL CONTACT THE DEPARTMENT OF PUBLIC WORKS AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR AN ON-SITE PRE-CONSTRUCTION MEETING.
- CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT 800-227-2600 FOR UTILITY LOCATION BEFORE EXCAVATION WORK.
- TO ALLOW FOR INSPECTION, ALL WORK IS TO BE PERFORMED DURING DAYLIGHT HOURS ONLY, MONDAY THROUGH FRIDAY, EXCLUDING COUNTY HOLIDAYS.
- CUT SLOPES SHALL BE NO STEEPER THAN 2:1 (HORIZONTAL TO VERTICAL); FILL SLOPES SHALL BE NO STEEPER THAN 2:1 (HORIZONTAL TO VERTICAL). A GEOTECHNICAL REPORT MUST BE SUBMITTED FOR CUT AND FILL SLOPES IN EXCESS OF 2:1.
- ESTIMATED QUANTITY OF CUT MATERIAL IS 180 CUBIC YARDS.
- ESTIMATED QUANTITY OF FILL MATERIAL IS 180 CUBIC YARDS.
- FILL MATERIALS SHALL BE COMPACTED TO A RELATIVE COMPACTION OF NOT LESS THAN 95% UNDER PAVED AREAS, AND 90% UNDER ALL OTHER FILL AREAS. TEST RESULTS AND A DESCRIPTION OF THE TEST METHOD USED SUBMITTED BY A LICENSED CIVIL ENGINEER ARE REQUIRED AS EVIDENCE OF COMPLIANCE.
- CONTRACTOR IS TO IMPLEMENT BEST MANAGEMENT PRACTICES (BMPs) TO CONTROL EROSION AND REDUCE THE OFF-SITE DISCHARGE OF SEDIMENT TO THE MAXIMUM EXTENT PRACTICABLE.
- EROSION CONTROL BMPs SHALL BE IN PLACE AND MAINTAINED ALL YEAR ROUND.
- CONTRACTOR SHALL KEEP ADJOINING PUBLIC STREETS FREE OF DIRT, MUD, AND OTHER PROJECT RELATED DEBRIS THROUGHOUT CONSTRUCTION. ANY DAMAGE TO PUBLIC STREETS OR ROADWAYS SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE COUNTY.
- DUST GENERATION MUST BE MINIMIZED AND A WATER TRUCK MUST BE AVAILABLE ON-SITE FOR ADEQUATE DUST CONTROL.
- AN ENCROACHMENT PERMIT IS REQUIRED BEFORE DOING ANY WORK IN THE COUNTY RIGHT-OF-WAY.
- CONTRACTOR SHALL PROVIDE APPROPRIATE MEASURES FOR TRAFFIC CONTROL AND PUBLIC PROTECTION IN ACCORDANCE WITH THE COUNTY CODE AND THE CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
- SURVEY MONUMENTS SHALL BE RE-ESTABLISHED BY A LICENSED SURVEYOR AT THE CONTRACTOR'S EXPENSE IF DISTURBED DURING CONSTRUCTION.
- CONSTRUCTION STAKING IS TO BE IN PLACE PRIOR TO BEGINNING OF CONSTRUCTION AND IS TO BE MAINTAINED OR REPLACED AS NEEDED FOR CONSTRUCTION PURPOSES. MINIMUM CONSTRUCTION STAKING FOR ROADWAYS INCLUDES THE BC, EC, BVC, PVI, AND EVC OF ALL CURVES AND AT 50-FOOT INTERVALS. FIELD LOCATE AND DELINEATE EASEMENTS, RIGHTS-OF-WAYS, AND PROPERTY LINES.
- ALL REQUIRED LOCAL, STATE, FEDERAL PERMITS SHALL BE OBTAINED PRIOR TO CONSTRUCTION AND COPIES OF ALL SUCH PERMITS SHALL BE AVAILABLE ON-SITE.
- IF MORE THAN ONE ACRE OF GROUND IS DISTURBED, THE CONTRACTOR MUST APPLY TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD FOR COVERAGE UNDER THE STATE'S "STORM WATER DISCHARGE PERMIT FOR CONSTRUCTION ACTIVITIES" AND COMPLY WITH ALL ASSOCIATED PERMIT REQUIREMENTS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE, AND SHALL BE RESPONSIBLE FOR CONDITIONS OF ALL WORK AND MATERIALS, INCLUDING THOSE FURNISHED BY SUBCONTRACTORS. HE WILL IMMEDIATELY NOTIFY THE ENGINEER AND OWNER OF ANY DISCREPANCIES.
- ALL MATERIALS USED FOR SITE CONSTRUCTION MUST BE INSTALLED PER MANUFACTURERS SPECIFICATIONS AND RECOMMENDATIONS.
- NOTES AND DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE GENERAL NOTES ON THIS SHEET.
- THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND INSPECTIONS AS REQUIRED.
- THE CONTRACTOR SHALL LEAVE THE SITE FREE FROM ALL CONSTRUCTION DEBRIS.
- NOTE REGARDING EARTHWORK: EVERY EFFORT HAS BEEN MADE TO PROVIDE A DESIGN TO ACHIEVE A BALANCED SITE, HOWEVER, REALM DOES NOT WARRANT OR GUARANTEE A BALANCED SITE. FACTORS AFFECTING A BALANCED SITE INCLUDE THE FOLLOWING: SOILS FACTORS (VOLUME CHANGE), TYPE AND EXTENT OF UTILITY TRENCHES, SUBGRADE DEPTHS, PAD GRADING AND LANDSCAPE TREATMENTS. THE CONTRACTOR SHOULD MAKE HIS OWN ESTIMATES OF EARTHWORK QUANTITIES AND RELY ON THEM. THE CONTRACTOR SHOULD ALSO MAKE PROVISIONS FOR AN IMBALANCE BY IDENTIFYING ON-SITE OR OFF-SITE DISPOSAL OR EXTRACTION SITES, AND BY PROVIDING REASONABLE CONTINGENCIES FOR PAYING FOR SUCH WORK.
- CONTOUR INTERVAL IS 5'

**SITE CLEARING:**

- REMOVE SURFACE DEBRIS.
- DEMOLISH AND REMOVE CONCRETE, PAVING AND ETC. IN CONSTRUCTION AREA.
- CLEAR NEW CONSTRUCTION AREA OF TREES, PLANT LIFE AND GRASS.
- CONFORM TO APPLICABLE CODE FOR DISPOSAL OF DEBRIS.
- COORDINATE CLEARING WORK WITH UTILITY COMPANIES.

**PROTECTION:**

- PROTECT BENCH MARKS, EXISTING STRUCTURES, UTILITIES, FENCES, ROADS, SIDEWALKS, PAVING AND CURBS.

**UTILITIES:**

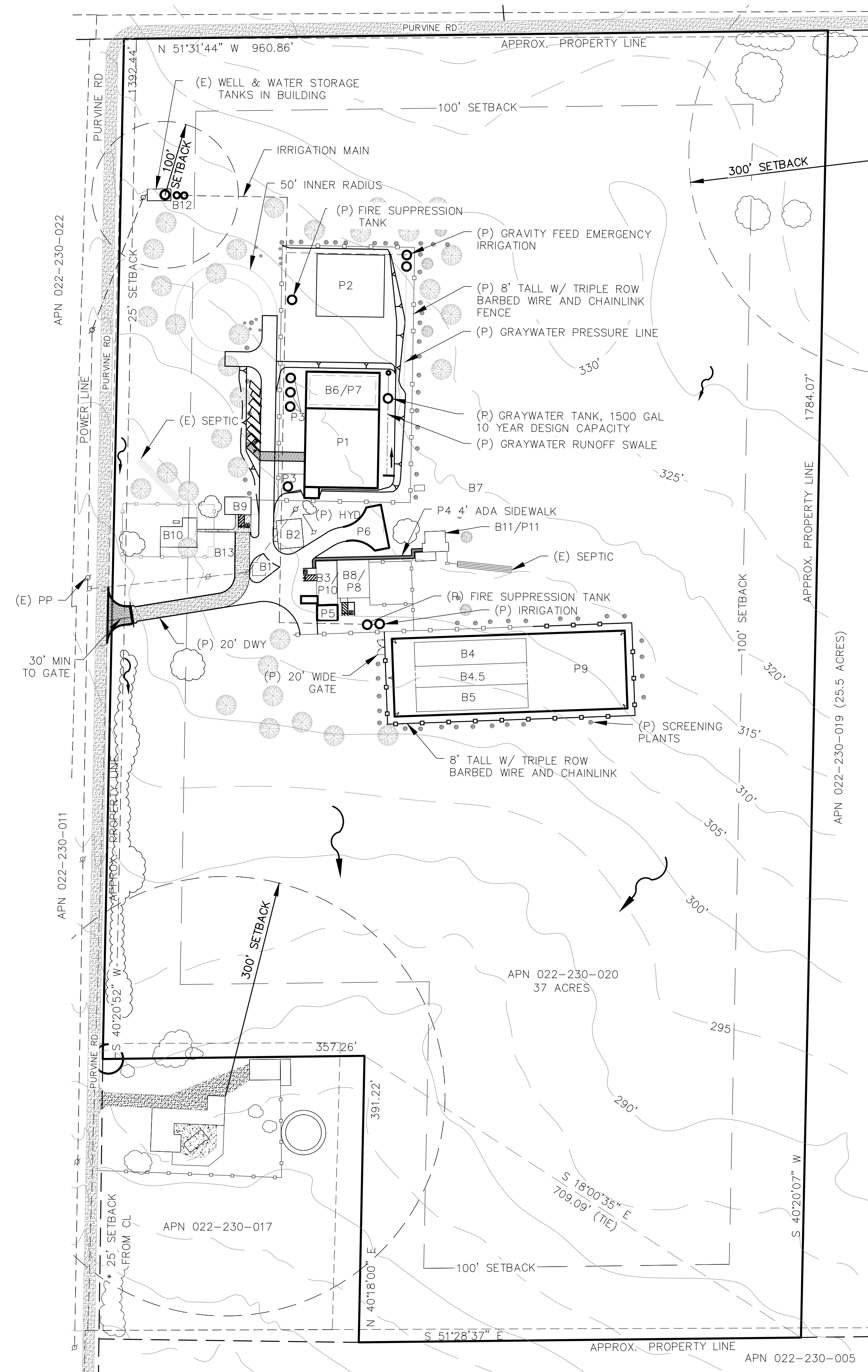
- UPON DISCOVERY OF UNKNOWN UTILITIES OR CONCEALED CONDITIONS, DISCONTINUE AFFECTED WORK; NOTIFY GENERAL CONTRACTOR.
- "POT HOLE" EXISTING UTILITIES TO VERIFY DEPTH. RELOCATE UTILITIES AS NECESSARY TO MAINTAIN A MINIMUM COVER UNDER PROPOSED ROADWAY. CHECK WITH PROPER UTILITY COMPANIES FOR RELOCATION PROCEDURES.
- ALL UTILITY SERVICE AND JUNCTION BOXES SHALL BE ADJUSTED TO GRADE.
- COMPLETE ALL UTILITY RELOCATION PRIOR TO START OF ROAD WORK.
- UTILITIES SHOWN ON THESE PLANS ARE FROM SURFACE EVIDENCE OR RECORD INFORMATION ONLY. POTHOLE AND FIELD VERIFY THEIR LOCATION PRIOR TO THE START OF CONSTRUCTION. REALM WILL NOT ASSUME RESPONSIBILITY FOR UNDERGROUND LINES.

# DEMOLITION SCHEDULE FOR GRADING AND DRAINAGE & EROSION CONTROL PLANS

EXISTING BUILDING	SQ.FT.	DEMO	PROPOSED USE OR AREA
B1	289 SF	X	EQUIPMENT STORAGE AREA
B2	1,720 SF		EQUIPMENT STORAGE AREA
B3	1,440 <del>2,100</del> SF		F1 OCCUPANCY-PROCESSING AND FINISHED PRODUCT STORAGE
B4	4,800 SF	X	POULTRY BARN
B4.5	8,320 SF		FORMER POULTRY BARN AREA
B5	4,800 SF	X	POULTRY BARN
B6	6,000 SF	X	LIVE STOCK BARN
B7	704 SF		
B8	2,236 SF	X	(REPLACE WITH METAL BUILDING 43'X52')
B9	792 SF		GARAGE TO BE CONVERTED TO SECURITY OFFICE
B10			PRIMARY RESIDENCE
B11	901 SF		GUEST RESIDENCE
B12			WELL WITH PUMP AND WATER STORAGE BUILDING
B13			STORAGE SHED IN RESIDENCE YARD

PROPOSED BUILDING	SQ.FT.	PROPOSED USE OR AREA
P1	10,343 <del>10,000</del> SF	MIXED LIGHT GREENHOUSE
P2	7,800 SF	WASTE HOLDING AREA, COMPOSTING AND SOIL RECLAMATION
P3	4 QTY	10,000 GALLON IRRIGATION-RAINWATER TANKS
P4	650 SF	ADA SIDEWALK FOR WORKERS
P5	575 SF	NON CANNABIS WASTE HOLDING
P6		PER SONOMA COUNTY FIRE SAFE STANDARDS, ORDINANCE NO.5905, SEC 13-36(C) FIRE TURN AROUND.
P7	5,000 SF	INDOOR CULTIVATION
P8	3,611 <del>2,236</del> SF	F1 DRYING & HAZMAT STORAGE
P9	28,560 SF	OUTDOOR CULTIVATION
P10	1,440 <del>2,100</del> SF	F1 OCCUPANCY-PROCESSING AND FINISHED PRODUCT STORAGE
P11	901 SF	ADA BATHROOM, OFFICE AND EMPLOYEE BREAK AREA



**LEGEND:**

- UNDERGROUND POWER LINE
- UNDERGROUND GAS LINE
- CONTOUR ELEVATIONS
- FENCE
- CONSTRUCTION MATERIAL STORAGE AREA
- EARTH
- GRAVEL
- ASPHALT
- APN: ASSESSOR'S PARCEL NUMBER
- APPROX APPROXIMATELY
- DWY DRIVEWAY
- HYD NEW FIRE HYDRANT
- (E) EXISTING
- (A) ABANDONED
- (P) PROPOSED
- RD ROAD
- SF SQUARE FEET
- POWER POLE
- WATER VALVE
- DRAINAGE DIRECTION
- ADA PARKING
- FIRE HYDRANT (400' FROM ALL STRUCTURES)

**NOTES:**

- CONTOUR INTERVAL IS 5'
- \* = 25' SETBACK FROM CL OF RIGHT OF WAY FOR COUNTY ROAD MAINTENANCE

THIS PLAN WILL NOT IMPOSE A DRAINAGE, GRADING OR FLOODING HAZARD TO ITSELF AND SURROUNDING PROPERTIES.

JASON B. VINE, P.E. DATE  
 LICENSE NO: C67800 EXPIRATION DATE: 06-30-19

THE NORTH AMERICAN DATUM OF 1983 (NAD 83) IS THE HORIZONTAL CONTROL DATUM FOR THE UNITED STATES, BASED ON A GEOCENTRIC ORIGIN AND THE GEODETIC REFERENCE SYSTEM 1980 WAS USED FOR THIS SURVEY. VERTICAL ELEVATION IS NAD 88 AND WAS ESTABLISHED WITH SURVEY GRADE GPS.

PLANS REVIEWED OR APPROVED BY:

SONOMA COUNTY ENGINEER DATE

**ARCHILOGIX**  
 DESIGN - DEVELOPMENT STRATEGIES  
 50 Santa Rosa Avenue, Suite 400  
 Petaluma, CA 94952  
 707.438.0546 | 707.438.0544  
 www.archilogix.com

**REALM**  
 CIVIL ENGINEERING  
 1767 MARKET STREET STE C  
 REDDING, CA 96001  
 530-526-7493

PLANS PREPARED UNDER THE SUPERVISION OF:



01-11-19

PETALUMA HILLS FARM  
 CULTIVATION FACILITY  
 334 PURVINE ROAD  
 PETALUMA, CA 94952

Figure 1. Site Plan

No.	Revision	Date

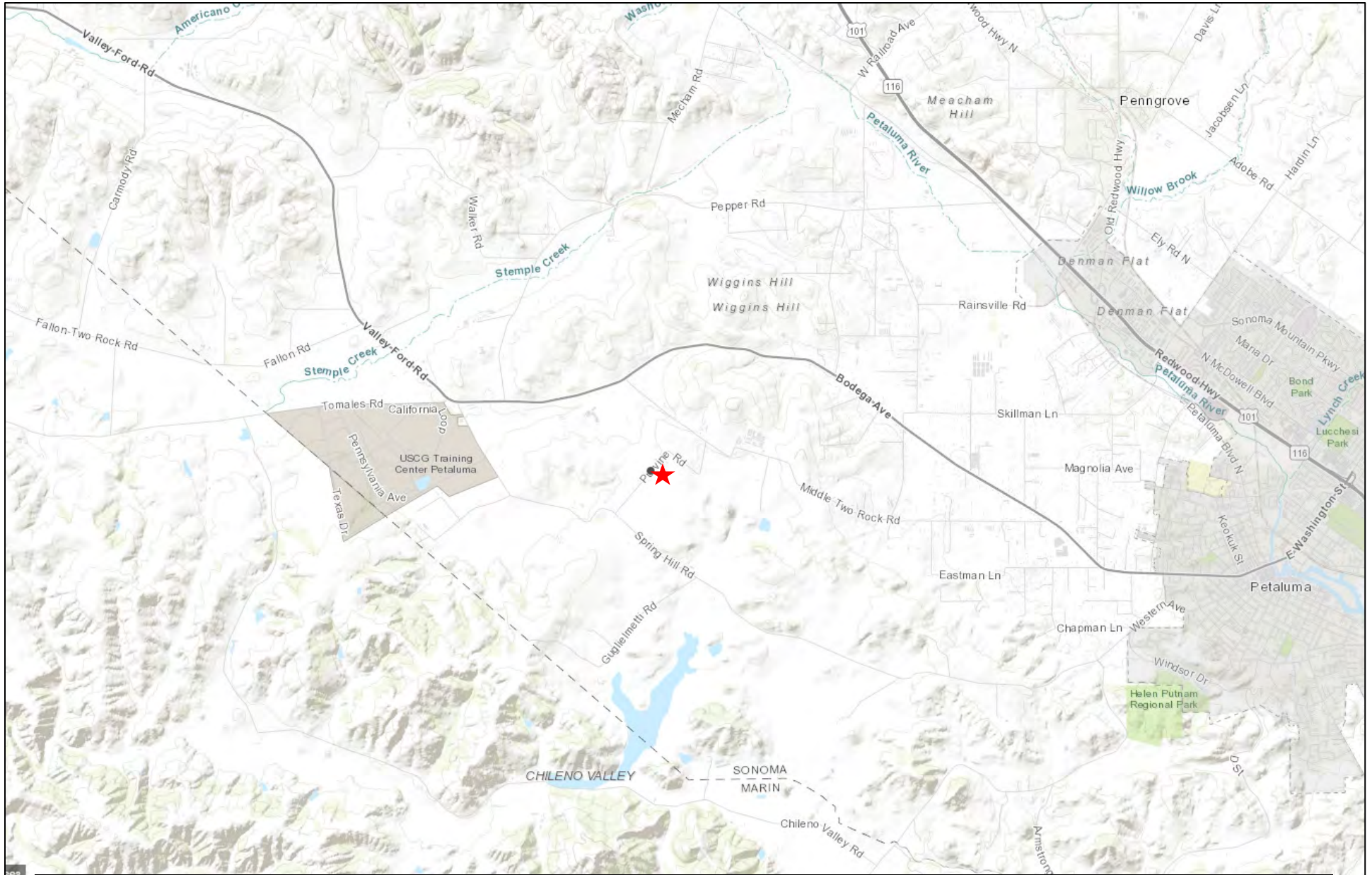
Project Manager	
PETER STANLEY	Checked by
Drawn by	MITCH CONNER
Date	10.11.2018
Filename	PURVINE-12-10-18.dwg
Job Number	202-1701
Sheet	C1.0



**334 Purvine Rd.**  
**Proposed Configuration**

**Figure 2. Premise Map**

KEY			
ID	Entity	Also Known As	Description
	Sonoma Hills Farm LLC	SHF	Landholder & landlord
	Petaluma Hills Farm LLC	PHF	PHF Lease Area - 1 acre
	SHF Jugo, Inc	Chef's Garden	Organic Vegetable Garden
	Residential Tenant		PHF Onsite Manager Residence
	Local Rancher		Cattle Grazing Lease Area - 25 acres



**334 Purvine Road, Petaluma**  
**UPC17-0020 Petaluma Hills Farm – Greenhouse, Indoor, and Outdoor Cannabis Cultivation**

**Figure 3.**  
**Vicinity Map**



**334 Purvine Road, Petaluma**  
**UPC17-0020 Petaluma Hills Farm – Greenhouse, Indoor, and Outdoor Cannabis Cultivation**

**Figure 4.**  
**Aerial Map**



MEMORANDUM

DATE: 2022 – April – 13  
TO: Tennis Wick, Director  
FROM: Crystal Acker, Project Planner  
SUBJECT: UPC17-0020; 334 Purvine Road, Petaluma  
Two Year Review – Outdoor Cannabis Cultivation

---

The purpose of the following memo is to provide information and a staff recommendation related to completion of Condition of Approval #17 for a Two-Year Review of the outdoor cultivation area:

*Two-Year Review. A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance, consistent with the authority granted pursuant to Sonoma County Code Section 26-92-120 (Revocation generally). All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.*

*The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.*

*If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a nuisance, or a public hearing is requested, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code.*

*If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, and no public hearing is requested, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.*



*This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.*

## **TWO-YEAR REVIEW ANALYSIS**

The applicant submitted a summary of the first two cultivation seasons for their outdoor operation. See Attachment 1. Two Year Review Summary.

The following is a summary of the staff-level review conducted.

**Fees.** All applicable required fees have been paid to date, including the following, identified by Condition of Approval number:

1. Permit Processing and Development Fees. Account has a balance due of \$365.50 (the current invoice) as of 3/28/2022.
2. CEQA Filing Fee. One-time fee paid 4/15/2019.
4. Condition Compliance Fee. One-time fee paid 11/7/2019.
5. Department of Agriculture Annual Site Monitoring Fee. Annual fee charged by the Agriculture/Weights & Measures Dept. to perform annual cannabis site inspections. Last inspection was 9/22/2021. Inspections and fees are current.
6. Traffic Mitigation Fee. One-time fee paid 01/22/2021 (on BLD20-1459)
51. Groundwater Monitoring Fee. Annual fee; current year paid 1/11/2022.

**Annual Monitoring Reports.** All annual monitoring reports have been submitted to date, including the following, identified by Condition of Approval number:

23. Security Plan. The approved Site Security Plan for the project requires maintenance of a security incident log. No security incidents have occurred.
24. and 109. Odor. The approved Odor Control Plan for the project requires daily odor monitoring during the cultivation season, and reporting of odor complaints and any mitigations conducted to address odor complaints. Odor complaints were received from a resident at 625 Purvine Road (see Attachment 2) during the 2020 harvest; none have been received during the 2021 cultivation season. Mitigation Measure AIR-3 (Condition 109) states that staff may bring the outdoor cultivation component of the project back to the BZA for review if multiple verified odor complaints are received. That does not appear to be warranted, as no complaints were received in 2021. Odor Monitoring logs for 2020 and 2021 have been submitted; see Attachments 3 and 4.
50. and 51. Groundwater Well Monitoring. Groundwater reporting forms were submitted for the 2020 and 2021 cultivation seasons and are provided as Attachment 5.



52. Groundwater Use Limitation. Groundwater use for cultivation is limited to 2.08 acre feet per year. In 2020, the property used 1.2 acre-feet (399,280 gallons). In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation. Both years are well below compliance threshold.

**Cannabis Site Inspections.** Annual site inspections are conducted by the Sonoma County Department of Agriculture / Weights & Measures. Inspections were completed in 2020 and 2021, detailed below and in Attachment 6:

- 10/14/2020 – Full operation in compliance with operating standards and Best Management Practices.
- 9/22/2021 – Full operation in compliance with operating standards and Best Management Practices.

**Landscaping.** All applicable landscaping improvements for the outdoor cultivation site have been completed (additional landscaping will be required in the future after construction of cultivation buildings), including the following, identified by Condition of Approval number:

29. Water Efficient Landscaping. The approved landscaping plan has been partly implemented and is adequate to screen the outdoor cultivation site. The outdoor cultivation site is surrounded by a screening fence. Landscaping was planted in 2020 around the outdoor cultivation area, and includes native oaks, madrone, pines, ceanothus and blackberry. The property also has a wildflower field for bee-keeping, a 5-acre vegetable garden, and a half acre hemp planting (HMP21-0011), which provide additional screening. See Attachment 1. Two Year Review Summary, submitted by the applicant, for more details and photographs.

**Biological Resource Protection.** Mitigation Measures BIO-1, BIO-2 and Bio-3 (Conditions of Approval 110, 112-113) require pre-construction surveys for amphibians, ground-nesting birds, and American badger in the cultivation area prior to initial disking. Surveys conducted on 3/3/2020 were negative (Attachment 7) and the area was cleared for disking and planting on 3/12/2020. Pre-construction surveys in the cultivation area were only required prior to the first cultivation season and do not need to be repeated annually before planting.

**Taxes.** As verified by Komal Gill with the Auditor-Controller-Treasurer-Tax Collector Department, taxes were paid for fiscal year 2020-2021, and are current.

**Public Complaints During the 2020 and 2021 Cultivation Seasons.** In addition to the odor complaints received in 2020 (described under #24 Odor above), several complaints were received in 2021 related to water hauling to 334 Purvine and other properties in the Petaluma Dairy Belt. Water imported to the 334 Purvine property was used for construction purposes associated with construction of the new drying barn and greenhouse (soil compaction), and for dust control for the duration of construction as required by Mitigation Measure AIR-1 and Condition of Approval 107. See Attachment 8 for submitted complaints and applicant responses.



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
www.PermitsSonoma.org



**Code Enforcement Actions.** There has been one complaint submitted to Code Enforcement on the parcel - VCM21-1194 – for an occupied travel trailer. The complaint file was closed and no violation issued as the trailer was actually a refrigerated unit for temporary storage of cannabis during harvest. The trailer was not being occupied and was removed after harvest was completed.

## **PUBLIC NOTICE**

Public notice of this two-year review was mailed to all property owners within 1,000 feet of the project parcel and to all members of the public who requested notification as an Interested Party on March 29, 2022. Emailed notification was also sent to Interested Parties who provided an email contact.

## **PUBLIC COMMENTS**

Public comments were received from seven individuals in response to the public notification (Attachment 9). Most comments were related to concerns about groundwater use and availability. Staff provided groundwater reporting forms to commenters who requested them, along with a summary of what the irrigation water use has been and what is allowed by the Use Permit (see 52 above for groundwater use summary; staff responses are included in Attachment 9).

Other concerns were related to public access, security, odor, lighting, signage, and noise.

Public access. Commenters voiced concern that the vacation rental next door is hosting cannabis tours and/or that the cannabis cultivation area is otherwise being accessed by the public. A question related to how the “licensed premise” is identified also was expressed.

Staff are aware that 250 Purvine Road (next door property under same ownership) has a vacation rental permit (TVR21-0085). Guests are allowed to buy produce and tour the rest of the farm, with the exception of the cannabis cultivation area. The applicant is aware that members of the public cannot be provided access to the cannabis operation, and it appears from reviewing their vacation rental website that they are alerting guests to this prohibition and complying with it.

Commercial buyers of produce from the 5-acre chefs garden would also be allowed onto the site, as with all agricultural operations, again with the exception that they cannot have access to the cannabis cultivation area.

The cannabis operation under the County has the same licensed premise as for their State License, which currently is just the outdoor cultivation area. The licensed premise will include the greenhouse, and drying barn when those are completed. It is separate from the hemp cultivation site (which actually has its own defined licensed premise that cannot overlap with the cannabis premise) and is separate from other residential and agricultural uses on the parcel. The hemp cultivation site has been registered each year it has been planted; the current registration is HMP21-0011.



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Security. Security concerns were primarily related to a misunderstanding that the entire property is not required to have secure access, only the cultivation operation is (which is currently just the outdoor cultivation site. See Attachment 1 for a summary of the applicant’s current security protocols. Staff has verified installation of cameras and security lights for the outdoor operation.

Odor. Commenter hopes to see additional vegetation planted in the future after construction is completed. Additional planting is required by Condition of Approval 29.

Lighting. In response to public comments, the applicant confirmed that all security lighting for the outdoor cultivation site is motion sensor-activated, fully shielded, and downward facing (Attachment 10). Additional information provided by the applicant indicated that the tenant at 334 Purvine Rd had installed some string lighting on a fence along the farm road. It was up for about 6 months before one of the neighbors told them it was too bright and bothered them, after which the tenant was asked to remove the lighting and they did.

In addition, the applicant did use some safety lighting in the hoop house last spring but were informed by the Agriculture/Weights & Measures Department during a sight inspection that no type of lighting was allowed in hoop houses, after which the lighting was removed.

Signage. The banner sign on the fence at 250 Purvine has been removed. Painted murals advertising a business are considered signs (such as the with Sonoma Hills Farm mural painted on the shed). Staff has discussed the need for an administrative Design Review approval with the applicant. They have indicated they will submit a Design Review application to permit the mural as an appurtenant attached (or wall) sign.

Noise. One commenter stated that they frequently heard a noise like gunshots that they believed was generated by the cannabis operation. In response to this comment, the applicant indicated that many different land owners shoot guns in the vicinity, but stated that no owner or employee nor any family member or friend visiting the property have ever shot a gun on the property at 344 Purvine, and further reiterated that they are aware of and enforce the County’s prohibition on allowing firearms at a cultivation site.

Some additional comments, which did not appear to be directly related to the operation of the outdoor cultivation site, were also submitted and are included in Attachment 9; portions of these were redacted by staff due to the inappropriate content.

## **STAFF RECOMMENDATION**

The staff review of the outdoor operation has determined that the site is operating in compliance with applicable operating standards and Best Management Practices.

There have been a number of complaints and comments submitted on the project. However, as described above, the applicant has addressed each issue (or will address it related to the required design Review application for the shed mural).



**Sonoma County Permit and Resource Management Department**  
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w [www.PermitSonoma.org](http://www.PermitSonoma.org)



Staff, therefore, recommend that the Director determine that the Two-Year Review of outdoor cannabis cultivation activities (Condition of Approval 17) has been successfully completed, and that the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.

## **ATTACHMENTS**

1. Two Year Review Summary, submitted by applicant, 2/14/2022
2. Odors complaints and responses, 2020 cultivation season
3. Odor Reporting Log, 2020 cultivation season
4. Odor Reporting Log, 2021 cultivation season
5. Groundwater Reporting Forms, 2020 and 2021 cultivation seasons
6. Agriculture/Weights & Measures Cannabis Site Inspection Reports for 2020 and 2021
7. Pre-construction Survey Memo for Outdoor Cultivation, 3/12/2020
8. Water hauling complaints and responses, 2021 cultivation season
9. Public Comments, March 29 through April 11, 2022
10. Applicant response to specific complaints related to lighting, signage, and noise, April 11, 2022

**Note that all PDFs are bookmarked; Attachment 9 is provided separately due to file size.**



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
www.PermitsSonoma.org



**The Highland Canopy LLC**  
**334 Purvine Rd., Petaluma, CA 94952**  
**UPC17-0020**  
**CCL20-0000520**  
**2-Year Review**

**Screening Vegetation**

Vegetation was planted and installed Spring 2020 on the east side of property, to beautiful the property and serve as a blocker to the large screening and security fence surrounding the cannabis canopy. Planted vegetation includes native oaks, madrone, pines, ceanothus, and other smaller foliage and bushes such as blackberry bushes. The screening vegetation was planted in early May 2020. In addition to the perennial vegetation, an apiary of several dozen wild flowers was planted and vibrant summer of 2020 and placed between the permanent vegetation and the screening fence. Due to the recent drought, the apiary was not planted in 2021, but with recent weather conditions, will be planted in 2022. Plant growth and health tracking:

- May 2020: initial planting, the heights range from 3'-7' tall
- As of September 2020: the majority of the plantings were rooted and healthy, there were approximately 2 trees that did not fully root and that were replaced around this time
- As of February 2021: all of the plants had taken root, and the height and health of each plant were improving
- As of May 2021: the drought did show some health impact, but at this time, no plants were lost or dying. No apiary planted in 2021 due to drought.
- As of September 2021: the heights of the plants now range in the 4'-9' height size, with active width increase as well.

On the north-side of the property, we have a 5-acre vegetable garden and an approximate ½ acre registered hemp garden which serves as an additional vegetation screening between the main entrance and the canopy.

On the south side of the property, we have an approximate ½ acre registered hemp garden which serves as an additional vegetation screening between the south property of the canopy. See attached photos.







### **Odor Control & Monitoring**

Attached is the record of odor logs documenting calendar years 2020 and 2021, commencing at the time that cannabis plants are brought onsite. The odor monitoring is logged daily between either the AM hours of 8-10am or the PM hours of 3-5pm up until September 13, 2021, by security or farm staff, and we have noted the morning or afternoon shift review as of September 13, 2021 to present. The monitoring logs also include a site map indicating where the odor monitoring occurs on the property.

### **Odor Complaints**

Garvisch neighbors at 625 Purvine Rd. logged odor complaints to the county and to our project in September and October 2020. The matter resolved and since that time, no additional complaints have occurred. See the attached correspondence as record of that dialogue.

### **Security Protocol**

The following is the current security protocol for The Highland Canopy located at 334 Purvine Rd. Over our operational timeframe between May 2020-present, we have logged no incidents.

- Property is fenced, and entrance to the property is securely locked with a padlock with key staff holding codes.
- Canopy is surrounded by additional perimeter fencing, 8' tall with an additional 1' of barbed wire.
- Outside of hours of operation, gates to canopy are padlocked with key staff only holding codes. 3 such gates altogether are present, on north, east, and south sides of fence.
- Professionally monitored video surveillance:
  - 6 cameras were installed initially, and at this time altogether 14 cameras are installed
  - Each plant is visible on at least 2 cameras
  - All exits and entrances are also visible
  - Feeds are stored for a minimum of 30 days on a secure server, and monitored via constant video surveillance.
- Alarm system was not required for Phase 1 but will be installed for Phase 2. The property currently utilizes the Arlo system which shared automated alerts with any movement and is monitored alongside the surveillance system.
- Cash onsite is limited to no more than \$1000 of "petty cash" held in a locked safe.
- Onsite and licensed security guard lives onsite at the residence at 334 Purvine.
- Additional licensed security is added during the flowering season, at least 1 additional staff and always includes an overnight watch. Security team makes security rounds at least once a day during non-flowering season, and up to 30 times a day during flowering season.
- Fire truck. 334 Purvine has an onsite fire truck, and all security guards have been trained to drive and operate all components of the truck.
- All guests are registered upon arrival, and identities verified. All staff, personnel, independent contractors, and construction workers names are available and verified on arrival. Badges are issued and the following information is collected: Name, Email, Company, DOB, Visitor Type, and Host. Guests sign release which includes: liability and disclosure release, property rules, and proof of vaccination or negative test.
- Security incident logs are noted when and if major incidents occur. See attached Security Incident log example.

### **Water Use Detail**

Overview: The Highland Canopy's water use for 2020 and 2021 was well within the estimated range of 2.1 acre feet per year. Our usage for 2020 was 403k and 2021 was 350k. The decrease in 2021 was due to the historically low rainfall leading to the worst drought in decades. The overall scope of water usage will go up once the other phases of the projects are completed and the water use will increase along with the square footage once the greenhouse is up. Estimated water use of 2.1 acre feet should be within range once the greenhouse (and subsequent small indoor and medium greenhouse license use) is added, but the numbers will be our best estimate until we have a year of full operation across all cultivation licenses.

The May 2020 water delivery refers to the following: Weeks Drilling updated our well pump and installed a water tank through a permitted process, and the delivery was necessary to

pressurize the system. All other deliveries to the site were relevant only to future construction, and we have included herein an attestation from our licensed contractor that all water delivered to the site in 2021 was used for construction purposes.

See attached well log reports from 2020 and 2021. If you would like the full reporting applications, those are also available.

**2020 totals (from State Waterboard monitoring report):**

	<b>Water Delivery</b>	<b>Water Supply Well(s)</b>	<b>Municipal</b>	<b>From Storage</b>	<b>Other</b>	<b>Total Water Applied to Plants</b>
January	0	0	0	0	0	0
February	0	0	0	0	0	0
March	0	0	0	0	0	0
April	0	0	0	0	0	0
May	3500	7856	0	0	0	11356
June	0	26800	0	0	0	26800
July	0	76454	0	0	0	76454
August	0	124262	0	0	0	124262
September	0	93000	0	0	0	93000
October	0	70908	0	0	0	70908
November	0	20	0	0	0	20
December	0	0	0	0	0	0
<b>TOTAL:</b>	<b>3500</b>	<b>399300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>402800</b>

**2021 totals (from Sonoma County Groundwater Report):**

**SECTION II:** Permits requiring monthly monitoring (Note, the well should be turned off at the end of the day, and the depth to groundwater measured the next morning before the well is turned back on)

Month	Date MM/DD/YYYY	Time of Reading	Depth of Water in Feet	Water Meter Reading
January	1-1-21	7:00 AM	35-40	386,483
February	2-1-21	7:00 AM	35-40	344,986
March	3-1-21	7:00 AM	35-40	366,112
April	4-1-21	7:00 AM	35-40	385,562
May	5-1-21	7:00 AM	45	415,402
June	6-1-21	7:00 AM	55-60	485,634
July	7-1-21	7:00 AM	70	557,647
August	8-1-21	7:00 AM	80	635,877
September	9-1-21	7:00 AM	80	698,201
October	10-1-21	7:00 AM	65	740,317
November	11-1-21	7:00 AM	55-40	754,243
December	12-1-21	7:00 AM	35-40	760,212

**From:** [Ayn Garvisch](#)  
**To:** [Crystal Acker](#)  
**Subject:** 334 Purvine smell  
**Date:** August 24, 2020 1:51:25 PM

---

EXTERNAL

Hi Crystal,

I am wondering who to reach out to.

Our home is down wind from 334 Purvine as you know. For the last month or so, the smell of cannabis from their outdoor grow has been getting more pervasive on our property. Most notable when it's warm or windy which we know it has been daily!

I would like to know how this can be noted.

I have not reached out to Sonoma hills farm directly because I did not know if that's the right thing to do. Also, I do not have their on site managers contact information.

Im wondering if the smell from hemp is possibly contributing since I understand that they are growing that too.

My understanding is that they were going to plant trees or do something to help mitigate the smell of the outdoor cannabis.

Please advise,

Thank you,  
Ayn Garvisch  
625 Purvine rd  
510-813-8866

Sent from my iPhone

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**From:** [Crystal Acker](#)  
**To:** ["Ayn Garvisch"](#)  
**Subject:** RE: 334 Purvine smell  
**Date:** August 26, 2020 11:18:43 AM

---

I'm still re-assigned to wildfire response and recovery operations at the Emergency Operation Center, but trying to catch up on Planning correspondence in the order received when I have an opportunity to do so. Thank you for your patience and understanding related to delayed and sporadic responses.

I can save this comment in the project file.

I don't believe they have a construction coordinator yet, since construction hasn't started. Contact is required to be provided before I can sign off on issuance of building permits, which hasn't been done yet.

Yes, they have a hemp registration (HMP20-0005). Hemp is the same plant as cannabis, except that hemp strains are bred to have lower THC content. As far as I know, there is no way to distinguish odors produced by cannabis vs. hemp.

Yes, the landscape planting associated with the outdoor grow was installed in May of 2020. Additional planting will be required around the new buildings after they are constructed.

crystal

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*Thank you for your patience and understanding as we work together to keep our communities safe.*

Crystal Acker, M.S.  
Planner III  
[www.PermitsSonoma.org](http://www.PermitsSonoma.org)  
County of Sonoma  
Planning Division | Project Review  
2550 Ventura Avenue, Santa Rosa, CA 95403  
Direct: 707-565-8357 |  
Office: 707-565-1900 | Fax: 707-565-1103

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-----Original Message-----

From: Ayn Garvisch <agarvisch@yahoo.com>

Sent: August 24, 2020 1:51 PM

To: Crystal Acker <Crystal.Acker@sonoma-county.org>

Subject: 334 Purvine smell

EXTERNAL

Hi Crystal,

I am wondering who to reach out to.

Our home is down wind from 334 Purvine as you know. For the last month or so, the smell of cannabis from their outdoor grow has been getting more pervasive on our property. Most notable when it's warm or windy which we know it has been daily!

I would like to know how this can be noted.

I have not reached out to Sonoma hills farm directly because I did not know if that's the right thing to do. Also, I do not have their on site managers contact information.

I'm wondering if the smell from hemp is possibly contributing since I understand that they are growing that too.

My understanding is that they were going to plant trees or do something to help mitigate the smell of the outdoor cannabis.

Please advise,

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Ayn Garvisch

625 Purvine rd

510-813-8866

Sent from my iPhone

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**From:** [Crystal Acker](#)  
**To:** ["Ayn Garvisch"](#)  
**Subject:** RE: 334 Purvine smell  
**Date:** September 03, 2020 8:22:32 AM

---

Ayn,

I got the 24-hour contact info:  
Head of Security, Cavan Clark  
415-827-0807

Cavan is first responder for all calls, and then forwards requests, issues, etc. to appropriate staff, as needed.

Due to Public Health Orders, Permit Sonoma will be temporarily closing to the public effective Monday, July 20 until further notice. We continue to provide services remotely minimizing person-to-person contact which helps protect our community. We look forward to serving you and will reply to your message within the next three business days. We encourage you to use our online services for permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [permitsonoma.com](http://permitsonoma.com)

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-----Original Message-----

From: Ayn Garvisch <[agarvisch@yahoo.com](mailto:agarvisch@yahoo.com)>  
Sent: August 24, 2020 1:51 PM  
To: Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
Subject: 334 Purvine smell

EXTERNAL

Hi Crystal,

I am wondering who to reach out to.

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**From:** [Mike Harden](#)  
**To:** [Crystal Acker](#); ["Sam Magruder"](#)  
**Cc:** [Joyce Cenali](#); [Dave Christensen](#)  
**Subject:** Re: UPC17-0020. Health COA  
**Date:** September 11, 2020 9:50:58 AM  
**Attachments:** [image006.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

---

Crystal - Our adjacent neighbors are working on letters regarding smell. In the meantime, the Collings family at 500 Purvine road, directly across the street from Ayn Garvisch invited us over to show us their personal medicinal grow which blows directly towards the Garvisch home.

Photo attached, the house in the background is Ayn's and these plants belong to Collings family at 500 Purvine.



Mike Harden  
Mike@Big-Rock.com

---

**From:** Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Sent:** Thursday, September 3, 2020 9:09 AM  
**To:** 'Mike Harden'; 'Sam Magruder'  
**Cc:** Joyce Cenali; Dave Christensen  
**Subject:** RE: UPC17-0020. Health COA

Thank you, Mike.

Although not required by any Condition, I would appreciate any support you can provide that your neighbors do not have issue with your operation.

I hadn't heard about this recent police action. Thank you for keeping me informed.

crystal




---

**From:** Mike Harden <mike@big-rock.com>  
**Sent:** September 03, 2020 9:02 AM  
**To:** Crystal Acker <Crystal.Acker@sonoma-county.org>; 'Sam Magruder' <samm@big-rock.com>  
**Cc:** Joyce Cenali <joyce@sonomahillsfarm.com>; Dave Christensen <dc@archilogix.com>  
**Subject:** Re: UPC17-0020. Health COA




EXTERNAL

Thank You Crystal - We will send it to the Garvisch's again and also get you an affidavit from our 4 actually adjacent neighbors who have all confirmed their is no odor.

Just to keep you in the loop, the leader of No Pot on Purvine: Phoebe Lang / Sanjay Bagai was arrested again 3 weeks ago for kidnapping and assault with a deadly weapon, by Sonoma County Sheriffs here on Purvine. He attacked his adjacent neighbor, a young fireman and dragged him down the street with his car. It is his second felony assault in 6 months. He had previously attacked his horse groomer in Riverside in a racially motivated attack.

7:33   

localcrimenews.com — Private

  SEARCH 

### Citizen Details

<b>Arrest Name</b>	Sanjay Jagdish Bagai
<b>Address</b>	XXXXXXne rd (VERIFIED)
<b>City, State</b>	Petaluma, CA
<b>Age / Gender</b>	53 / Male
<b>Race</b>	Not Available
<b>Hair / Eyes</b>	Not Available / BRO
<b>Height / Weight</b>	Not Available

### Arrest Details

<b>Arrested For</b>	207(A) - Kidnapping
---------------------	---------------------

245(A)(1) - Assault w/Deadly  
Weapon Or Assault w/Force Likely  
To Produce GBI  
WARRANT - Warrants Or Holds  
Only

**Arrest Date** August 15, 2020

**Release Date** Not Available

**Bail Amount** Not Available

**Arrest Location** Not Available

**County of Arrest** Sonoma

**Source**

Sonoma County Sheriff

Mike Harden  
[Mike@Big-Rock.com](mailto:Mike@Big-Rock.com)

---

**From:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Sent:** Thursday, September 3, 2020 8:01 AM  
**To:** 'Sam Magruder'  
**Cc:** Mike Harden; Joyce Cenali; Dave Christensen  
**Subject:** RE: UPC17-0020. Health COA

Sam,

Thanks for contact info. I know at least some of the neighbors don't have this, because Ayn left me a message when I was at EOC and said she had never been given it. In my head I had the Construction Coordinator tied to the start of construction, and the On-site Manager tied to the start of the operation after construction, but I hadn't originally accounted for you starting outdoor cultivation earlier. Anyway, I told her that was my fault, but that I'd get her the manager contact info as soon as I had it, and assured her that the Construction Coordinator contact would be posted before construction starts, in compliance with Conditions of Approval.

She wanted to call to report outdoor odor, and probably will after I give her the number.

Regarding condition compliance: Yes! Environmental Health COA are all that is left for BD issuance, and then we'll have that quick turnaround for a few pre-construction items.

So Close. Congrats on persevering to this stage; it's a milestone.

Also, I realize I didn't tell you the amount for Work Force Housing fees. Hope you were aware that it's \$3.06 per sq ft of construction and won't be shocked.

BLD20-1459: 2365 sq ft = \$7,236.90

BLD20-1397: 12,343 sq ft = \$40,829.58 (this BLD got the 2,000 sq ft exemption)

BLD20-1403: exempt (one of the permit techs said there was still supposed to be a fee for a change from residential to commercial use, but I marked it exempt anyway- let me know if affordable housing fee gets added back on- it shouldn't).

<https://sonomacounty.ca.gov/PRMD/Regulations/Housing/Workforce-Housing-Fees/>

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**From:** [Ayn Garvisch](#)  
**To:** [Crystal Acker](#)  
**Subject:** Re: 334 Purvine smell  
**Date:** September 24, 2020 10:05:54 AM

---

EXTERNAL

Hello again,

I have received an email from someone named Joyce at 334 Purvine stating that she thought that essentially she thought smell was coming from other neighbors that are growing their own cannabis.

I have offered for someone from there organization to come over in thee moment and smell what I am experiencing and they have not responded.

I am inundated by the overwhelming cannabis smell every day, when I have guests over they are appalled.

What should my next steps be?

Thank you,  
Ayn

> On Sep 15, 2020, at 8:15 PM, Ayn Garvisch <[agarvisch@yahoo.com](mailto:agarvisch@yahoo.com)> wrote:

>

> Thanks Crystal. I think it's very interesting that they would have someone with a public social media profile like Cavan Clark as their head of security. But then again, nothing they do has ever made sense to me.

>

> The smell of cannabis is overwhelming at times for me now, and getting worse everyday to where I do not want to be outside or open windows when it is present.

>

> I will notify Mr Clark.

>

> Best,

> Ayn Garvisch

>

>

> Sent from my iPhone

>

>> On Sep 3, 2020, at 8:22 AM, Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

>>

>> Ayn,

>>

>> I got the 24-hour contact info:

>> Head of Security, Cavan Clark

>> 415-827-0807

>>

>> Cavan is first responder for all calls, and then forwards requests, issues, etc. to appropriate staff, as needed.

>>

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general questions. You can find out more about our extensive online services at [permitsonoma.com](http://permitsonoma.com)

>>

>> Thank you for your patience and understanding as we work together to keep our communities safe.

>>

>> Crystal Acker, M.S.

>> Planner III

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>> County of Sonoma

>> Planning Division | Project Review

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>>

>>

>>

>> OFFICE HOURS: Permit Sonoma's public lobby is open Monday through Friday from 8:00 AM to 4:00 PM, except Wednesdays, open from 10:30 AM to 4:00 PM.

>>

>> -----Original Message-----

>> From: Ayn Garvisch <[agarvisch@yahoo.com](mailto:agarvisch@yahoo.com)>

>> Sent: August 24, 2020 1:51 PM

>> To: Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>

>> Subject: 334 Purvine smell

>>

>> EXTERNAL

>>

>> Hi Crystal,

>> I am wondering who to reach out to.

>> Our home is down wind from 334 Purvine as you know. For the last month or so, the smell of cannabis from their outdoor grow has been getting more pervasive on our property. Most notable when it's warm or windy which we know it has been daily!

>>

>> I would like to know how this can be noted.

>> I have not reached out to Sonoma hills farm directly because I did not know if that's the right thing to do. Also, I do not have their on site managers contact information.

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>> Im wondering if the smell from hemp is possibly contributing since I understand that they are growing that too.

>>

>> My understanding is that they were going to plant trees or do something to help mitigate the smell of the outdoor cannabis.

>> Please advise,

>>

>>

>> Thank you,

>> Ayn Garvisch

>> 625 Purvine rd

>> 510-813-8866

>>

>>

>>

>> Sent from my iPhone

>>

>>

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>

**From:** [Ayn Garvisch](#)  
**To:** [Andrea Krout](#); [David Rabbitt](#); [Tennis Wick](#); [Crystal Acker](#)  
**Cc:** [Joyce Cenali](#)  
**Subject:** 334 Purvine Cannabis Update  
**Date:** October 02, 2020 11:05:52 AM

---

## EXTERNAL

Hi, I know you must be overwhelmed by the fire devastation and this is not on the forefront of your mind, but I cannot let the cannabis season go without sharing my experiences from their first growing season. I hope this helps you get a perspective of someone living in the direct path of the cannabis smell.

As you may know I live at 625 Purvine Rd. My house is 1,600 ft (as the crow flies) downwind of 334 Purvine — which is farther than considered relevant in the mitigation strategies imposed on them.

Beginning roughly July 15th or so, I began to smell the faint cannabis smell in my backyard area. I classified it as tolerable (at about a 3 out of 10) for about a month—smelling it a few times a week. As July became August and September the smell progressed to daily, or every other day, mostly in the afternoon at about a 5-7 out of 10.

All of September was a 9 or 10 out of 10 for me. The smell is overwhelming and lasts almost all day, every day.

I reached out to Crystal Acker and she directed me to a contact, Cavan Clark, at 334 Purvine. He directed me to someone named Joyce Cenali, whose connection to the operation I'm unaware of. I have cc'd her on this email.

I emailed Joyce on 9/16 and she stated that they conduct daily smell checks—including near my home—and have not detected any smell. They also told me my neighbor at 500 Purvine was growing a small medicinal crop and basically said his cannabis was the source of what I smell everyday.

I have invited the contact, Joyce, to have someone from her team at 334 Purvine to come experience the smell when it's present, including on 9/18 at 4:15pm, but never heard back.

In the last few days, beginning on September 30th, the smell has somewhat dissipated and we have noticed nighttime spotlights in the cannabis field and multiple unmarked white vans transporting the intensely smelling cannabis down the road. Thus, I assume their crop is being harvested as I type.

The smell is repulsive, nauseating, and forces me to close all my doors and windows on beautiful days when otherwise, I would have them open. Guests of mine have been similarly repulsed.

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I would love to discuss this further with you if you have the time in the near future.

Thank you for the consideration,

Ayn Garvisch  
510-813-8866  
625 Purvine Rd.

**From:** [Joyce Cenali](#)  
**To:** [Ayn Garvisch](#)  
**Cc:** [Tennis Wick](#); [Andrea Krout](#); [David Rabbitt](#); [Crystal Acker](#); [Mike Harden](#)  
**Subject:** Re: 334 Purvine Cannabis Update  
**Date:** October 02, 2020 4:18:32 PM

---

Ayn - Thank you for your note. I am the Chief Operating Officer of The Highland Canopy and apologize that you continue to have issues. Please let me address some of your concerns below:

1. As mentioned before, we are doing daily odor checks at multiple points on Purvine Road, including our permitter point near your property, and have yet to detect the odors you are experiencing. For example, today the Air Quality Index in Middle Two Rock has been between 176 and 215. I did the odor check today myself and the only thing I can personally smell is the acrid smoke from nearby fires. Our security team also did checks and reported the same.
2. I also spoke with Heather Mahrt of 421 Purvine and Walt Collings of 500 Purvine Road. As you know their properties lie between yours at 625 Purvine and The Highland Canopy at 334 Purvine, directly in your wind path. Neither of these neighbors have detected the smells that you have experienced and they are happy to be interviewed to say the same. In addition, 421 Purvine noted that a goat died several weeks ago on your property and its carcass was moved close to her property line and in direct wind path to your home. I am waiting on her photos and will send when received.
3. In addition to the small unfenced medicinal grow directly across the street from your home, there are also now at least 4 separate 1 acre cannabis cultivations at the other end of Purvine directly in the windpath of both 334 Purvine and your home at 625 Purvine. These parcels do not have the same solid fencing. Likewise, there is a licensed hemp grow at The Chefs Ranch adjacent to us. In my professional experience cannabis hemp has an identical terpene profile to cannabis marijuana.
4. The lights you sometimes see are our security doing nightly rounds. We added additional security over and above our CUP requirements after your partner in Save Our Sonoma neighborhoods, Sanjay Bagai was arrested last month for felony assault and kidnapping of another neighbor on Purvine Road outside of our property, Edward Ponte JR. It is my understanding that Mr. Bagai was served a restraining order today.
5. My notes show I phoned you within 1 hour upon receiving your email dated 9/18 with the phone number you left with Cavan Clark. I apologize that we did not connect, but will reiterate my willingness to come over and speak with you anytime. My phone number is 415-609-5251.
6. As for hemp and cannabis, I have copied Mike Harden who received a permit for Hemp cultivation and is also a resident of Purvine road.

Best,  
Joyce

415.609.5251



On Oct 2, 2020, at 11:30 AM, Tennis Wick <[Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)> wrote:

Hi Ayn.

I'm working fires right now. I would like to meet you at the site once current disaster transitions to recovery.

**Tennis Wick, AICP**

Director

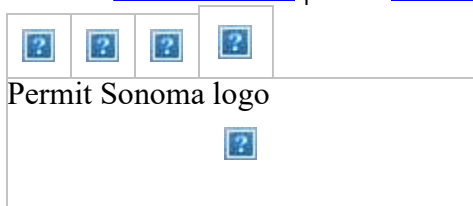
[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

[2550 Ventura Avenue, Santa Rosa, CA 95403](http://2550.Ventura.Avenue.Santa.Rosa.CA.95403)

Direct: [707-565-1925](tel:707-565-1925) |

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Sent from my iPhone

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season. I hope this helps you get a perspective of someone living in the direct path of the cannabis smell.

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**From:** [Mike Harden](#)  
**To:** [Joyce Cenali](#)  
**Cc:** [Ayn Garvisch](#); [Tennis Wick](#); [Andrea Krout](#); [David Rabbitt](#); [Crystal Acker](#)  
**Subject:** Re: 334 Purvine Cannabis Update  
**Date:** October 02, 2020 5:12:28 PM

---

Ayn - It is nice to meet you. As a new resident of Purvine Road, my family and I have had to get used to many new agricultural smells as well, so I appreciate your concerns!

Saw Joyce's email. I am happy to speak to you about my hemp if it is helpful, but my family and I haven't found the odor repulsive at all. In fact, compared to the nearby duck farm and dairies, the subtle floral odor is welcome.

Joyce is right, there has been a dead goat or cow rotting on your property for the last few weeks. It was more in the middle, but someone moved it further up your hill. It appears upwind from you, and it has indeed been fragrant. I just spoke to her and she says it is mostly gone but still out there. Let me know if you need the number for a deadstock hauler, perhaps that would explain why your experience is different from all the other surrounding properties?

---

Mike Harden  
[Big Rock](#)  
415.425.7988

On Fri, Oct 2, 2020 at 4:18 PM Joyce Cenali <[joyce@sonomahillsfarm.com](mailto:joyce@sonomahillsfarm.com)> wrote:

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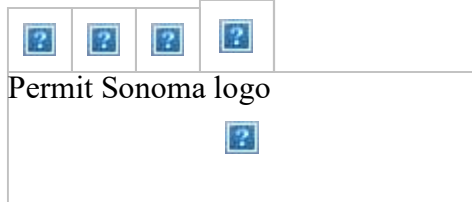
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**From:** [Crystal Acker](#)  
**To:** ["Ayn Garvisch"](#)  
**Subject:** RE: 334 Purvine smell  
**Date:** October 06, 2020 8:20:40 AM

---

Hi Ayn,

Sorry for the delay on this; I can't seem to be in the office more than a few weeks at a time before I'm reassigned to emergency response for yet another fire.

I'll keep this in the project file to consider during the 2-year review.

I'll also send applicants a request for their resolution to this complaint, which hopefully, will get them to take action, if they haven't already.

Hang in there. I'll let you know what I hear back.

crystal

Due to Public Health Orders, Permit Sonoma will be temporarily closing to the public effective Monday, July 20 until further notice. We continue to provide services remotely minimizing person-to-person contact which helps protect our community. We look forward to serving you and will reply to your message within the next three business days. We encourage you to use our online services for permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [permitsonoma.com](http://permitsonoma.com)

Thank you for your patience and understanding as we work together to keep our communities safe.

Crystal Acker, M.S.  
Planner III  
[www.PermitSonoma.org](http://www.PermitSonoma.org)  
County of Sonoma  
Planning Division | Project Review  
2550 Ventura Avenue, Santa Rosa, CA 95403  
Direct: 707-565-8357 |  
Office: 707-565-1900 | Fax: 707-565-1103

OFFICE HOURS: Permit Sonoma's public lobby is open Monday through Friday from 8:00 AM to 4:00 PM, except Wednesdays, open from 10:30 AM to 4:00 PM.

-----Original Message-----

From: Ayn Garvisch <[agarvisch@yahoo.com](mailto:agarvisch@yahoo.com)>  
Sent: September 24, 2020 10:06 AM  
To: Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
Subject: Re: 334 Purvine smell

EXTERNAL

Hello again,

I have received an email from someone named Joyce at 334 Purvine stating that she thought that essentially she thought smell was coming from other neighbors that are growing their own cannabis.

I have offered for someone from there organization to come over in thee moment and smell what I am experiencing and they have not responded.

I am inundated by the overwhelming cannabis smell every day, when I have guests over they are appalled.

What should my next steps be?

Thank you,  
Ayn

> On Sep 15, 2020, at 8:15 PM, Ayn Garvisch <agarvisch@yahoo.com> wrote:

>

> Thanks Crystal. I think it's very interesting that they would have someone with a public social media profile like Cavan Clark as their head of security. But then again, nothing they do has ever made sense to me.

>

> The smell of cannabis is overwhelming at times for me now, and getting worse everyday to where I do not want to be outside or open windows when it is present.

>

> I will notify Mr Clark.

>

> Best,

> Ayn Garvisch

>

>

> Sent from my iPhone

>

>> On Sep 3, 2020, at 8:22 AM, Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:

>>

>> Ayn,

>>

>> I got the 24-hour contact info:

>> Head of Security, Cavan Clark

>> 415-827-0807

>>

>> Cavan is first responder for all calls, and then forwards requests, issues, etc. to appropriate staff, as needed.

>>

>>

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>>

>> Thank you for your patience and understanding as we work together to keep our communities safe.

>>

>> Crystal Acker, M.S.

>> Planner III

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>> -----Original Message-----

>> From: Ayn Garvisch <agarvisch@yahoo.com>

>> Sent: August 24, 2020 1:51 PM

>> To: Crystal Acker <Crystal.Acker@sonoma-county.org>

>> Subject: 334 Purvine smell

>>

>> EXTERNAL

>>

>> Hi Crystal,

>> I am wondering who to reach out to.

>> Our home is down wind from 334 Purvine as you know. For the last month or so, the smell of cannabis from their outdoor grow has been getting more pervasive on our property. Most notable when it's warm or windy which we know it has been daily!

>>

>> I would like to know how this can be noted.

>> I have not reached out to Sonoma hills farm directly because I did not know if that's the right thing to do. Also, I do not have their on site managers contact information.

>>

>> Im wondering if the smell from hemp is possibly contributing since I understand that they are growing that too.

>>

>> My understanding is that they were going to plant trees or do something to help mitigate the smell of the outdoor cannabis.

>> Please advise,

>>

>>

>> Thank you,

>> Ayn Garvisch

>> 625 Purvine rd

>> 510-813-8866

>>

>>

>>

>> Sent from my iPhone

>>

>>

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**From:** [Crystal Acker](#)  
**To:** "Sam Magruder"  
**Cc:** "Mike Harden"; [Joyce Cenali](#)  
**Subject:** UPC17-0020: odor complaints  
**Date:** October 06, 2020 2:00:46 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)

---

I received several odors complaints from Ayn Garvisch.

She contacted me first in mid-September, which is when I asked you for your 24-hour contact person, and gave you a heads up she'd likely contact you.

Second email came 9/24/2020. I didn't get a chance to respond before being reassigned to EOC again.

Another one came 10/2/2020. I responded to both today.

The complaints are logged in the project file for use during the 2-year review of the outdoor operation. I'll also need a summary of the actions you took to resolve the issue as soon as you have completed them.

All of this will need to be part of the annual odor log you submit, but that's not due until next year.

I'm still going through emails, so if you already responded to Ayn, thank you! You can include whatever your response to her was in the resolution you submit to me.

crystal

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**From:** [Joyce Cenali](#)  
**To:** [Ayn Garvisch](#)  
**Cc:** [Crystal Acker](#); [Mike Harden](#)  
**Subject:** Re: 334 Purvine Cannabis Update  
**Date:** October 07, 2020 8:48:16 AM

---

Morning Ayn,

I'm glad to hear that you and Mike Harden, the property owner, were able to connect last week. You are correct that we are in harvest mode and it has been really busy. I remain willing to come over and have a chat with you. If you'd still like me to do so, do let me know if there is a good time.

Thanks,  
Joyce

On Fri, Oct 2, 2020 at 4:18 PM Joyce Cenali <[joyce@sonomahillsfarm.com](mailto:joyce@sonomahillsfarm.com)> wrote:

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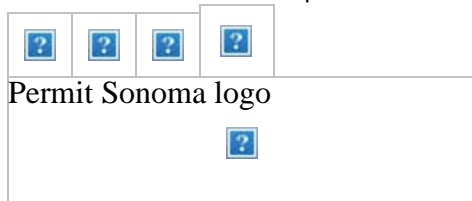


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I am asking that you consider my experience when imposing further mitigations to this and similar grows. The current setbacks and screening requirements for outdoor grows are grossly inadequate.

I understand hemp is in play and will be a bigger concern as these grows take hold, too. Smell seemed to be one of the largest concerns when the cannabis issue was discussed among you and your colleagues. How is one to determine the impact of the smell of cannabis vs. hemp when they are grown on the same parcel?

I would love to discuss this further with you if you have the time in the near future.

Thank you for the consideration,

Ayn Garvisch  
510-813-8866  
625 Purvine Rd.

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Section Monitoring Locations



See previous map for Section Monitoring Locations

Section	Approx Ft to Grow Area
A	<del>511</del> 620'
B	10'
C	10'
D	15'
E	<del>15</del> 620' <del>620</del> <del>620</del>
F	570' <del>1416</del>
G	260'
H	550' <del>has</del>









**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Wed, June 24	Ann Kuhn	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	/
Thurs, June 25	Joyce Cerali	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor
Fri, June 26	John Dajgl	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor
Sat, June 27	CAVALI CLARK	POOP	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD
Sun, June 28	CAVALI CLARK	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD	NO/OD
Mon, June 29	Ann Kuhn	✓	/	/	/	/	/	/	/
Tue, June 30	Joyce Cerali	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor
Wed, July 1	John Dajgl	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor
Thurs, July 2	Joyce Cerali	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor	NO odor
Fri, July 3	Ann Kuhn	✓	/	/	/	/	/	/	/



### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Tue, July 14	Joyce Cenali	no odor	mild CAN	mild CAN	mild CAN	no odor	no odor	no odor	no odor
Wed, July 15	Ann Lett	Manure	M	M	M	M	M	M	M
Thu, July 16	Joyce Cenali	manure	manure mild CAN	manure mild CAN	manure mild CAN	manure	manure	manure	manure
Fri, July 17	John Dingle	Manure	no odor	no odor	Manure	manure	no odor	no odor	no odor
Sat, July 18	CRANKY CLARK	POOP	POOP	POOP	POOP	POOP	POOP	POOP	POOP
Sun, July 19	CANNY CLARK	BAD POOP	" BP	" BP	" BP	" BP	" BP	" BP	" BP
Mon, July 20	Ann Lett	Manure	M	M	M	M	M	M	M
Tue, July 21	Joyce Cenali	no odor	mild CAN	mild CAN	mild CAN	no odor	no odor	no odor	no odor
Wed, July 22	John Dingle	Manure	Manure	no odor	mild Can	no odor	no odor	no odor	no odor
Thu, July 23	Joyce Cenali	no odor	mild CAN	mild CAN	mild CAN	no odor	no odor	no odor	no odor

**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Fri, July 24	John Daigle	N/O	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Sat, July 25	CAVAN CLARK	POOP	POOP	POOP	POOP	POOP	POOP	POOP	POOP
Sun, July 26	CAVAN CLARK	POOP	POOP	POOP	POOP	POOP	BAD POOP	POOP	POOP
Mon, July 27	Ann Kelt	M	M	M	M	M	M	M	M
Tue, July 28	Joyce Cenali	no odor	mild whiffs	mild whiffs	mild whiffs	no odor	no odor	no odor	no odor
Wed, July 29	John Daigle	no odor	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Thurs, July 30	Joyce Cenali	no odor	mild whiffs	mild whiffs	mild whiffs	no odor	no odor	no odor	no odor
Fri, July 31	Ann Kelt	M	M	M	M	M	M	M	M
Sat, Aug 1	CAVAN CLARK	M	M	M	M	M	M	M	M
Sun, Aug 2	CAVAN CLARK	N/O							

**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Mon, Aug 3	John Dingle	Manure	manure	manure	manure	manure	manure	manure	no odor
Tue, Aug 4	Joyce Cenali	no odor	mild CAN	mild CAN	mild CAN	NO ODOR	no odor	no odor	no odor
Wed, Aug 5	Aaron Ueh	Manure	M	M	M	M	M	M	M
Thun, Aug 6	Joyce Cenali	no odor	mild CAN	mild CAN	mild CAN	NO ODOR	no odor	no odor	no odor
Fri, Aug 7	John Dingle	no odor	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Sat, Aug 8	<del>CAVIN CHART</del>	N/O	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Sun, Aug 9	<del>CAVIN CHART</del>	N/O	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Mon, Aug 10	Aaron Ueh	Manure	M	M	M	M	M	M	M
Tue, Aug 11	Joyce Cenali	no ODOR	mild CAN	mild CAN	mild CAN	no ODOR	no ODOR	no ODOR	no ODOR
Wed, Aug 12	John Dingle	Manure	Manure	No Odor	N/O	N/O	N/O	N/O	N/O



**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Sun, Aug 23	CAVAN CLARK	DUCK	POOP	ALL	PAY				
Mon, Aug 24	Ann Loh	Manure	M	M	M	M	M	M	M
Tue, Aug 25	Joye Cenali	Strong manure	manure duck	manure manure	manure trucks	manure	manure	manure	manure
Wed, Aug 26	Jake Jaigle	no odor	manure	manure	manure	manure	manure	manure	manure
Thu, Aug 27	Joye Cenali	Strong manure	manure duck	manure manure	manure trucks	manure	manure	manure	manure
Fri, Aug 28	Ann Loh	Manure	M	M	M	M	M	M	M
Sat, Aug 29	CAVAN CLARK	DUCK	TRUCK	POOP					
Sun, Aug 30	CAVAN CLARK	DUCK POOP	"	"	"	"	"	"	"
Mon, Aug 31	Jake Jaigle	N/O	No odor	N/O	N/O	N/O	N/O	N/O	N/O
Tue, Sept	Joye Cenali	no odor	mild whiffs	mild whiffs	mild whiffs	no odor	no odor	no odor	no odor

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Wed, Sept 2	Aaron Hahn	Mann	Mild can	Mild can	Mild can	M	M	M	M
Thurs, Sept 3	Jaime Conali	no odor	mild whiffs	mild whiffs	mild whiffs	no odor	no odor	no odor	no odor
Fri, Sept 4	Aaron Hahn	Mann	Mild can	mild can	mild can	M	M	M	M
Sat, Sept 5	CAVANO CLARK	POOP	Mild can POOP	Mild can POOP	Mild can POOP	POOP	POOP	POOP	POOP
Sun, Sept 6	CAVANO CLARK	POOP	M/C POOP	M/C POOP	M/C POOP	POOP	"	"	"
Mon, Sept 7	labse day <sup>CAVANO CLARK</sup>	POOP	POOP	POOP	POOP	POOP	POOP	POOP	POOP
Tue, Sept 8	Aaron Hahn	Mann	Mann	M	M	M	M	M	M
Wed, Sept 9	Jake Daigle	Mann	Mann	mann	mann	mann	mann	mann	mann
Thurs, Sept 10	Jaime Conali	mild	mild	mild	mild	mild	none	none	none
Fri, Sept 11	Jake Daigle	mild can	mild can	mild can	mild can	mild can	no odor	no odor	no odor

**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
Sat, Sept 12	CAVAN CLAR	N/O	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Sun, Sept 13	CAVAN CLAR	N/O	N/O	N/O	N/O	N/O	N/O	N/O	N/O
Mon, Sept 14	John Daigle	No odor	No odor	No odor	No odor	No odor	No odor	No odor	No odor
Tue, Sept 15	CAVAN CLAR	M/C	M/C	M/C	M/C	M/C	M/C	M/C	N/O
Wed, Sept 16	John Daigle	mild can	mild can	mild can	mild can	mild can	mild can	mild can	No odor
Thurs, Sept 17	CAVAN CLAR	M/C	M/C	M/C	M/C	M/C	N/O	N/O	N/O
Fri, Sept 18	John Daigle	mild can	mild can	mild can	mild can	mild can	no oda	no odor	No odor
Sat, Sept 19	CAVAN CLAR	M/C	M/C	M/C	M/C	M/C	M/C	N/O	N/O
Sun, Sept 20	CAVAN CLAR	N/O	M/C	M/C	N/O	N/O	N/O	N/O	N/O
Mon, Sept 21	CAVAN CLAR	N/O	M/C	M/C	N/O	N/O	N/O	N/O	N/O







### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
OCT 22	Sarah	NO	NO	NO	NO	NO	NO	NO	NO
OCT 23	Sarah	NO	NO	mild	mild	NO	NO	NO	NO
OCT 24	Joyce	NO ODOR	NO ODOR	MILD	MILD	MILD	NO ODOR	NO ODOR	NO ODOR
OCT 25	Sarah	NO	NO	MILD	NO	NO	NO	NO	NO
OCT 26	Sarah	NO	NO	MILD	MILD	mild	NO	NO	NO
OCT 27	Joyce	NO ODOR	NO ODOR	MILD	MILD	MILD	NO ODOR	NO ODOR	NO ODOR
OCT 28	Sarah	NO	mild	mild	mild	NO	NO	NO	NO
OCT 29	Sarah	NO	NO	MILD	mild	NO	NO	NO	NO
OCT 30	Joyce	NO ODOR	NO ODOR	MILD	MILD	MILD	NO ODOR	NO ODOR	NO ODOR
OCT 31	Sarah	NO	NO	mild	mild	mild	NO	NO	NO

HARVEST / NO MORE PLANTS ON SITE



**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
5/14	Sarah Poirier	NO	NO	NO	NO	NO	NO	NO	NO
5/15	Sarah Poirier	NO	NO	NO	NO	NO	NO	NO	NO
5/16	AK	NO							
5/17	Sarah Poirier	NO	NO	NO	NO	NO	NO	NO	NO
5/18	AK	NO							
5/19	Sarah Poirier	NO	NO	NO	NO	NO	NO	NO	NO
5-20	AK	NO							
5/21	Sarah Poirier	NO	NO	NO	NO	NO	NO	NO	NO
5-22	AK	NO							
5-23	AK	NO							







**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises. log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
6/23	Eleanor	No	No	No	No	No	No	No	No
6/24	Eleanor	No	No	No	No	No	No	No	No
6/25	Eleanor	No	No	No	No	No	No	No	No
6/26	Eleanor	No							
6/27	Marlon	No	No	No	No	No	No	No	No
6/28	Marlon	No	No	No	No	No	No	No	No
6/29	Marlon	No	No	No	No	No	No	No	No
6/30	Eleanor	No	No	No	No	No	No	No	No
7/1	Eleanor	No	No	No	No	No	No	No	No
7/2	Eleanor	No							

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
7/3	Eleanor	NO	NO	NO	NO	No	NO	NO	NO
7/4	Marlon	No	No	No	No	No	No	No	No
7/5	Sarah	NO	NO	NO	NO	NO	NO	NO	NO
7/6	Sarah	No	No	No	No	No	No	No	No
7/7	Sarah	NO	NO	NO	NO	NO	NO	NO	NO
7/8	Marlon	No	No	No	No	No	No	No	No
7/9	Jimmy	NO	NO	NO	NO	NO	NO	NO	NO
7/10	Eleanor	NO	NO	NO	NO	NO	NO	NO	No
7/11	Marlon	No	No	No	No	No	No	No	No
7/12	Marlon	No	Yes	Yes	No	No	No	No	No

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
7/13	Marlon	No	Yes	Yes	No	No	No	No	No
7/14	Marlon	No	Yes	Yes	No	No	No	No	No
7/15	Marlon	No	Yes	Yes	No	No	No	No	No
7/16	Jalen	No	slight	slight	No	No	No	No	No
7/17	JIMMY	NO	YES	NO	NO	NO	NO	NO	NO
7/18	Marlon	No	Yes	Yes	No	No	No	No	No
7/19	Marlon	No	Yes	Yes	No	No	No	No	No
7/20	Sarah	NO	NO	NO	NO	NO	NO	NO	NO
7/21	Sarah	NO	slight	NO	NO	NO	NO	NO	NO
7/22	Eleanor	NO	slight	NO	NO	NO	NO	NO	NO

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
7/24	Eleanor	NO	NO	Yes	NO	NO	NO	NO	NO
7/25	Marlon	No	No	Yes	No	No	No	No	No
7/26	Marlon	No	No	Yes	No	No	No	No	No
7/27	SP	NO	NO	Slight	NO	NO	NO	No	NO
7/28	Eleanor	NO	NO	Yes	NO	NO	NO	NO	NO
7/29	Eleanor	NO	NO	Yes	NO	NO	NO	NO	NO
7/30	Eleanor	No	NO	Yes	NO	NO	NO	NO	NO
7/31	Eleanor	No	NO	Yes	NO	NO	NO	NO	NO
8/1	Marlon	No	No	Yes	No	No	No	No	No
8/2	Sarah	NO	NO	Yes	NO	NO	NO	NO	NO

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
8/3	Marlon	No	No	Yes	No	No	No	No	No
8/4	Marlon	No	No	Yes	No	No	No	No	No
8/6	Eleanor	NO	NO	YES	NO	NO	NO	NO	NO
8/7	Eleanor	NO	NO	Yes	No	No	No	No	No
8/8	Matt	NO	NO	yes	No	NO	NO	NO	NO
8/9	Marlon	No	No	YES	No	No	No	No	No
8/10	Sarah	NO	NO	slight	NO	NO	NO	NO	NO
8/11	Eleanor	NO	NO	Yes	NO	NO	NO	NO	NO
8/12	Eleanor	NO	NO	Yes	NO	NO	NO	NO	NO
8/13	Marlon	No	No	Yes	No	No	No	No	No

**Odor Reporting Log**

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premise log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
8/14	Marlon	No	No	Yes	No	No	No	No	No
8/15	Marlon	No	No	Yes	No	No	No	No	No
8/16	Marlon	No	No	Yes	No	No	No	No	No
8/17	Marlon	No	No	Yes	No	No	No	No	No
8/18	Marlon	No	No	Yes	No	No	No	No	No
8/19	Marlon	No	No	Yes	No	No	No	No	No
8/20	Marlon	No	No	Yes	No	No	No	No	No
8/21	Marlon	No	No	Yes	No	No	No	No	No
8/22	Marlon	No	No	Yes	No	No	No	No	No
8/23	Marlon	No	No	Yes	No	No	No	No	No

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

Date	Emp Name	A	B	C	D	E	F	G	H
8/24	Marlon	No	Yes	Yes	No	No	No	No	No
8/25	Marlon	No	Yes	Yes	No	No	No	No	No
8/26	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
8/27	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
8/28	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
8/29	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
8/30	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
8/31	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
9/1	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO
9/2	JIMMY	NO	YES	YES	NO	NO	NO	NO	NO

### Odor Reporting Log

Overview: Daily log of odor for 334 Purvine location, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor variance relative to each location as marked on the map of the facility.

AM/  
PM

Date	Emp Name	A	B	C	D	E	F	G	H
9/3	Marlon	No	Yes	Yes	No	No	No	No	No
9/4	Marlon	No	Yes	Yes	No	No	No	No	No
9/5	Marlon	No	Yes	Yes	No	No	No	No	No
9/6	Sarah	NO	Y	YES	NO	NO	N	NO	NO
9/7	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
9/8	Sarah	no	yes	Y	yes	no	no	no	no
9/9	Sarah	NO	YES	YES	YES	NO	NO	N	NO
9/10	Sarah	N	Y	Y	Y	N	N	N	N
9/11	Sarah	NO	YES	YES	YES	N	NO	NO	NO
9/12	Sarah	N	Y	Y	Y	N	N	N	N

**ODOR LOG**  
**THE HIGHLAND CANOPY**  
**STATE LICENSE # CCL20-0000520**

Daily log of odor for 334 Purvine Road, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor cannabis is on the premises and log odor variance relative to each locaton as marked on the map of the facility.

CIRCLE ONE	DATE	NAME	A	B	C	D	E	F	G	H
AM or PM	9/13	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/14	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/15	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/16	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/17	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/18	Matt	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/19	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/20	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/21	Jimmy	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/22	Jimmy	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/23	Jimmy	NO	NO	YES	YES	NO	NO	NO	NO
AM or PM	9/24	Jimmy	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/25	Jimmy	NO	YES	YES	YES	NO	NO	NO	NO

**ODOR LOG**  
**THE HIGHLAND CANOPY**  
**STATE LICENSE # CCL20-0000520**

Daily log of odor for 334 Purvine Road, employee is to walk the grounds at least once a day whenever cannabis is on the premises and log odor cannabis is on the premises and log odor variance relative to each locaton as marked on the map of the facility.

CIRCLE ONE	DATE	NAME	A	B	C	D	E	F	G	H
AM or PM	9/26	Matt A.	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/27	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/28	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/29	Matt	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	9/30	Matt	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/1	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/2	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/3	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/4	Jimmy	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/5	Sarah	NO	YES	YES	YES	NO	NO	NO	NO
AM or PM	10/6	Sam	N	Y	Y	Y	N	N	W	W
AM or PM	10/7	Sam	N	Y	Y	Y	N	W	W	W
AM or PM	10/8	JIMMY	NO	YES	YES	YES	NO	NO	NO	NO













**GROUNDWATER REPORTING FORM**

**PJR-121**

Prepared by Mike Harden Email mike@sonomahillsfarm.com  
 Address 334 Purvine Rd., Petaluma CA 94952  
 Permit Number UPC17-0020 Report for Calendar Year 2020 Phone 415-425-7988

**If your approved use is operating and using groundwater**, please complete this form and return it with your payment and bottom of invoice to Permit Sonoma.

**If not using groundwater**, complete the attached Affidavit (PJR-122) and return to Permit Sonoma.

**NOTE:** If you use multiple wells for your project, please copy this form for each well's data

**Supply well:** County Well Permit Number \_\_\_\_\_ (example: WEL18-0045)  
 State Water Well Drillers Report Number \_\_\_\_\_

**Dedicated monitoring well** County Well Permit Number \_\_\_\_\_  
 State Water Well Drillers Report Number \_\_\_\_\_

**Water Meter:** Units:  Cubic Feet  Gallons  Other \_\_\_\_\_  
 Correction Factor:  10  100  1000  Other NA

**Attach a photo of water meter at last reading (new requirement)**

**IF A WINERY, COMPLETE THE FOLLOWING**

Total tons crushed during the year	Maximum gallons of juice stored on site during the year	Total cases bottled during the year

**IF CHEESE MAKING, COMPLETE THE FOLLOWING**

Total pounds of cheese produced during the year	Maximum pounds of cheese stored on site

**IF CANNABIS, COMPLETE THE FOLLOWING**

Indoor Square Footage of canopy	Mixed light square footage of canopy	Outdoor square footage of canopy	Nursery square footage of canopy
0	0	28,560	0

**SECTION I:** Permits requiring **quarterly** monitoring (Note, the well should be turned off at the end of the day, and the depth to groundwater measured the next morning before the well is turned back on)

Season	Date MM/DD/YYYY	Time of Reading	Depth of Water in Feet	Water Meter Reading
Winter (12/31 - 3/20)				
Spring (3/21 - 6/20)				
Summer (6/21 - 9/20)				
Fall (9/21-12/30)				

**SECTION II:** Permits requiring **monthly** monitoring (Note, the well should be turned off at the end of the day, and the depth to groundwater measured the next morning before the well is turned back on)

Month	Date MM/DD/YYYY	Time of Reading	Depth of Water in Feet	Water Meter Reading
January	N/A	N/A	—	—
February	N/A	N/A	—	—
March	N/A	N/A	—	—
April	N/A	N/A	—	—
May	Irrigation System complete	N/A	—	7,856
June	6-1-2020	7:00 AM	45 ft	34,356
July	7-1-2020	7:00 AM	55 ft	111,110
August	8-1-2020	7:00 AM	60 ft	235,372
September	9-1-2020	7:00 AM	60 ft	328,372
October	10-1-2020	7:00 AM	55 ft	399,280
November	11-1-2020	7:00 AM	45 ft	399,280
December	12-1-2020	7:00 AM	45 ft	399,280



**GROUNDWATER REPORTING FORM**

**PJR-121**

Prepared by Mike Harden Email mike@sonomahillsfarm.com  
 Address 334 Purvine Rd., Petaluma CA 94952  
 Permit Number UPC17-0020 Report for Calendar Year 2021 Phone 415-425-7988

**If your approved use is operating and using groundwater,** please complete this form and return it with your payment and bottom of invoice to Permit Sonoma.

**If not using groundwater,** complete the attached Affidavit (PJR-122) and return to Permit Sonoma.

**NOTE:** If you use multiple wells for your project, please copy this form for each well's data

**Supply well:** County Well Permit Number \_\_\_\_\_ (example: WEL18-0045)  
 State Water Well Drillers Report Number \_\_\_\_\_

**Dedicated monitoring well** County Well Permit Number \_\_\_\_\_  
 State Water Well Drillers Report Number \_\_\_\_\_

**Water Meter:** Units:  Cubic Feet  Gallons  Other \_\_\_\_\_  
 Correction Factor:  10  100  1000  Other NA

**Attach a photo of water meter at last reading (new requirement)**

**IF A WINERY, COMPLETE THE FOLLOWING**

Total tons crushed during the year	Maximum gallons of juice stored on site during the year	Total cases bottled during the year

**IF CHEESE MAKING, COMPLETE THE FOLLOWING**

Total pounds of cheese produced during the year	Maximum pounds of cheese stored on site

**IF CANNABIS, COMPLETE THE FOLLOWING**

Indoor Square Footage of canopy	Mixed light square footage of canopy	Outdoor square footage of canopy	Nursery square footage of canopy
0	0	28,560	0

SECTION I: Permits requiring quarterly monitoring (Note, the well should be turned off at the end of the day, and the depth to groundwater measured the next morning before the well is turned back on)

Season	Date MM/DD/YYYY	Time of Reading	Depth of Water in Feet	Water Meter Reading
Winter (12/31 - 3/20)				
Spring (3/21 - 6/20)				
Summer (6/21 - 9/20)				
Fall (9/21-12/30)				

SECTION II: Permits requiring monthly monitoring (Note, the well should be turned off at the end of the day, and the depth to groundwater measured the next morning before the well is turned back on)

Month	Date MM/DD/YYYY	Time of Reading	Depth of Water in Feet	Water Meter Reading
January	1-1-21	7:00 AM	35-40	386,483
February	2-1-21	7:00 AM	35-40	344,986
March	3-1-21	7:00 AM	35-40	366,112
April	4-1-21	7:00 AM	35-40	385,562
May	5-1-21	7:00 AM	45	415,402
June	6-1-21	7:00 AM	55-60	485,634
July	7-1-21	7:00 AM	70	557,647
August	8-1-21	7:00 AM	80	635,877
September	9-1-21	7:00 AM	80	698,201
October	10-1-21	7:00 AM	65	740,317
November	11-1-21	7:00 AM	55-40	754,243
December	12-1-21	7:00 AM	35-40	760,212



**CANNABIS SITE INSPECTION REPORT**

Site Address: 334 Purvine Rd.  
 APN: 022-230-020 Permit #: UPC17-0020  
 Business Name: Sonoma Hills Farm  
 Operator Name: Michael Hardin (Aaron Keeter)  
 Email: Sam@bigrock.com Phone: (415) 624-5113  
 Cultivation Type: 8096 mixed light indoor 2880 outdoor 28,560 outdoor Permitted Canopy: 28,560 ft<sup>2</sup> Verified Canopy: 28,560 ft<sup>2</sup>

Inspection Date: 9/22/21  
 Annual  
 At-Cost Inspection     Post-Development  
 Other: \_\_\_\_\_  
 Hourly Rate: \$ \_\_\_\_\_ Hours: \_\_\_\_\_  
 At-cost inspections are billed at the current hourly rate, including travel time, with a minimum charge for 30 minutes and then rounded to the nearest quarter hour.

Compliance	Y	N	N/A	Compliance	Y	N	N/A	Compliance	Y	N	N/A
Setbacks Sec: 26-88-254(f)(6) & (13)	✓			Well Metered Sec: 26-88-254(g)(11)	✓			Pesticide Storage Sec: 26-88-250 (c)(3)		✓	
Fencing/Screening Sec: 26-88-254(f)(21)	✓			Waste Containers Closed/Secured Sec: 26-88-254(g)(8)	✓			HazMat Sec: 26-88-250 (c)(3)		✓	
Locking Gate(s) Sec: 26-88-254(f)(21)	✓			Cannabis Waste Secured Sec: 26-88-254(g)(8)	✓			Accurate Site Plan Sec: 26-88-250 (c)(3)		✓	
Cameras Sec: 26-88-254(f)(21)	✓			Weekly Waste Disposal Sec: 26-88-254(g)(8)	✓			Vegetation Management Sec: 26-88-254(f)(16)		✓	
Lighting Sec: 26-88-254(f)(19) & (21)	✓			Waste Water: Septic/Portable Sec: 26-88-254(g)(9)	✓			Scales Sealed Sec: 26-88-250(i)	MF	✓	✓
No Weapons Sec: 26-88-254(f)(21)	✓			Pesticides Used Sec: 26-88-250 (c)(3)	✓			Records Maintained Sec: 26-88-250(j)		✓	
Valid State Lic: <u>CCL20-060520</u> Expiration Date: <u>5/6/22</u> Sec: 26-88-250 (c)(3)	✓			Operator ID: <u>495034</u> Sec: 26-88-250 (c)(3)	✓						
BMP Compliance Sec: 26-88-254(f)(20)	Y	N		Management Practices Employed							
Pesticides and Fertilizations	✓			<u>locked container</u>							
Riparian Protection				<u>N/A</u>							
Water Use and Storage	✓			<u>Drip Irrigation</u>							
Waste Management	✓			<u>weekly disposal</u>							
Erosion Control	✓			<u>Straw</u>							

Follow Up Required?     YES     NO    Due Date: \_\_\_\_\_

REMARKS (including description of all non-compliances or site-specific notes): \_\_\_\_\_

- Have a ppt. for scales.

Received by: Mike Hardin    Signature: [Signature]    Date: 9-22-21  
 Inspected by: Maggie Furlong    Signature: [Signature]    Date: 9-22-21  
 Distribution: White – County    Yellow – Project Contact    Pink – Billing Clerk    Page 1 of 1

# DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES

**Andrew F. Smith**  
 Agricultural Commissioner  
 Sealer of Weights & Measures



133 Aviation Blvd., Suite 110  
 Santa Rosa, CA 95403-8279  
 (707) 565-2371 Fax (707) 565-3850  
 sonomacounty.ca.gov/AWM

## CANNABIS CERTIFICATE OF INSPECTION

Site Address: 334 Purvine Rd.  
 Permit #: UPC17-0020 APN: 022-230-020  
 Business Name: Sonoma Hills Farm LLC  
 Operator Name: Michael Harden Sam Macbruder  
 Email: samm@bigrock.com Phone: \_\_\_\_\_  
 Cultivation Type: Med. Outdoor  
 Verified Canopy (ft<sup>2</sup>): 28560

Inspection Date: 10-14-2020  
 Annual       Pre-Approval  
 Renewal       Pre-Development  
 Permit Sonoma  
 Follow-Up At-Cost Inspection  
 (\$ \_\_\_\_\_ /hr) Hours: \_\_\_\_\_  
*At-cost inspections are billed at the current hourly rate, including travel time, with a minimum charge for 30 minutes and then rounded to the nearest quarter hour.*

**REMARKS** (including description of all non-compliances or site-specific notes):

8096 mixed light  
2880 indoor  
28560 outdoor

SUPPLEMENT ATTACHED?  YES  NO

FOLLOW UP INSPECTION REQUIRED?

YES  NO

*Inspection(s) performed due to non-conformance will be billed at-cost at the current hourly rate, including travel time, with a minimum charge for 30 minutes and then rounded to the nearest quarter hour. Please reference Cannabis project fees to determine number of inspections included with project fee.*

PLAN CONFORMANCE?

YES  NO

*If a "NO" is checked above, you may be in violation of Chapter 26 of the Sonoma County Code. Any person who violates or knowingly permits violation of any provision of Chapter 26 of the Sonoma County Code shall be guilty of a misdemeanor, punishable by a fine, or by imprisonment for a term not exceeding six months, or by both. In addition, any person who violated or knowingly permits violation of any provision of Chapter 26 of the Sonoma County Code may be subject to civil penalties.*

	Requirements	Compliance				Requirements	Compliance			
		Y	N	N/A			Y	N	N/A	
Erosion Control	Cover Crop Not yet			✓	Waste	Closed, Secure Containers	✓			
	Straw Mulch	✓				Cannabis Waste Secure	✓			
	Fiber Rolls chips					Disposal Weekly	✓			
	EC Materials On Site	✓				Septic or Portable On Site	✓			
	Bare Soil/Dust Control	✓				No Excess Irrigation	✓			
	Tree Removal	✓				Compost	Leachate Contained			✓
	Slopes <15%	✓					Fiber Roll/Barrier			✓
	Perimeter Filter Strip	✓					Tarped/Covered			✓
							Outside Riparian Corridor	✓		✓
Roads	Water Bars	✓			Security	Locking Gate	✓			
	Vegetated or Rocked	✓				Cameras: Under Canopy	✓			
	Culverts/Outlets Clear	✓				Cameras: Screened	✓			
Other:	✓			Video Retained/Stored		✓				
Setbacks	Riparian/Biotic Habitat	✓			Cultivation Screened	✓				
	Development Criteria	✓			Fencing Consistent	✓				
	Wetland	✓			No Razor Wire	✓				
	Pond/Reservoir	✓			No Weapons	✓				
Agrichemicals	Setbacks	✓			Other	Structures Locked	✓			
	Storage: Outside Riparian	✓				Lighting: Scrnd/Downcast	✓			
	Storage: Off Ground	✓				Site Plan Compliant	✓			
	Storage: Secure Container	✓				Well Metered	✓			
	Mix/Load Area Secure	✓				Use Records Retained	✓			
	Pesticides Used	✓				Employees	✓			
	Valid Operator ID	✓				Valid State License	✓			
	Hazmat Thresholds	✓				Meets Fire Plan	✓			
Secondary Containment	✓									

By signing this document, I agree that all information contained herein is true and I agree to implement recommended practices in accordance with Sonoma County Cannabis Land Use Ordinance Operating Standards and associated Best Management Practices:

Received by: Adam Keeler  
 Print Name  
 Inspected by: Maggie Furlong  
 Print Name

Signature: [Signature]  
 Signature: [Signature]

Date: 10-14-20  
 Date: 10-14-20



PINECREST ENVIRONMENTAL CONSULTING  
6425 TELEGRAPH AVE. #8  
OAKLAND, CA 94609

510.881.3039 TEL  
INFO@PINECRESTENVIRONMENTAL.ORG  
WWW.PINECRESTENVIRONMENTAL.ORG

## MEMORANDUM

Date: March 12, 2020  
To: Sam Magruder, Petaluma Hills Farm, LLC.  
From: Christopher T. DiVittorio, PhD, Pinecrest Environmental Consulting, Inc.  
Subject: Preconstruction Survey Results for 334 Purvine Rd., Sonoma County (APN 022-230-020)

Dear Sam,

This memorandum details our findings pursuant to the conditions for approval of the project located at the above-referenced parcel in unincorporated Sonoma County. The "*Revised Final Cannabis Conditions of Approval*" dated April 11, 2019 and assigned File No. UPC17-0020, contain Mitigation Measures BIO-1, BIO-3, and BIO-4 for Amphibians, Nesting Birds, and American Badger, respectively. These mitigation measures stipulate preconstruction surveys prior to ground disturbance.

A preconstruction site visit was performed at the above-referenced parcel on March 3, 2020, approximately 24 hours prior to disking of the grassland portion of the site. The survey protocol included walking in parallel lines 10 feet apart throughout the entirety of the area to be disked, looking for any evidence of animal or special status plant species but paying particular attention to evidence of any of the animals covered specifically by the three aforementioned mitigation measures. Specifically, we looked for sign of these animals including but not limited to direct observation, burrows, tracks, scat, hair/feathers, or calls. If burrows or other holes in the ground were found, we looked for evidence that they were occupied or used and what animal caused them.

The site visit first showed no evidence that the site is currently occupied by California tiger salamander (*Ambystoma californiense*; CTS) or any other special-status amphibians. These species generally use cracks in the ground or abandoned fossorial mammal burrows to estivate in during summer months, however this soil does not support the kind of cracking as observed in the field, and there are also no small mammal burrows that are open and accessible by CTS currently in the pasture area, likely due to the heavy grazing that has occurred over previous years. Our survey also found no evidence of nesting birds, particularly Burrowing owl (*Athene cunicularia*), that are known to use ground squirrel burrows. There were no ground squirrel burrows found in the project area, and no gopher holes that could be used for refuge or nesting. There are no other known nesting birds that would use the site since it is flat grassland with no trees or other topographic relief. Finally, we did not find any evidence that American badger (*Taxidea taxus*) use the site. There was a small depression that was likely caused by a coyote digging gophers in the past, however this depression was less than one foot deep and covered with spider webs and there were no animals of any species inside.

Based on these findings we cleared the area for disking and instructed personnel in attendance to observe any animals seen during disking and to stop work and contact PEC immediately if any animals are observed onsite in the work area, and not to wait more than 36 hours to begin work.

Please don't hesitate to contact me anytime at the number below if you have any questions about this memorandum or other studies we've completed for this project.

Sincerely,

A handwritten signature in red ink, appearing to read "Chris DiVittorio".

Christopher DiVittorio, PhD  
President, PEC Inc.  
(510) 881-3039  
[chris@pinecrestenvironmental.org](mailto:chris@pinecrestenvironmental.org)

**From:** [Cannabis](#)  
**To:** [Crystal Acker](#)  
**Subject:** FW: Evidence of Cannabis Operations Illegally Hauling Water in Petaluma Dairy Belt - attachments  
**Date:** October 25, 2021 1:28:19 PM  
**Attachments:** [Insight Group Report-compressed.pdf](#)  
[Evidence of Illegal Water Hauling in Petaluma Dairy Belt-compressed.pdf](#)

---

Forwarding to you as well, since they mention 334 Purvine.

*McCall*

707.565.7099

---

**From:** Cannabis <[Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org)>  
**Sent:** Monday, October 25, 2021 1:27 PM  
**To:** Andrew Smith <[Andrew.Smith@sonoma-county.org](mailto:Andrew.Smith@sonoma-county.org)>; Marina Herrera <[Marina.Herrera@sonoma-county.org](mailto:Marina.Herrera@sonoma-county.org)>; Daniella Reagan <[Daniella.Reagan@sonoma-county.org](mailto:Daniella.Reagan@sonoma-county.org)>  
**Subject:** FW: Evidence of Cannabis Operations Illegally Hauling Water in Petaluma Dairy Belt - attachments

Hi,  
Attachments resent/linked below.

*McCall*

707.565.7099

---

**From:** [info@sosneighborhoods.com](mailto:info@sosneighborhoods.com) <[info@sosneighborhoods.com](mailto:info@sosneighborhoods.com)>  
**Sent:** Monday, October 25, 2021 12:21 PM  
**To:** Susan Gorin <[Susan.Gorin@sonoma-county.org](mailto:Susan.Gorin@sonoma-county.org)>; David Rabbitt <[David.Rabbitt@sonoma-county.org](mailto:David.Rabbitt@sonoma-county.org)>; Chris Coursey <[Chris.Coursey@sonoma-county.org](mailto:Chris.Coursey@sonoma-county.org)>; district4 <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>; district5 <[district5@sonoma-county.org](mailto:district5@sonoma-county.org)>; Andrea Krout <[Andrea.Krout@sonoma-county.org](mailto:Andrea.Krout@sonoma-county.org)>; Sean Hamlin <[Sean.Hamlin@sonoma-county.org](mailto:Sean.Hamlin@sonoma-county.org)>; Jenny Chamberlain <[jchamber@sonoma-county.org](mailto:jchamber@sonoma-county.org)>; Leo Chyi <[Leo.Chyi@sonoma-county.org](mailto:Leo.Chyi@sonoma-county.org)>; Lynda Hopkins <[Lynda.Hopkins@sonoma-county.org](mailto:Lynda.Hopkins@sonoma-county.org)>; Cannabis <[Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org)>; Arielle Kubu-Jones <[Arielle.Kubu-Jones@sonoma-county.org](mailto:Arielle.Kubu-Jones@sonoma-county.org)>; district3 <[district3@sonoma-county.org](mailto:district3@sonoma-county.org)>  
**Subject:** RE: Evidence of Cannabis Operations Illegally Hauling Water in Petaluma Dairy Belt - attachments

The attachments sent previously were large files and some email systems may not be able to process them so attached are lower resolution versions of the same files.

Full res versions are also available on the web:

<http://www.sosneighborhoods.com/docs/Insight%20Group%20Report.pdf>

<http://www.sosneighborhoods.com/docs/Evidence%20of%20Illegal%20Water%20Hauling%20in%20Petaluma%20Dairy%20Belt.pdf>

Save our Sonoma Neighborhoods  
[info@sosneighborhoods.com](mailto:info@sosneighborhoods.com)

---

**From:** Cannabis <[Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org)>  
**Sent:** Monday, October 25, 2021 10:19 AM  
**To:** [info@sosneighborhoods.com](mailto:info@sosneighborhoods.com)  
**Subject:** RE: Evidence of Cannabis Operations Illegally Hauling Water in Petaluma Dairy Belt

Good morning,  
I am unable to open the attachment. Please resend.



**McCall Miller**

Department Analyst | Cannabis Ombudsperson

Sonoma County Administrator's Office

E: [cannabis@sonoma-county.org](mailto:cannabis@sonoma-county.org) | [sonomacounty.ca.gov/cannabis-program](http://sonomacounty.ca.gov/cannabis-program)

[Sign up for Cannabis Program Updates](#)

*The County Administrator Office's mission is to build a sustainable and equitable future for our community by making collaborative, transparent, and informed policy recommendations to the Board of Supervisors.*

-----Original Message-----

From: [info@sosneighborhoods.com](mailto:info@sosneighborhoods.com) <[info@sosneighborhoods.com](mailto:info@sosneighborhoods.com)>

Sent: Saturday, October 23, 2021 1:24 PM

To: Susan Gorin <[Susan.Gorin@sonoma-county.org](mailto:Susan.Gorin@sonoma-county.org)>; David Rabbitt <[David.Rabbitt@sonoma-county.org](mailto:David.Rabbitt@sonoma-county.org)>; Chris Coursey <[Chris.Coursey@sonoma-county.org](mailto:Chris.Coursey@sonoma-county.org)>; district4 <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>; district5 <[district5@sonoma-county.org](mailto:district5@sonoma-county.org)>; Andrea Krout <[Andrea.Krout@sonoma-county.org](mailto:Andrea.Krout@sonoma-county.org)>; "Arielle.Kubu-Jones@sonoma-county.district3"@sonoma-county.org; Sean Hamlin <[Sean.Hamlin@sonoma-county.org](mailto:Sean.Hamlin@sonoma-county.org)>; Jenny Chamberlain <[jchamber@sonoma-county.org](mailto:jchamber@sonoma-county.org)>; Leo Chyi <[Leo.Chyi@sonoma-county.org](mailto:Leo.Chyi@sonoma-county.org)>; Lynda Hopkins <[Lynda.Hopkins@sonoma-county.org](mailto:Lynda.Hopkins@sonoma-county.org)>; Cannabis <[Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org)>

Subject: Evidence of Cannabis Operations Illegally Hauling Water in Petaluma Dairy Belt

EXTERNAL

Here is evidence of violations of law with respect to the use of trucked water at cannabis cultivations in Sonoma County. We are experiencing an unprecedented drought during which residents of this county have been asked to reduce their water use by 20% by abandoning growing vegetable gardens, not washing their vehicles, and taking fewer showers. State officials say this is the worst drought in a century. Cannabis growers have taken advantage of these sacrifices by illegally watering their crops with city water.

Unauthorized use of water under state regulations may result in forfeiture of a license to cultivate (e.g., DCC §15001.2 (d)(1)). Under Sonoma County's Cannabis Ordinance (§ 26-88-254(g)(10)), a cultivator must have an on-site water supply source adequate to meet all on-site uses on a sustainable basis. Any cultivation site that requires the use of trucked municipal water obviously does not have a sustainable water source. All cities in Sonoma County forbid using water from hydrants for cannabis operations.

The attached Insight Group Report provides abundant evidence and photographs of municipal water being hauled to a cannabis grow at 334 Purvine Road, Petaluma (UPC17-0020; CCL20-0000520). This operation requires up to 2 million gallons of water per harvest, an amount unsustainable at this site.

The attached report Evidence of Illegal Water Hauling in Petaluma Dairy Belt provides evidence and photographs of municipal water apparently being hauled to 1400 Valley Ford Freestone Road, Bodega (APC21-0001, -0101, 0045; apparently no state licenses). It contains similar information for 4835 and 3803 Springhill Road, Petaluma (APC21-0056 through -0064; CCL20-0002173 through -2188).

There is evidence of similar water violations at 2260 Los Alamos Road, Santa Rosa (UPC18-0037), based on abundant eye witness information. Permit Sonoma has declined to investigate or refer the matter to the Sonoma County Sheriff's Office or the Sonoma County District Attorney's office. Sonoma County's attitude seems to be that unless private citizens trespass on a cannabis site, risking life and limb, to photograph water being delivered, the county will ignore illegal water hauling.

-Save our Sonoma Neighborhoods

[www.sosneighborhoods.com](http://www.sosneighborhoods.com)<<http://www.sosneighborhoods.com>>

**From:** [McCall Miller](#)  
**To:** [Crystal Acker](#)  
**Subject:** FW: Complaint Referral- Possible Misuse of Water for Cannabis Cultivation- Petaluma Creamery  
**Date:** January 05, 2022 12:55:55 PM  
**Attachments:** [Email Complaint.pdf](#)  
[Insight Group Report.pdf](#)  
[Illegal Water Hauling in Petaluma Dairy Belt.pdf](#)

---

*McCall*

707.565.7099

---

**From:** Southwood, Anthony@Waterboards <Anthony.Southwood@Waterboards.ca.gov>  
**Sent:** Tuesday, January 4, 2022 12:14 PM  
**To:** Cannabis <Cannabis@sonoma-county.org>; Andrea Krout <Andrea.Krout@sonoma-county.org>; district3 <district3@sonoma-county.org>; district5 <district5@sonoma-county.org>; district2 <district2@sonoma-county.org>; ratha@srcity.org  
**Cc:** Kramer, Karen@Waterboards <Karen.Kramer@Waterboards.ca.gov>  
**Subject:** Complaint Referral- Possible Misuse of Water for Cannabis Cultivation- Petaluma Creamery

Hello,

Our office recently received a complaint from a concerned Sonoma County resident. Upon initial review it appears that Petaluma Creamery may have been authorized to use hydrant water from the City of Santa Rosa for their dairy operations. However, Petaluma Creamery has been seen trucking hydrant water to several cannabis grow operations near Petaluma. Please see the attached email for the complaint that was sent to us. The email references the “*Insight Group Report*” and “*Illegal Water Hauling in Petaluma Dairy Belt*”. Both of these attachments are also attached to this email and go into further detail about the issue described above along with supporting documentation and pictures of Petaluma Creamery delivering hydrant water to cannabis grow operations near Petaluma. Please feel free to reach out if you have any questions or comments regarding this complaint referral.

Best Regards,

**Anthony Southwood**  
Environmental Scientist  
Division of Water Rights Enforcement,  
Cannabis Enforcement Unit 2  
State Water Resources Control Board  
1001 I St. 14<sup>th</sup> Floor, Sacramento, CA 95814



THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
**Warning:** If you don't know this email sender or the email is unexpected,  
**do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [craigspencerharrison@gmail.com](mailto:craigspencerharrison@gmail.com) <[craigspencerharrison@gmail.com](mailto:craigspencerharrison@gmail.com)>

**Sent:** Thursday, October 21, 2021 2:25 PM

**To:** [rick.rogers@noaa.gov](mailto:rick.rogers@noaa.gov); Stokes, Wesley@Wildlife <[Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov)>; Bianchi, Mia@Wildlife <[Mia.Bianchi@Wildlife.ca.gov](mailto:Mia.Bianchi@Wildlife.ca.gov)>; Holstege, Stephanie@Wildlife <[Stephanie.Holstege@wildlife.ca.gov](mailto:Stephanie.Holstege@wildlife.ca.gov)>; Day, Melanie@Wildlife <[Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov)>

**Subject:** FW: Illegal Water Hauling in Petaluma Dairy belt

Dear friends in the wildlife regulatory community:

You might be interested in what's really happening in the Petaluma dairy belt as far as water use.



Craig S. Harrison  
4953 Sonoma Mountain Road  
Santa Rosa, CA 95404  
707-573-9990  
<https://www.craigsharrison.net/>

**From:** Sanjay Bagai <[sanjay.bagai@gmail.com](mailto:sanjay.bagai@gmail.com)>

**Sent:** Tuesday, October 19, 2021 2:49 PM

**To:** [david.kuszmars@waterboards.ca.gov](mailto:david.kuszmars@waterboards.ca.gov); [kason.grady@waterboards.ca.gov](mailto:kason.grady@waterboards.ca.gov); [lindsay.rains@cdfa.ca.gov](mailto:lindsay.rains@cdfa.ca.gov); [Richard.Parrott@cdfa.ca.gov](mailto:Richard.Parrott@cdfa.ca.gov); Tabatha@CDFA <[Tabatha.Chavez@cdfa.ca.gov](mailto:Tabatha.Chavez@cdfa.ca.gov)>; [margaret.cornell@cdfa.ca.gov](mailto:margaret.cornell@cdfa.ca.gov); [enforcement@cannabis.ca.gov](mailto:enforcement@cannabis.ca.gov); [Amantha.Henkel@waterboards.ca.gov](mailto:Amantha.Henkel@waterboards.ca.gov); [yvonne.west@waterboards.ca.gov](mailto:yvonne.west@waterboards.ca.gov); [dylan.seidner@waterboards.ca.gov](mailto:dylan.seidner@waterboards.ca.gov); [complaints@calepa.ca.gov](mailto:complaints@calepa.ca.gov)

**Subject:** Illegal Water Hauling in Petaluma Dairy belt

Dear California Water Board and Department of Cannabis Control:

I provide here evidence of violations of law with respect to the use of trucked water at cannabis cultivations in Sonoma County. We are experiencing an unprecedented drought during which residents of this county have been asked to reduce their water use by 20% by abandoning growing vegetable gardens, not washing their vehicles, and taking fewer showers. Cannabis growers have taken advantage of these sacrifices by illegally watering their crops with city water.

I understand that unauthorized use of water under state regulations will result in forfeiture of a license to cultivate (e.g., DCC §15001.2 (d)(1)). Under Sonoma County's Cannabis Ordinance (§ 26-88-254(g)(10)), a cultivator must have an on-site water supply source adequate to meet all on-site uses on a sustainable basis. Any cultivation site that requires the use of trucked municipal water does not have a sustainable water source. All cities in Sonoma County forbid using water from hydrants for cannabis operations.

The attached **Insight Group Report** provides abundant evidence and photographs of municipal water being hauled to a cannabis grow at 334 Purvine Road, Petaluma (Sonoma County UPC17-0020; CCL20-0000520). This operation requires up to 2 million gallons of water per harvest, an amount unsustainable at this site.

The attached report **Illegal Water Hauling in Petaluma Dairy Belt** provides abundant evidence and photographs of municipal water being hauled to 1400 Valley Ford Freestone Road, Bodega (Sonoma County APC21-0001, -0101, 0045; apparently no state licenses). It contains similar information for 4835 and 3803 Springhill Road, Petaluma (Sonoma County APC21-0056 through -0064; CCL20-0002173 through -2188).

There is evidence of similar water violations at 2260 Los Alamos Road, Santa Rosa (UPC18-0037) based on abundant eye witness information. Permit Sonoma has declined to investigate or refer the matter to the Sonoma County Sheriff's Office or the Sonoma County District Attorney's office. Sonoma County's attitude

seems to be that unless private citizens trespass on a cannabis site, risking life and limb, to photograph water being delivered, the county will ignore illegal water hauling.

I request that you take immediate action against these entities. Growers consider fines as merely a cost of doing business. It is very important to send a strong message to all cultivators in Sonoma County that egregious misuse of water will be penalized by putting the cultivators permanently out of business.

*Best,*  
*Sanjay*  
*[+1 510 599 5272]*



DBA IG CAL LIC #12350/PFO1479

CONFIDENTIAL INVESTIGATIVE REPORT

Client : Sanjay Bagai

INSIGHT GROUP CASE NUMBER: IG.21- 237 -1

DATE OF REPORT: September 4, 2021

## Synopsis:

On August 25 and 26, 2021 this office, (Insight Group, Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California.

Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2) Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.

## Investigation

Investigator Arriaga obtained both California DMV Registration for the truck and trailer observed on both days of surveillance. See Exhibit 1 and Exhibit 2 incorporated in this report. Investigator Arriaga noticed the truck was registered to Nelson Scott Alexander.

### Surveillance August 25, 2021

This office was contacted in the month of August 2021 by Sanjay Bagai regarding the possibility of City Water being stolen and delivered to unknown Marijuana Gardens. Private Investigators Sonya Arriaga and Kenneth Pitts were assigned to the investigation and to conduct a surveillance.

Investigators were provided with two possible locations of the water being stolen.

- (1) 3276 Dutton Ave. Santa Rosa Ca. and
- (2) Intersection of Western Ave and Hill Ave. Petaluma Ca.

On August 25, at 0800hrs Investigators conducted a surveillance in and around the fire hydrant located at 3276 Dutton Ave. Santa Rosa, Ca.

At 0856hrs Investigators observed a white male adult arrive in a green water truck to the listed hydrant. (see photo log pictures 1 thru 4). The subject got out of the truck and hooked his line up to the hydrant pictured in the above noted photographs.

At 0856hrs Investigators observe the subject to leave the above listed location. Investigators follow the water truck and observe the truck with trailer number 4AF1869 drive to 334 Purvine Road Petaluma California bearing a large sign that reads "Sonoma Hill Farm" at approximately 0930hrs the water truck is observed and photographed by Investigators to enter this address, drive down a dirt road and park next to a large blue water holding tank. Investigators observe the driver to get out of the truck, park next to the water holding tank, hook up his pump and empty his truck. (see photo log pictures 5 thru 7) Water truck empties contents and leaves location at approximately 0955.

Investigators followed the same listed water truck to drive directly to the city fire hydrant located at 3276 Dutton Ave. Santa Rosa Ca.

At 1017hrs the water truck arrives at the above listed hydrant, hooks up his truck and fills up again. The truck leaves after filling at 1032hrs.

At 1100hrs Investigators follow the water truck to arrive at 334 Purvine road Petaluma Calif. Investigators noticed that during this surveillance the driver drove extremely slow and changed the route he took on the prior delivery. The driver took surface streets as opposed to the freeway as he had done on the prior trip. The driver further pulled over at 2 rocks road and Purvine rd. to check if he is being followed prior to continuing on to the Sonoma Hill Farm. Investigators observe the driver to pull into the above listed address empty his truck and leave the location on Purvine at 1139hrs.

Investigators continue a loose surveillance at this time and the driver appears to go to lunch. Investigators maintain surveillance around the fire hydrant located at 3276 Dutton Rd. Santa Rosa Calif.

At 1302 hours the same driver in the same water truck (see photo log numbers 8 and 9). arrives at the Dutton address hydrant. Investigators observe the driver to fill his truck again. At approximately 1330hrs the driver leaves this location and again is followed by investigators back to Sonoma Hill Farm in Petaluma where he empties his truck.

After the driver empties his water truck he proceeds to an unknown location where surveillance units loose him at the corner of Hwy 1 and Valley Ford Freston Rd. (Refer Photo # 10)

Surveillance returns to the hydrant located at Dutton Rd in Santa Rosa. At 1519 hrs the same water truck observed all day arrives at the Dutton address city hydrant. Investigators observe the same white make adult and truck they have seen all day to get out of truck and hook up his line to hydrant and fill up.

At 1530 hours Investigators observe the driver to leave and follow the water truck to 334 Purvine Road Petaluma, Ca., Sonoma Hill Farm. Investigators observe the water truck to pull up to the blue water holding tank and empty the water(see photo log 11 thru 14)

Truck arrives at the Purvine address at approximately 1609hrs. Investigators observe and photograph the truck until 1630hrs.

At 1630hrs Surveillance was terminated.

### Surveillance August 26, 2021

On August 26, 2021 at approximately 0800hrs, Investigators Sonya Arriaga and Kenneth Pitts, Insight Group, Inc. conducted a surveillance around the area of 3803 Springhill Road. While at the above listed address due to heavy fog investigators drove over to 334 Purvine road Petaluma to see if the view was better. At approximately 0810hrs Investigators observed the green Water Truck with the same marking they saw the day before to be hooked up to the blue water tank and emptying the water truck. ( Phots 15 and 16)

After obtaining some photos Investigators proceeded to the surveillance on Spring Hill Road. Investigators observed many trucks going up and down this street but did not see any water trucks enter the above listed address. It was decided then to conduct a surveillance at the city hydrant located at the corner of Western Ave and Hill, Petaluma, Ca. Investigators spent the day going from Purvis, Spring Hill and Western address and did not see any deliveries this day.

While Investigators were conducting surveillance around Purvine address Investigators observed a female adult in a small black older model vehicle taking photos of the Sonoma Hill Farm. She appeared to be conducting her own surveillance not associated with Insight Group, Inc.

Surveillance was terminated at 1600hrs.

Respectfully submitted

Sonya Arriaga  
Insight Group, Inc.

# PHOTOGRAPHS



PHOTO # 1



PHOTO # 2



PHOTO # 3



PHOTO # 4



PHOTO # 5



PHOTO # 6



PHOTO # 7



PHOTO # 8



PHOTO # 9



PHOTO # 10



PHOTO # 11



PHOTO # 12



PHOTO # 13



PHOTO # 14



Photo # 15



Photo # 16

# Exhibits

1 and 2

**PRELIMINARY RESEARCH Case No. 210827**

This report is provided to users with the understanding that the tenets of the Fair Credit Reporting Act as well as other applicable Federal, State and Local statutes apply. This information is obtained from court and other public records. The accuracy of the information is not guaranteed and depends upon the accuracy and completeness of the data you have provided.

1  
CA VL#: 4AF1869

-----  
**VEHICLE RECORD:**

REC DATE: 06/27/21 TIME: 3:42PM

-----  
ON-LINE VEHICLE RECORD FOR THE STATE OF CA

-----  
ITEM REQUESTED: 4AF1869

-----BASIC RECORD-----

-----  
LICENSE: 4AF1869 VEH ID NO: 4262  
MODEL YEAR: 74 MAKE/BUILDER: WMARK POWER/FUEL: 0 - TRAILER  
VLF CLASS: DB (\$13,200 TO \$13,399.99) # OF AXLES: 1  
UNLADEN WEIGHT: 06080 LEG OWNER CD: 8 EQUIP NO: 746  
DATE EXPIRES: 12/31/21 REGISTRATION ISSUE DATE: 12/02/16  
SOLD/PURCHASED: 00/00/74 OWNERSHIP ISSUE DATE: 02/25/86  
BODY CODE: K - DESC NOT FOUND  
BODY TYPE MODEL: TA- DESC NOT FOUND  
TYPE LICENSE: PA - PERMANENT TRAILER IDENTIFICATION PTI REGULAR  
REGISTRATION  
TYPE VEHICLE: 42 - TRAILER-USED  
-----REGISTERED OWNER-----

-----  
CALIFORNIA COOPERATIVE  
CREAMERY

-----LEGAL OWNER-----

-----  
WELLS FARGO BK NA  
200 B ST STE 300  
SANTA ROSA 95401  
03/18/02 PREV LIC VW8282  
PTI TRAILER  
FEE SUB-RECORD ON FILE

=====END OF  
RECORD=====

ATTACHMENT (0 PG)



PRELIMINARY RESEARCH

Case No

CA VL#: 9E26545

VEHICLE RECORD:

REC DATE: 08/25/21 TIME: 1:21PM

ON-LINE VEHICLE RECORD FOR THE STATE OF CA

ITEM REQUESTED: 9E26545

---BASIC RECORD---

LICENSE: 9E26545 VEH ID NO: 1XPHA47X000208175

MODEL YEAR: 13 MAKE/BUILDER: PTRB POWER/FUEL: D - DIESEL  
 VLP CLASS: CJ (\$10,000 TO \$10,199.99) \*-YEAR: 20 # OF AXLES: 2  
 UNLADEN WEIGHT: 13267 LKG OWNER CD: 9 FULL MATERIAL: NCB0000

DATE EXPIRES: 08/31/22 REGISTRATION ISSUE DATE: 07/22/21  
 SOLD/PURCHASED: / / - OWNERSHIP ISSUE DATE: 11/03/20

BODY CODE: G - TRACTOR TRUCK (DIESEL)  
 BODY TYPE MODEL: D5 - TRACTOR TRUCK (DIESEL)  
 TYPE LICENSE: 31 - REGULAR COMMERCIAL  
 TYPE VEHICLE: 37 - COMMERCIAL-USED NONRESIDENT

---REGISTERED OWNER---

NELSON SCOTT ALEXANDER

---RECORD STATUS---

07/14/21 FHVUT PROOF VERIFIED  
 10/09/20 PREV LIC 8413559  
 08/15/2020-ODOMETER: 284,907 MILES ACTUAL MILEAGE

---FEE CALCULATION---

ESTIMATE ONLY! Based on information received from DMV. It does not include transfers, duplicates, etc. We make no representation or warranties, either expressed or implied, regarding the currentness, accuracy and/or completeness of any data.

CANNOT CALCULATE COMMERCIAL VEHICLES OF THIS SIZE

====END OF RECORD=====

ATTACHMENT (0 PG)

# Illegal Water Hauling in Petaluma Dairy Belt

**Sanjay Bagai**

October 2021

## HERE IS WHY I LAUNCHED THIS PRIVATE INVESTIGATION

I launched this investigation because the City of Petaluma denied my legal valid access to reclaimed water.

I followed all regulations and spent \$10,000 to make my farm compliant to be able to receive reclaimed water in a drought year.

Is it because they could chase more lucrative business with cannabis farms?

They denied all access and refused to provide me with water. Calls to water district resulted in a bizarre claim that I did not have a permit ever.

I was curious why this sudden shift in their attitude and so I hired a private investigator after I staked out a few cannabis farms and this is the result of my investigation.

On Thu, Apr 22, 2021 at 8:44 AM Pierce, Matthew <[MPierce@cityofpetaluma.org](mailto:MPierce@cityofpetaluma.org)> wrote:

Good Morning Phoebe,

Unfortunately, the City does not have excess recycled water available this year due to unprecedented demand. The City is denying requests for use of recycled water outside the City's Recycled Water Service Area, please see attached map. There are even properties within the permitted service area which used water in the last drought that have been denied this year. I am sorry to inform you that recycled water is not available for your property.

Sincerely,  
Matt

Matthew Pierce  
Operations Supervisor  
City of Petaluma, Ellis Creek Water Recycling Facility  
2650 Cypress Drive, Petaluma, CA 94954  
[mpierce@cityofpetaluma.org](mailto:mpierce@cityofpetaluma.org)  
Phone (707) 776-3726

Statistics on Ministerial permits of 2021 [approx.]

- 149 Ministerial applications made in 2021
- 97 Ministerial permits issued in 2021
- 52 permits are mostly under review
- Every 10,000 sq ft cultivation uses **230,000 Gallons PER HARVEST**, most are harvesting two crops per year

Of all 2021 applications examined:

- **65% declared that they will use reclaimed water from unnamed city = 63**
- 15% declared that they will use unnamed sources = 14
- 15% declared they will use surface water = 14
- 4% declared that they will use well = 4

Water use to cultivate cannabis via ministerial permits

- 97 x 230,000 gallons = 22,310,000 PER SEASON
- **Reclaimed water from undeclared city: 14,490,000 Gallons**
- Undeclared source: 3,220,000 Gallons
- Surface water: 3,220,000 Gallons
- Well: 910,000 Gallons

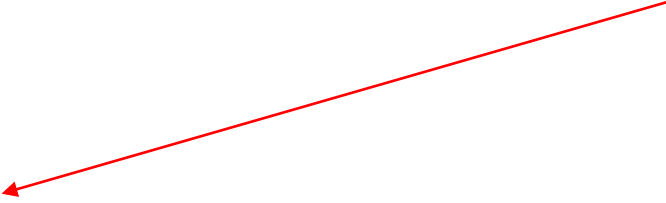
Illegal water used by cannabis farmers who benefited by applying for 'Ministerial Permit'

- Only 910,000 gallons are considered from legal sources, however since they avoided all CEQA review we are uncertain as to the groundwater zone in which this farm is located. Department of Cannabis Control states that surface water cannot be used between July and October, which is typical harvest time for cannabis cultivation
- The U.S. Food and Drug Administration forbids the use of untreated reclaimed water for anything that humans ingest. Cannabis is smoked and extracts go into edibles which are ingested. Cannabis grown using reclaimed water should be recalled and destroyed. Water departments of Penngrove, Petaluma and Santa Rosa have unequivocally declared that their city water is solely for residents and temporary construction permits

**MINISTERIAL PERMITS HAVE AIDED AND ABETTED WATER THEFT OF BETWEEN 23 Mil gallons and are continuing to do so every year.**

Between 2020 and 2021, Department of agriculture has issued ministerial permits which have avoided CEQA review. These permits will use a grand total of roughly 43 million gallons. [2019 needs to be tabulated]

**IS THIS WHY ALL RECLAIMED WATER PERMITS HAVE BEEN CANCELLED?...BECAUSE THEY HAVE BEEN RE-ISSUED TO CANNABIS FARMS?**



## EXAMPLES OF CANNABIS FARMS STEALING SURFACE WATER AND CITY WATER FROM HYDRANTS

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma Hills Farm LLC,  
334 Purvine Rd Petaluma Ca 94952  
Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

**Photos of farmers delivering surface water to 334 Purvine Rd. and stolen hydrant water from Santa Rosa  
Applicant is receiving between 5-6 x 4,500 gallon truckloads of water daily**

Cannabis grower threatening me  
because he saw me take photos



All these photos of this  
without any DOT registration  
unloading water @ 334  
Purvine Rd were taken on  
7/2/21 @ 2:21pm





These photos of the Petaluma Creamery truck unloading water which was obtained from the fire hydrant at 3276 Dutton avenue were taken on 08/16/21 @ 2:04pm at 334 Purvine Rd



Cannabis grow at 334 Purvine Rd is buying water that is to be used specifically for residents and construction projects in Santa Rosa. Petaluma Creamery is not licensed by DOT and not licensed by DCC as licensed water haulers. This water truck has been making between 4-5 trips per day to 334 Purvine Rd. Calls to Santa Rosa Water Department confirmed that this water is NOT permitted to be used for Cannabis farming, the permit granted to Petaluma Dairy s specifically for dairy use. The permit granted to Petaluma Creamery to draw water for their dairy operations, not for Cannabis farming and certainly not intended for resale

The Cannabis grow at 334 Purvine Rd is a full acre, and from satellite photos appears to be well over 1.5 acres. This requires between 1.2 – 2.0 Million gallons of water per harvest.

The grower has represented it draws 12 Gallons per minute based on a 4-hour test conducted in 1977, but recharge is slow. For this applicant to draw 1.2 Million gallons from this well this well would have to run 1,666 hours. That is roughly 70 days nonstop.

This is a zone 3-4 water area there is absolutely **NO WAY THIS WELL CAN YIELD THIS AMOUNT OF WATER**...Yet PRMD has approved this CUP without any well test.

This grower's use seems to have run **all wells dry within a radius of ¼ mile and predictably is now hauling water from illegal sources**

# Obtained from County Permit Application Documents

Staff is recommending changes to the Conditions of Approval as follows:

52 In response to comment from California Department of Fish and Wildlife (CDFW) comment the following sentence has been added to the condition:

*Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Monofilament netting, including photo- or biodegradable plastic netting shall not be used.*

73 The Applicant has indicated they would prefer to treat the water rather than drill a new well, as allowed by the County Well Ordinance. Revise to read:

*The project is located within the Petaluma Nitrate Study Area and consequently the water supply well is required to have a 100-foot annular seal, or water intended for human or animal consumption must be treated in compliance with the Sonoma County Well Ordinance (Sec. 25B-8(b)). Prior to issuance of building permits, a treatment plan shall be submitted to the Project Review Health Specialist for review and approval. The Plan shall comply with all requirements of the well ordinance and shall provide a site plan identifying where treatment equipment and treated and non-treated water lines will be located.*

*Prior to issuance of a Use Permit Certificate or final occupancy, water treatment equipment shall be installed and verified by Permit Sonoma staff.*

74 The Applicant has indicated they would prefer to retain the existing well and use untreated well water for irrigation. Replace well abandonment condition with:

*Prior to issuance of a Use Permit Certificate or final occupancy, the applicant shall install appropriate warning signage at all non-potable water access points. Signage shall be dual language or shall include "Do Not Drink the Water" pictographs. Verification of sign installation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.*

88 This condition was worded slightly differently than the mitigation measure it was taken from. Revise to match language from Mitigation Monitoring Program:

*Mitigation Measure NOISE-1 HVAC Unit Sound Wall: A wall for sound attenuation shall be constructed on three sides of the cultivation HVAC unit. The wall shall be constructed of ½ inch thick (at a minimum) plywood and studs; the top of the wall shall extend to a minimum of two feet above the top of the HVAC unit. Solid walls of brick, masonry, or other robust materials are also allowable instead of lumber as long as they attenuate sound to an equal or greater degree.*

DUPLICATE  
 Driller's Copy

STATE OF CALIFORNIA  
 THE RESOURCES AGENCY  
 DEPARTMENT OF WATER RESOURCES  
 WATER WELL DRILLERS REPORT

Do not fill in  
 No. 110752

Notice of Intent No. \_\_\_\_\_ State Well No. \_\_\_\_\_  
 Local Permit No. or Date \_\_\_\_\_ Other Well No. \_\_\_\_\_

(1) OWNER: Name Francis Collings  
 Address 334 Purvine  
 City Petaluma, California 94952  
 County Sonoma  
 Well address if different from above SAME  
 Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_  
 Distance from cities, roads, railroads, fences, etc. \_\_\_\_\_

(2) LOCATION OF WELL (See instructions):  
 Owner's Well Number \_\_\_\_\_  
 Well depth 130 ft. Total depth 130 ft. Depth of completed well \_\_\_\_\_ ft.  
 From ft. to ft. Formations (Depth by section or material)  
 1 - 80 yellow sandstone  
 80 - 130 blue sandstone

(3) TYPE OF WORK:  
 New Well  Deepening   
 Reconstruction   
 Reconditioning   
 Horizontal Well   
 Destruction  (Describe destruction material and procedure in Item 10)

(4) PROPOSED USE:  
 Domestic   
 Irrigation   
 Industrial   
 Test Well   
 State   
 Municipal   
 Other

WELL LOCATION SKETCH \_\_\_\_\_

(5) EQUIPMENT:  
 Rotary  Reverse  New  No  Size \_\_\_\_\_  
 Cable  Air  Diameter of bore \_\_\_\_\_  
 Other  Bucket  \_\_\_\_\_

(6) GRAPHIC PACK: \_\_\_\_\_

(7) CASING INSTALLED:  
 Steel  Plastic  Concrete  Type of perforation or size of screen \_\_\_\_\_

From ft.	To ft.	Dia. in.	Charger Wall	From ft.	To ft.	Size
110	130	6"	10	None		

(8) PERFORATIONS: \_\_\_\_\_

(9) WELL SEAL:  
 Was surface auxiliary seal provided? Yes  No  If yes, to depth \_\_\_\_\_ ft.  
 Were stairs sealed against pollution? Yes  No  Interval \_\_\_\_\_ ft.  
 Method of sealing: \_\_\_\_\_ Work started 7/25/77 Completed 7/28/77

(10) WATER LEVELS:  
 Depth of first water, if known \_\_\_\_\_ ft.  
 Standing level after well completion \_\_\_\_\_ ft.

(11) WELL TESTS:  
 Was well test made? Yes  No  If yes, by whom? \_\_\_\_\_  
 Type of test Pump  Bailor  Air lift   
 Depth to water at start of test \_\_\_\_\_ ft. At end of test \_\_\_\_\_ ft.  
 Discharge 12 gal/min after 4 hours Water temperature \_\_\_\_\_  
 Chemical analysis made? Yes  No  If yes, by whom? \_\_\_\_\_  
 Was electric log made? Yes  No  If yes, attach copy to this report

WELL DRILLER'S STATEMENT:  
 This well was drilled under my direction and this report is true to the best of my knowledge and belief.  
 SIGNATURE Kenneth Hansen (Well Driller)  
 NAME LES PETERSEN DRILLING & PUMP, INC.  
 Address 5434 Old Redwood Highway (Please Print or Computer) (Typed or printed)  
 City Santa Rosa, Calif. 95401  
 License No. 261084 Date of this report 7/25/77

DWR 100 (Rev. 7-74) IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

No 72-hour pump test was conducted since applicant changed water source to external. However since then applicant has changed back to well supply but has not complied with any requirements nor has conducted any tests Neighboring property wells are now dry since water table is extremely low. Applicant has provided a well test from 1977 to support using well water as sole water supply



# Obtained from County Permit

## Application Documents

**DATE:** January 10, 2018

**TO:** Permit and Resource Management Department, Project Review Section  
ATTN: Crystal Acker

**FROM:** Robert Pennington, P.G., Natural Resources Geologist

**PROJECT TYPE:** Cannabis Use Permit

**SUBJECT**

File Number:	UPC17-0020
Applicant Name:	Petaluma Hills Farm, LLC, Attn: Sam Magruder
Owner Name:	Sonoma Hills Farm, LLC
Site Address:	334 Purvine Road, Petaluma
APN:	022-230-020

### Project Description:

Request for a Use Permit for commercial cannabis cultivation, including up to 10,000 square feet small mixed light, 5,000 square feet specialty indoor, and 28,560 square feet medium outdoor cultivation, on a 37.0-acre parcel zoned Land Extensive Agriculture (LEA).  
One Acre Commercial Vegetable garden & Cattle grazing

### Comment:

The proposed project is located within a Class 2 groundwater area and outside any medium priority basin as defined through CA DWR Bulletin 118. As such, a groundwater study is not automatically required by policy. However, existing landuse, geology, and public comment indicate the area may face groundwater supply limitations. In order to address concerns a hydrogeologic study is requested. To support the hydrogeologic study a water well pump test according to Permit Sonoma's Policy and Procedure #9-2-28 should be conducted and presented. Given the water demand of the project, a 72 hour pump test is requested.

If it can be shown that the project will result in zero net increase in groundwater use, the above request for a hydrogeologic study and well pump test may be waived. Projects of similar size have estimated annual water use of 3 to 4 acre-feet. Given the relatively large water demand, it may be beneficial to consider construction of a small pond that collects sheet flow and roof runoff. Estimated 3 to 4 acre-feet is for Cannabis only, does not include one acre commercial vegetable garden or cattle grazing.

### Further information is needed:

1. A hydrogeologic report prepared by a Registered Geologist, addressing water availability according to the General Plan requirements of WR-2e shall be submitted to the Natural Resources Geologist prior to the discretionary decision.
2. A groundwater pump test conducted according to PRMD policy #9-2-28 in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. At a minimum, the pump test shall be adequate to determine if groundwater resources are adequate to meet existing and proposed demands of the project. The pump test shall have a minimum duration of 72 hours.

The application is incomplete, but assuming that the applicant will provide the requested information, the first attempt at drafting Natural Resources Geologist conditions have been attached as follows:

### PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

#### Water:

- Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

### PRIOR TO OCCUPANCY:

#### Water:

- Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Geologist.
- Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter to measure all groundwater extracted for this use.

### OPERATIONAL REQUIREMENTS:

#### Water:

- The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
- Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.
- In the event that net groundwater use exceeds 4.0 acre feet per year, Permit Sonoma may bring this matter back to the BZA for review of additional measures to reduce groundwater use. If groundwater use exceeds 4.0 acre feet per year by more than 10 percent, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce water use.

Valleyford Farms LLC  
1400 Valley Ford Freestone Rd Bodega 94922  
Dept of Ag Ministerial permit#: APC21-0145, APC21-0101, APC21-0001  
Cal Cannabis Lic#: **NONE FOUND**

**Photos of stolen hydrant water from Santa Rosa being delivered to Valley Ford farms**

Photos of stolen hydrant water from Santa Rosa being delivered to Valley Ford Farms  
This is the same Petaluma creamery Truck which is being used to fill water at the fire hydrant at 3276 Dutton Avenue Santa Rosa and deliver to 334 Purvine Rd is also delivering water to 1400 Valley Ford Freestone in Bodega  
These photos were taken on 08/25/2021 @ 5:03pm



Photos of stolen hydrant water from Santa Rosa being delivered to Valley Ford Farms  
This is the same Petaluma creamery Truck which is being used to fill water at the fire hydrant at 3276 Dutton Avenue Santa Rosa and deliver to 334 Purvine Rd is also delivering water to 1400 Valley Ford Freestone in Bodega  
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hydrant at 3276 Dutton Avenue Santa Rosa and deliver to 334 Purvine Rd is also  
delivering water to 1400 Valley Ford Freestone in Bodega  
These photos were taken on 08/25/2021 @ 5:03pm



**Diggit Gardens LLC, Potter Family Farms LLC, Rain Gardens LLC, Wild Heart Farms LLC**  
4835 & 3803 Springhill Rd Petaluma Ca 94952

Dept of Ag Ministerial permit#: APC21-0134, APC21- 0135, APC21- 0136, APC21- 0137, APC21- 0117, APC21- 0118, APC21- 0119, APC21- 0120, APC21- 0121, APC21- 0122, APC21- 0123, APC21- 0124, APC21- 0125, APC21-0126, APC21- 0127

Cal Cannabis Lic#: CCL20-0002188, CCL20-0002189, CCL20-0002190, CCL20-0002191, CCL20-0002182, CCL20-0002183, CCL20-0002184, CCL20-0002185, CCL20-0002177, CCL20-0002178, CCL20-0002179, CCL20-0002173, CCL20-0002174, CCL20-0002175, CCL20-0002176

**Photos of stolen hydrant water from Santa Rosa originally permitted for dairy being redirected to cannabis farms**



**Photos of dairy milk truck that has been seen entering the field  
where cannabis is grown at 3803 Springhill Rd  
This truck has been seen filling water at the Petaluma Dairy  
factory in downtown Petaluma**





These are the locations of all the cannabis grows at Petaluma Creamery 4235 & 3803 Springhill Rd Petaluma Ca 94952 :

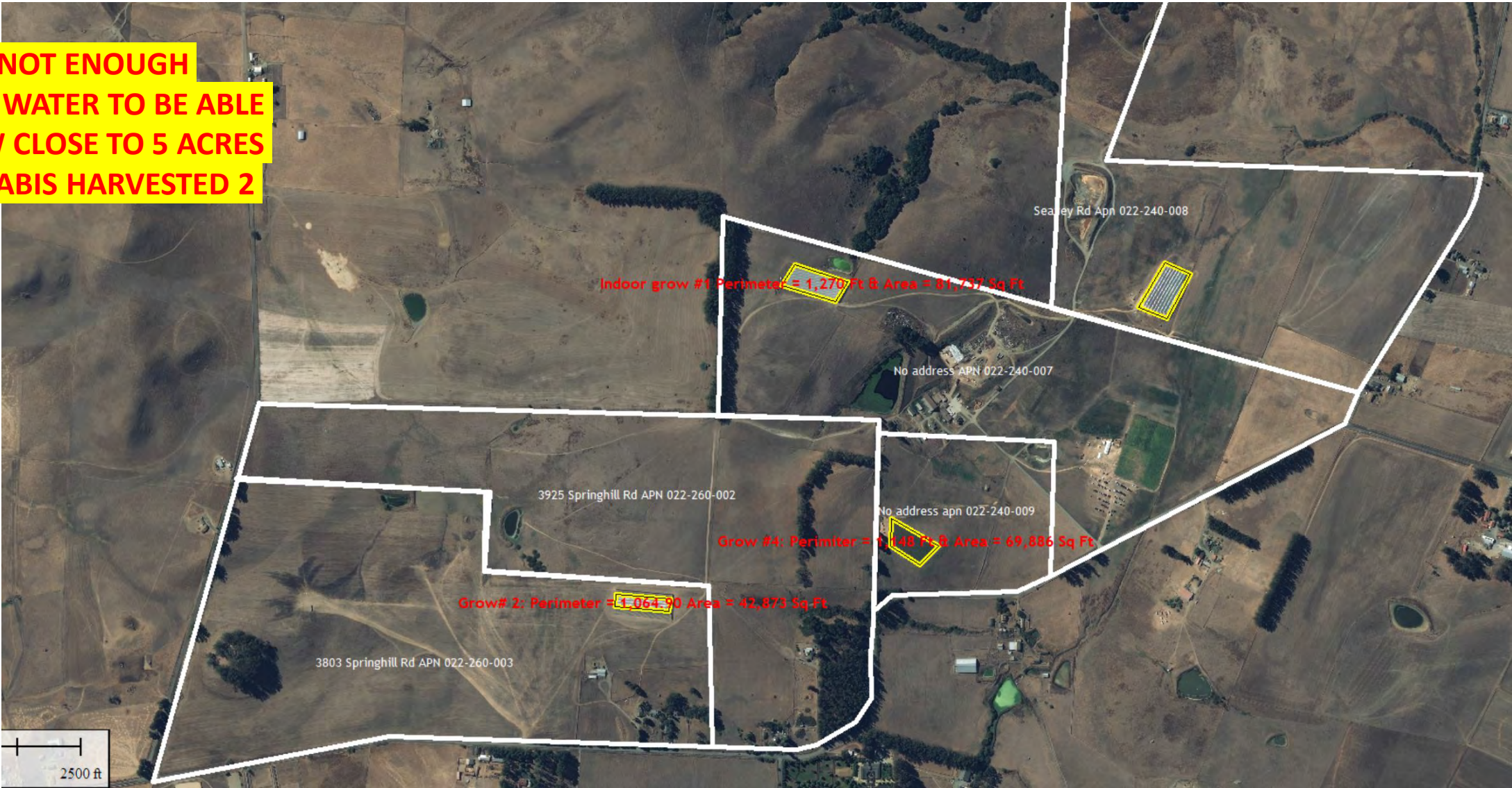
Grow#1: 81,737 Sq FT  
Grow#2: 42,873 Sq Ft  
Grow#3: 93,830 Sq Ft  
Grow#4: 69,886 Sq Ft

**THIS IS THE HUGE CANNABIS OPERATION THAT IS RECEIVING  
ILLEGAL WATER FROM CITY HYDRANTS**

**Grand Total of 288,326 Square Feet**

LOCATION OF THE CANNABIS GROWS AT 3803 AND 4235 SPRINGHILL RD

THERE IS NOT ENOUGH  
GROUND WATER TO BE ABLE  
TO GROW CLOSE TO 5 ACRES  
OF CANNABIS HARVESTED 2  
TIMES



CANNABIS GROWS AT 3803 AND 4235 SPRINGHILL RD



**THERE IS NOT ENOUGH  
GROUND WATER TO BE ABLE  
TO GROW CLOSE TO 5 ACRES  
OF CANNABIS HARVESTED 2  
TIMES**

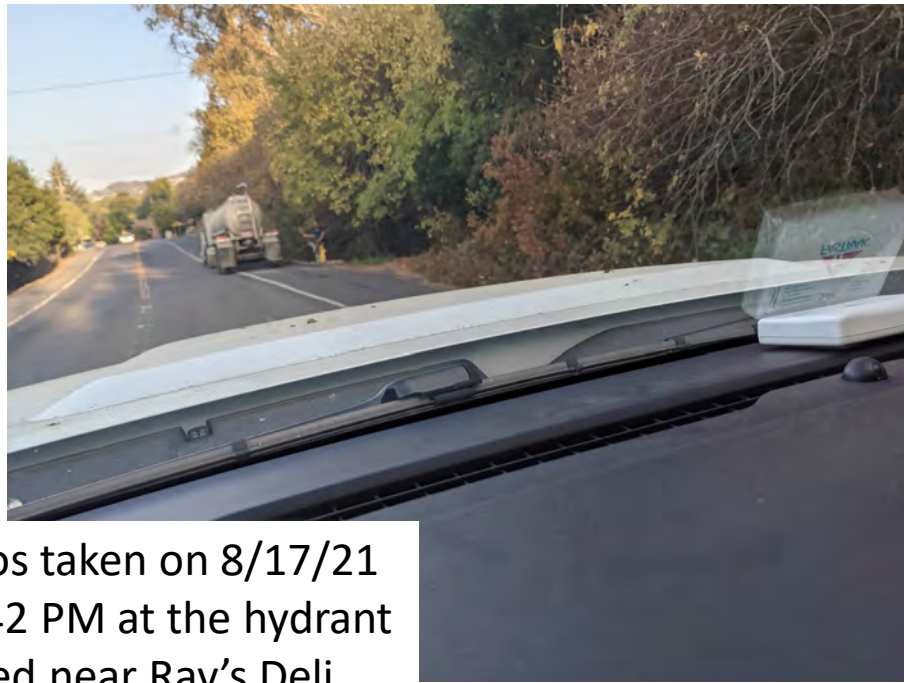




These photographs are of the hoop houses located at 4235 and 3803 Springhill Rd

**THERE IS NOT ENOUGH GROUND WATER TO BE ABLE TO GROW CLOSE TO 5 ACRES OF CANNABIS HARVESTED 2 TIMES**

Photographs of Water being stolen from city fire hydrants to supply Cannabis farms



Photos taken on 8/17/21  
at 6:42 PM at the hydrant  
located near Ray's Deli  
Petaluma

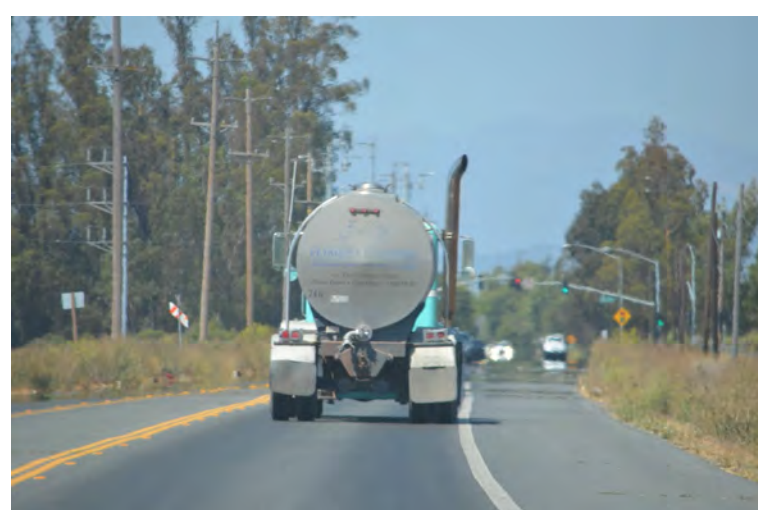


These photos showing an unmarked truck with no DOT registration filling water from the hydrant. This fire hydrant does not have a meter on it, which means that the hydrant is not to be used for filling water tankers.



These photos were taken on 08/25/21 @ 8:56am at the fire hydrant located on 3276 Dutton Ave in Santa Rosa





These photos are of the Petaluma Creamery Truck repeatedly driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm



These photos are of the Petaluma Creamery Truck driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm



November 5, 2021

Mr. Hardin,

This letter is confirmation that all water delivered to the construction site for Sonoma Hills Farms located at 334 Purvine Rd., Petaluma, CA 94952 and stored in the Rain for Rent water storage tank was utilized for construction purposes only.

Attached are invoices paid to Rain for Rent by FRC, Inc.

Thank You,

Frank Ruggirello, President

9680 Old Redwood Hwy  
Windsor, CA 95492  
Phone (707) 837-5065 \* Fax (707) 837-5623

**From:** [Sam Magruder](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Joyce Cenali](#); [Mike Harden](#)  
**Subject:** Re: UPC17-0020 Two-year Review  
**Date:** April 11, 2022 3:28:36 PM

---

Crystal,

We appreciate the update.

We have chosen not to address specific individual comments from the same small group of neighbors that attacked us when we first went for our CUP. They continue to purposely and knowingly convolved, misrepresent and make false statements about our operation in an attempt to destroy our business. We have done everything in the spirit of our CUP, by the letter of the CUP and the letter of the law. They continue to attack us with falsities. I can only conclude that this is because they lost their first bid to stop us and now have a second opportunity .

Ayn and Sanjay particularly have a once again knowingly made false statements and purposely drawn a convoluted picture that does not represent the facts or conditions of our operation. They lost the lawsuit they filed against us yet have sunk to new lows to try and damage us.

Sanjay who is facing charges in Sonoma County for viciously assaulting our neighbor JP Ponte counties to spin his false stamens, misrepresentations of the facts and has directly slandered one of our employees. He will have to answer for this behavior in court. Its strange to me why our business even matters to him anymore as he has his property up for sale and is trying to permanently move out of the area.

We are here for the long run and have followed all our conditions and fixed anything that neighbors have brought our attention. I can only conclude that Sanjay and Ayn have a personal vendetta against us because they lost the original fight that they created.

1.) All our security lighting has motion sensors, downward facing, shield, and meets the criteria of our conditions.

In 2019 the tenant at 334 Purvine Rd installed some string lighting to a fence-line along the farm road. It was up for about 6 months and one of our neighbors told us it was too bright and bothered them so we asked the tenant to remove them and they did. Since then our neighbors have not approached us about lighting being an issue.

We did use some safety lighting in the hoop house last spring but were informed by the AG department that they could not be in the hoop house so they were discontinued.

2.) Regarding the "signage", the tenants on a separate parcel from the cannabis cultivation, commissioned Maxfield Bala, a Sonoma based artist, to paint beautiful murals. Among other projects, Max has painted murals for Petaluma High School, and the Welcome to Petaluma historic mural. The "painted signs" are murals and were not done by THC, nor commissioned by THC nor are they on buildings, or fences that are rented by THC. We look to your advice on this one.

3.) I will address the loud gun shots the best I can. First there are many different land owners who shoot guns in our neighborhood including Ayn Garviches husband, the Pontes, the Collings and I have heard the owners of 250 Purvine shooting on their property. NO member of THC ownership, employees or any family or friends visiting the property have shot on the property at 344 Purvine. NO one is allowed to carry a gun and no one has. As per the county ordinance we have a strict no gun policy no expectations. I know

this complaint to be false and I strongly believe this complaint is designed to try and damage THC and its employees.

We have worked hard to cultivate good relations with many of our neighbors and have succeed. However, there are still a small number neighbors that no matter what we do are interested in destroying our legal business and are attempting to drive us out by any means necessary.

As always we are an open book, ready to address any question from the Director honestly, fairly, timely and completely.

Thank you,

Samuel Magruder  
Founding Partner  
[SonomaHillsFarm.com](http://SonomaHillsFarm.com)  
The Highland Canopy LLC  
415-624-5113  
[samm@big-rock.com](mailto:samm@big-rock.com)

On Apr 11, 2022, at 8:26 AM, Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

One more electrically. I should have hard copy mail by 10am and will let you know if there are any more.

I understand if you don't want to respond directly to comments.

However, I am required to follow up on the lighting, signage, and noise complaints.

- Please provide information to document that the security lighting is motion-sensor-operated, fully shielded, and downward casting.
  - Also, probably good to provide clarity on what is residential lighting and what is related to the cannabis operation, also, any temporary lighting used for harvest
- I'll have to look into whether painted buildings can be considered signage. Banners are generally prohibited. [https://library.municode.com/ca/sonoma\\_county/codes/code\\_of\\_or\\_dinances?nodeId=CH26SOCOZORE\\_ART84SIRE](https://library.municode.com/ca/sonoma_county/codes/code_of_or_dinances?nodeId=CH26SOCOZORE_ART84SIRE)
- Please address the complaint about loud gun-shot-like sounds.

I suspect the Director will have some questions after he reviews. I'll be in touch as those come up.

crystal

**From:** [Gillian Mahrt](#)  
**To:** [Crystal Acker](#)  
**Subject:** UPC17-0020. 334 Purvine Road, Petaluma  
**Date:** April 04, 2022 3:36:37 PM

---



I am a neighbor and own property at 421 Purvine and 4000 Middle Two Rock. Most of the activity at the subject property is of little concern to me. I am surprised at the amount of infrastructure going onto a property with little water resources in an area with limited ground water. I know that they hauled many loads of water last summer; many of our neighbors had to do the same. Today I drove down Purvine Road and saw a well drilling rig working on the subject property. Any increased demands on the water table will adversely all the neighbors and especially our dairy farm. Does the existing permit include adding another well to the property?

Garry Mahrt.

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**do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Crystal Acker](#)  
**To:** [Gillian Mahrt](#)  
**Subject:** RE: UPC17-0020. 334 Purvine Road, Petaluma  
**Date:** April 05, 2022 10:43:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

No, water brought on-site for construction purposes is not included (which is what it was used for at this site).

The monitoring requirement is for well water used for cannabis cultivation purposes. Trucked water is not allowed for cannabis cultivation.

---

**From:** Gillian Mahrt <[gillian.mahrt@gmail.com](mailto:gillian.mahrt@gmail.com)>  
**Sent:** April 05, 2022 10:13 AM  
**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Subject:** Re: UPC17-0020. 334 Purvine Road, Petaluma

P.S. Does the water usage report include water that was brought in by truck?

On Tue, Apr 5, 2022 at 10:11 AM Gillian Mahrt <[gillian.mahrt@gmail.com](mailto:gillian.mahrt@gmail.com)> wrote:

Thank you for the information. I doubt the existing well water meets the water quality standards; all of our water exceeds nitrate and bacteria standards. garry mahrt.

On Tue, Apr 5, 2022 at 9:42 AM Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

Hi Garry,

Glad to hear the operation has generally not been of concern.

Yes, the operation is required to have water tank storage for fire suppression purposes, and are also installing tanks for rainwater collection associated with the new greenhouse and for irrigation.

The Use Permit would only require a new well if the water exceeds thresholds for bacteriological, arsenic, or nitrate, but it is likely the treatment plan will be able to prevent that. The use permit does limit the amount of water allowed for cultivation purposes (#52) to 2.08-acre feet (677,770 gallons), and requires annual reporting. In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation.

crystal

**From:** [Crystal Acker](#)  
**To:** [Gillian Mahrt](#)  
**Subject:** RE: UPC17-0020. 334 Purvine Road, Petaluma  
**Date:** April 05, 2022 10:45:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Yes, we assumed the testing might exceed standards, which is why a treatment plan is required in that case (conditions 78 & 79).

---

**From:** Gillian Mahrt <[gillian.mahrt@gmail.com](mailto:gillian.mahrt@gmail.com)>  
**Sent:** April 05, 2022 10:11 AM  
**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Subject:** Re: UPC17-0020. 334 Purvine Road, Petaluma

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crystal

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |  
Office: 707-565-1900 | Fax: 707-565-1103



*Due to the Public Health Orders, online tools remain the best and fastest way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [PermitSonoma.org](http://PermitSonoma.org).*

*The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 9:00 AM – 4:00 PM and Wednesday, 10:30 AM – 4:00 PM.*

*Thank you for your patience as we work to keep staff and the community safe.*

---

**From:** Gillian Mahrt <[gillian.mahrt@gmail.com](mailto:gillian.mahrt@gmail.com)>  
**Sent:** April 04, 2022 3:36 PM  
**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Subject:** UPC17-0020. 334 Purvine Road, Petaluma

I am a neighbor and own property at 421 Purvine and 4000 Middle Two Rock. Most of the activity at the subject property is of little concern to me. I am surprised at the amount of infrastructure going onto a property with little water resources in an area with limited ground water. I know that they hauled many loads of water last summer; many of our neighbors had to do the same. Today I drove down Purvine Road and saw a well drilling rig working on the subject property. Any increased demands on the water table will adversely all the neighbors and especially our dairy farm. Does the existing permit include adding another well to the property?

Garry Mahrt.

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**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Richard Strozzi-Heckler](#)  
**To:** [Crystal Acker](#)  
**Subject:** Two Year Review of Outdoor Cannabis Cultivation  
**Date:** April 06, 2022 3:28:55 PM  
**Attachments:** [PastedGraphic-12.tiff](#)

---

Project Planner Acker

My name is Richard Strozzi-Heckler, PhD and I have lived at 4101 Middle Two Rock Rd for thirty-five years.

Since the installation of the cannabis cultivation at 334 Purvine Rd my water table has been severely depleted and the spring on my property has dried up.

When this project was proposed this is what I argued. This area is historically short on water and the implementation of this product would severely dry up water usage.

This is happening.

This is wrong.

This enterprise has not lived up to its promises nor has the country dutifully fulfilled on its obligations to oversee this use permit.

We in this neighborhood has observed water drillers on the property three times,

#11 Special Events- repeatedly there has been a very large number of cars and people on the property during the day, One of the managers said it is common that they will entertain various restaurants owners and others who run businesses that would benefit from cannabis.

#17. Where are the groundwater monitoring reports?!

#30 Where is the water conservation plan? Have you done it? Are you letting them drill for new wells?

#48 Is this being monitored? There is much building going on out there.

#50 Are you monitoring operational requirements?

For ALL of us in the Two Rock Valley this venue isa threat to our water supply,  
Please do something about this and severely limit or hold them accountable for taking water  
Forman generational families,

Please feel free to contact me to address these errors.

Our water is drying up. As our county officials you can stop this,

Sincerely

Richard Strozzi-Heckler PhD

Richard Strozzi-Heckler

First, say to yourself what you would be,  
and then do what you have to do.

-Epictetus



FOLLOW: <http://strozziinstitute.com/blog/> (Strozzi Institute blog)

LIKE: <https://www.facebook.com/StrozziInstitute>

CONNECT: <http://www.linkedin.com/company/strozzi-institute>

4101 Middle Two Rock Rd. Petaluma, CA 94952

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**From:** [Crystal Acker](#)  
**To:** [Richard Strozzi-Heckler](#)  
**Subject:** RE: Two Year Review of Outdoor Cannabis Cultivation  
**Date:** April 07, 2022 9:45:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image008.png](#)  
[UPC17-0020 Groundwater Reporting Form 2020.pdf](#)  
[UPC17-0020 Groundwater Reporting Form 2021.pdf](#)  
[image005.png](#)

---

Hi Richard,  
Comment received and added to file for Director review.  
I attached the groundwater report you requested.  
See other responses below.

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

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*Thank you for your patience as we work to keep staff and the community safe.*

---

**From:** Richard Strozzi-Heckler <[richard@strozziinstitute.com](mailto:richard@strozziinstitute.com)>

**Sent:** April 06, 2022 3:29 PM

**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>

**Subject:** Two Year Review of Outdoor Cannabis Cultivation

Project Planner Acker

My name is Richard Strozzi-Heckler, PhD and I have lived at 4101 Middle Two Rock Rd for thirty-five years.

Since the installation of the cannabis cultivation at 334 Purvine Rd my water table has been severely depleted and the spring on my property has dried up.

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This is happening.

This is wrong.

This enterprise has not lived up to its promises nor has the country dutifully fulfilled on its obligations to oversee this use permit.

We in this neighborhood has observed water drillers on the property three times,

#11 Special Events- repeatedly there has been a very large number of cars and people on the property during the day, One of the managers said it is common that they will entertain various restaurants owners and others who run businesses that would benefit from cannabis.

250 Purvine Road (next door property under same ownership) has a vacation rental permit (TVR21-0085), and the guests are allowed to buy produce and tour the rest of the farm, just not the cannabis cultivation area. Of course, commercial buyers of the produce would also be allowed onto the site, as with all agricultural operations, again with the exception that they cannot have access to the cannabis cultivation area.

#17. Where are the groundwater monitoring reports?!

The operation is limited to 2.08 acre feet (677,770 gallons) per year, and requires annual reporting. In 2020, the property used 1.2 acre-feet (399,280 gallons). In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation. I attached the annual reporting forms.

#30 Where is the water conservation plan? Have you done it? Are you letting them drill for new wells?

A Water Conservation Plan for the new buildings has not been implemented yet as they are still under construction. However, the applicant has proposed rainwater capture, greywater reuse, and high efficiency point irrigation (for irrigation only), and ultra-low-flow fixtures in the new buildings (for potable water).

Well permits are a separate ministerial process not regulated by the Use Permit, but as mentioned above, the amount of groundwater used for the operation is limited by the Use Permit. All wells used in the cannabis operation are required to install a well meter and submit annual reporting to the County. The new well hasn't become operational yet, so that has not yet occurred.

#48 Is this being monitored? There is much building going on out there.

Yes, as described above under 17, the annual groundwater reporting has been occurring.

#50 Are you monitoring operational requirements?

Yes, as described above under 17, the annual groundwater reporting has been occurring.

For ALL of us in the Two Rock Valley this venue isa threat to our water supply,

Please do something about this and severely limit or hold them accountable for taking water Forman generational families,

Please feel free to contact me to address these errors.

Our water is drying up. As our county officials you can stop this,

Sincerely

Richard Strozzi-Heckler PhD

Richard Strozzi-Heckler

First, say to yourself what you would be,  
and then do what you have to do.

-Epictetus

4/6/22

Crystal Acker

Project Planner

In response to the letter we received from Sonoma County Permit & Resource Management Department on 4/1/22 regarding the cannabis grow activities at 334 Pervine Rd, Petaluma (file #UPC17-0020) YES we have concerns and hope to express them in this letter. We live at 4257 Middle Two Rock Rd and we have definite concerns about the water consumption, and have since we first became aware of this project back in 2017 and how this business has affected the Two Rock Valley. As a property owner my wife and I along with our relatives in this area and our long time neighbor friends share a common concern today still as in the past about the water situation.

This area has always been known to have limited water resources and I am sure that there are records at the county to support that fact. When the permit for this business was being applied for, we sat through all of the meetings before the board of supervisors and listened to representatives from Sonoma Hills Farm (Highland Canopy LLC) testify that there is adequate water supply at this site to support this business and how this was a low water consumption crop and how rain water would be captured to support this project, etc... as noted on page 6 #30 of the conditions.

We have read through the 25 page 2 year review of conditions for the approval and have no way of knowing if these conditions have been complied with, met or even monitored. In that review it states that groundwater level measurements and readings would be collected and recorded (noted on conditions #48-#52, pages 9 and 10). We are hoping that those results will be made public to the people in the area that this projects effects.

As a witness, especially over this past year, I have watched our water and our neighbor's water disappear – unlike any other time in the past. I have watched countless water truck deliveries to the Sonoma Hills Farm business for months. Obviously someone with connections to this so called low impact project is aware of the depleted water supply. In astonishment, just before this short time period to review, comment and express our concerns we watched between 3/28/22 – 4/1/22 several new wells being drilled on this property and saw several large water storage tanks of approx. eight thousand gallons each being delivered in addition to the numerous other water tanks already at this business.

Now one would think that this would be sufficient evidence for the county supervisors and the Permit & Resource Management department to have cause for pause and reconsider the new well drilling and pumping activities from the already depleted groundwater supply that all of the surrounding neighboring properties, people and livestock have suffered through these past few years. I am surprised that the county approved these new well drilling permits before the two year review of this project.

We have concerns that there is not adequate groundwater supply to support this business without serious impact on the surrounding neighbors, and definitely not enough for any further expansion of this business without serious review.

Please consider our position.

Respectfully,

Curtis and Jill Coffin

**From:** [Ayn Garvisch](#)  
**To:** [Crystal Acker](#); [Tasha Levitt](#)  
**Subject:** Re: UPC17-0020 (334 Purvine Road, Petaluma) - Two-Year Review Notice  
**Date:** April 08, 2022 1:04:43 PM

---

**Crystal, I did not hear back from you after leaving 3 voicemails. Here are my comments below. I wanted to get them in on time.**

**Ayn Garvisch Comments re: 2 year review: Permit #17  
(334 Purvine Rd, Petaluma )**

***Regarding approval condition #7:***

***7. Type(s) and Limitations of Use:***

- a. This use permit allows for cannabis cultivation, including associated processing and packaging of cannabis grown on-site only.***
- b. This use permit does not allow public access to the cannabis operation.***

The County approved this outdoor grow operation with specific limitations as outlined above. In the above condition, the County was intending to limit access to a secure property growing a controlled substance. Sonoma Hills Farm (SHF) has failed to comply with this condition by allowing the public to access their cannabis operation. SHF has repeatedly allowed visitors/friends/and the “public” (through corporate retreats, dinners, and parties etc) to access to their property.

The definition of “operation” has been grossly warped by SHF to include only their fenced-in cannabis, yet neglects the surrounding grounds despite the direct relation to the said “operation.” The acreage of the “operation” includes multiple cannabis-related buildings, areas of hemp and vegetables, an outdoor cannabis grow, barn, party area, and homes. This will become more evident as the operation is built out in the coming months. Anything inside the boundaries of SHF should be considered “the operation”.

After purchasing the adjacent property (250 Purvine Rd.) in 2020, the two parcels (334 Purvine Rd. and 250 Purvine Rd.) have been treated as one continuous property by sharing parking, signage and access. SHF has recently begun advertisement of a vacation rental at 250 Purvine Rd. It touts garden access and CBD sampling from the SHF partnering product lines. It even encourages renters to consume and receive delivery of cannabis to the property. Renters will also have walking access the grounds of the “neighboring property” that holds the permit to grow cannabis. While access to cannabis buildings and fenced growing area may be “off limits,” the entirety of 334 Purvine Rd. is truly a cannabis operation; it includes a fenced cannabis field, indoor propagation, drying building(s), party barn, and outdoor congregation areas. Posts on Instagram by SHF (@sonomahillsfarm) advertise their vacation rental with aerial footage of their fenced-in cannabis grow, as well smoking cannabis, cooking with it, and meandering about their operation.

***Re: condition 13. Temporary Occupancy Structures. Tents, yurts, and other temporary structures designed for human habitation are prohibited.***

Throughout 2021, a small trailer was parked in the SW corner of the property, close to Purvine Rd. The area is landscaped with benches, planting, and string lights, and was occupied on and off, which directly violates the above condition.

**Condition 24, Odor:**

Over the past two years of this legal outdoor grow, I have communicated with the County and planner regarding odor. These concerns are on file and have been shared with the owners of 334 Purvine Rd. My complaints culminated in two phone calls from the owner of 334 Purvine Rd., Mike Harden, and one call and email from a COO of the cannabis venture, Joyce Cenali.

During the phone calls and emails with them, my concerns were met with denial, passed blame, and an overall aggressive tone. It made me extremely hesitant to continue to voice my concerns with them if I would be met with such irreverence.

Odor remains one of my top concerns for the peace and enjoyment of my home in the summer and fall months.

I hope to see large odor-blocking planting and other mitigation as they build out their operation into the next growing cycle. These mitigation opportunities were discussed with Mike Harden during our phone call but nothing has been done to move toward an odor resolution.

**Comments on Water:**

Water-use and compliance is being addressed by my neighbors, Curtis and Jill Coffin. I wholeheartedly agree with and add my name to their comments. I also have personally seen multiple, daily trips back and forth made by a water delivery truck to SHF's outdoor operation over the last 2 years. They obviously do not have enough water to run their operation without these deliveries, massive water storage tanks and are in the process of drilling new wells now. I have no doubt that drilling will bring water levels in our area to unimaginably, historically low levels, worsening the already dire situation that surrounding properties are facing. The County was remiss in granting this property a new well permit without the public/private review of the their water usage prior to this two year review.

In reviewing this grow permit, it is imperative that the County address these issues without delay. SHF is expanding public access daily through their vacation rental at 250 Purvine Rd and growing their public/private ventures. Their wording is carefully crafted to technically skirt the County law and conditions of permitting. In reality this is a slippery slope that, if allowed to continue, will embolden SHF and set a lackadaisical County precedent.

On Mar 29, 2022, at 5:02 PM, Tasha Levitt <[Tasha.Levitt@sonoma-county.org](mailto:Tasha.Levitt@sonoma-county.org)> wrote:

Greetings,

Please see the attached notice for the required Two-Year Review regarding the project in the subject line. If you have any questions, please feel free to reach out to the planner at [Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org) or (707) 565-8357.

Kind regards,

-- Tasha

**Tasha Levitt**

Administrative Assistant

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

**707-565-1935**

[www.PermitSonoma.org](http://www.PermitSonoma.org)

<[image001.png](#)><[image002.png](#)><[image003.png](#)><[image004.png](#)>

<[image005.jpg](#)>

<UPC17-0020 Two-Year Review Notification for Cannabis Cultivation 3-29-2022.pdf>

**THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.**

**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Crystal Acker](#)  
**To:** [Ayn Garvisch](#)  
**Subject:** RE: UPC17-0020 (334 Purvine Road, Petaluma) - Two-Year Review Notice  
**Date:** April 08, 2022 1:36:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Well, that is the right number. But I don't know why I'm not getting any voicemails. Sorry about that.

Regarding 7b, the cannabis operation is the same licensed premise for their State License, which currently is just the outdoor cultivation area. The licensed premise will include the greenhouse, and drying barn when those are completed. It is separate from the hemp cultivation site (which actually has a separate licensed premise that cannot overlap with the cannabis premise) and is separate from other residential and agricultural uses on the parcel. I am aware the next door property has a vacation rental permit from the County, and have reminded them that public access to the cannabis operation is not allowed. It appears they are following that.

Did that answer your question?

crystal

---

**From:** Ayn Garvisch <agarvisch@yahoo.com>  
**Sent:** April 08, 2022 1:26 PM  
**To:** Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Subject:** Re: UPC17-0020 (334 Purvine Road, Petaluma) - Two-Year Review Notice

Hi Crystal, yes for some reason the number I was calling went directly to voicemail and I left three different messages 707-565-8357

I just really wanted clarification on point 7b. As to what the county means by "public" and "cannabis operation". If you read my comment you will see what I mean.

I addressed both terms in the way that I believe the county meant to interpret the ordinance and conditions.

If I am incorrect in my interpretation, then so be it, but all I can do is comment on what I know it's going on.

Best,  
~Ayn

Sent from my iPhone

On Apr 8, 2022, at 1:12 PM, Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

Ayn,

There aren't any voicemails for me? I've been checking my voice mail box every day due to this comment period. We can't accept comments via voice mail anyway, so it's good you sent written comments, but if you have a question, go ahead and email me since it seems my voicemail is not working for you. I haven't heard that anyone else has been having problems with it, but remote working definitely sometimes has issues. I'll email a response to any question you have today.

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |

Office: 707-565-1900 | Fax: 707-565-1103



*Due to the Public Health Orders, online tools remain the best and fastest way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [PermitSonoma.org](http://PermitSonoma.org).*

*The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 9:00 AM – 4:00 PM and Wednesday, 10:30 AM – 4:00 PM.*

*Thank you for your patience as we work to keep staff and the community safe.*

---

**From:** Ayn Garvisch <[agarvisch@yahoo.com](mailto:agarvisch@yahoo.com)>

**Sent:** April 08, 2022 1:04 PM

**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>; Tasha Levitt <[Tasha.Levitt@sonoma-county.org](mailto:Tasha.Levitt@sonoma-county.org)>

**Subject:** Re: UPC17-0020 (334 Purvine Road, Petaluma) - Two-Year Review Notice

**Crystal, I did not hear back from you after leaving 3 voicemails. Here are my comments below. I wanted to get them in on time.**

**From:** [Phoebe Lang](#)  
**To:** [Crystal Acker](#); [Tennis Wick](#)  
**Subject:** File Number UPC17-0020, site address 334 Purvine Road, Petaluma, CA 94952  
**Date:** April 08, 2022 4:07:30 PM  
**Attachments:** [Public comment on File number UPC17-0020 334 Purvine Rd \(1\).pdf](#)  
[Bagai Final Report \(1\).pdf](#)

---

Dear Ms. Acker

As per your letter dated March 29th, 2022 requesting comments from property owners and interested parties, please find attached a letter detailing my concerns and comments as well as the accompanying letter referenced in the water usage section of my letter.

Very sincerely yours,

Phoebe Lang

--

Phoebe Lang  
[phoebelang@gmail.com](mailto:phoebelang@gmail.com)  
415 601 5547  
105 Purvine Rd  
Petaluma CA 94952

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.  
**Warning:** If you don't know this email sender or the email is unexpected,  
**do not** click any web links, attachments, and **never** give out your user ID or password.

April 8<sup>th</sup>, 2022

Crystal Acker  
Project Planner  
Permit Resource Management Department  
2550 Ventura Avenue  
Santa Rosa Ca 95403-2859  
(707) 565 1900

Re: File No: UPC17-0020  
Site Address: 334 Purvine Road, Petaluma Ca 94952  
APN: 022-230-020

Dear Ms. Acker,

I am writing in reference to File No. UPC17-0020 located at 334 Purvine Road. As a neighbor on Purvine Road I believe there are extensive examples of non-compliance with the conditions of approval in connection with the outdoor cultivation activities that have occurred at 334 Purvine Road. I will elaborate on some of the more obvious ones below. For the purposes of clarity as you read through, any text in blue and italicized is language drawn directly from the Conditions of Use Approval document dated 9/30/2019

**ILLEGAL WATER USE:**

Upon reviewing the PRMD permit history site, we see that the owners of 334 Purvine have a *permit issued* for a new class I well and that they have a well *permit started* for a well relocation and we see they have a permit to install a 98,000-gallon water storage tank. Where will the water come from to fill that tank and supply enough water to support all the demands their operation currently places and will further place on the groundwater supply?

During the summer of 2021 it was widely known around the neighborhood that the well at 334 Purvine had run dry and could not meet their water usage demands. At that juncture the only portion of their permitted cannabis project that required water was the outdoor grow. The operators of 334 Purvine then commenced having water hauled in on a daily basis for months and placed into their 2 water storage tanks. These 2 water tanks are located right next to a public roadway and are highly visible. By our very rough calculations 334 Purvine was hauling in at least 50,000 plus gallons of water per day, sourced directly from a hydrant within the Santa Rosa city limits by a water truck with no permit to draw and sell that water. This water truck had no DOT registration. Not only is this against the law, it is at the very least in blatant violation of the cannabis ordinance and the conditions of 334 Purvine's use permit. Knowing all this, how will they possibly have enough ground water to support and service the increased (by a considerable factor) water usage demands that their built out permitted project will require? This is nonsensical. Even if cannabis operations were allowed to truck in as much outside water as they deemed necessary, this is not a viable model for any business let alone an "agricultural" one that boasts openly and frequently about their best organic and regenerative farming practices.

After noticing a water truck driving by our property to 334 many times a day, we retained a licensed private investigator [report attached] to investigate further and they discovered:

*“On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California. Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2) Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.”*



Petaluma Creamery truck loading  
Water at SR fire hydrants



Same truck was followed and unloaded  
the water into 334 irrigation tanks

There are many other properties in the surrounding area that rely on the very same water table for their ground water supply. Back in the very early days of the permitting process for this project, the surrounding neighbors identified water supply and groundwater availability as the number one concern regarding an operation of this scale to move into the area. PRMD was very clear about this concern and also agreed that it was a potential issue, to the extent it ordered a 72 hour dry well test to be run. That issued 72 hr. dry well test magically and mysteriously disappeared soon after being ordered. With no explanation given by either Tennis Wick of PRMD or Supervisor Rabbit. **Setting aside all the other violations we believe exist with this project and at this site, the fact they did not have enough water to meet the demands of their outdoor cultivation in 2021 and that they resorted to hauling in great amounts of illegally sourced city water over the course of months should be sufficient grounds alone to deny renewal of their use permit.** We also know that the owners of 334 Purvine have applied to grow 40,000 sq ft of cannabis on the neighboring 500 Purvine Road parcel. Again, where will the water for that come from? 2021 was not an unusual or anomalous year in terms of water availability. Yes, there was a “drought” and less rainfall than “normal.” But this is the norm now and will continue to be so into the future. The operators of 334 Purvine can drill and drill and drill new well sites on their parcel. Does one truly believe given all that we know that they will have enough of their own water sourced from their parcel to support their water usage demands? We expect PRMD to take our concerns seriously and act in its capacity to enforce the rules and regulations set forth in the ordinance and use permit. The onus has fallen on surrounding property owners to monitor and report concerning activity. PRMD has the obligation

and authority to do this. The wellbeing, water security and property values of the surrounding neighbors also matter, not just what 334 deems best for their bottom line.

**SIGNAGE:**

***27. Signage. The project approval does not include any signage. A separate administrative design review will be required if any exterior signage is proposed.***



Please arrange with applicant to have these un-permitted signs removed urgently.

***33. Design Review. Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review... Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area.***

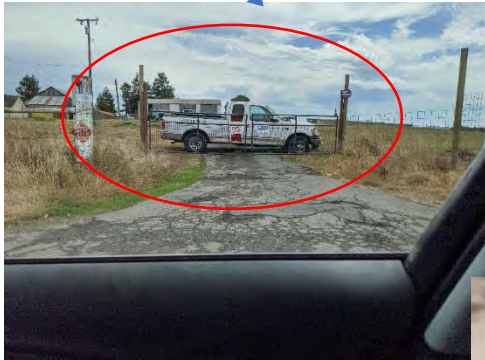
Under the conditions of the cannabis ordinance there is to be no visible signage for the facility. They have installed 2 enormous mural signs in vivid, bright colors that can be seen from half a mile away. The murals are akin to neon signs drawing maximum attention to Sonoma Hill Farm, the business. A visit to the Sonoma Hills Farm website shows in great detail the specifics of their business at 334 Purvine, including but not limited to the many promotional events they hold on the 334 premises for the purpose of building brand recognition, marketing and serving the cannabis grown at 334 Purvine Road. These events include the consumption of cannabis at the address of the facility, which is expressly prohibited under the conditions of their use permit as well as the county's cannabis ordinance. This not only constitutes a violation of the ordinance and use permit, but also is a visual nuisance to the surrounding properties as well as a security risk given the bold attention it draws to the presence of a large commercial cannabis operation.

**SECURITY:**

***23. Security Plan. The operation shall maintain all aspects of the approved site security plan. (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance..., perimeter fencing, controlled access gates, locking doors, lighting and alarms...***

As is currently

ENTRANCE



Entrance to  
cultivation



The applicant has not completed any security details. This is applicant's idea of high security. These are pictures of entrance to 334 Purvine and entry to the outdoor cultivation area. Applicant routinely fires multiple gun shots. No vegetation has been planted.

Cont on next page

**PROMOTIONAL EVENTS:**

***7. (a) This use permit does not allow public access to the cannabis operation***

On August 20, 2021 Gretchen Giles, California Cannabis Tourism Association (possibly now Cannabis Travel Association International) based in Petaluma held a meeting with the Cannabis Business Association of Sonoma County that was taped as part of PRMD’s vision outreach for the revised cannabis ordinance. Ms. Giles refers to 334 Purvine beginning around 30:30 on the tape. She states “it’s a darling” and “we have tours here all the time” and “It’s a lovely place that everyone enjoys.” This location may be part of the “cannabis trail” that Ms. Giles is reporting, having such tours violates the ordinance.

***11. Special Events. Tastings, promotional activities, and events are prohibited by Sonoma Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit***

The conditions of their permit disallow both public access to the cannabis operation as well as disallowing cannabis related events. You will see below that on their Sonoma Hills Farm website there are numerous articles and videos available in national news outlets detailing cannabis related parties, events, promotional activities, etc... such as the one example provided below in the Washington Post.



The image is a screenshot of a news article from The Washington Post. At the top, the newspaper's name 'The Washington Post' is displayed in a white serif font on a black background, with the tagline 'Democracy Dies in Darkness' below it. The article is categorized as 'National'. The main headline reads 'Organic cannabis, and food-cannabis pairing dinners at Sonoma Hills Farm'. The sub-headline states: 'As California works to differentiate its cannabis industry with state certification of cannabis and appellations, Mary Beth Albright travels to Sonoma Hills Farm for a cannabis-and-food pairing dinner'. To the right of the text is a photograph showing two people at a table, engaged in a meal and conversation, with wine glasses and plates visible.

Cont on next page

**12. Transient Occupancy. Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.**

Keep an eye on this one as they own 150 Purvine, the immediate adjacent property and it is one in the same with the 334 Purvine property and activities. We do not believe they have been or will adhere to the rules.

Forbes

# Airbnb Partners With Sonoma County Regenerative Cannabis Farm To Offer One-Night Stays

Jackie Bryant Contributor @

*I cover cannabis business and culture.*

Follow

f  
t  
in



Sonoma Hills Farm's cannabis-farm adjacent farmhouse for rent on Airbnb HOGWASH

Airbnb has partnered with Sonoma County craft cannabis farm Sonoma Hills Farm to offer exclusive overnight stays at a neighboring property that overlooks the farm. The property is a privately owned residence and the only way to access the stay is through Airbnb. According to Airbnb, non-urban gross nights booked up nearly 45 percent compared to Q4 2019, which is good news for the burgeoning cannabis tourism industry.

**SCREENING:**

The landscape materials planted along the perimeter fence of the outdoor grow are completely inadequate. The cannabis plants inside the grow area and surrounding fencing are highly visible from all sides, all surrounding properties and roadways from over a half a mile away. Tiny perimeter plantings installed will take years to mature and provide screening, if ever. Operators should be required to plant fast growing shrubs and trees in at least 24-36" boxes, if not larger.

**LIGHT POLLUTION:**

***32. Lighting. All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spillover onto other properties or the night sky...etc...***

In the 2021 growing season a significant amount of light was generated by the project. This will only increase with the build out of the entire permitted project.



Applicant has installed high intensity lights which can be seen for miles the light pollution from this location is deplorable, even over headlights and can be distracting to drivers. Applicant has installed bright orange flashing lights and a fire siren which they routinely blast intermittently without warning. During fire season it is very disturbing

**CLOSING COMMENTS:**

***36. Conformance with Statutes. This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be considered a violation of this use permit, subject to revocation or modification.***

**GENERAL:**

***120. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance...***

When you, our public agents and officials make rules, regulations and laws and then don't monitor and enforce them, it erodes your credibility and authority. It also erodes our trust in you. One immediate neighbor on Purvine Road has moved away due to the 334 Purvine Road operation, another has listed their property for sale in no small part due to the proliferation of commercial cannabis operations on both sides of them, and a third is strongly considering whether or not continuing to live next to a commercial cannabis operation is viable for their family. These are choices made. Sonoma County should care that this is happening and will continue to happen to its residents. The community fabric is torn. The cannabis industry has gotten the better of us all.

Consider doing the right thing by your citizens, not just by the cannabis industry.

Very sincerely yours,

[Signed Electronically]

Phoebe Lang  
Owner/Resident  
105/103 Purvine Rd  
Petaluma Ca 94952  
(415) 601 5547



DBA I.G. CAL. LIC: PI22550/PPO14479

CONFIDENTIAL INVESTIGATIVE REPORT

Client : Sanjay Bagai

INSIGHT GROUP CASE NUMBER: I.G.21- 237 -1

DATE OF REPORT: September 4, 2021

## **Synopsis:**

On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California.

Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2) Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.

## **Investigation**

Investigator Arriaga obtained both California DMV Registration for the truck and trailer observed on both days of surveillance. See Exhibit 1 and Exhibit 2 incorporated in this report.

Investigator Arriaga noticed the truck was registered to Nelson Scott Alexander.

## **Surveillance August 25, 2021**

This office was contacted in the month of August 2021 by Sanjay Bagai regarding the possibility of City Water being stolen and delivered to unknown Marijuana Gardens. Private Investigators Sonya Arriaga and Kenneth Pitts were assigned to the investigation and to conduct a surveillance.

Investigators were provided with two possible locations of the water being stolen.

- (1) 3276 Dutton Ave. Santa Rosa Ca. and
- (2) Intersection of Western Ave and Hill Ave. Petaluma Ca.

On August 25, at 0800hrs Investigators conducted a surveillance in and around the fire hydrant located at 3276 Dutton Ave. Santa Rosa, Ca.

At 0856hrs Investigators observed a white male adult arrive in a green water truck to the listed hydrant. (see photo log pictures 1 thru 4 ). The subject got out of the truck and hooked his line up to the hydrant pictured in the above noted photographs.

At 0856hrs Investigators observe the subject to leave the above listed location. Investigators follow the water truck and observe the truck with trailer number 4AF1869 drive to 334 Purvine Road Petaluma California bearing a large sign that reads "Sonoma Hill Farm" at approximately 0930hrs the water truck is observed and photographed by Investigators to enter this address, drive down a dirt road and park next to a large blue water holding tank. Investigators observe the driver to get out of the truck, park next to the water holding tank , hook up his pump and empty his truck. (see photo log pictures 5 thru 7) Water truck empties contents and leaves location at approximately 0955.

Investigators followed the same listed water truck to drive directly to the city fire hydrant located at 3276 Dutton Ave. Santa Rosa Ca.

At 1017hrs the water truck arrives at the above listed hydrant, hooks up his truck and fills up again. The truck leaves after filling at 1032hrs.

At 1100hrs Investigators follow the water truck to arrive at 334 Purvine road Petaluma Calif. Investigators noticed that during this surveillance the driver drove extremely slow and changed the route he took on the prior delivery. The driver took surface streets as opposed to the freeway as he had done on the prior trip. The driver further pulled over at 2 rocks road and Purvine rd. to check if he is being followed prior to continuing on to the Sonoma Hill Farm. Investigators observe the driver to pull into the above listed address empty his truck and leave the location on Purvine at 1139hrs.

Investigators continue a loose surveillance at this time and the driver appears to go to lunch. Investigators maintain surveillance around the fire hydrant located at 3276 Dutton Rd. Santa Rosa Calif.

At 1302 hours the same driver in the same water truck (see photo log numbers 8 and 9).arrives at the Dutton address hydrant. Investigators observe the driver to fill his truck again. At approximately 1330hrs the driver leaves this location and again is followed by investigators back to Sonoma Hill Farm in Petaluma where he empties his truck.

After the driver empties his water truck he proceeds to an unknown location where surveillance units loose him at the corner of Hwy 1 and Valley Ford Freston Rd. (Refer Photo # 10)

Surveillance returns to the hydrant located at Dutton Rd in Santa Rosa

At 1519 hrs the same water truck observed all day arrives at the Dutton address city hydrant. Investigators observe the same white make adult and truck they have seen all day to get out of truck and hook up his line to hydrant and fill up.

At 1530 hours Investigators observe the driver to leave and follow the water truck to 334 Purvine Road Petaluma, Ca., Sonoma Hill Farm. Investigators observe the water truck to pull up to the blue water holding tank and empty the water(see photo log 11 thru 14)

Truck arrives at the Purvine address at approximately 1609hrs. Investigators observe and photograph the truck until 1630hrs.

At 1630hrs Surveillance was terminated.

### **Surveillance August 26, 2021**

On August 26, 2021 at approximately 0800hrs, Investigators Sonya Arriaga and Kenneth Pitts, Insight Group, Inc. conducted a surveillance around the area of 3803 Springhill Road. While at the above listed address due to heavy fog investigators drove over to 334 Purvine road Petaluma to see if the view was better. At approximately 0810hrs Investigators observed the green Water Truck with the same marking they saw the day before to be hooked up to the blue water tank and emptying the water truck.( Phots 15 and 16)

After obtaining some photos Investigators proceeded to the surveillance on Spring Hill Road. Investigators observed many trucks going up and down this street but did not see any water trucks enter the above listed address. It was decided then to conduct a surveillance at the city hydrant located at the corner of Western Ave and Hill, Petaluma, Ca. Investigators spent the day going from Purvis, Spring Hill and Western address and did not see any deliveries this day.

While Investigators were conducting surveillance around Purvine address Investigators observed a female adult in a small black older model vehicle taking photos of the Sonoma Hill Farm. She appeared to be conducting her own surveillance not associated with Insight Group, Inc.

Surveillance was terminated at 1600hrs.

Respectfully submitted

Sonya Arriaga  
Insight Group, Inc.

# PHOTOGRAPHS



PHOTO # 1



PHOTO # 2



PHOTO # 3



PHOTO # 4



PHOTO # 5



PHOTO # 6



PHOTO # 7



PHOTO # 8



PHOTO # 9



PHOTO # 10



PHOTO # 11



PHOTO # 12



PHOTO # 13



PHOTO # 14

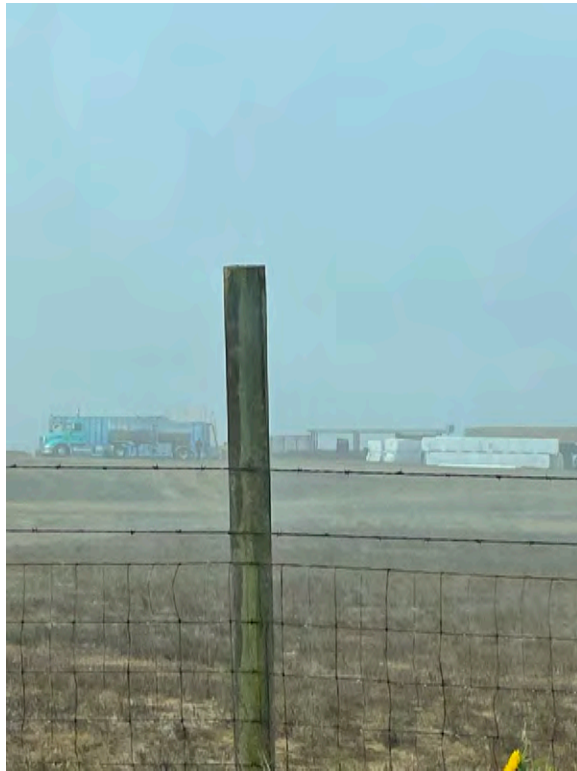


Photo # 15



Photo # 16

# Exhibits

## 1 and 2

**PRELIMINARY RESEARCH Case No. 210827**

This report is provided to users with the understanding that the tenets of the Fair Credit Reporting Act as well as other applicable Federal, State and Local statutes apply. This information is obtained from court and other public records. The accuracy of the information is not guaranteed and depends upon the accuracy and completeness of the data you have provided.

1

**CA VL#:** 4AF1869

-----  
**VEHICLE RECORD:**

REC DATE: 08/27/21 TIME: 3:42PM  
-----

-----  
ON-LINE VEHICLE RECORD FOR THE STATE OF CA  
-----

-----  
ITEM REQUESTED: 4AF1869  
-----

-----BASIC RECORD-----  
-----

LICENSE: 4AF1869 VEH ID NO: 4262  
MODEL YEAR: 74 MAKE/BUILDER: WMARK POWER/FUEL: 0 - TRAILER  
VLF CLASS: DB (\$13,200 TO \$13,399.99) # OF AXLES: 1  
UNLADEN WEIGHT: 06050 LEG OWNER CD: 8 EQUIP NO: 746  
DATE EXPIRES: 12/31/21 REGISTRATION ISSUE DATE: 12/02/16  
SOLD/PURCHASED: 00/00/74 OWNERSHIP ISSUE DATE: 02/25/86  
BODY CODE: K - DESC NOT FOUND  
BODY TYPE MODEL: TA- DESC NOT FOUND  
TYPE LICENSE: PA - PERMANENT TRAILER IDENTIFICATION PTI REGULAR  
REGISTRATION  
TYPE VEHICLE: 42 - TRAILER-USED

-----REGISTERED OWNER-----  
-----

CALIFORNIA COOPERATIVE  
CREAMERY  
-----

-----LEGAL OWNER-----  
-----

WELLS FARGO BK NA  
200 B ST STE 300  
SANTA ROSA 95401  
03/18/02 PREV LIC VW8282  
PTI TRAILER  
FEE SUB-RECORD ON FILE

=====END OF  
RECORD=====

ATTACHMENT ( 0 PG )

3:17

5G

Inbox

2 Messages  
Lic Reg

**PRELIMINARY RESEARCH**

**Case No**

CA VL#: 9E26545

**VEHICLE RECORD:**

REC DATE: 08/25/21 TIME: 1:21PM

ON-LINE VEHICLE RECORD FOR THE STATE OF CA

ITEM REQUESTED: 9E26545

LICENSE: 9E26545 VEH ID NO: 1XPHA47X0DD208175

MODEL YEAR: 13 MAKE/BUILDER: PTRB POWER/FUEL: D - DIESEL  
 VLF CLASS: CJ (\$10,000 TO \$10,199.99) \*-YEAR: 20 # OF AXLES: 2  
 UNLADEN WEIGHT: 13267 LEG OWNER CD: 9 HULL MATERIAL NC80000

DATE EXPIRES: 08/31/22 REGISTRATION ISSUE DATE: 07/22/21  
 SOLD/PURCHASED: / / OWNERSHIP ISSUE DATE: 11/03/20

BODY CODE: G - TRACTOR TRUCK (DIESEL)  
 BODY TYPE MODEL: DS - TRACTOR TRUCK (DIESEL)  
 TYPE LICENSE: 31 - REGULAR COMMERCIAL  
 TYPE VEHICLE: 37 - COMMERCIAL-USED NONRESIDENT

NELSON SCOTT ALEXANDER

07/14/21 FHVUT PROOF VERIFIED  
 10/09/20 PREV LIC S413559  
 08/15/2020-ODOMETER: 284,907 MILES ACTUAL MILEAGE

ESTIMATE ONLY! Based on information received from DMV. It does not include transfers, duplicates, etc. We make no representation or warranties, either expressed or implied, regarding the currentness, accuracy and/or completeness of any data.

CANNOT CALCULATE COMMERCIAL VEHICLES OF THIS SIZE

=====END OF RECORD=====

ATTACHMENT (0 PG)

**From:** [Sanjay Bagai](#)  
**To:** [Crystal Acker](#)  
**Cc:** [tabatha.chavez@cannabis.ca.gov](mailto:tabatha.chavez@cannabis.ca.gov); [enforcement@cannabis.ca.gov](mailto:enforcement@cannabis.ca.gov); [margaret.cornell@cannabis.ca.gov](mailto:margaret.cornell@cannabis.ca.gov); [stacey.roberts@doj.ca.gov](mailto:stacey.roberts@doj.ca.gov); [richard.parrott@cannabis.ca.gov](mailto:richard.parrott@cannabis.ca.gov)  
**Subject:** File No: UPC17-0020 : Property Address 334 Purvine Rd : APN 230-020 CalCannabis: CCL20-0000520  
**Date:** April 08, 2022 12:48:12 PM  
**Attachments:** [PRMD Part 1.pdf](#)

---

Dear Ms. Acker,

As per your request sent to property owners and interested parties dated March 29, 2022, please find attached evidence of the violations at the above-referenced cultivation.

This attachment contains evidence of violations of the following conditions of approval: #52, #7b, #7c, #11, #12, #100, #3, #13, #23

Additionally, I have attached relevant exhibits.

Please acknowledge receipt of this email.

*Best,*  
*Sanjay*  
*[+1 510 599 5272]*

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART I of III

04/08/22

31 Pages

## 'Condition of use' Clause and sub clause:

52. Prior to building permit final or granting of occupancy or initiation of the use, the County shall verify that the well monitoring equipment has been installed and that the access easement has been recorded. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. In the event that project groundwater use exceeds 2.08 acre-feet per year from the project well, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce water use. In the event that groundwater use exceeds 2.08 acre-feet per year by more than 10 percent, Permit Sonoma staff shall bring this matter back to the Board of Zoning Adjustments to consider whether additional measures to reduce water use are appropriate.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

**DUPLICATE**  
Driller's Copy

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

Do not fill in  
No. 110752

Notice of Intent No. \_\_\_\_\_  
Local Permit No. or Date \_\_\_\_\_  
State Well No. \_\_\_\_\_  
Other Well No. \_\_\_\_\_

(1) OWNER: Name Francis Collings  
Address 334 Purvine  
City Petaluma, California 94952

(2) LOCATION OF WELL (See instructions):  
County \_\_\_\_\_  
Well address if different from above same  
Township \_\_\_\_\_  
Distance from cities, roads, railroads, fences, etc. \_\_\_\_\_

(3) TYPE OF WORK:  
New Well  Deepening   
Reconstruction   
Reconditioning   
Horizontal Well   
Destruction  (Describe destruction materials and procedure in Item 12)

(4) PROPOSED USE:  
Domestic   
Irrigation   
Industrial   
Test Well   
Stock   
Municipal   
Other

WELL LOCATION SKETCH

(5) EQUIPMENT:  
Hoist  Reverse  No  No  Size \_\_\_\_\_  
Cable  Air  Water of line \_\_\_\_\_  
Other  Bucket

(6) GRAVEL PACK:  
Yes  No  Size \_\_\_\_\_  
Water of line \_\_\_\_\_

(7) CASING INSTALLED:  
Steel  Plastic  Other   
Type of pipe size of casing \_\_\_\_\_

From ft.	To ft.	Dia. in.	Charge lb.	From ft.	To ft.	Charge lb.
110	130.6	10	NONE			

(8) PERFORATIONS:  
Type of perforation \_\_\_\_\_

(9) WELL SEAL:  
Was surface auxiliary seal provided? Yes  No  If yes, to depth 20 ft.  
Were annular seals against pollution? Yes  No  Interval \_\_\_\_\_ ft.  
Method of sealing \_\_\_\_\_

(10) WATER LEVELS:  
Depth of first water, if known \_\_\_\_\_ ft.  
Standing level after well completion 20 ft.

(11) WELL TESTS:  
Was well test made? Yes  No  If yes, by whom? \_\_\_\_\_  
Type of test Pump  Sucker  At 10 ft   
Depth to water at start of test \_\_\_\_\_ ft. At end of test 110 ft.  
Discharge 12 gal/min after 4 hours Water temperature \_\_\_\_\_  
Chemical analysis made? Yes  No  If yes, by whom? \_\_\_\_\_  
Was electric log made? Yes  No  If yes, attach copy to this report

Work started 7/25/77 Completed 7/28/77

WELL DRILLER'S STATEMENT:  
This well was drilled under my direction and this report is true to the best of my knowledge and belief.

SIGNER Kenneth Hansen  
NAME LES PETERSEN DRILLING & PUMP, INC.  
Address 5434 Old Redwood Highway  
City Santa Rosa, Calif. No. 95401  
License No. 261084 Date of this report 7/29/77

OWR 188 (rev. 7-74) IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

- No 72-hour pump test was conducted since applicant changed water source to external. However, since then applicant has changed water source back to well supply, but did not comply with any requirements for yield tests.
- Yield test from 1977 shows 12 gpm with recharge after 4 hours. Which is insufficient to service the 1.2-2 Million gallons needed.
- Neighboring property wells are now dry since water table is extremely low.
- Applicant has provided a well test from 1977 to support using well water as sole water supply

## Evidence of violating Clause: 52

The Cannabis grow at 334 Purvine Rd is a full acre, and from satellite photos appears to be well over 1.5 acres. This requires between **1.2 – 2.0 Million gallons** of water per harvest, grower is harvesting two times per season.

The grower has represented it draws 12 Gallons per minute based on a 4-hour test **conducted in 1977**, but recharge is slow. For this applicant to draw 1.2 Million gallons from this well this well would have to run 1,666 hours. That is roughly 70 days nonstop.

This is a zone 3-4 water area there is absolutely **NO WAY THIS WELL CAN YIELD THIS AMOUNT OF WATER...**

This grower's use seems to have run **all wells dry within a radius of ¼ mile and predictably is now hauling water from illegal sources**

## Synopsis:

On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California.

Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2)

Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.

Applicant has been purchasing water from Santa Rosa and from neighboring farmers who are delivering 4-6 truck loads per day



ence of v

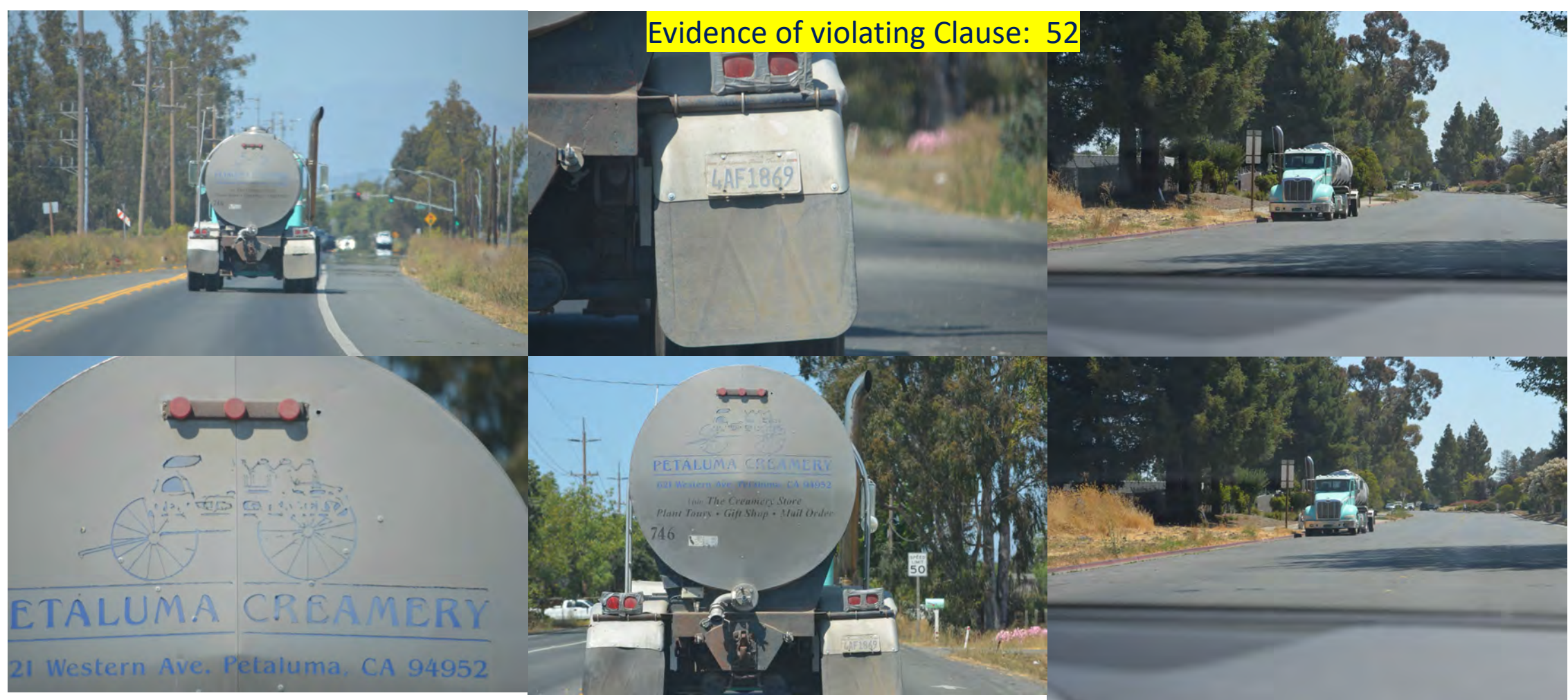


the photos  
on 08/  
m at the  
nt locat  
Dutton  
Rosa



4/8/2022

Evidence of violating Clause: 52



These photos are of the Petaluma Creamery Truck repeatedly driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm

Evidence of violating Clause: 52



These photos are of the Petaluma Creamery Truck driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm

## Evidence of violating Clause: 52



These photos of the Petaluma Creamery truck unloading water into tanks at 334 Purvine Rd 3-4 times per day. This is the same water which was obtained from the fire hydrant at 3276 Dutton avenue were taken on 08/16/21 @ 2:04pm at 334 Purvine Rd



Cannabis grow at 334 Purvine Rd is buying from Petaluma Creamery who is not licensed by DOT and not licensed by DCC as licensed water haulers. This water truck has been making between 4-5 trips per day to 334 Purvine Rd. Calls to Santa Rosa Water Department confirmed that this water is NOT permitted to be used for Cannabis farming, the permit granted to Petaluma Dairy s specifically for dairy use. The permit granted to Petaluma Creamery to draw water for their dairy operations, not for Cannabis farming and certainly not intended for resale

Evidence of violating Clause: 52

All these photos of this without any DOT registration unloading water @ 334 Purvine Rd were taken on 7/2/21 @ 2:21pm



4/8/2022



10

## 'Condition of use' Clause and sub clause:

### 7. Type(s) and Limitations of Use:

- b. This use permit does not allow public access to the cannabis operation.
- c. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.

11. **Special Events.** Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.

12. **Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.

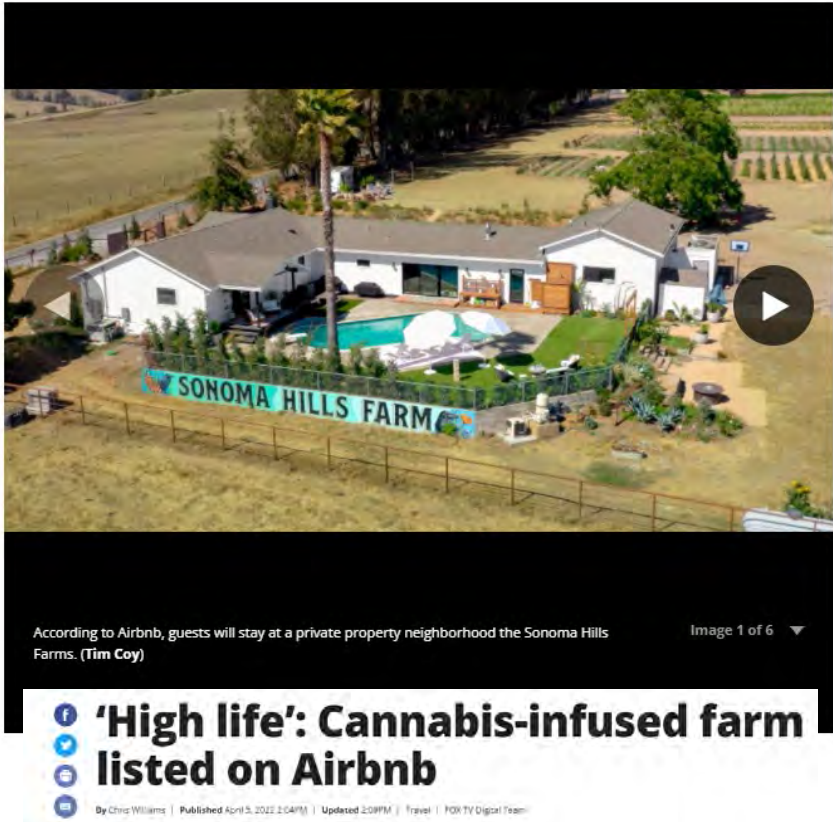
### Smoking

100. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited in any work area.

### Evidence on following pages clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has allowed public access to the cannabis operation on a regular basis and in fact routinely conducts tours and special occasions such as dinners and meetings.
- Applicant routinely is delivering Cannabis to the public and in fact advertises access on social media.
- Applicant routinely conducts promotional activities and events at the cannabis operation.
- Applicant has been advertising on airBNB, social media, in the press and in journals and magazines farm stay vacation rental and hosted rental for 'Sonoma Hills Farm'
- Applicant routinely invites and encourages smoking of cannabis at the cannabis operation and advertises on social media, website as well as journals. Applicant routinely distributes cannabis at these events

Evidence of violating Clause: 7B, &C, 11, 12 & 100



Advertising Farm Stay, vacation stay, hosted rental, transient occupancy

4/8/2022

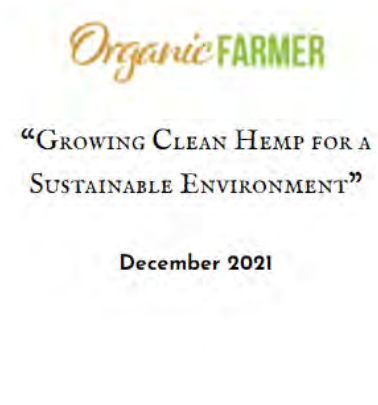
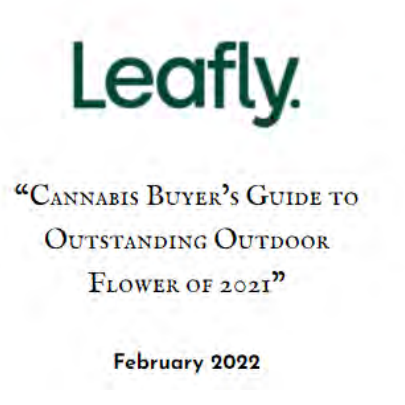
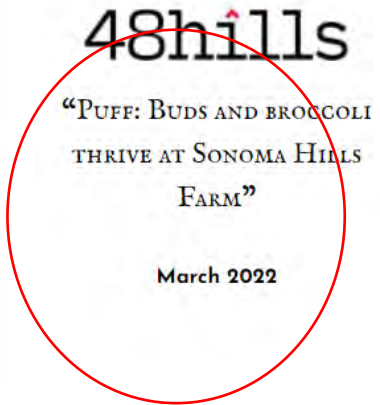
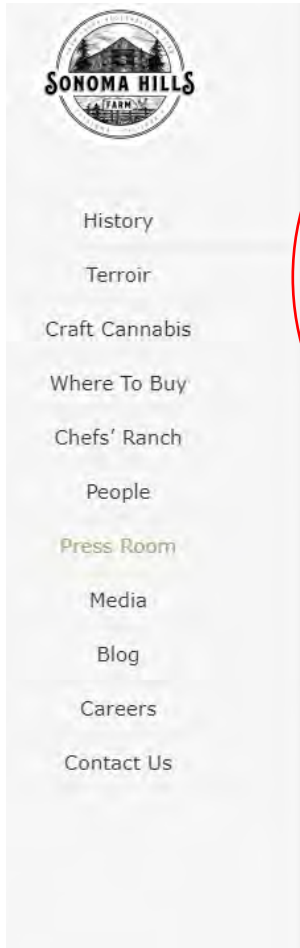


Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Advertising Farm Stay, vacation stay, hosted rental, transient occupancy  
Public access, retail delivery, tasting, promotional activity and events ,  
smoking, consumption of cannabis

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis  
4/8/2022



Public access, retail delivery, tasting, promotional activity and events



Public access, retail delivery, tasting, promotional activity and events



Public access, promotional activity and events

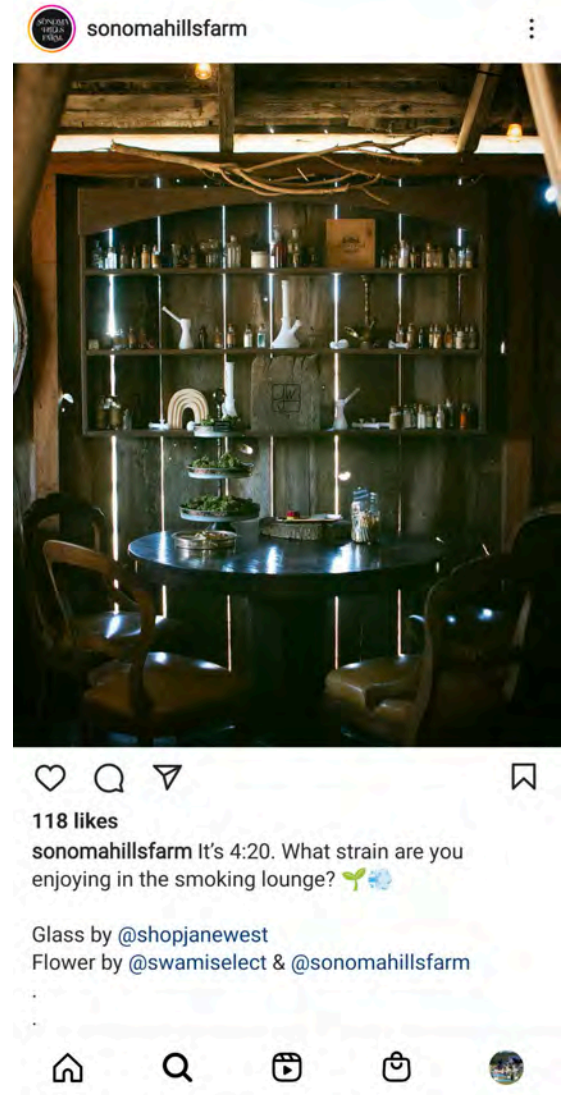
# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis  
4/8/2022



Public access, retail delivery, tasting, promotional activity and events



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, promotional activity and events

4/8/2022

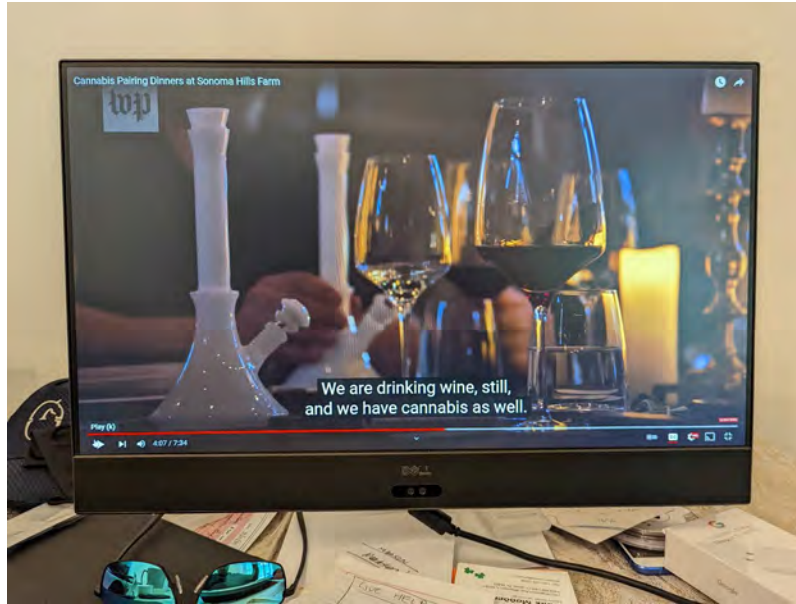


Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

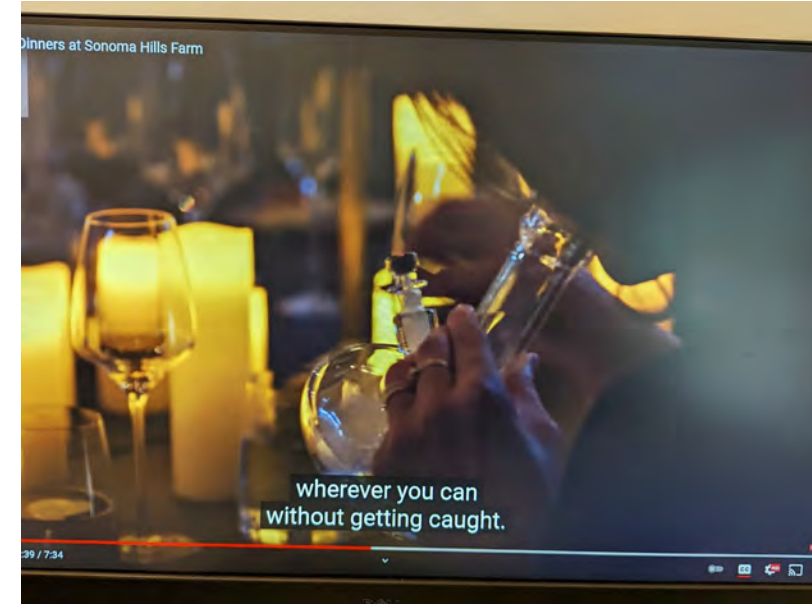
## Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

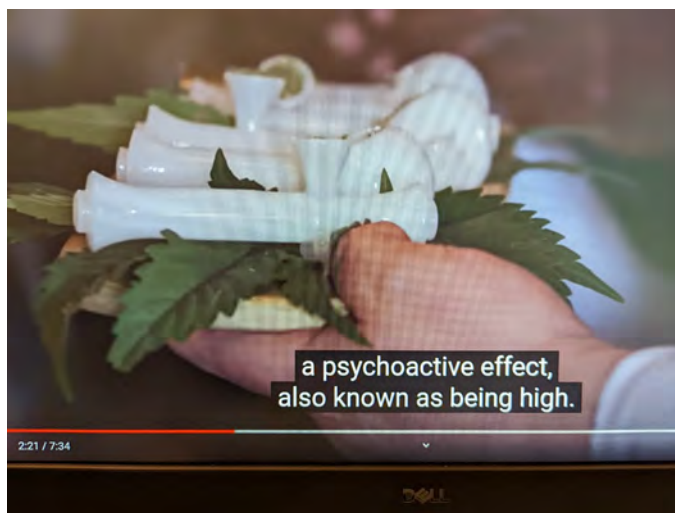


Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

## Evidence of violating Clause: 7B, &C, 11, 12 & 100



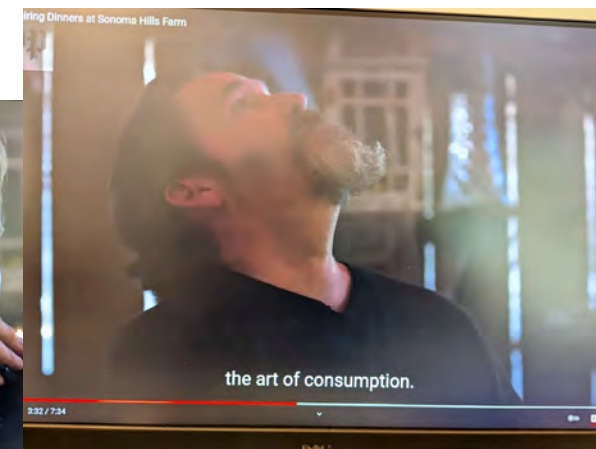
Public access, retail delivery,  
tasting, promotional activity  
and events , smoking,  
consumption of cannabis



Public access, retail delivery,  
tasting, promotional activity  
and events , smoking,  
consumption of cannabis



Public access, retail delivery,  
tasting, promotional activity  
and events , smoking,  
consumption of cannabis



<https://youtu.be/rVG8HyAbNng>

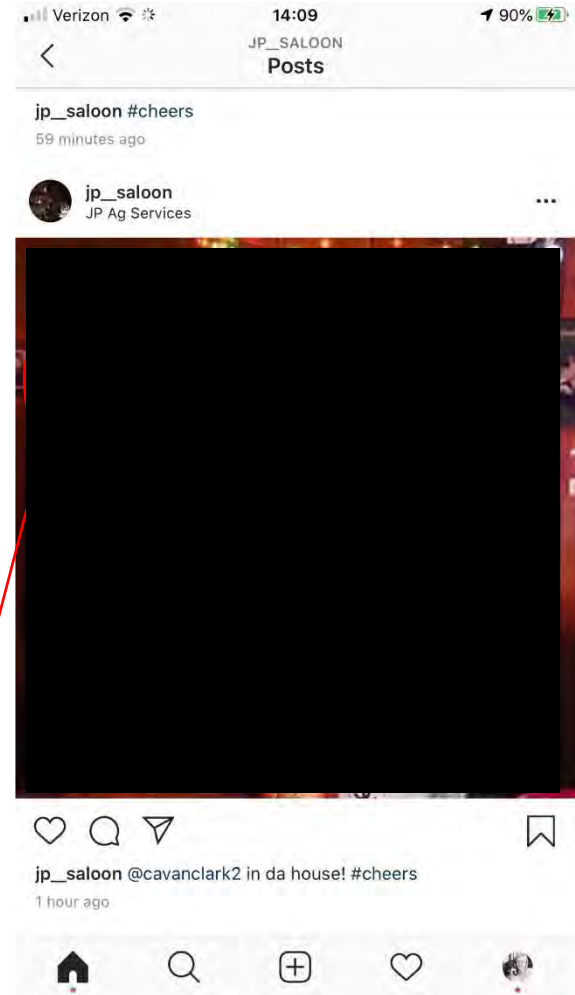
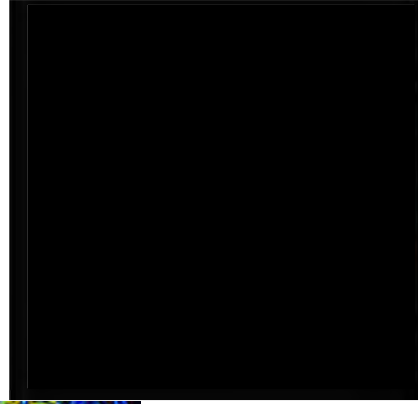
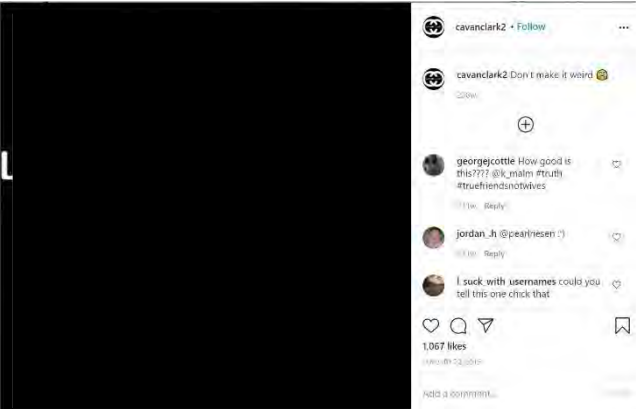
Full Video of this event held at 334 Purvine Rd can be seen  
here click on link above

Evidence of violating Clause: 7B, &C, 11, 12 & 100

[https://youtu.be/BtQ1L\\_b9k\\_8](https://youtu.be/BtQ1L_b9k_8)

Video posted by Highlands  
Canopy, taunting the  
neighborhood on Purvine Rd and  
identifying the occupants of the  
homes nearby to their  
subscribers

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Applicant's on-site resident manager "Cavan Clark" has set up an illegal bar across the street with lewd pictures and illegally selling alcohol and supplying cannabis to neighborhood teenagers. Parties are held every Friday and Saturday flouting all COVID restriction. Manager's social media encourage and promote lewd behavior against women. This is not compatible with our neighborhood

## 'Condition of use' Clause and sub clause:

3. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.
  
13. **Temporary Occupancy Structures**. Tents, yurts, and other temporary structures designed for human habitation are prohibited.

## Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has had 3 RV's parked at property for long term, complaint was filed with PRMD.

## Evidence of violating Clause: 3 & 13



- Applicant has had 3 RV's parked at property for long term, complaint was filed with PRMD.



4/8/2022



## 'Condition of use' Clause and sub clause:

23. **Security Plan.** The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

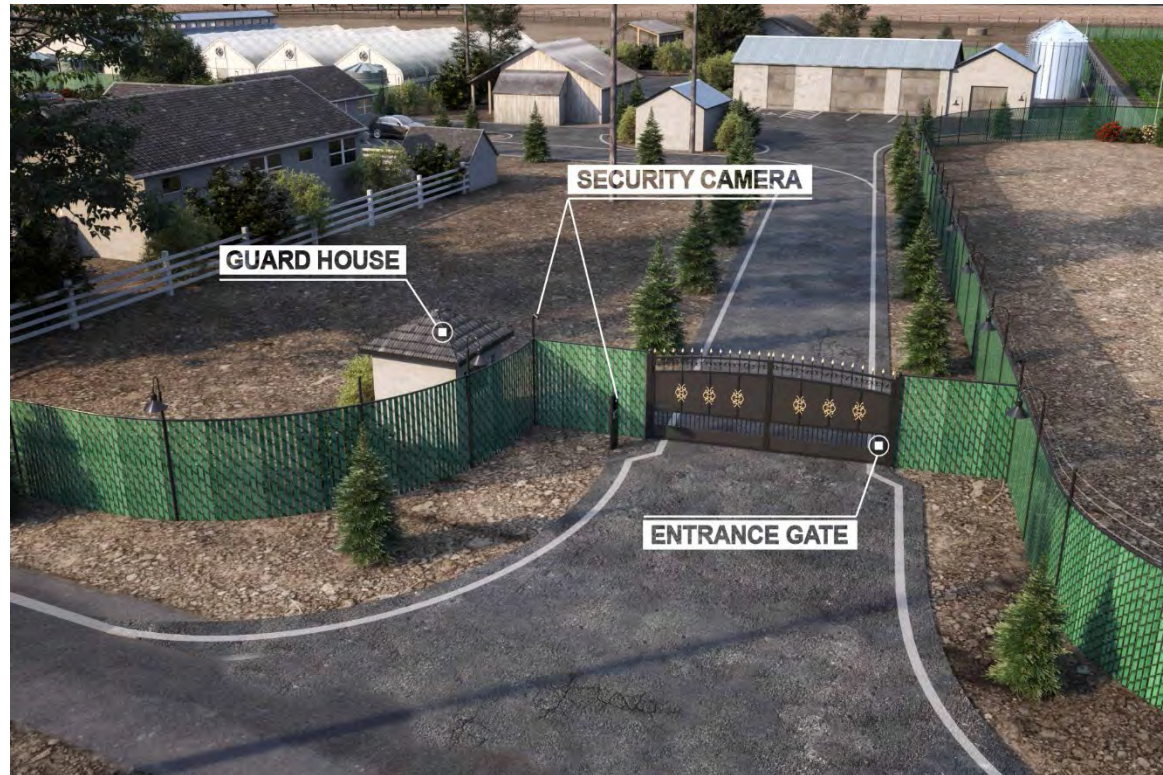
A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant violated terms of the security plan and has occupied premises and commenced business prior to this being corrected

## Evidence of violating Clause: 23

As designed and agreed:



This is a rendering of what was described and agreed to Sonoma County PRMD

As is currently  
ENTRANCE



Entrance to  
cultivation



The applicant has not completed any security details. This is applicant's idea of high security. These are pictures of entrance to 334 Purvine and entry to the outdoor cultivation area. Applicant routinely fires multiple gun shots. No vegetation has been planted.

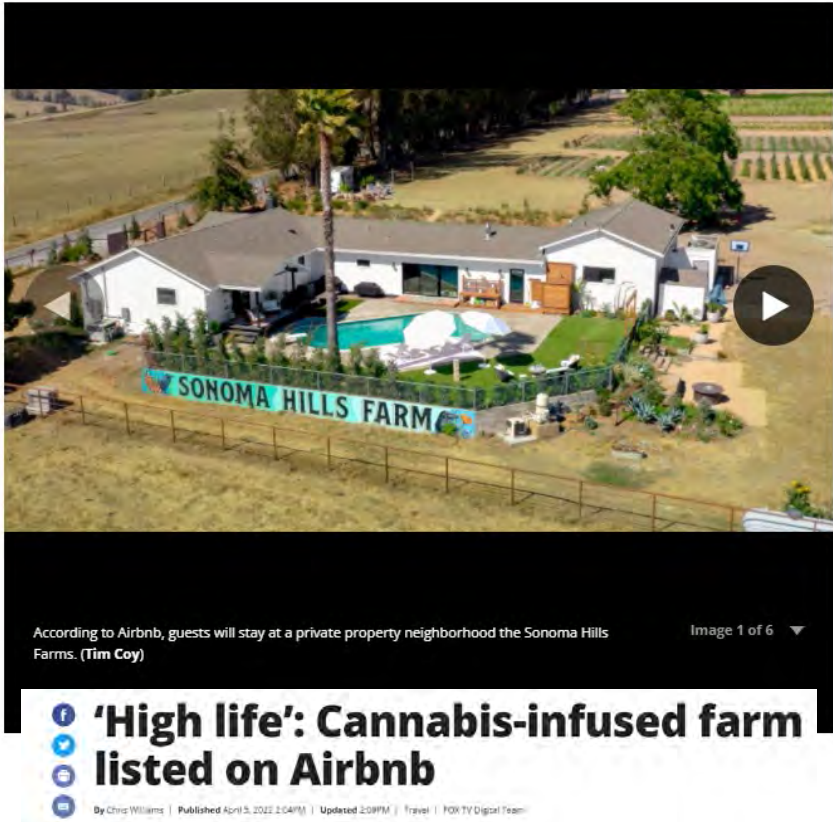
## 'Condition of use' Clause and sub clause:

27. **Signage.** The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant violated terms of the signage clause, and has deliberately painted huge murals on both sides so that approaching traffic can clearly see the signs From 100's of feet. Applicant regularly advertises with the signage in clear view, increasing the risk of crime in the neighbourhood

## Evidence of violating Clause: 27



Applicant has painted HUGE signs on both ends of the property that can be seen for almost 1 mile by the naked eye and is constantly advertising on social media

4/8/2022



Applicant has painted HUGE signs on both ends of the property that can be seen for almost 1 mile by the naked eye



## 'Condition of use' Clause and sub clause:

8. **Propagation Area.** This use permit allows for 4,080 square feet of indoor propagation, 0.00 square feet of mixed light propagation, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 4,080 square feet. The operator shall not increase propagation area beyond 4,080 square feet at this location without prior approval from Permit Sonoma staff.
9. **Cultivation Area.** This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.

## Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has significantly exceeded the propagation and cultivation area.

## Evidence of violating Clause: 8 & 9

### BLOCK&BLOCK ATTORNEYS

January 8, 2021

*By Electronic Mail*

Tabatha Chavez, Chief  
Compliance and Enforcement Branch  
CalCannabis Cultivation Licensing  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
calcannabis@cdfa.gov

*By Electronic Mail*

Tennis Wick, Director  
Sonoma County Permit and Resources Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
tennis.wick@sonoma-county.org

*By Electronic Mail*

Andrew Smith  
Sonoma County Agricultural Commissioner  
Department of Agriculture/Weights and Measures  
133 Aviation Boulevard, Suite 110  
Santa Rosa, CA 95403  
andrew.smith@sonoma-county.org

Dear Ms. Chavez, Mr. Wick and Mr. Smith:

I am writing to bring to your attention systemic violations of state and local cannabis law that are occurring in the Middle Two Rock neighborhood of Sonoma County, where my clients live. The undue concentration of permits in this area, as evidenced by the attached aerial photograph ([Exhibit A](#)), imposes an unfair burden on area residents. Their burden is compounded by growers' widespread cultivation of cannabis beyond legal limits and by the lack of any sustained or effective enforcement effort by the relevant authorities.

The photographs attached to this letter are evidence of egregious and easily detectable violations of state and local cannabis law. Enforcement by cannabis regulatory and law enforcement authorities, however, has been practically non-existent. This lack of enforce-

ment gives non-compliant growers an unfair advantage in the marketplace, deprives state and local authorities of tax revenue, undermines the cannabis regulatory system, infringes on local residents' property rights and quality of life, and generally breeds cynicism and distrust concerning California's experiment with legal cannabis.

I ask that you investigate the violations and properties identified in this letter and take swift and certain action to hold the responsible parties to account for past violations and ensure compliance in the future. I also ask that this evidence be taken into account in connection with any permit reviews or license renewals.

**A. The Witt Property**  
5730 Bodega Avenue  
APN 022-090-002

Between May 31 and July 23, 2020, the Sonoma County Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. One of the applicants – Sennin Soul, LLC – has four provisional state licenses for small outdoor cultivation. The others do not have any state licenses. Thus, the maximum amount of cannabis that may be cultivated on this site is 40,000 square feet, all of it outdoors.

Attached is an aerial photograph of the site taken on October 11, 2020 ([Exhibit B](#)). It shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet.

On November 2, 2020, the county issued notices of violation for thirteen 4,000 square foot hoop houses at 5730 Bodega Avenue. These hoop houses alone account for 52,000 square feet of mixed light cultivation, none of which was authorized by Sennin Soul's permit or license.

Next to the hoop houses was 93,954 square feet of unpermitted outdoor cannabis, which was in plain sight of county officials when they inspected the hoop houses. Yet the county has failed to cite anyone for patently illegal outdoor or mixed light cultivation. County officials deliberately looked the other way.

Sennin Soul should never have received a state license. Section 26050.2 of the Business and Professions Code provides that the Department of Food and Agriculture may issue a license if CEQA review of the application is either complete or underway. Because the County classifies the permits granted to Sennin Soul as ministerial, there was and never will be any CEQA review. There is also no neighborhood notice, public hearing, or meaningful appeal of ministerial permit applications.

## Evidence of violating Clause: 8 & 9

The issuance of ministerial permits in this case is improper. Even a cursory review of the documents, and the cultivation infrastructure on-site, reveals that the applicants are working in concert to pursue a single large cannabis project. The project was clearly “piece-mealed” – separated into 16 different applications – to qualify for ministerial permits and avoid environmental review. The county has condoned this ruse for some time and is now embroiling the state in this illegal behavior.

### B. The Western Dairy Property

4235 Spring Hill Road

APN 022-240-007/008/009, 022-260-003

A similar ploy was used by the applicants at 4235 Spring Hill Road. On June 15 and 16, 2020, the county issued ministerial permits for 10,000 square feet of outdoor grow on four separate parcels to four applicants. All four list Vanessa Calhoun as organizer or agent and use the same address in Santa Rosa, adjacent to CannaCraft’s headquarters. A principal in one of the applicants, Melissa Huynh, is listed as a CannaCraft director.

The county should have considered these applications together, consistent with CEQA’s requirement to evaluate the “project as a whole.” Instead, it enabled the applicants to evade environmental review by splitting a single project into 16 applications. The state has now issued provisional licenses for this property, effectively ratifying the county’s CEQA violation.

Attached is an October 11, 2020 photograph of cultivation on the four Spring Hill Road parcels (Exhibit C). It shows (i) 78,716 square feet of mixed light grow on APN 022-240-007; (ii) 61,287 square feet of mixed light grow and 15,584 square feet of outdoor grow on APN 022-240-008; (iii) 66,480 square feet of outdoor grow on APN 022-240-009; and (iv) 41,500 square feet of mixed light grow on APN 022-260-003.

The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow. The total area under cultivation in the photograph is 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses.

On October 21 and 23, 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels: (i) eight on APN 022-240-007 totaling 70,400 square feet; (ii) five on APN 022-240-008 totaling 42,000 square feet; and (iii) four on APN 022-260-003 totaling 33,600 square feet. Shockingly, while citing the owners for failing to obtain building or fire department permits for the hoop houses, the county ignored the fact that mixed light cultivation was not authorized on this property at either the state or county level.

At the same time, the county ignored violations on an adjacent parcel, APN 022-240-009, where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet.

### C. The Drips Property

3215 Middle Two Rock Road

APN 021-160-011

According to county records, this grower is operating under the Penalty Relief Program (“PRP”). The PRP entitles an eligible grower to continue growing, without a county permit, until the county acts on the grower’s cannabis permit application on the condition that the grower not cultivate more cannabis than would be allowed under the permit for which it has applied.

The county has not yet acted on the grower’s permit application, so cultivation is still subject to the terms of the PRP. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower does not have a state license for indoor or mixed light cultivation.

The attached photograph (Exhibit D), taken on October 11, 2020, shows 18,356 square feet of mixed light cultivation. This is (1) a state law violation because the grower does not have a license for mixed light cultivation, and (2) a violation of the county’s PRP because the amount of mixed light cultivation shown in the photograph is almost double the amount allowed by the permit for which the grower has applied.

### D. The Highland Canopy Property

334 Purvine Road

APN 022-230-020

This grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. The attached photograph from October 11, 2020 (Exhibit E) shows outdoor cultivation at 334 Purvine Road consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation.

This is not the first time the grower on this property has ignored applicable law. In February 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license (Exhibit F). The court’s decision was based on aerial photographs from July 2018, similar to the photographs attached to this letter, showing illegal cultivation occurring before the grower

## Evidence of violating Clause: 8 & 9

had received either a county permit or a state license. The injunction was upheld on appeal.

### E. Conclusion

Two facts stand out about cannabis cultivation in the Middle Two Rock neighborhood. First is the scope and brazenness of the violations. Growers feel free to grow as much as they want wherever they want, confident that there will be no consequences.

Their brazenness is related to the second remarkable fact – the obvious indifference of the authorities. It is absolutely clear that Sonoma County lacks the will to reign in illegal grows and is deliberately turning a blind eye to large-scale, easily detectable violations. The utter lack of enforcement of cannabis rules raises troubling questions about the influence of the cannabis lobby on local decision-makers.

I earnestly request that the state and county work in tandem to hold the responsible parties accountable for the violations identified in this letter and to put in place a more aggressive enforcement program to improve compliance in the future. Doing so is the only way to ensure a steady flow of tax revenue, neighborhood compatibility, public confidence in cannabis regulation, and the ultimate success of the legal cannabis market.

Sincerely,



Kevin P. Block

cc:

Stacey Roberts, Supervising Deputy AG, Cannabis Control Section (stacey.roberts@doj.ca.gov)  
Richard Parrott, Director, CalCannabis (richard.parrott@cdfa.ca.gov)  
Margaret Cornell, CalCannabis Licensing (margaret.cornell@cdfa.ca.gov)  
David Rabbitt, Sonoma County Supervisor (david.rabbitt@sonoma-county.org)  
Patrick McGreevy, LA Times (patrick.mcgreevy@latimes.com)

Evidence of violating Clause: 8 & 9

Address: 334 Purvine Road  
Feature Type: Indoor Cultivation  
Area: 1284.32 Square Feet  
Perimeter: 152.95 Linear Feet

Address: 334 Purvine Road  
Feature Type: Barn/Mixed Light Cultivation  
Area: 1550.26 Square Feet  
Perimeter: 173.1 Linear Feet

Address: 334 Purvine Road  
Feature Type: Mixed Light Cultivation  
Area: 616.93 Square Feet  
Perimeter: 104.25 Linear Feet

Address: 334 Purvine Road  
Feature Type: Outdoor Cultivation  
Area: 45374.26 Square Feet  
Perimeter: 912.24 Linear Feet

**From:** [Sanjay Bagai](#)  
**To:** [Crystal Acker](#)  
**Cc:** [tabatha.chavez@cannabis.ca.gov](mailto:tabatha.chavez@cannabis.ca.gov); [enforcement@cannabis.ca.gov](mailto:enforcement@cannabis.ca.gov); [margaret.cornell@cannabis.ca.gov](mailto:margaret.cornell@cannabis.ca.gov); [stacey.roberts@doj.ca.gov](mailto:stacey.roberts@doj.ca.gov); [richard.parrott@cannabis.ca.gov](mailto:richard.parrott@cannabis.ca.gov)  
**Subject:** UPC17-0020 : 334 Purvine Rd : APN 230-020 Calcannabis: CCL20-0000520  
**Date:** April 08, 2022 12:50:06 PM  
**Attachments:** [PRMD Part 2.pdf](#)

---

Dear Ms. Acker,

As per your request sent to property owners and interested parties dated March 29, 2022, please find attached evidence of the violations at the above-referenced property.

This attachment contains evidence of violations of the following conditions of approval: #32, #18b, #18c

Additionally, I have attached relevant exhibits.

Please acknowledge receipt of this email.

*Best,*  
*Sanjay*  
*[+1 510 599 5272]*

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART II of III

04/08/22

32 Pages

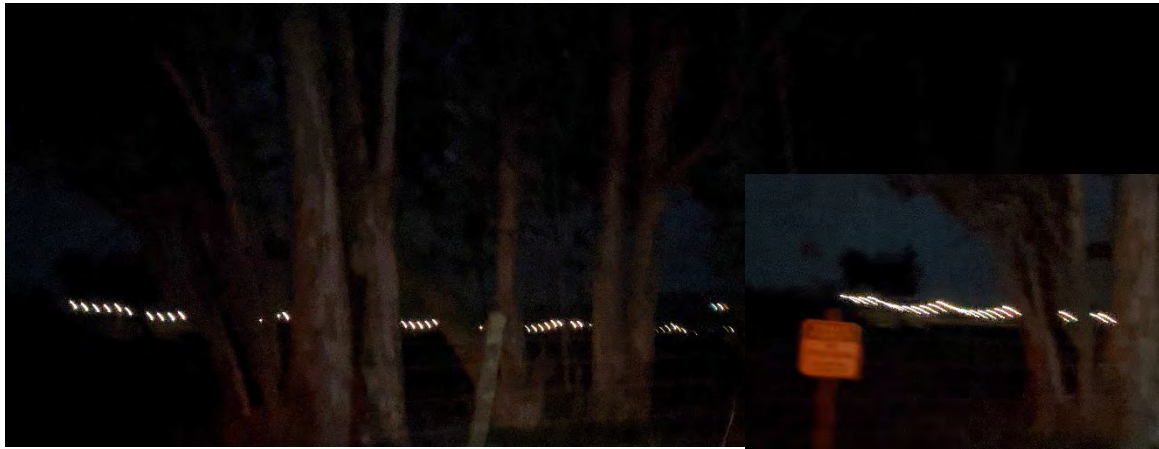
## 'Condition of use' Clause and sub clause:

32. **Lighting.** All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Outdoor security lighting shall have motion-sensors. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

Evidence of  
violating Clause: 32



Applicant has installed high intensity lights which can be seen for miles the light pollution from this location is deplorable, even over headlights and can be distracting to drivers. Applicant has installed bright orange flashing lights and a fire siren which they routinely blast intermittently without warning. During fire season it is very disturbing

## 'Condition of use' Clause and sub clause:

### 18. Operator(s) and Employees:

- b. The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- c. An applicant/operator providing false or misleading information result in nullification or revocation of this issued use permit.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has neglected and omitted significant information regarding founder's background which would have prohibited the issuance of any license from county or state

## Evidence of violating Clause: 18: b & c

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26013, Business and Professions Code § 8115. Notification and Grounds for Denial of License; Petition for Reconsideration.**

(3) The applicant made a material misrepresentation on the application; or  
(13) If applicable, a detailed description of any criminal convictions. A conviction within the meaning of this section **means a plea** or verdict of guilty or a conviction following a plea of nolo contendere. Convictions dismissed under sections 1203.4, 1203.4a and 1203.41 of the Penal Code or equivalent non-California law shall be disclosed. Juvenile adjudications and traffic infractions do not need to be included. For each conviction, all of the following shall be provided: (A) The date of conviction; (B) Date(s) of incarceration, if applicable; (C) Date(s) of probation, if applicable; (D) Date(s) of parole, if applicable; (E) A detailed description of the offense for which the owner was convicted; and (F) A statement of rehabilitation for each conviction. The statement of rehabilitation is to be written by the owner and may contain evidence that the owner would like the department to consider that demonstrates the owner's fitness for licensure. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, a certificate of rehabilitation under section 4852.01 of the Penal Code, and dated Page 7 of 73 letters of reference from employers, instructors, or professional counselors that contain valid contact information for the individual providing the reference.

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26013, Business and Professions Code § 8113. Substantially Related Offenses Review.**

(3) A felony conviction involving fraud, deceit, or embezzlement;  
(4) Any felony conviction involving the hiring, employment, or use of children in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor, or offering, furnishing, or selling any controlled substance to a minor; and

# Evidence of violating Clause: 18: b & c

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940  
Release No. 4550 / October 13, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17624

In the Matter of

ARTIS CAPITAL MANAGEMENT,  
L.P. and MICHAEL W. HARDEN,

Respondents.

ORDER INSTITUTING  
ADMINISTRATIVE PROCEEDINGS  
PURSUANT TO SECTIONS 203(e) AND  
203(f) OF THE INVESTMENT  
ADVISERS ACT OF 1940, MAKING  
FINDINGS, AND IMPOSING  
REMEDIAL SANCTIONS

I.

SEC Violations  
committed by  
principal applicant:  
Insider Trading

A. Pursuant to Section 203(e) of the Advisers Act, Artis is hereby censured.

B. Artis shall, in accordance with the terms of the payment schedule set forth in paragraph D below, pay disgorgement of \$5,165,862 and prejudgment interest of \$1,129,222 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to SEC Rule of Practice 600.

C. Artis shall, in accordance with the payment schedule terms set forth in paragraph D below, pay a civil money penalty in the amount of \$2,582,991 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. § 3717.

D. Artis shall pay the total disgorgement, prejudgment interest, and penalty due of \$8,878,075 in three installments to the Commission according to the following schedule: (1) \$2,959,358 within 30 days after entry of this Order; (2) \$2,959,358 within 180 days after entry of this Order; and (3) \$2,959,358 within 360 days after entry of this Order.

If Artis fails to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this Order, including post-Order interest, minus any payments made, shall become due and payable immediately at the discretion of the staff of the Commission without further application to the Commission.

E. Harden be, and hereby is, suspended from association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent for a period of 12 months, effective on the second Monday following the entry of this Order. In connection with this suspension, Harden has agreed to provide to the Commission, within 30 days after the end of the 12 month suspension period, an affidavit that he has complied fully with the terms of the suspension.

F. Harden shall, within 30 days of the entry of this Order, pay a civil money penalty in the amount of \$130,000 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. §3717.

G. Respondents' payments of the above disgorgement, prejudgment interest and/or civil penalty amounts must be made in one of the following ways:

- (1) Respondents may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request;
- (2) Respondents may make direct payment from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>; or

Violations to the SEC order:  
applicant and his partners  
were even denied a DBO....not  
disclosed to Calcannabis

State of California - Department of Business Oversight

MARY ANN SMITH  
Deputy Commissioner  
SEAN M. ROONEY  
Assistant Chief Counsel  
CHARLES CARRIERE (State Bar No. 285837)  
Counsel  
Department of Business Oversight  
One Sansome Street, Suite 600  
San Francisco, California 94104  
Telephone: (415) 972-8570  
Facsimile: (415) 972-8550

Attorneys for Complainant

BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
OF THE STATE OF CALIFORNIA

In the Matter of: ) CRD NO. 168686  
)  
THE COMMISSIONER OF BUSINESS )  
OVERSIGHT, )  
)  
Complainant, ) STATEMENT OF ISSUES IN SUPPORT OF  
) ORDER DENYING INVESTMENT ADVISER  
v. ) CERTIFICATE PURSUANT TO  
) CORPORATIONS CODE SECTION 25232  
ARTIS VENTURES MANAGEMENT, L.P., )  
)  
Respondent. )

The Commissioner of Business Oversight ("Commissioner") alleges and charges as follows:

**I.**  
**INTRODUCTION**

1. The Commissioner brings this action to deny an investment adviser certificate to Respondent Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

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//

State of California - Department of Business Oversight

**II.**  
**STATEMENT OF FACTS**

2. On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking registration as a California state-registered investment adviser.

3. Artis Ventures Management, L.P., is registered as an investment adviser with the Securities and Exchange Commission (SEC) effective February 24, 2014.

4. Artis Capital Management, L.P., was registered as an investment adviser with the SEC until April 27, 2016.

5. Artis Capital Management and Artis Ventures Management have common ownership and control. Facts supporting this conclusion include, but are not limited to:

- a. Robert Reimer is the Chief Compliance Officer of both firms;
- b. Stuart Leonardo Peterson ultimately owns and controls both firms;
- c. Both firms share the same principal office, place of business, and phone number;
- d. Peterson is the president of both firms;
- e. In correspondence with the Department, Artis Ventures Management stated that it had been "operationally integrated" with Artis Capital Management before Artis Capital Management wound down its operations in 2016.

6. Effective October 13, 2016, the SEC issued an administrative order ("SEC Order") imposing remedial sanctions against Artis Capital Management and an Artis Capital Management employee, Michael W. Harden ("Harden"), for failure to reasonably supervise an employee, Matthew Teeple ("Teeple").

7. The SEC Order found that:

- a. "In 2007, Artis hired Teeple as a research analyst to evaluate potential investments in software, semiconductor, networking, and other technology companies...
- b. "Unlike a typical research analyst at a hedge fund advisory firm, Teeple did not construct analytical models regarding the financial performance of

# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

the companies he covered, did not provide written reports supporting his recommendations to buy or sell the securities of such companies, and did not maintain research files available for review by his supervisor, Harden, or others at Artis.

- c. "On at least two occasions in 2008, Teeple obtained material nonpublic information about the publicly traded company Foundry Networks, Inc. ("Foundry") from an employee of Foundry. On both occasions, Teeple provided information regarding Foundry to Artis, which executed timely and profitable trades in advance of public announcements by Foundry.
- d. "On both occasions, Teeple shared information with Harden that should have caused a reasonable supervisor to question whether Teeple had improperly obtained material nonpublic information from a corporate insider. Notwithstanding the information provided by Teeple, Harden did not question Teeple about the source of his information or ask the Chief Compliance Officer ("CCO") or any other colleagues at Artis to look into the matter."

8. The SEC Order found that Artis Capital Management and Harden had "failed to reasonably supervise Teeple, within the meaning of Section 203(e)(6) of the Advisers Act, with a view to preventing and detecting violations of Section 17(a) of the Securities Act of 1933 ("Securities Act") and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder by Teeple."

9. As part of the SEC Order, Artis Capital Management agreed to pay disgorgement of \$5,165,862, plus prejudgment interest of \$1,129,222, and a civil monetary penalty of \$2,582,991. In addition, Harden was suspended from the securities industry for twelve months and ordered to pay a civil money penalty of \$130,000.

10. On January 19, 2018, Artis Ventures Management's counsel stated that Harden became an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis Ventures Management's website as one of the firm's two "General Partners."

State of California - Department of Business Oversight

### III. APPLICABLE LAW

11. Corporations Code section 25232 provides, in relevant part:

The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to...an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:

...

(d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.

### IV. ANALYSIS

12. The Commissioner should deny Artis Ventures Management's application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a "General Partner" on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

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# Evidence of violating Clause: 18: b & c

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V.  
CONCLUSION

Based upon the foregoing, it is in the public interest to deny an investment adviser certificate to Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

WHEREFORE, IT IS PRAYED that Respondent Artis Ventures Management, L.P., be denied an investment adviser certificate pursuant to Corporations Code section 25232, subdivision (d)(3).

Dated: August 20, 2018  
San Francisco, California

JAN LYNN OWEN  
Commissioner of Business Oversight

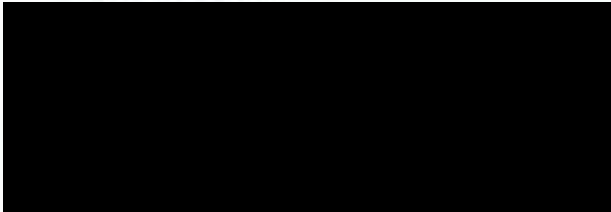
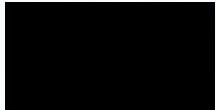
By \_\_\_\_\_  
Charles Carriere  
Counsel  
Enforcement Division



STATE OF CALIFORNIA  
Department of Business Oversight  
GOVERNOR Gavin Newsom • COMMISSIONER Manuel P. Alvarez

August 13, 2019

By Email and U.S. Mail



On August 3, 2019, the Department of Business Oversight (Department) received your request pursuant to the California Public Records Act (Government Code Section 6250 et seq.) for "all records, rational, exhibits and reasons for this sudden change in decision." The decision you referenced was the Department's November 27, 2019 Order Withdrawing Notice of Intention to Issue Order Denying Application for Investment Adviser Certificate in connection with the following matter: The Commissioner of Business Oversight vs. Artis Ventures Management LP (OAH Case No: 2018090957).

Your request seeks, in part, copies of records that are exempt from disclosure under express provisions of the California Public Records Act. Records that are exempt from disclosure or otherwise not subject to disclosure will not be provided pursuant to subdivision (d)(1) of Section 6254 of the Government Code (records contained in or related to applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions), subdivision (d)(3) of Section 6254 of the Government Code (drafts, notes, or interagency and intra-agency communications); subdivision (d)(4) of the Government Code (information received in confidence); and subdivision (k) of Section 6254 of the Government Code (records that fall within the attorney work-product privilege, attorney-client privilege, deliberative process or official information privilege, or other privilege).

However, we have identified two documents that are responsive to your request and subject to public inspection. For your convenience, we have attached those documents to this letter.

Sincerely,

Manuel P. Alvarez  
Commissioner  
Department of Business Oversight

By   
Charles Carriere  
Senior Counsel

1515 K Street, Suite 200, Sacramento, CA 95814-4052  
(866) 275-2677  
[www.dbo.ca.gov](http://www.dbo.ca.gov)

4/8/2022

State of California - Department of Business Oversight

1 MARY ANN SMITH  
Deputy Commissioner  
2 DANIEL P. O'DONNELL  
Assistant Chief Counsel  
3 KIRK WALLACE  
Senior Counsel  
4 CHARLES CARRIERE (State Bar No. 285837)  
Counsel  
5 Department of Business Oversight  
6 One Sansome Street, Suite 600  
7 San Francisco, California 94104  
Telephone: (415) 972-8570  
8 Facsimile: (415) 972-8550  
9 Attorneys for Complainant

11 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
12 OF THE STATE OF CALIFORNIA

13 In the Matter of: ) OAH No. 2018090957  
14 THE COMMISSIONER OF BUSINESS ) AGENCY CASE No.168686  
15 OVERSIGHT, )  
16 Complainant, ) NOTICE OF SETTLEMENT; REQUEST TO  
17 v. ) TAKE MATTER OFF CALENDAR  
18 ARTIS VENTURES MANAGEMENT, L.P., ) Date: December 4 and 5, 2018  
19 Respondent. ) Time: 9:00 a.m.  
20 ) Place: 1515 Clay Street  
Suite 206  
Oakland, California

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NOTICE OF SETTLEMENT; REQUEST TO TAKE MATTER OFF CALENDAR

State of California - Department of Business Oversight

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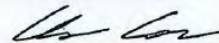
TO THE OFFICE OF THE ADMINISTRATIVE HEARINGS:

The parties have reached a resolution of this matter and therefore jointly request that the hearing set to commence on December 4, 2018 at 9:00 a.m. be taken off calendar.

Respectfully submitted,

Dated: November 13, 2018  
Sacramento, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By:   
CHARLES CARRIERE  
Counsel

ARTIS VENTURES MANAGEMENT, L.P.,

By:   
JAHAN RAISSI  
Counsel



Jan Lynn Owen  
Commissioner of Business Oversight

November 13, 2018

Via Email and First-Class Mail

Jahan Raissi  
Shartsis Friese LLP  
One Maritime Plaza, 18th Floor  
San Francisco, California 94111  
jraissi@sflaw.com

RE: Investment Adviser Application

Dear Mr. Raissi:

On August 20, 2018, the Commissioner of Business Oversight issued a Notice of Intention to Issue Order Denying Application for an Investment Adviser Certificate, and a Statement of Issues in support thereof, to your client Artis Ventures Management, L.P (Ventures Management). Ventures Management timely requested an administrative hearing, and the matter is currently scheduled for an administrative hearing on December 4, 2018. To resolve this matter, Ventures Management and the Department of Business Oversight (Department) have agreed that:

- (1) Ventures Management will withdraw its application for an investment adviser certificate by filing a Form ADV-W through the Investment Adviser Registration Depository; and
- (2) Ventures Management will not re-apply for registration with the Department as an investment adviser so long as any employee or individual affiliated with Ventures Management has been subject to any order of the Securities and Exchange Commission, or the securities administrator of any other state, suspending the employee from association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent. Ventures Management agrees that the Department may use this letter as a basis to deny any application it submits to the Department for an investment adviser certificate if an employee or individual affiliated with Ventures Management meets the above criteria.

1515 K Street, Suite 200  
Sacramento, CA 95816-4052  
(916) 445-7205

320 West 4th Street, Suite 750  
Los Angeles, CA 90013-2344  
(213) 576-7500

One Sansome Street, Suite 600  
San Francisco, CA 94104-4426  
(415) 977-8565

300 S. Spring Street, Suite 15513  
Los Angeles, CA 90013  
(213) 697-2085

1250 Front Street, Room 2034  
San Diego, CA 92101-3697  
(619) 525-4823

7575 Metropolitan Drive, Suite 108  
San Diego, CA 92108  
(619) 682-7227

# Evidence of violating Clause: 18: b & c

Department of Business Oversight  
Page 2

(3) After Ventures Management submits its form ADV-W and accepts these terms by signing this letter, the Department will issue an order withdrawing its Notice of Intention to Issue Order Denying Application for an Investment Adviser Certificate, and a Statement of Issues in support thereof, issued on August 20, 2018, and cancel the related administrative hearing scheduled for December 4, 2018.

Within five business days of the date of this letter, please have an authorized representative of Ventures Management sign below and return the original to:

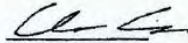
Charles Carriere  
Enforcement Division  
Department of Business Oversight  
One Sansome St., Suite 600  
San Francisco, California 94104

Please contact the undersigned counsel if you have any questions.


Best regards,

Jan Lynn Owen  
Commissioner  
Department of Business Oversight

By

  
Charles Carriere  
Counsel

AGREED AND ACCEPTED  
Artis Ventures Management, L.P.

  
By ROBERT A. RIEMS  
Its CHIEF OPERATING OFFICER

# Evidence of violating Clause: 18: b & c

Order denying applicant even an Investment

adviser license because applicant did not

follow the terms of his parole

1 MARY ANN SMITH  
2 Deputy Commissioner  
3 SEAN M. ROONEY  
4 Assistant Chief Counsel  
5 CHARLES CARRIERE (State Bar No. 285837)  
6 Counsel  
7 Department of Business Oversight  
8 One Sansome Street, Suite 600  
9 San Francisco, California 94104  
10 Telephone: (415) 972-8570  
11 Facsimile: (415) 972-8550

12 Attorneys for Complainant

13 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT

14 OF THE STATE OF CALIFORNIA

15 In the Matter of: ) CRD NO. 168686  
16 )  
17 THE COMMISSIONER OF BUSINESS )  
18 OVERSIGHT, )  
19 )  
20 Complainant, ) STATEMENT OF ISSUES IN SUPPORT OF  
21 ) ORDER DENYING INVESTMENT ADVISER  
22 v. ) CERTIFICATE PURSUANT TO  
23 ) CORPORATIONS CODE SECTION 25232  
24 ARTIS VENTURES MANAGEMENT, L.P., )  
25 )  
26 Respondent. )

27 The Commissioner of Business Oversight ("Commissioner") alleges and charges as  
28 follows:

## 29 I. 30 INTRODUCTION

31 1. The Commissioner brings this action to deny an investment adviser certificate to  
32 Respondent Artis Ventures Management, L.P., pursuant to Corporations Code section 25232,  
33 subdivision (d)(3).  
34 //  
35 //

## 37 II. 38 STATEMENT OF FACTS

39 2. On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking  
40 registration as a California state-registered investment adviser.

41 3. Artis Ventures Management, L.P., is registered as an investment adviser with the  
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44 until April 27, 2016.

45 5. Artis Capital Management and Artis Ventures Management have common ownership and  
46 control. Facts supporting this conclusion include, but are not limited to:

- 47 a. Robert Reimer is the Chief Compliance Officer of both firms;
- 48 b. Stuart Leonardo Peterson ultimately owns and controls both firms;
- 49 c. Both firms share the same principal office, place of business, and phone number;
- 50 d. Peterson is the president of both firms;
- 51 e. In correspondence with the Department, Artis Ventures Management stated that it  
52 had been "operationally integrated" with Artis Capital Management before Artis  
53 Capital Management wound down its operations in 2016.

54 6. Effective October 13, 2016, the SEC issued an administrative order ("SEC Order")  
55 imposing remedial sanctions against Artis Capital Management and an Artis Capital  
56 Management employee, Michael W. Harden ("Harden"), for failure to reasonably supervise an  
57 employee, Matthew Teeple ("Teeple").

- 58 7. The SEC Order found that:
- 59 a. "In 2007, Artis hired Teeple as a research analyst to evaluate potential  
60 investments in software, semiconductor, networking, and other technology  
61 companies...
  - 62 b. "Unlike a typical research analyst at a hedge fund advisory firm, Teeple  
63 did not construct analytical models regarding the financial performance of

# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

1 the companies he covered, did not provide written reports supporting his  
2 recommendations to buy or sell the securities of such companies, and did  
3 not maintain research files available for review by his supervisor, Harden,  
4 or others at Artis.

- 5 c. "On at least two occasions in 2008, Teeple obtained material nonpublic  
6 information about the publicly traded company Foundry Networks, Inc.  
7 ("Foundry") from an employee of Foundry. On both occasions, Teeple  
8 provided information regarding Foundry to Artis, which executed timely  
9 and profitable trades in advance of public announcements by Foundry.
- 10 d. "On both occasions, Teeple shared information with Harden that should  
11 have caused a reasonable supervisor to question whether Teeple had  
12 improperly obtained material nonpublic information from a corporate  
13 insider. Notwithstanding the information provided by Teeple, Harden did  
14 not question Teeple about the source of his information or ask the Chief  
15 Compliance Officer ("CCO") or any other colleagues at Artis to look into  
16 the matter."

17 8. The SEC Order found that Artis Capital Management and Harden had "failed to  
18 reasonably supervise Teeple, within the meaning of Section 203(e)(6) of the Advisers Act, with a  
19 view to preventing and detecting violations of Section 17(a) of the Securities Act of 1933  
20 ("Securities Act") and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder by Teeple."

21 9. As part of the SEC Order, Artis Capital Management agreed to pay disgorgement of  
22 \$5,165,862, plus prejudgment interest of \$1,129,222, and a civil monetary penalty of \$2,582,991.  
23 In addition, Harden was suspended from the securities industry for twelve months and ordered to  
24 pay a civil money penalty of \$130,000.

25 10. On January 19, 2018, Artis Ventures Management's counsel stated that Harden became  
26 an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis  
27 Ventures Management's website as one of the firm's two "General Partners."  
28

State of California - Department of Business Oversight

## III. APPLICABLE LAW

11. Corporations Code section 25232 provides, in relevant part:

The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to... an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:

...

(d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.

## IV. ANALYSIS

12. The Commissioner should deny Artis Ventures Management's application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a "General Partner" on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

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# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

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V.  
**CONCLUSION**

Based upon the foregoing, it is in the public interest to deny an investment adviser certificate to Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

WHEREFORE, IT IS PRAYED that Respondent Artis Ventures Management, L.P., be denied an investment adviser certificate pursuant to Corporations Code section 25232, subdivision (d)(3).

Dated: August 20, 2018  
San Francisco, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By \_\_\_\_\_  
Charles Carriere  
Counsel  
Enforcement Division

## Evidence of violating Clause: 18: b & c

On August 20, 2018 at San Francisco, **California JAN LYNN OWEN Commissioner** of Business Oversight Citing Corporations Code section 25232:

*The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to...an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:*

*... (d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.*

And noted that

The Commissioner of Business Oversight (“Commissioner”) denied Artis Ventures Management’s application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a “General Partner” on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

Further noted the following:

On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking registration as a California state-registered investment adviser.

3. Artis Ventures Management, L.P., is registered as an investment adviser with the Securities and Exchange Commission (SEC) effective February 24, 2014.

4. Artis Capital Management, L.P., was registered as an investment adviser with the SEC until April 27, 2016.

5. Artis Capital Management and Artis Ventures Management have common ownership and control. Facts supporting this conclusion include, but are not limited to: a. Robert Reimer is the Chief Compliance Officer of both firms;

b. Stuart Leonardo Peterson ultimately owns and controls both firms;

c. Both firms share the same principal office, place of business, and phonenumber;

d. Peterson is the president of both firms;

e. In correspondence with the Department, Artis Ventures Management stated that it had been “operationally integrated” with Artis Capital Management before Artis Capital Management wound down its operations in 2016. On January 19, 2018, Artis Ventures Management’s counsel stated that Harden became an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis Ventures Management’s website as one of the firm’s two “General Partners.”

Even the California Commissioner of Business Oversight has  
cited Principal Mike Harden

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26013, Business and Professions Code**

**§ 8113. Substantially Related Offenses Review.**

(3) A felony conviction involving fraud, deceit, or embezzlement;

(4) Any felony conviction involving the hiring, employment, or use of children in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor, or offering, furnishing, or selling any controlled substance to a minor; and

## Evidence of violating Clause: 18: b & c

**BLOCK&BLOCK**  
ATTORNEYS

ABC  
October 23, 2018  
Page Two

October 23, 2018

*By Electronic Mail*

Department of Alcoholic Beverage Control  
Santa Rosa District Office  
50 D Street Suite 130  
Santa Rosa, CA 95404  
santarosa@abc.ca.gov

Re: 334 Purvine Road, Petaluma (APN 022-230-020)

Dear Sir/Madam:

I am writing on behalf of my clients [REDACTED] to request that you investigate the ongoing unlicensed sale and provision of alcoholic beverages at 334 Purvine Road, Petaluma.

The owner of the property is Sonoma Hills Farm, LLC. The operator, to the best of my knowledge, is Petaluma Hills Farm, LLC. In its pending application to Sonoma County for a cannabis permit, Petaluma Hills Farm identifies its CEO, COO and CFO as Mike Harden, Samuel Magruder and Gian Paolo Veronese, respectively, all with the same address in San Francisco. Because the two limited liability companies appear to be under common control and direction, this letter refers to them as "respondents."

In June 2017, respondents purchased 334 Purvine Rod, a 37-acre property located in rural Sonoma County, which has historically been in agricultural use. They thereafter made various changes to the property, such as converting a portion of an old barn into a bar, which they call the "Swallow Bar" and which they advertise on social media.

Throughout this year, respondents have used the property to host a series of large and small events featuring alcohol. In August 2018, they sponsored the Potato Palooza Festival, a large all-day party open to the public where alcohol was served. No effort was made to separate children attending that event from the areas where alcohol was being provided and consumed.

Respondents have also hosted group dinners on the property. At least one, widely publicized on social media, featured cannabis-infused cocktails. Dinners are held in a portion of the barn renovated for that purpose. Respondents advertise the space as the "Century Barn," which includes a communal table, a "prohibition-era saloon" (the Swallow Bar), and outdoor seating suitable for "a lively cocktail gathering." Respondents not only lack an ABC license, but have never obtained event permits from Sonoma County.

Sam Magruder, the COO of Petaluma Hills Farm, is apparently familiar with the liquor license enforcement process. He was a principal in a California limited liability company, Magruder & Crum LLC (No. 200615310113), which operated a bar in Eureka, California. The ABC suspended that company's license twice, once for serving alcohol to minors (No. 0706304) and again for serving alcohol to intoxicated persons (No. 078065740). Curiously, ABC disciplinary records do not list Sam Magruder as an LLC member, although he identifies himself as such in a June 2006 filing with the California Secretary of State.

Respondents' activities are having a significant negative impact on the neighborhood. Purvine Road is a quiet, remote stretch of the Petaluma Dairy Belt. It is no place for unlicensed bars or alcohol-fueled parties and events. I respectfully request that you investigate respondents' activities to determine whether ongoing violations of the ABC Act are being committed.

The Dropbox link below will provide access to sworn declarations, photographs and other evidence relating to the issues raised in this letter. Please contact me if you would like to obtain additional information.

Sincerely,



Kevin P. Block

**Sam Magruder  
violations with  
Bureau of Alcohol  
and Tobacco**

<https://www.dropbox.com/sh/qehrpx8ckmm81ug/AAAYnsCSZ8UITBS4jjfR7vF-a?dl=0>

# Evidence of violating Clause 18. b & c

## Court Issues Temporary Restraining Order protecting Sonoma County neighborhood against illegal Cannabis tourism

A group of Sonoma County residents has filed a lawsuit to shut down an illegal pot grow and cannabis tourism operation in the Purvine Road neighborhood. The suit alleges that the unlicensed grower is transforming a peaceful stretch of the Petaluma Dairy Belt into an unlawful cannabis event venue, corporate retreat and cannabis tourism destination.

Petaluma, CA, October 20, 2018--- PETALUMA, California, October 19, 2018 – A group of Sonoma County residents has filed a lawsuit to shut down an illegal pot grow and cannabis tourism operation in the Purvine Road neighborhood. The suit alleges that the unlicensed grower is transforming a peaceful stretch of the Petaluma Dairy Belt into an unlawful cannabis event venue, corporate retreat and cannabis tourism destination.

The grow, located at 334 Purvine Road, has been operating without a permit since 2017. According to neighbors, tourists regularly visit the property on "cannabis " experience tours arriving on buses to view the cannabis operation and eat and relax at picnic tables in the cannabis field.

Neighbors also object to steps by the owners to turn the property into a cannabis event venue and retreat. Group dinners, featuring cannabis-infused food and cocktails, are hosted in a barn which the owners renovated for that purpose. The property is advertised online, for a minimum fee of \$8,000, as a "private retreat" for up to 250 guests, with overnight accommodations and event-related offerings, such as furniture rental, staff and catering.

Neighbors are asking the court to halt these activities as illegal under both state and local law. Named as defendants in the lawsuit are the San Francisco Property Owner and cannabis operator, Petaluma Hills Farm, LLC and Sonoma Hills Farm, LLC; their owners and officers; and the cannabis tour operator, The Sonoma County Experience, LLC.

Yesterday, October 18, the court issued a temporary restraining order prohibiting the defendants from cultivating cannabis without a license and permit; hosting cannabis events or engaging in cannabis promotional activities; sponsoring non-cannabis events without an event permit; and operating the property as a vacation rental or bed and breakfast. A further hearing in the case is set for November.

The plaintiffs in the lawsuit are residents of Purvine Road and a neighborhood advocacy group, No Pot On Purvine. Phoebe Lang, one of the plaintiffs, said the neighbors took legal action when it became clear that their once-quiet neighborhood was under attack. "We cherish the beauty and tranquility of rural Sonoma," she said, "and will fight to preserve our peaceful way of life. Purvine Road is no place for tour buses full of party-goers." Britt Christiansen, another plaintiff, added, "I want to raise my family in the country, not next to an event center and tourist stop. I love the fresh air and quiet evenings. I love knowing all my neighbors. All that will be lost if the cannabis tourism operation at 334 Purvine Road continues."

Attorney Kevin Block of Block & Block LLP is representing the neighbors. "None of my clients is against legal cannabis," he said. "But illegal cannabis, and cannabis tourism, are a different kettle of fish. Illegal operators must be shut down in order for legal operators to succeed. And the ban on cannabis tourism should be kept in place until the County can thoroughly study its detrimental neighborhood and environmental impacts."

"We will be filing a code enforcement complaint with Sonoma County shortly," Block continued. "The County has tools and resources that are not available to my clients as private citizens. We want and expect the County to be our full partner in ending the illegal activity on Purvine Road."



Not disclosed



### Contact Information

Block & Block LLP  
Kevin Block  
707 246 9013  
[Contact kb@winelawyers.com](mailto:kb@winelawyers.com)  
<http://www.winelawyers.com>

*Link to complaint, press release and photographs:*  
<https://www.dropbox.com/sh/zdd09xvq3rebuon/AACcuE5B1Vh98UPkiTDhmzVCa?dl=0>

Evidence of violating Clause: 18: b & c

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA

OCT 18 2018

BY Jenny B  
Deputy Clerk

1 KEVIN P. BLOCK (121329)  
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4 1109 Jefferson Street  
5 Napa, California 94559  
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7 Attorneys for Plaintiffs  
8 NO POT ON PURVINE, SANJAY BAGAI,  
9 PHOEBE LANG, AUTYMN GARVISCH, AYN  
GARVISCH, BRITT CHRISTIANSEN

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SONOMA

12 )  
13 )  
14 NO POT ON PURVINE, an unincorporated )  
15 association; SANJAY BAGAI; PHOEBE )  
16 LANG; AUTYMN GARVISCH; AYN )  
GARVISCH; and BRITT CHRISTIANSEN, )

17 Plaintiffs, )

18 v. )  
19 )

20 PETALUMA HILLS FARM, LLC, a )  
California limited liability company; )  
21 SONOMA HILLS FARM, LLC, a )  
California limited liability company; )  
22 THE SONOMA COUNTY EXPERIENCE, )  
23 LLC, a California limited liability; )  
company; SAMUEL J. MAGRUDER; )  
24 GIAN PAOLO VERONESE; MICHAEL )  
25 W. HARDEN; and DOES 1 through 25, )  
inclusive, )

26 Defendants. )  
27 )  
28 )

Case No. SCV263292

**TEMPORARY RESTRAINING  
AND ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

Not disclosed

4/8/2022

2 TO DEFENDANTS PETALUMA HILLS FARM, LLC, a California limited liability  
3 company; SONOMA HILLS FARM, LLC, a California limited liability company; THE  
4 SONOMA COUNTY EXPERIENCE, LLC, a California limited liability company;  
5 SAMUEL J. MAGRUDER; GIAN PAOLO VERONESE; and MICHAEL HARDEN:

6 Based on the verified complaint for damages and injunctive relief; the declarations of  
7 Ayn Garvisch, Autymn Garvisch, Britt Christiansen, Sonya Arriaga and Kevin Block; the re-  
8 quest for judicial notice; and the memorandum of points and authorities, all of which are served  
9 and filed herewith,

10 YOU ARE HEREBY ODERED TO SHOW CAUSE on Nov. 16, 2018 at 9am;

11 or as soon thereafter as counsel may be heard, in Courtroom 16 of this Court, located at 3035  
12 Cleveland Avenue #200, Santa Rosa, California 95403, why you, your employees, agents, as-  
13 signs and all those acting in concert with you, should not be restrained and enjoined pending trial  
14 of this action from:

15 (a) engaging in Cannabis Cultivation at 334 Purvine Road, Petaluma, California with-  
16 out a Sonoma County cannabis use permit or a State Cannabis License in violation of the  
17 Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regula-  
18 tion and Safety Act, and applicable state and local regulations;

19 (b) hosting, sponsoring, organizing, holding or participating in tastings, promotional  
20 activities and events related to cannabis uses at 334 Purvine Road, Petaluma, California in viola-  
21 tion of section 26-88-250(c) of the Sonoma County Code;

22 (c) hosting, sponsoring, organizing, holding or participating in Cultural Events, Spe-  
23 cial Events, Promotional Events, Industry Wide Events or other events, gatherings, parties, festi-  
24 - 2 -

vals or dinners at 334 Purvine Road, Petaluma, California without a required event or other permit in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations; and

(d) maintaining, managing, operating, leasing or renting Hosted Rentals, Vacation Rentals, Farmstays, or event or meeting space at 334 Purvine Road, Petaluma, California, without required permits in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations.

**PENDING HEARING** on the foregoing Order to Show Cause, you, your employees, agents, assigns and all those acting in concert with you **ARE HEREBY RESTRAINED AND ENJOINED** from:

(a) engaging in Cannabis Cultivation at 334 Purvine Road, Petaluma, California without a Sonoma County cannabis use permit or a State Cannabis License in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations;

(b) hosting, sponsoring, organizing, holding or participating in tastings, promotional activities and events related to cannabis uses at 334 Purvine Road, Petaluma, California in violation of section 26-88-250(c) of the Sonoma County Code;

(c) hosting, sponsoring, organizing, holding or participating in Cultural Events, Special Events, Promotional Events, Industry Wide Events or other events, gatherings, parties, festivals or dinners at 334 Purvine Road, Petaluma, California without a required event or other permit in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations; and

4/8/2022

(d) maintaining, managing, operating, leasing or renting Hosted Rentals, Vacation Rentals, Farmstays, or event or meeting space at 334 Purvine Road, Petaluma, California, without required permits in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations.

This Order to Show Cause, and any and all supporting papers which have not been previously served, shall be served on defendants no later than 10-19, 2018 by overnight mail. Proof of service shall be filed at least 5 days before the hearing.

Any opposition papers to the Order to Show Cause shall be filed and served on plaintiffs by overnight mail no later than 11-2, 2018. Any reply papers to such opposition shall be served on defendants by overnight mail no later than 11-8, 2018.

*Copies of all pleadings must be delivered to the judge assistant in Dept. 162 at time of filing.*  
~~Capitalized terms in this temporary restraining order and order to show cause shall have the same meanings as set forth in the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") and the Sonoma County Code.~~

October 18 2018

*Retulke Brudenell*  
Judge

## Evidence of violating Clause: 18: b & c

### Applicant has not disclosed serious lawsuits on his past activities at 334 Purvine Rd

### Petaluma

#### I INTRODUCTION

When California voters legalized cannabis in 2016, they voted in favor of a strict regulatory regime to govern cultivation, processing and distribution of the drug. The state Legislature subsequently implemented a comprehensive licensing system, not unlike the system governing alcoholic beverages, and authorized cities and counties to regulate land use and other aspects of the cannabis trade. In this State, legalization and regulation go hand in hand.

This dispute arose when defendants flouted the rules by cultivating cannabis without the required license and permit and by engaging in cannabis marketing and promotional activities, including bus tours of their property, which are prohibited by local law. Their illegal activity was threatening to transform plaintiffs' tranquil Sonoma County neighborhood into a cannabis tourism destination and center for commercial-scale cannabis production.

Concluding that state and local authorities lacked the resources, or the will, to enforce the rules administratively, plaintiffs sued to stop defendants' illegal conduct. In support of their request for a preliminary injunction, they presented photographs, eyewitness declarations and other evidence proving the nature and scope of defendants' activities and their devastating impact on the neighborhood. The court granted plaintiffs'

Document received by the CA 1st District Court of Appeal.

request, restraining defendants from cultivating cannabis without a permit and license, and from engaging in cannabis promotional activity and marketing events, in contravention of law.

In response, defendants filed a special motion to strike the complaint under the anti-SLAPP statute, asserting that plaintiffs' claim arose from defendants' constitutionally-protected activity in applying to Sonoma County for a cannabis permit. Defendants argued that they were growing cannabis legally for personal medical use, that they were not engaged in cannabis tourism, and that plaintiffs lacked standing to seek injunctive relief.

The trial court rejected all of defendants' arguments. In the court's view, the evidence established that defendants were engaged in unpermitted cultivation and were hosting illegal cannabis tours and marketing events. The court denied the anti-SLAPP motion on grounds that plaintiffs' claims arose from defendants' illegal activity, not from their application for a cannabis permit. It also held that the anti-SLAPP motion was frivolous and awarded plaintiffs \$21,000 in attorneys' fees. Defendants appeal each one of these ruling, as well the court's non-appealable order striking defendants' memorandum of costs.

For the most part, defendants' appeal merely rehashes the same argument as were resoundingly rejected below. Defendants essentially invite this Court to substitute its own judgment for the judgment of the trial

Document received by the CA 1st District Court of Appeal.

court, an invitation the Court should reject under well-established principles of appellate review. The preliminary injunction issued in this case does not abuse the trial's courts discretion and substantial evidence supports the factual determinations on which the injunction rests.

The trial court's denial of defendants' anti-SLAPP motion was not even a close call. Neither the allegations of the complaint nor plaintiffs' evidence support the conclusion that this action is an attack upon defendants' cannabis permit application. The trial court was correct to characterize the anti-SLAPP motion as frivolous and award fees to plaintiffs.

To plaintiffs' dismay, proceedings in the lower court have been stayed by operation of law since defendants filed their anti-SLAPP motion in December 2018. Although the anti-SLAPP statute is intended to shield parties from meritless litigation, defendants have used it as sword. Plaintiffs have paid dearly, in time and money, responding to a frivolous motion, and now a frivolous appeal.

Plaintiffs respectfully request that this Court dismiss the appeal of the non-appealable order striking costs; affirm the preliminary injunction, the denial of the anti-SLAPP motion, and the order granting fees; and award plaintiffs additional fees for opposing the anti-SLAPP appeal.

## **II** **APPEALABILITY**

Commercial cannabis uses are allowed only in specific zoning districts and only with a permit. (SCC 26-88-250(d), 26-88-254(c).) Cannabis uses without a permit are declared to be a nuisance. (SCC 26-88-252(a)(1).) They are subject to administrative enforcement by county authorities (SCC 26-88-252) and actions by private citizens for damages and injunctive relief (SCC 1-7.2). Cannabis tourism – described in the Ordinance as “tastings, promotional activities and events related to cannabis uses – are prohibited. (SCC 26-88-250(c)(5).)

Cultivation for personal use, whether medicinal or recreational, may occur only on parcels with a full-time resident. (SCC 26-88-258(a)(1).) It is limited to 100 square feet per residence, of which no more than six plants may be for recreational purposes. (26-88-258(a)(2).)

### **B. The Parties**

Plaintiffs are residents of Purvine Road, a narrow country lane that winds through a remote stretch of the Petaluma Dairy Belt (3 CT 509). The Purvine Road neighborhood is bucolic, characterized by broad expanses of grass-covered hills punctuated by scattered stands of eucalyptus trees. Dairy farms and other agricultural uses predominate (3 CT 509).

---

Nos. 6189 as amended by Ordinance No. 6245 as the “Ordinance” or “Cannabis Ordinance.” The Cannabis Ordinance is codified as part of the County’s zoning regulations in chapter 26, article 88, sections 250 through 258 of the County Code.

Defendants Sonoma Hills Farm, LLC and Petaluma Hills Farm, LLC were formed in 2017 to operate a commercial cannabis business at 334 Purvine Road (“Purvine Road” or the “Property”), adjacent to plaintiffs’ residences (2 CT 403). Sonoma Hills Farm owns the Property, which it bought in August 2017 (2 CT 443-444); Petaluma Hills Farm will operate the proposed cannabis venture under a lease (5 CT 1011).

Defendants Mike Harden, Sam Magruder and Gian Paolo Veronese are principals in the two companies (2 CT 447-453). They are associated with a fourth individual defendant, Jared Rivera, through a San Francisco company, Big Rock, which invests in and advises start-up cannabis businesses (2 CT 455-457). Sonoma Hills Farm and Petaluma Hills Farm are part of Big Rock’s investment and advisory portfolio (2 CT 459-461). Defendants have variously described Jared Rivera as: (i) part of the “PHF team” (2 CT 461), (ii) the Property Manager (4 CT 945), (iii) a tenant (5 CT 1024), and (iv) one of defendants’ partners (2 CT 453).

In August 2017, defendants applied to Sonoma County for a cannabis use permit (2 CT 463). Defendants Magruder, Harden and Veronese all signed the application, which identifies Magruder as the applicant and lists Harden and Veronese as company officers (2 CT 453). Magruder, Harden and Veronese all indicate that they should be contacted at Big Rock’s street address, telephone number and e-mail address (2 CT 453).

Document received by the CA 1st District Court of Appeal.

In 2018, defendant The Sonoma County Experience began bringing tour buses to the Property (2 CT 486; 3 CT 534-544; 4 CT 983). The Sonoma County Experience organizes “cannabis experience tours.” Its website and social media postings feature photographs of the cannabis field at 334 Purvine Road (3 CT 531, 538-542) and group bus tours of the Property (3 CT 544). One such posting describes a tour of the Property’s “demo cannabis garden” led by Sonoma Hills Farm Chief Operating Officer Sam Magruder (2 CT 476; 3 CT 544).

**C. Defendants’ Cannabis Cultivation and Tourism Operation**

When they bought the Property in June 2017, defendants told plaintiffs that they planned to grow vegetables there (2 CT 483). Some two months later, plaintiffs received notice from Sonoma County that defendants had applied for a cannabis permit (2 CT 463). The application sought approval for one acre of cannabis cultivation, the maximum allowed by the Ordinance (3 CT 510).

Defendants began developing the Property in late 2017. They graded portions of it, demolished some of the agricultural structures, built a greenhouse for cloning cannabis plants, and erected a fence behind which they subsequently planted cannabis (2 CT 483; 3 CT 511-512).

Other changes were made for the purpose of hosting visitors and events. Defendants renovated the bar with table seating and lights, erected

Document received by the CA 1st District Court of Appeal.

a large tent or “yurt” complete with heating and furniture, and converted a portion of the barn into the “Swallow Bar” (2 CT 484, 492; 3 CT 512, 523-527), which they opened to the public (3 CT 526-527).

By mid-2018, defendants were growing cannabis without a permit and hosting cannabis events on the Property. The first event was held in March or April 2018 (3 CT 512). Dozens of cars and a transit-size bus were parked on the Property (3 CT 529). The pungent smell of cannabis emanated from the gathering, which continued into the night (3 CT 512).

That summer, the Property also became a stop on organized cannabis tours. At least some of them were conducted by The Sonoma County Experience (2 CT 486; 3 CT 512-513). The company’s website featured photographs of the cannabis field at 334 Purvine Road (3 CT 531-532), and social media postings showed groups of visitors relaxing amidst the crop and touring the cannabis greenhouse (3 CT 538-544).

On August 18, 2018, defendants sponsored what they advertised to the public as the “Potato Palooza Festival” (2 CT 387). The festival featured beer and food and provided portable toilets (2 CT 388). Crowds of up to 50 people partied on the Property all afternoon (2 CT 387, 390). Numerous cars were parked along the side of Purvine Road (3 CT 546-553). Visitors, including children, ate or relaxed at a picnic table in the middle of the cannabis field, and were invited to view a display in the barn depicting defendants’ cannabis operation (2 CT 388-389).

Sonya Arriaga, a retired law enforcement officer who visited the site on August 19, counted 50 to 60 marijuana plants outdoors and approximately 100 in the greenhouse (2 CT 388, 414-418). Those observations are confirmed by the photographs she took at the same time (2 CT 392-401). Aerial photographs show the size of the combined outdoor and greenhouse grow as approximately 1,400 square feet (2 CT 424). Based on her 20 years of law enforcement experience, Arriaga estimated that the Purvine Road grow could produce \$55,000 to \$450,000 depending on how it was processed and packaged and whether it was sold wholesale or retail (2 CT 415).

For a time, tours and events were a regular occurrence. Following the Potato Palooza Festival, defendants hosted a group dinner featuring cannabis-infused food and cocktails (2 CT 485; 3 CT 513-514). Events generally occurred on weekends and were preceded on Thursdays and Fridays by increased activity, such as truck deliveries, furniture setup and other preparatory work (2 CT 485).

Defendants also began advertising the Property on the Internet as an event and meeting space. The listing describes 334 Purvine Road as a “private retreat” for “rest or play,” features “a cabin with a full kitchen and bathroom, a beautiful full-size Yurt with a queen-sized bed and a working fire stove, and our dreamy bar with an attached saloon” (3 CT 504-505). The availability of the barn for group meals is highlighted, while third party

links offer event-related goods and services, including catering, furniture rental, event staff and a full bar. Minimum rent is \$8,000 for 10 hours (3 CT 504-505).

## **D. The Cannabis Disappears**

Plaintiffs filed this action on October 9, 2018. On October 25, a local television station was on site videotaping a story about the Purvine Road controversy (2 CT 420). The videotape shows an empty cannabis greenhouse and a tractor in an empty cannabis field (2 CT 434-436). Aerial photos confirm that the cannabis was removed sometime between October 8 and October 25 (2 CT 422-432).

At about the same time, photographs of the Purvine Road operation were removed from the Sonoma County Experience website and Instagram account (3 CT 531-532, 538-544). The photograph of the Big Rock "team," including defendants Harden, Magruder, Veronese and Rivera, was also purged from the Big Rock website (2 CT 440-441, 457).

## **E. The First Amended Complaint**

Plaintiffs' first amended complaint (2 CT 255-267), filed on November 21, 2018, pleads four causes of action: (1) unlawful business practice, (2) common law nuisance, (3) nuisance per se, and (4) violation of the Sonoma County Code. Each cause of action is based on defendants'

unpermitted cultivation of cannabis on the Property and their hosting of unlawful cannabis tours and events.

The first cause of action alleges that defendants have committed unlawful business practices in violation of Business and Professions Code § 17200 by engaging in cannabis cultivation on the Property without a permit or license and by engaging in cannabis tourism activities in violation of the Sonoma County Cannabis Ordinance and state cannabis law (2 CT 262).

The second cause of action asserts that the noise, odor, traffic, crowds and other impacts from defendants' illegal cannabis grow and cannabis tourism activities substantially and unreasonably interfere with plaintiffs' use and enjoyment of their property and therefore constitute a nuisance (2 CT 263).

The third cause of action alleges that defendants' cultivation of cannabis without a permit, and their cannabis marketing and promotional activities, are defined by the Sonoma County Code as nuisances and therefore constitutes nuisances per se, which can and should be enjoined without proof of harm to plaintiffs or their property (2 CT 264).

The fourth cause of action invokes the private right of action conferred on persons injured by specified violations of the County Code, including violations of the Cannabis Ordinance, to seek damages, injunctive relief and attorneys' fees. The claim is based on defendants'

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unpermitted, unlicensed cultivation of cannabis and their unlawful hosting and sponsorship of cannabis tours and events (2 CT 265).

### F. The Preliminary Injunction

On October 18, 2018, the lower court issued a temporary restraining order (“TRO”), enjoining defendants unlawful cannabis activity (2 CT 249-252).<sup>3</sup> On October 31, the parties entered into a “standstill” agreement under which plaintiffs agreed to dissolve the TRO in exchange for defendants’ promise to abide by its terms until the preliminary injunction hearing (2 CT 253-254, 441).

**Plaintiffs’ Evidence.** On December 18, plaintiffs filed their motion for a preliminary injunction (2 CT 325-345) supported by seven declarations. The Sonya Ariaga declarations outline her background in law enforcement, including her role in a federal, state and local ant-cannabis taskforce (2 CT 413).

Arriaga describes her August 19 visit to 334 Purvine Road, where she had unrestricted access to cannabis growing on the property (2 CT 414) and observed approximately 1,000 square feet of large, mature cannabis plants growing outdoors (2 CT 414) and 100 or so young cannabis plants in the greenhouse (2 CT 415). The 50 to 60 plants observed by Ariago

<sup>3</sup> The TRO included a prohibition on holding non-cannabis events or operating vacation rentals without County event and vacation rental permits. At the preliminary injunction stage, plaintiffs focused exclusively on defendants’ cannabis activity.

growing outdoors would, based on her experience, produce 60 to 120 pounds of cannabis per year (2 CT 415).

Arriaga’s two declarations attached multiple photographs of the indoor and outdoor growing operation; a children’s play area located next to the cannabis field; and a large quantity of cannabis drying in a barn, a portion of which had been renovated into a bar (2 CT 392-409).

Britt Christiansen lives with her husband and two children next door to 334 Purvine Road, several hundred feet away from where defendants were growing cannabis (2 CT 483). Her declaration describes defendants’ renovation of a barn on the property into a bar and event venue, where they hosted regular cannabis-related events beginning in March 2018 (2 CT 484).

At one event in June 2018, some 75 cars were parked along Purvine Road and a large bus was parked on the property, from which the stench of marijuana drifted in the direction of Christiansen’s property (2 CT 484). Events were held primarily on weekends, prior to which catering and delivery trucks would routinely visit the site (2 CT 485). Defendants’ property also became a stop on cannabis tours conducted by defendant Sonoma County Experience (2 CT 486). The Christiansen declaration attaches six corroborating photographs (2 CT 488-499).

The declaration of Sanjay Bagai describes how he purchased a number of commercially-available satellite images of the Purvine Road

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## Evidence of violating Clause: 18: b & c

property from Harris Geospatial Solutions in Colorado. The images, depicting the cannabis field and greenhouse, span July to October 2018 (2 CT 422-436). Bagai measured the area under cultivation on July 21, 2018 using software called GlobalMapper, which shows that the outdoor cannabis field covered approximately 1,000 square feet and the greenhouse around 400 square feet (2 CT 424). The photographs also show that the outdoor plants were removed and the greenhouse emptied sometime between October 8 and October 25 (2 CT 428-436).

Ayn Garvisch is another neighbor who lives with her husband and 15 year old daughter adjacent to 334 Purvine Road (3 CT 510). She describes the transformation of the Property under defendants' ownership from cattle grazing to cannabis cultivation and events. For example, defendants renovated the barn as an event venue and erected a green mesh fence behind which they began to grow cannabis (3 CT 511-513).

Garvisch confirms that the Property became a stop on cannabis tours organized by The Sonoma County Experience (3 CT 512-513) and attaches advertisements for the tours (3 CT 531-532, 538-542), photographs of tourists observing cannabis growing in the greenhouse (3 CT 544), and promotions on social media of group dinners held at the Property featuring cannabis-infused food and cocktails (3 CT 555-564).

The declaration of plaintiffs' counsel, Kevin Block, establishes that defendants had applied for but not yet received a cannabis permit from

Sonoma County (2 CT 439-440). Block authenticates various documents evidencing the inter-relationship between and among the defendants (2 CT 455-463), including an e-mail from defendant Veronese in which he describes defendant Rivera as "one of our partners" (2 CT 453).

The Block declaration also authenticates various advertisements, social media postings, and websites relating to defendants' cannabis tourism and cultivation activity on Purvine Road (2 CT 468-476), which were not offered in evidence for the truth of statements contained in them but as circumstantial evidence that defendants' activity on the Property was commercial in nature.

**Defendants' Evidence.** Defendants submitted seven declarations in opposition to the preliminary injunction motion (4 CT 946-959), the most important of which are summarized here.

Defendant Jared Rivera states that he is a tenant on the Property and is not an owner, officer or employee of Sonoma Hills Farm (4 CT 961). He was growing cannabis at 334 Purvine Road in 2018 for his own personal medical use pursuant to a medical cannabis card (4 CT 962). Rivera's declaration does not attach the card, identify his medical reason for using cannabis, or explain how he could personally consume (based on Ariaga's estimate) 60 to 120 pounds of cannabis per year (4 CT 964).

Rivera acknowledges his understanding that a cannabis grow for personal use is limited to 100 square feet (4 CT 963-964). He states that he

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never sold or distributed the cannabis (4 CT 962) and that he does not “anticipate” growing more cannabis for a long time since the 2018 harvest provided “plenty of cannabis” for his own medical use (4 CT 964).

Mike Harden is a managing member of both Petaluma Hills Farm and Sonoma Hills Farm, which leases 334 Purvine Road to Jared Rivera (5 CT 1011). Harden is also a principal in Big Rock, a cannabis consulting and venture capital firm (5 CT 1013), which is investing in the development of the “Sonoma Hills Farm” brand (5 CT 1012-1013). Big Rock allows Rivera to use the Sonoma Hills Farm name on social media (5 CT 1013-1014) and may license it to Petaluma Hills Farm for use on Purvine Road cannabis products (5 CT 1012-1013). Rivera is involved with some Big Rock projects, does contract work for the firm, and was listed as a member of the “Big Rock Team” on Big Rock’s website until, after the lawsuit was filed, that reference was removed (5 CT 1013).

Sam Magruder is a member of Sonoma Hills Farm, the property owning entity, and Petaluma Hills Farm, the cannabis operator (5 CT 1024). Although Sonoma Hills Farm identified its business as “retail” in a filing with the Secretary of State (2 CT 447-448), that was a mistake; it is actually in the business of real estate ownership (5 CT 1024-1025). A flyer distributed to neighbors describing Sonoma Hills Farm and Petaluma Hills Farm as being in “partnership” was also an error; there is no “formal” partnership between the two (5 CT 1026-1027). According to Magruder,

defendants did not hold any events on the Property at which cannabis was sold or distributed (5 CT 1028). The only cannabis on site was being grown by Jared Rivera, a tenant, for his personal use (5 CT 1028).

Defendant Jared Giammona is the owner of The Sonoma County Experience, LLC (“SCE”) (4 CT 981), which was formed for the purpose of providing cannabis tours to Sonoma County (4 CT 981-982). SCE offers a “cannabis experience” tour, a cannabis and beer tour, and a cannabis and wine tour (4 CT 982-983). It began making tour stops at 334 Purvine Road in June 2018 (4 CT 984), after making contact with Sam Magruder, the property owner’s agent (4 CT 982).

Sonoma County Experience tours are limited to nine people (4 CT 982). On Purvine Road tours, Jared Rivera would explain to visitors the manner in which he cultivates medical cannabis (4 CT 983). Giammona never saw any cannabis being consumed on his tours and cannabis purchases were not permitted or encouraged (4 CT 983).

**The Trial Court’s Ruling.** On February 1, 2019, after listening to extended oral argument, the trial court granted plaintiffs’ motion and issued an order enjoining defendants, their employees, agents and persons acting in concert with them from:

*(a) engaging in the commercial cultivation of cannabis for medicinal or recreational purposes at 334 Purvine Road, Petaluma, California without a cannabis permit from the County of Sonoma and a cannabis license from the State of*

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## Evidence of violating Clause: 18: b & c

*California in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations; and*

*(b) engaging in the cultivation of cannabis for medicinal or recreational purposes at 334 Purvine Road, Petaluma, California for personal use in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations; and*

*(c) hosting, sponsoring, organizing, holding or participating in tastings, promotional activities or events related to cannabis uses at 334 Purvine Road, Petaluma, California in violation of section 26-88-250(c) of the Sonoma County Code.*

(6 CT 1303-1305).

The court agreed with plaintiffs that unpermitted cannabis activity is a nuisance per se because the County Code, including the Cannabis Ordinance, declare it to be a nuisance. The court ruled that it was empowered to enjoin a nuisance per se, without proof of harm, on a showing that the nuisance exists and the statute or ordinance defining the activity as a nuisance is valid.

Here, plaintiffs presented sufficient evidence of illegal cannabis activity, and defendants did not challenge the validity of the Ordinance (6 CT 1303). The scope of the injunction is limited to illegal activity, the court concluded, and should apply to all defendants based on substantial evidence that they were acting in concert (6 CT 1292-1293).

### G. The Anti-SLAPP Motion

Also on February 1, 2019, the court denied defendants' motion to strike the first amended complaint under the anti-SLAPP statute. (Code Civ. Proc. § 425.16.) The judicial assessment of an anti-SLAPP motion has two prongs. Prong one requires the court to determine whether the wrongful conduct underlying plaintiffs' claims constitutes constitutionally-protected activity. If so, the court weighs whether plaintiffs have established the probable success of those claims on the merits, accepting all of plaintiffs' evidence as true.

Defendants asserted that (i) plaintiffs' action arises from defendants' filing of a cannabis permit application with Sonoma County (2 CT 286-296), which is protected by defendants' constitutional right of petition, and (ii) plaintiffs' evidence fails to establish their probable success on the merits.

The trial court denied the motion on both grounds. First, it held that plaintiffs' claims did not arise from protected activity (6 CT 1307-1308).

*At no point in the First Amended Complaint do Plaintiffs attack any activity related to obtaining the alleged permit, or otherwise [a]mounting to speech or petition activity. Regardless of the parties' potential goals or motivation, Plaintiffs expressly limit the lawsuit to Defendants' alleged illegal conduct in violation of the Sonoma County Code, expressly stating that they are suing Defendants for engaging in activities which require a permit and for which they have no permit.*

(6 CT 1307).

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Even if the claims arose from protected activity, the court continued,

plaintiffs have presented sufficient evidence to demonstrate probable success.

*This evidence shows, among other things, that Defendants have operated a large public festival on the property and hold it out as a commercial cannabis growing operation . . . while Defendants have no permit for such commercial or public-related cannabis events or operation. The fact that Defendants have presented contrary evidence, such as demonstrating that any cannabis growing is solely for the personal use of Defendant Jared Rivera, does not alter the fact that Plaintiffs have provided sufficient evidence*

(6 CT 1308-1309).

The court sustained 20 of plaintiffs' 47 objections to defendants' evidence, and overruled all of defendants' objections to plaintiffs' evidence, but noted that different evidentiary rulings would not have changed its ruling on the motion (6 CT 1309).

### H. The Attorneys' Fee Award

By order dated May 29, 2019, the court awarded plaintiffs \$21,500 in attorneys' fees as sanctions on grounds that defendants' anti-SLAPP motion was frivolous.<sup>4</sup> The motion was frivolous, the court ruled, because the allegations of the first amended complaint on their face do not arise from protected activity.

<sup>4</sup> By order dated August 6, 2019, the Court augmented the record on its own motion to add the trial court's order granting plaintiffs' motion to recover attorneys' fees. Because the order granting fees was not included in the clerk's transcript, a citation to it is not possible.

Regardless of whether Defendants have applied for a cannabis permit and regardless of Plaintiffs' motivations in wishing to oppose such a permit or prevent any cannabis operation, this lawsuit is clearly and expressly limited to stopping *illegal* operations in violation of the Sonoma County Code . . . Plaintiffs base this [claim] in part expressly on the allegation that Defendants lack a permit or license allowing them to conduct the operations and business activities at issue and the first amended complaint only once mentions the permit in order to show that Defendants have applied for, but do not yet have, a permit. In the Court's opinion, the language of the first amended complaint thus clearly, unequivocally and expressly disavows any possible interpretation that the lawsuit may be aimed at the application for a permit or any other protected activity.

### IV STANDARD OF REVIEW

Determining applicable standards of review, always a cornerstone of the appellate process, is especially important in this case because defendants disregard and misconstrues many of those standards in framing their arguments on appeal. Their arguments fail to appreciate the limited nature of appellate review.

**The Preliminary Injunction.** The scope of review of a preliminary injunction is particularly narrow, since it is not an adjudication of the merits but reflects only the trial court's evaluation of the evidence before it at the very outset of the litigation. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1109.) The ultimate question is whether issuance of the injunction abuses the trial court's discretion, i.e., whether the court's decision is "so irrational or arbitrary that no reasonable person could agree

## Evidence of violating Clause: 18: b & c

Defendants' argument turns these rules upside down. Defendants view the entire record in the light most favorable to them. For example, they resolving conflicting evidence concerning the legality of defendants' cultivation by crediting the facts set forth in defendants' declarations, ignoring plaintiffs' photographs and declarations entirely, and claiming that there is no substantial evidence to support the preliminary injunction based on the "undisputed evidence" that there was no illegal grow (App. Brief, pp. 30-31).

In fact, there is substantial evidence that defendants were cultivating commercial cannabis on Purvine Road.

- Defendants began offering cannabis products from Sonoma Hills Farm commercially as early as January 2018 (2 CT 468-474).
- Defendants supported the grow with extensive, well-publicized marketing activities and promotional events, such as "cannabis experience tours" and cannabis-infused dinners (3 CT 512-514).
- The owner of the property, Sonoma Hills Farm, is a client of the Big Rock consulting firm, which advises start-up cannabis businesses (2 CT 455).
- Defendants referred to the grow in the press as a "demonstration farm" (2 CT 476) and showed visitors to the Property an exhibit describing their proposed commercial operation (3 CT 538-542).

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**From:** [Sanjay Bagai](#)  
**To:** [Crystal Acker](#)  
**Cc:** [tabatha.chavez@cannabis.ca.gov](mailto:tabatha.chavez@cannabis.ca.gov); [enforcement@cannabis.ca.gov](mailto:enforcement@cannabis.ca.gov); [margaret.cornell@cannabis.ca.gov](mailto:margaret.cornell@cannabis.ca.gov); [stacey.roberts@doj.ca.gov](mailto:stacey.roberts@doj.ca.gov); [richard.parrott@cannabis.ca.gov](mailto:richard.parrott@cannabis.ca.gov)  
**Subject:** UPC17-0020 : 334 Purvine Rd : APN 230-020  
**Date:** April 08, 2022 12:51:34 PM  
**Attachments:** [20210108 letter to cdfa re cannabis enforcement copy.pdf](#)  
[Bagai Final Report \(1\).pdf](#)

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Dear Ms. Acker,

As per your request sent to property owners and interested parties dated March 29, 2022, I am sharing with you relevant exhibits.

Please acknowledge receipt of this email.

*Best,  
Sanjay  
[+1 510 599 5272]*

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

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# BLOCK & BLOCK

ATTORNEYS

January 8, 2021

*By Electronic Mail*

Tabatha Chavez, Chief  
Compliance and Enforcement Branch  
CalCannabis Cultivation Licensing  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
[calcannabis@cdfa.gov](mailto:calcannabis@cdfa.gov)

*By Electronic Mail*

Tennis Wick, Director  
Sonoma County Permit and Resources Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
[tennis.wick@sonoma-county.org](mailto:tennis.wick@sonoma-county.org)

*By Electronic Mail*

Andrew Smith  
Sonoma County Agricultural Commissioner  
Department of Agriculture/Weights and Measures  
133 Aviation Boulevard, Suite 110  
Santa Rosa, CA 95403  
[andrew.smith@sonoma-county.org](mailto:andrew.smith@sonoma-county.org)

Dear Ms. Chavez, Mr. Wick and Mr. Smith:

I am writing to bring to your attention systemic violations of state and local cannabis law that are occurring in the Middle Two Rock neighborhood of Sonoma County, where my clients live. The undue concentration of permits in this area, as evidenced by the attached aerial photograph (Exhibit A), imposes an unfair burden on area residents. Their burden is compounded by growers' widespread cultivation of cannabis beyond legal limits and by the lack of any sustained or effective enforcement effort by the relevant authorities.

The photographs attached to this letter are evidence of egregious and easily detectable violations of state and local cannabis law. Enforcement by cannabis regulatory and law enforcement authorities, however, has been practically non-existent. This lack of enforce-

ment gives non-compliant growers an unfair advantage in the marketplace, deprives state and local authorities of tax revenue, undermines the cannabis regulatory system, infringes on local residents' property rights and quality of life, and generally breeds cynicism and distrust concerning California's experiment with legal cannabis.

I ask that you investigate the violations and properties identified in this letter and take swift and certain action to hold the responsible parties to account for past violations and ensure compliance in the future. I also ask that this evidence be taken into account in connection with any permit reviews or license renewals.

**A. The Witt Property**  
**5730 Bodega Avenue**  
**APN 022-090-002**

Between May 31 and July 23, 2020, the Sonoma County Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. One of the applicants – Sennin Soul, LLC – has four provisional state licenses for small outdoor cultivation. The others do not have any state licenses. Thus, the maximum amount of cannabis that may be cultivated on this site is 40,000 square feet, all of it outdoors.

Attached is an aerial photograph of the site taken on October 11, 2020 (Exhibit B). It shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet.

On November 2, 2020, the county issued notices of violation for thirteen 4,000 square foot hoop houses at 5730 Bodega Avenue. These hoop houses alone account for 52,000 square feet of mixed light cultivation, none of which was authorized by Sennin Soul's permit or license.

Next to the hoop houses was 93,954 square feet of unpermitted outdoor cannabis, which was in plain sight of county officials when they inspected the hoop houses. Yet the county has failed to cite anyone for patently illegal outdoor or mixed light cultivation. County officials deliberately looked the other way.

Sennin Soul should never have received a state license. Section 26050.2 of the Business and Professions Code provides that the Department of Food and Agriculture may issue a license if CEQA review of the application is either complete or underway. Because the County classifies the permits granted to Sennin Soul as ministerial, there was and never will be any CEQA review. There is also no neighborhood notice, public hearing, or meaningful appeal of ministerial permit applications.

The issuance of ministerial permits in this case is improper. Even a cursory review of the documents, and the cultivation infrastructure on-site, reveals that the applicants are working in concert to pursue a single large cannabis project. The project was clearly “piece-mealed” – separated into 16 different applications – to qualify for ministerial permits and avoid environmental review. The county has condoned this ruse for some time and is now embroiling the state in this illegal behavior.

**B. The Western Dairy Property**  
**4235 Spring Hill Road**  
**APN 022-240-007/008/009, 022-260-003**

A similar ploy was used by the applicants at 4235 Spring Hill Road. On June 15 and 16, 2020, the county issued ministerial permits for 10,000 square feet of outdoor grow on four separate parcels to four applicants. All four list Vanessa Calhoun as organizer or agent and use the same address in Santa Rosa, adjacent to CannaCraft’s headquarters. A principal in one of the applicants, Melissa Huynh, is listed as a CannaCraft director.

The county should have considered these applications together, consistent with CEQA’s requirement to evaluate the “project as a whole.” Instead, it enabled the applicants to evade environmental review by splitting a single project into 16 applications. The state has now issued provisional licenses for this property, effectively ratifying the county’s CEQA violation.

Attached is an October 11, 2020 photograph of cultivation on the four Spring Hill Road parcels (Exhibit C). It shows (i) 78,716 square feet of mixed light grow on APN 022-240-007; (ii) 61,287 square feet of mixed light grow and 15,584 square feet of outdoor grow on APN 022-240-008; (iii) 66,480 square feet of outdoor grow on APN 022-240-009; and (iv) 41,500 square feet of mixed light grow on APN 022-260-003.

The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow. The total area under cultivation in the photograph is 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses.

On October 21 and 23, 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels: (i) eight on APN 022-240-007 totaling 70,400 square feet; (ii) five on APN 022-240-008 totaling 42,000 square feet; and (iii) four on APN 022-260-003 totaling 33,600 square feet. Shockingly, while citing the owners for failing to obtain building or fire department permits for the hoop houses, the county ignored the fact that mixed light cultivation was not authorized on this property at either the state or county level.

At the same time, the county ignored violations on an adjacent parcel, APN 022-240-009, where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet.

**C. The Drips Property**  
**3215 Middle Two Rock Road**  
**APN 021-160-011**

According to county records, this grower is operating under the Penalty Relief Program (“PRP”). The PRP entitles an eligible grower to continue growing, without a county permit, until the county acts on the grower’s cannabis permit application on the condition that the grower not cultivate more cannabis than would be allowed under the permit for which it has applied.

The county has not yet acted on the grower’s permit application, so cultivation is still subject to the terms of the PRP. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower does not have a state license for indoor or mixed light cultivation.

The attached photograph (Exhibit D), taken on October 11, 2020, shows 18,356 square feet of mixed light cultivation. This is (1) a state law violation because the grower does not have a license for mixed light cultivation, and (2) a violation of the county’s PRP because the amount of mixed light cultivation shown in the photograph is almost double the amount allowed by the permit for which the grower has applied.

**D. The Highland Canopy Property**  
**334 Purvine Road**  
**APN 022-230-020**

This grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. The attached photograph from October 11, 2020 (Exhibit E) shows outdoor cultivation at 334 Purvine Road consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation.

This is not the first time the grower on this property has ignored applicable law. In February 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license (Exhibit F). The court’s decision was based on aerial photographs from July 2018, similar to the photographs attached to this letter, showing illegal cultivation occurring before the grower

had received either a county permit or a state license. The injunction was upheld on appeal.

### **E. Conclusion**

Two facts stand out about cannabis cultivation in the Middle Two Rock neighborhood. First is the scope and brazenness of the violations. Growers feel free to grow as much as they want wherever they want, confident that there will be no consequences.

Their brazenness is related to the second remarkable fact – the obvious indifference of the authorities. It is absolutely clear that Sonoma County lacks the will to reign in illegal grows and is deliberately turning a blind eye to large-scale, easily detectible violations. The utter lack of enforcement of cannabis rules raises troubling questions about the influence of the cannabis lobby on local decision-makers.

I earnestly request that the state and county work in tandem to hold the responsible parties accountable for the violations identified in this letter and to put in place a more aggressive enforcement program to improve compliance in the future. Doing so is the only way to ensure a steady flow of tax revenue, neighborhood compatibility, public confidence in cannabis regulation, and the ultimate success of the legal cannabis market.

Sincerely,



Kevin P. Block

cc:

Stacey Roberts, Supervising Deputy AG, Cannabis Control Section (stacey.roberts@doj.ca.gov)  
Richard Parrott, Director, CalCannabis (richard.parrott@cdfa.ca.gov)  
Margaret Cornell, CalCannabis Licensing (margaret.cornell@cdfa.ca.gov)  
David Rabbitt, Sonoma County Supervisor (david.rabbitt@sonoma-county.org)  
Patrick McGreevy, LA Times (patrick.mcgreevy@latimes.com)

# **EXHIBIT A**



## **EXHIBIT B**

**Address: 5730 Bodega Ave.**  
**Feature Type: Large Greenhouses**  
**Area: 79325.04 Square Feet**  
**Perimeter: 1129.64 Linear Feet**

**Address: 5730 Bodega Ave.**  
**Feature Type: Outdoor Cultivation**  
**Area: 70674.78 Square Feet**  
**Perimeter: 1121.65 Linear Feet**

**Address: 5730 Bodega Ave.**  
**Feature Type: Outdoor Cultivation**  
**Area: 23279.3 Square Feet**  
**Perimeter: 628.01 Linear Feet**

**Address: 5730 Bodega Ave.**  
**Feature Type: Large Greenhouses**  
**Area: 48164.29 Square Feet**  
**Perimeter: 878.49 Linear Feet**

# **EXHIBIT C**



**Address: 4235 Springhill Blvd.**  
**Feature Type: Outdoor Cultivation**  
**Area: 15584.38 Square Feet**  
**Perimeter: 788.43 Linear Feet**

022-240-009

**Address: 4235 Springhill Blvd.**  
**Feature Type: Outdoor Cultivation**  
**Area: 66430.07 Square Feet**  
**Perimeter: 1113.27 Linear Feet**

022-240-008

**Address: 4235 Springhill Blvd.**  
**Feature Type: Large Greenhouses**  
**Area: 61287.04 Square Feet**  
**Perimeter: 1070.78 Linear Feet**

**Address: 3803 Springhill Blvd.**  
**Feature Type: Large Greenhouses**  
**Area: 41500.14 Square Feet**  
**Perimeter: 1060.95 Linear Feet**

022-260-002

022-240-007

**Address: 4235 Springhill Blvd.**  
**Feature Type: Large Greenhouses**  
**Area: 78715.77 Square Feet**  
**Perimeter: 1266.61 Linear Feet**

022-260-003

022-250-001

# **EXHIBIT D**

**Address: 3215 Middle Two Rock Road**  
**Feature Type: Outdoor Cultivation**  
**Area: 1489.36 Square Feet**  
**Perimeter: 162.18 Linear Feet**

**Address: 3215 Middle Two Rock Road**  
**Feature Type: Small Greenhouses**  
**Area: 10054.53 Square Feet**  
**Perimeter: 494.45 Linear Feet**

**Address: 3215 Middle Two Rock Road**  
**Feature Type: Small Greenhouses**  
**Area: 1585.94 Square Feet**  
**Perimeter: 165.12 Linear Feet**

**Address: 3215 Middle Two Rock Road**  
**Feature Type: Large Greenhouses**  
**Area: 6715.46 Square Feet**  
**Perimeter: 362.73 Linear Feet**

**Address: 3215 Middle Two Rock Road**  
**Feature Type: Outdoor Cultivation**  
**Area: 11176.82 Square Feet**  
**Perimeter: 442.37 Linear Feet**

# **EXHIBIT E**

**Address: 334 Purvine Road**  
**Feature Type: Indoor Cultivation**  
**Area: 1284.32 Square Feet**  
**Perimeter: 152.95 Linear Feet**

**Address: 334 Purvine Road**  
**Feature Type: Barn/Mixed Light Cultivation**  
**Area: 1550.26 Square Feet**  
**Perimeter: 173.1 Linear Feet**

**Address: 334 Purvine Road**  
**Feature Type: Mixed Light Cultivation**  
**Area: 616.93 Square Feet**  
**Perimeter: 104.25 Linear Feet**

**Address: 334 Purvine Road**  
**Feature Type: Outdoor Cultivation**  
**Area: 45374.26 Square Feet**  
**Perimeter: 912.24 Linear Feet**

## **EXHIBIT F**

**ENDORSED  
FILED**

**FEB 25 2019**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA

1 KEVIN P. BLOCK (121329)  
*kb@winelawyers.com*  
2 ROMAN BLOCK (306966)  
*rb@winelawyers.com*  
3 BLOCK & BLOCK LLP  
4 1109 Jefferson Street  
Napa, California 94559  
5 Telephone: (707) 251-9871  
6 Telefax: (707) 251-0368

7 Attorneys for Plaintiffs  
8 PHOEBE LANG, AYN GARVISCH  
and BRITT CHRISTIANSEN  
9

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SONOMA  
12

13 NO POT ON PURVINE, an unincorporated  
14 association; SANJAY BAGAI; PHOEBE  
15 LANG; AYN GARVISCH; AUTYMN  
GARVISCH; BRITT CHRISTIANSEN,

16 Plaintiffs,  
17

18 v.

19 PETALUMA HILLS FARM, LLC a  
20 California limited liability company;  
SONOMA HILLS FARM, LLC, a  
21 California limited liability company;  
22 THE SONOMA COUNTY EXPERIENCE,  
LLC, a California limited liability company;  
23 SAMUEL J. MAGRUDER; GIAN PAOLO  
VERONESE; MICHAEL W. HARDEN;  
24 and DOES 1 through 25, inclusive,

25 Defendants.  
26  
27  
28

Case No. SCV263292

**[PROPOSED]**  
**ORDER GRANTING PRELIMINARY  
INJUNCTION AND PRELIMINARY  
INJUNCTION**

Hon. Patrick Broderick  
Complaint Filed: October 9, 2018  
Trial Date: Not Set

ORDER GRANTING PLAINTIFFS' PRELIMINARY INJUNCTION

1 Plaintiffs' Motion for a Preliminary Injunction came on for hearing in Courtroom 16 of  
2 this Court on February 1, 2019. All parties appeared through their counsel of record.

3 After considering the moving and opposition papers and the arguments of counsel, the  
4 Court adopted its tentative ruling as its final order and ruled as follows:

5 **Motion for Preliminary Injunction Granted.** Plaintiffs expressly seek to enjoin only  
6 illegal operations in violation of the Sonoma County Code, which defines these actions as a  
7 nuisance and for which an injunction is expressly available. Plaintiffs demonstrate that  
8 Defendants lack the required permit for commercial cannabis operations and provide evidence of  
9 such conduct which requires a permit. The injunction is expressly limited to illegal conduct.  
10 The court notes that it does not bar any legal personal cannabis cultivation by Defendant Jared  
11 Rivera for his own personal use which Defendants claim is the limit of the cannabis conduct.  
12 Plaintiffs must post a bond of \$100 because the injunction, being limited to illegal conduct,  
13 inherently appears to have no likelihood of causing any actionable or recoverable damages.

14 IT IS SO ORDERED.

15  
16 **PRELIMINARY INJUNCTION:**

17 Defendants, their employees and agents, and persons acting on their behalf or in concert  
18 with them, are enjoined and restrained pending trial of this action from:

19 (a) engaging in the commercial cultivation of cannabis for medicinal or recreational  
20 purposes at 334 Purvine Road, Petaluma, California without a cannabis permit from the County  
21 of Sonoma and a cannabis license from the State of California in violation of the Sonoma County  
22 Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety  
23 Act, and applicable state and local regulations; and

24 (b) engaging in the cultivation of cannabis for medicinal or recreational purposes at  
25 334 Purvine Road, Petaluma, California for personal use in violation of the Sonoma County  
26 Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety  
27 Act, and applicable state and local regulations; and  
28

1 (c) hosting, sponsoring, organizing, holding or participating in tastings, promotional  
2 activities or events related to cannabis uses at 334 Purvine Road, Petaluma, California in  
3 violation of section 26-88-250(c) of the Sonoma County Code.

4 Plaintiffs shall file with the Clerk of the Court an undertaking, or cash in lieu thereof, in  
5 the amount of \$100 pending trial of this action.

6 IT IS SO ORDERED.

7 **PATRICK M. BRODERICK**

8 February <sup>25</sup> 2019

9 \_\_\_\_\_  
10 Judge



DBA I.G. CAL. LIC: PI22550/PPO14479

CONFIDENTIAL INVESTIGATIVE REPORT

Client : Sanjay Bagai

INSIGHT GROUP CASE NUMBER: I.G.21- 237 -1

DATE OF REPORT: September 4, 2021

## **Synopsis:**

On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California.

Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2) Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.

## **Investigation**

Investigator Arriaga obtained both California DMV Registration for the truck and trailer observed on both days of surveillance. See Exhibit 1 and Exhibit 2 incorporated in this report.

Investigator Arriaga noticed the truck was registered to Nelson Scott Alexander.

## **Surveillance August 25, 2021**

This office was contacted in the month of August 2021 by Sanjay Bagai regarding the possibility of City Water being stolen and delivered to unknown Marijuana Gardens. Private Investigators Sonya Arriaga and Kenneth Pitts were assigned to the investigation and to conduct a surveillance.

Investigators were provided with two possible locations of the water being stolen.

- (1) 3276 Dutton Ave. Santa Rosa Ca. and
- (2) Intersection of Western Ave and Hill Ave. Petaluma Ca.

On August 25, at 0800hrs Investigators conducted a surveillance in and around the fire hydrant located at 3276 Dutton Ave. Santa Rosa, Ca.

At 0856hrs Investigators observed a white male adult arrive in a green water truck to the listed hydrant. (see photo log pictures 1 thru 4 ). The subject got out of the truck and hooked his line up to the hydrant pictured in the above noted photographs.

At 0856hrs Investigators observe the subject to leave the above listed location. Investigators follow the water truck and observe the truck with trailer number 4AF1869 drive to 334 Purvine Road Petaluma California bearing a large sign that reads "Sonoma Hill Farm" at approximately 0930hrs the water truck is observed and photographed by Investigators to enter this address, drive down a dirt road and park next to a large blue water holding tank. Investigators observe the driver to get out of the truck, park next to the water holding tank , hook up his pump and empty his truck. (see photo log pictures 5 thru 7) Water truck empties contents and leaves location at approximately 0955.

Investigators followed the same listed water truck to drive directly to the city fire hydrant located at 3276 Dutton Ave. Santa Rosa Ca.

At 1017hrs the water truck arrives at the above listed hydrant, hooks up his truck and fills up again. The truck leaves after filling at 1032hrs.

At 1100hrs Investigators follow the water truck to arrive at 334 Purvine road Petaluma Calif. Investigators noticed that during this surveillance the driver drove extremely slow and changed the route he took on the prior delivery. The driver took surface streets as opposed to the freeway as he had done on the prior trip. The driver further pulled over at 2 rocks road and Purvine rd. to check if he is being followed prior to continuing on to the Sonoma Hill Farm. Investigators observe the driver to pull into the above listed address empty his truck and leave the location on Purvine at 1139hrs.

Investigators continue a loose surveillance at this time and the driver appears to go to lunch. Investigators maintain surveillance around the fire hydrant located at 3276 Dutton Rd. Santa Rosa Calif.

At 1302 hours the same driver in the same water truck (see photo log numbers 8 and 9).arrives at the Dutton address hydrant. Investigators observe the driver to fill his truck again. At approximately 1330hrs the driver leaves this location and again is followed by investigators back to Sonoma Hill Farm in Petaluma where he empties his truck.

After the driver empties his water truck he proceeds to an unknown location where surveillance units loose him at the corner of Hwy 1 and Valley Ford Freston Rd. (Refer Photo # 10)

Surveillance returns to the hydrant located at Dutton Rd in Santa Rosa

At 1519 hrs the same water truck observed all day arrives at the Dutton address city hydrant. Investigators observe the same white make adult and truck they have seen all day to get out of truck and hook up his line to hydrant and fill up.

At 1530 hours Investigators observe the driver to leave and follow the water truck to 334 Purvine Road Petaluma, Ca., Sonoma Hill Farm. Investigators observe the water truck to pull up to the blue water holding tank and empty the water(see photo log 11 thru 14)

Truck arrives at the Purvine address at approximately 1609hrs. Investigators observe and photograph the truck until 1630hrs.

At 1630hrs Surveillance was terminated.

### **Surveillance August 26, 2021**

On August 26, 2021 at approximately 0800hrs, Investigators Sonya Arriaga and Kenneth Pitts, Insight Group, Inc. conducted a surveillance around the area of 3803 Springhill Road. While at the above listed address due to heavy fog investigators drove over to 334 Purvine road Petaluma to see if the view was better. At approximately 0810hrs Investigators observed the green Water Truck with the same marking they saw the day before to be hooked up to the blue water tank and emptying the water truck.( Phots 15 and 16)

After obtaining some photos Investigators proceeded to the surveillance on Spring Hill Road. Investigators observed many trucks going up and down this street but did not see any water trucks enter the above listed address. It was decided then to conduct a surveillance at the city hydrant located at the corner of Western Ave and Hill, Petaluma, Ca. Investigators spent the day going from Purvis, Spring Hill and Western address and did not see any deliveries this day.

While Investigators were conducting surveillance around Purvine address Investigators observed a female adult in a small black older model vehicle taking photos of the Sonoma Hill Farm. She appeared to be conducting her own surveillance not associated with Insight Group, Inc.

Surveillance was terminated at 1600hrs.

Respectfully submitted

Sonya Arriaga  
Insight Group, Inc.

# PHOTOGRAPHS



PHOTO # 1



PHOTO # 2



PHOTO # 3



PHOTO # 4



PHOTO # 5



PHOTO # 6



PHOTO # 7



PHOTO # 8



PHOTO # 9



PHOTO # 10



PHOTO # 11



PHOTO # 12



PHOTO # 13



PHOTO # 14



Photo # 15



Photo # 16

# Exhibits

## 1 and 2

**PRELIMINARY RESEARCH Case No. 210827**

This report is provided to users with the understanding that the tenets of the Fair Credit Reporting Act as well as other applicable Federal, State and Local statutes apply. This information is obtained from court and other public records. The accuracy of the information is not guaranteed and depends upon the accuracy and completeness of the data you have provided.

1

**CA VL#:** 4AF1869

-----  
**VEHICLE RECORD:**

REC DATE: 08/27/21 TIME: 3:42PM  
-----

-----  
ON-LINE VEHICLE RECORD FOR THE STATE OF CA  
-----

-----  
ITEM REQUESTED: 4AF1869  
-----

-----BASIC RECORD-----  
-----

LICENSE: 4AF1869 VEH ID NO: 4262  
MODEL YEAR: 74 MAKE/BUILDER: WMARK POWER/FUEL: 0 - TRAILER  
VLF CLASS: DB (\$13,200 TO \$13,399.99) # OF AXLES: 1  
UNLADEN WEIGHT: 06050 LEG OWNER CD: 8 EQUIP NO: 746  
DATE EXPIRES: 12/31/21 REGISTRATION ISSUE DATE: 12/02/16  
SOLD/PURCHASED: 00/00/74 OWNERSHIP ISSUE DATE: 02/25/86  
BODY CODE: K - DESC NOT FOUND  
BODY TYPE MODEL: TA- DESC NOT FOUND  
TYPE LICENSE: PA - PERMANENT TRAILER IDENTIFICATION PTI REGULAR  
REGISTRATION  
TYPE VEHICLE: 42 - TRAILER-USED

-----REGISTERED OWNER-----  
-----

CALIFORNIA COOPERATIVE  
CREAMERY  
-----

-----LEGAL OWNER-----  
-----

WELLS FARGO BK NA  
200 B ST STE 300  
SANTA ROSA 95401  
03/18/02 PREV LIC VW8282  
PTI TRAILER  
FEE SUB-RECORD ON FILE

=====END OF  
RECORD=====

ATTACHMENT ( 0 PG )

3:17

5G

< Inbox

2 Messages  
Lic Reg

^ v

**PRELIMINARY RESEARCH**

**Case No**

CA VL#: 9E26545

-----  
**VEHICLE RECORD:**

REC DATE: 08/25/21 TIME: 1:21PM

-----  
ON-LINE VEHICLE RECORD FOR THE STATE OF CA

-----  
ITEM REQUESTED: 9E26545

-----BASIC RECORD-----  
LICENSE: 9E26545                      VEH ID NO: 1XPHA47X0DD208175

MODEL YEAR: 13    MAKE/BUILDER: PTRB    POWER/FUEL: D - DIESEL  
VLF CLASS: CJ (\$10,000 TO \$10,199.99)    \*-YEAR: 20    # OF AXLES: 2  
UNLADEN WEIGHT: 13267    LEG OWNER CD: 9    HULL MATERIAL NC80000

DATE EXPIRES: 08/31/22                      REGISTRATION ISSUE DATE: 07/22/21  
SOLD/PURCHASED: / /                      OWNERSHIP ISSUE DATE: 11/03/20

BODY CODE: G - TRACTOR TRUCK (DIESEL)  
BODY TYPE MODEL: DS - TRACTOR TRUCK (DIESEL)  
TYPE LICENSE: 31 - REGULAR COMMERCIAL  
TYPE VEHICLE: 37 - COMMERCIAL-USED NONRESIDENT

-----REGISTERED OWNER-----

NELSON SCOTT ALEXANDER

-----RECORD STATUS-----

07/14/21 FHVUT PROOF VERIFIED  
10/09/20 PREV LIC                      S413559  
08/15/2020-ODOMETER:                      284,907 MILES ACTUAL MILEAGE

-----FEE CALCULATION-----

ESTIMATE ONLY!    Based on information received from DMV. It does not include transfers, duplicates, etc. We make no representation or warranties, either expressed or implied, regarding the currentness, accuracy and/or completeness of any data.

CANNOT CALCULATE COMMERCIAL VEHICLES OF THIS SIZE

=====END OF RECORD=====

ATTACHMENT (0 PG)

**From:** [Sanjay Bagai](mailto:Sanjay.Bagai)  
**To:** [Crystal Acker](mailto:Crystal.Acker)  
**Cc:** [tabatha.chavez@cannabis.ca.gov](mailto:tabatha.chavez@cannabis.ca.gov); [enforcement@cannabis.ca.gov](mailto:enforcement@cannabis.ca.gov); [margaret.cornell@cannabis.ca.gov](mailto:margaret.cornell@cannabis.ca.gov); [stacey.roberts@doj.ca.gov](mailto:stacey.roberts@doj.ca.gov); [richard.parrott@cannabis.ca.gov](mailto:richard.parrott@cannabis.ca.gov)  
**Subject:** UPC17-0020 : 334 Purvine Rd : APN 230-020  
**Date:** April 08, 2022 12:52:48 PM  
**Attachments:** [PRMD Part 3.pdf](#)

---

Dear Ms. Acker,

As per your request sent to property owners and interested parties dated March 29, 2022, please find attached evidence of the violations at the above-referenced property.

This attachment contains evidence of violations of the following conditions of approval: #31, #95b, #102, #20, #33, #64, #65

Additionally, I have attached relevant exhibits.

Please acknowledge receipt of this email.

*Best,*  
*Sanjay*  
*[+1 510 599 5272]*

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART III of III

04/08/22

14 Pages

## 'Condition of use' Clause and sub clause:

**31. Greenhouse Gas Reduction Plan.** A Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be submitted for review and approval by Permit Sonoma. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to: best available conservation technologies for all energy and water uses; installation of renewable energy facilities to meet demand on-site; provisions of electric vehicle charging stations; bicycle facilities including secure bike parking and lockers and showers for employees; employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc. The approved Greenhouse Gas Reduction Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.

**95. Mitigation Measure NOISE-2 Construction Operation:** All plans and specifications or construction plans shall include the following notes:

- b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant violated terms of the noise and greenhouse clause by parking three semi trailers for over 60 days with the reefer units running 24 hours

Evidence of violating Clause: 31 & 95b



These Semi-trailers were  
parked at these locations

## 'Condition of use' Clause and sub clause:

### Intersections of Roads and Driveways

102. The Applicant/Operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Purvine Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Purvine Road) meets these requirements.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has not complied with any of the above terms prior to occupancy

Evidence of violating Clause: 102



There is no evidence of any driveway construction, the existing driveway has been described as a gravel driveway by county staff and is unstable

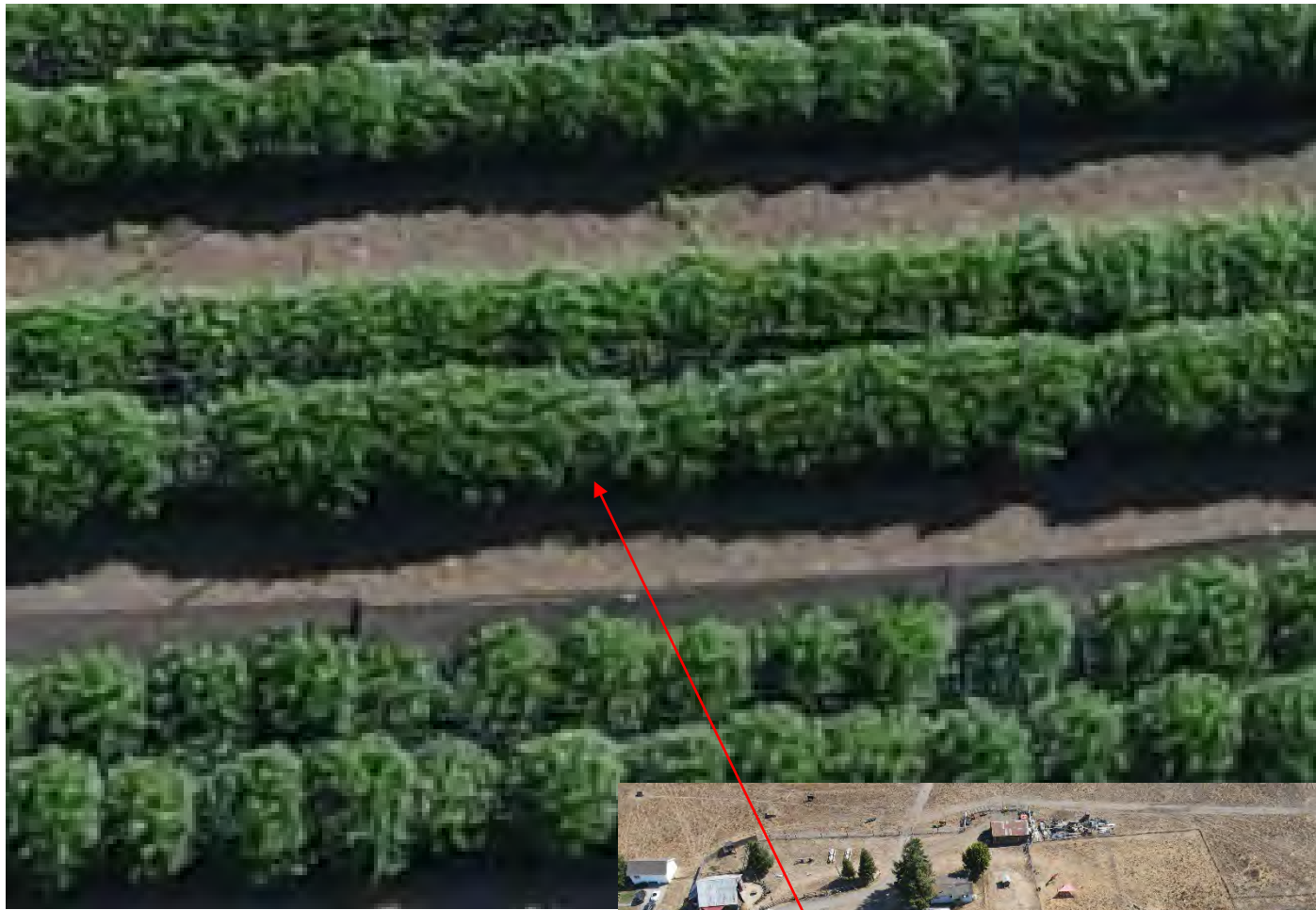
## 'Condition of use' Clause and sub clause:

20. **Tracking.** The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the County upon request.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

Evidence  
of violating  
Clause: 20



No track & trace on almost \$4  
Million worth of Cannabis

## 'Condition of use' Clause and sub clause:

33. **Design Review.** Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Prior to Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has not complied with any of the above terms

# Evidence of violating Clause: 33



A rendering of what was proposed and accepted by Sonoma County PRMD



Evidence of violating Clause: 33



Unlicensed Hoop House Nursery  
Not as per diagram

CURRENT PICTURES  
No evidence of compliance to  
final plan prior to occupancy

Unlicensed Outdoor Nursery



4/8/2022

Evidence of violating Clause: 33



**CURRENT PICTURES**

**No evidence of compliance to final plan prior to occupancy**

4/8/2022

# Evidence of violating Clause: 33

No designated/Controlled pesticide area..



Nursery Does not Confirm to CalCannabis law

No drainage and protection for run off into streams

No Track and Trace UID

CURRENT PICTURES

No evidence of compliance to final plan prior to occupancy

## 'Condition of use' Clause and sub clause:

64. Prior to initiation of the use, the project shall submit a Fire Prevention Plan demonstrating compliance with the Sonoma County Fire Safety Ordinance (Sonoma County Code), subject to review and approval by the Sonoma County Fire Marshal. The Plan be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:(Ref. California Code of Regulations Title-14, Division 1.5,Chapter 7, Subchapter 2, Articles 1 - 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)
65. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property.
  - c. The building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.

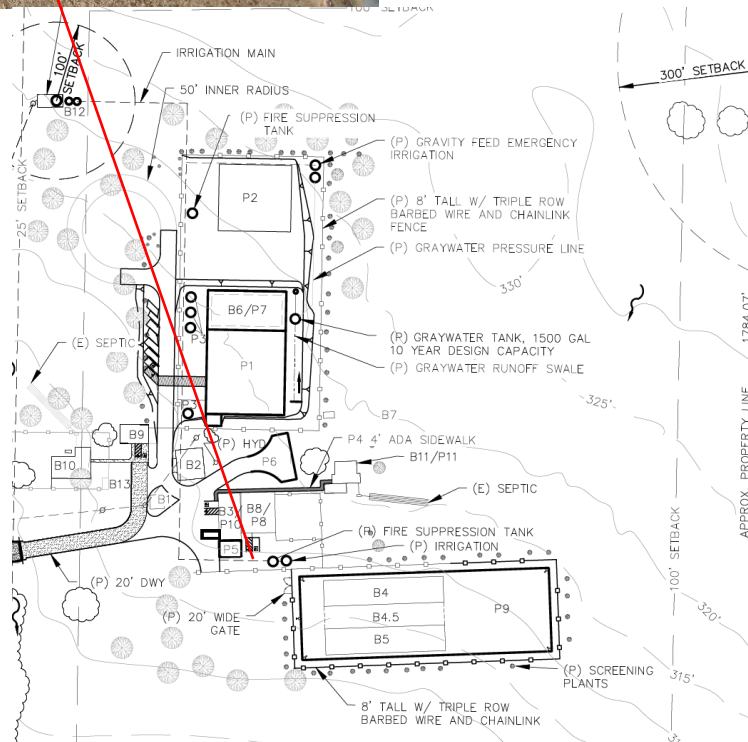
### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

# Evidence of violating Clause: 64 & 65



Applicant has not installed Fire Suppression tanks and existing well produces less than 5 GPM therefore it can be used as water supply



**From:** [McClelland's Dairy](#)  
**To:** [Crystal Acker](#)  
**Subject:** Comment on Cannabis Cultivation at 334 Purvine Road, Petaluma  
**Date:** April 11, 2022 2:21:31 PM

---



Crystal,

Our main concern with the cannabis cultivation on Purvine Road is with the water table. New wells have been drilled there and new water tanks installed to hold more water. As I testified in the original hearing this area has always been scarce on water. Here at McClelland's Dairy our water table has gone down since this activity has increased and we have been hauling water for our dairy operation. Additionally there is the drought to consider.

Sincerely,

George McClelland  
6475 Bodega Avenue  
707-664-0452

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**Warning:** If you don't know this email sender or the email is unexpected,  
**do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Crystal Acker](#)  
**To:** [McClelland's Dairy](#)  
**Subject:** RE: Comment on Cannabis Cultivation at 334 Purvine Road, Petaluma  
**Date:** April 12, 2022 8:45:00 AM  
**Attachments:** [Att 5 Groundwater Reporting Forms 2020 2021.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image008.png](#)

---

Hi George,

The operation is limited to 2.08 acre feet (677,770 gallons) per year, and requires annual reporting. In 2020, the property used 1.2 acre-feet (399,280 gallons). In 2021, the property used 1.1 acre-feet (338,841 gallons) from May through October, which included the outdoor cultivation operation. I attached the annual reporting forms.

Well permits are a separate ministerial process not regulated by the Use Permit, but as mentioned above, the amount of groundwater used for the operation is limited by the Use Permit. All wells used in the cannabis operation are required to install a well meter and submit annual reporting to the County. The new well hasn't become operational yet, so that has not yet occurred.

Thank you for submitting a comment.

crystal

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |

Office: 707-565-1900 | Fax: 707-565-1103



*Due to the Public Health Orders, online tools remain the best and fastest way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [PermitSonoma.org](http://PermitSonoma.org).*

*The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 9:00 AM – 4:00 PM and Wednesday, 10:30 AM – 4:00 PM.*

*Thank you for your patience as we work to keep staff and the community safe.*

---

**From:** McClelland's Dairy <info@mcclellandsdairy.com>

**Sent:** April 11, 2022 2:21 PM

**To:** Crystal Acker <Crystal.Acker@sonoma-county.org>

**Subject:** Comment on Cannabis Cultivation at 334 Purvine Road, Petaluma

Crystal,

Our main concern with the cannabis cultivation on Purvine Road is with the water table. New wells have been drilled there and new water tanks installed to hold more water.

As I testified in the original hearing this area has always been scarce on water. Here at McClelland's Dairy our water table has gone down since this activity has increased and we have been hauling water for our dairy operation.

Additionally there is the drought to consider.

Sincerely,

George McClelland  
6475 Bodega Avenue  
707-664-0452

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**From:** [Gillian Mahrt](#)  
**To:** [Crystal Acker](#)  
**Subject:** Re: UPC17-0020. 334 Purvine Road, Petaluma  
**Date:** April 20, 2022 8:05:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

The water hauled in last summer was not used for construction. There was not any construction occurring at that time. The County has left a huge loop hole in the permit that allows more wells to be drilled at the site. We are in a high nitrate zone and all the wells in the area exceed drinking water standards. Water quality concerns are a convenient excuse to drill more and deeper wells. Our limited water resources have shrunk because of the drought. I was willing to ignore the water truck traffic and all the additional car traffic from their frequent promotional events, but I cannot tolerate the loss of groundwater. For this reason I recommend revoking the use permit for 334 Purvine Road. Sincerely Garry Mahrt.

**From:** [Rachel Zierdt](#)  
**To:** [Crystal Acker](#); [Tennis Wick](#)  
**Subject:** 334 Purvine -  
**Date:** April 24, 2022 7:51:09 AM

---



Dear Sonoma County Officials,

It continues to baffle me how the staff make their determinations. I would appreciate knowing how the conclusion that evidence is not credible when violations are documented by photos etc. came about. Releasing Ms. Acker's report might be helpful.

In my mind, there is ample reason not to extend this project and a public hearing should be scheduled. Her revealed report might be helpful to understand to clarify this (apparently) faulty conclusion.

Regards,

Rachel Zierdt

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**do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Deborah Eppstein](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Scott Orr](#); [Tennis Wick](#)  
**Subject:** UPC17-0020, 334 Purvine Rd, Sonoma Hill Farms  
**Date:** April 26, 2022 12:33:55 PM

---

Dear Crystal,

I am requesting a public hearing for this review for evaluating extension of the conditional use permit for UPC 17-0020, 334 Purvine, for Sonoma Hill Farms. Will the public hearing be with the BZA or the BOS?

I have seen your report recommending approval to extend the cannabis use permit at 334 Purvine for another 3 years. Below are some initial comments on your report as well as letters submitted by the public, including neighbors.

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The three examples discussed below each are violations of the cannabis ordinance and each one is sufficient to deny extending this permit. Even if the applicant states he will not continue with such violations, that should not allow his permit to be extended. This operation has violated the cannabis ordinance for the past two years, and under the current cannabis ordinance, any permit extension needs to be denied.

1) Water usage. Neighbors have witnessed and documented water trucking of tens of thousands of gallons of city water, at least 50,000 gal/day, in 2021, a year of severe drought. They stated that neighboring wells were running dry, including the well at 334 Purvine. Yet your report stated that the owner said the trucked in water was all used for constructions purposes. The only trucked water listed from the state water monitoring board was 3500 gal in May of 2020. You including a letter from the President of Rain for Rent that mentioned attached invoices but they were not included in your report. Can you please send me those invoices? What construction was conducted in summer of 2021 requiring tens of thousands of gallons of water? Have you interviewed the contractor who was using this water exclusively for construction, specifying the amount of such water usage? Based on the 50,000 gal/day of water deliveries observed by neighbors, this sounds like an inordinate amount of water only for construction purposes. Is an equivalent amount of water routinely used for similar construction activities county-wide?

The owners not only are growing almost 1 acre of outdoor cannabis, but additionally have 1 acre of outdoor hemp. Hemp has the same water usage as cannabis, thus more than doubling their water usage from that reported for cannabis. To just accept the owner's statement that all trucked water was for construction is arbitrary.

2) Odor. Neighbors registered numerous odor complaints, with the complaints worst during July-September until harvest. Yet the owners submitted odor logs with incomplete documentation; there was only one indication that they were done in 2020 and none for 2021, as well as incomplete recording of whether they were done in the morning or afternoon. Furthermore, these odor logs were only done by employees! Employees will easily have their smell receptors down-regulated by being closely around cannabis, and thus are an inappropriate party to confirm level of odor. It is also clear from the odor logs that sensitivities of the reporter greatly differ, with only one person more consistently detecting odor. Reporting of odor level was inconsistent, sometimes just listing 'yes' and sometimes listing 'mild'. This monitoring system is completely arbitrary. Odor testing needs to be done by people trained in the process, using scientific methods. The adjacent neighbor filed numerous odor complaints in 2020, yet from your report it did not appear that the county ever sent anyone to verify the odor at their property when complaints were noted. The report also mentioned that there were other cannabis grows in the area that could be contributing to ambient odor. Even if true, that information does not change the total odor being emitted; whether the odor is coming from one or more parcels, the impact of the combined odor is what matters and is governed by the Health and Safety Clause in the ordinance. The multiple deleterious effects from the cannabis operation at 334 Purvine forced the owners of the adjacent property to sell.

3) Canna-tourism. The owners have been conducting canna tourism. They even recently opened an AirBNB rental on the property next to 334 Purvine. The advertising in national sources and on their own web page makes it clear that this is promoting canna tourism. Eg, see "Organic cannabis, and food-cannabis pairing dinners at Sonoma Hills Farm" (Washington Post), and AriBNB's April 5, 2022 advertisement, posted on Sonoma Hill Farm's website: "Live the high life with a cannabis-infused stay at Sonoma Hills Farm..... This April, select Airbnb guests will have the opportunity to experience the crop's benefits to mind, body and earth firsthand via immersive stays at Sonoma Hills Farm" <https://news.airbnb.com/a-cannabis-infused-stay-at-sonoma-hills-farm/> An April 15 article linked on their web page stated about Sonoma Hill Farms that "

<https://www.greenstate.com/business/what-happens-when-a-high-end-california-farm-adds-cannabis-to-the-menu/> Although they end with a disclaimer that guests will only have access to hemp, the intent is clear, to promote canna tourism. Other postings on social media support that this has already occurred, as was also clearly stated during an August 20, 2021 meeting hosted by you and Scott Ohr with the California Cannabis Tourism Association based in Petaluma (now called Cannabis Travel Association International). At this meeting, Gretchen Giles openly discussed ongoing canna tourism at Sonoma Hill Farms (see tape starting at 30:20), saying 'it's a darling' and that "we have tours there all the time." So despite what Sonoma Hill Farms now lists as a disclaimer on their website, their intent and actions are obvious. This is a clear violation of the cannabis ordinance. Even if these activities were to end now, this flagrant violation of the cannabis ordinance is cause for not extending their license. Did Permit Sonoma investigate these violations after hearing them openly discussed on August 20?

[https://sonomacounty.zoom.us/rec/play/yP-H-BvhBFvWNiiEDRU0gCOQpj01Ok8Q55Mu9xkL5O00w\\_WKYtMTGhGeb1PH3fa\\_XX2thCsue4W3c\\_lr.dWiZHMlbcPqvSJuC](https://sonomacounty.zoom.us/rec/play/yP-H-BvhBFvWNiiEDRU0gCOQpj01Ok8Q55Mu9xkL5O00w_WKYtMTGhGeb1PH3fa_XX2thCsue4W3c_lr.dWiZHMlbcPqvSJuC)

I look forward to your reply, to seeing your results of a thorough investigation of the complaints and violations of the cannabis ordinance, and to the scheduling the public hearing.

Best,  
Debby

Deborah Eppstein, PhD  
801-556-5004

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**From:** [Sanjay Bagai](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Tennis Wick](#)  
**Subject:** Request for Public Review Permit  
**Date:** April 26, 2022 7:28:20 PM

---

Dear Crystal,

I am requesting a public hearing for this review to evaluate the conditional use permit extension for UPC 17-0020, 334 Purvine, for Sonoma Hill Farms. Please let me know the applicable fees and detailed procedure and process for such review.

*Best,*  
*Sanjay*  
*[+1 510 599 5272]*

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**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Deborah Eppstein](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Scott Orr](#)  
**Subject:** More on Water and promotional activities Re: UPC17-0020, 334 Purvine Rd, Sonoma Hills Farm  
**Date:** April 27, 2022 3:03:05 PM  
**Attachments:** [1478 Freestone Dept Cannabis Control \(DCC\) July 20 2021.pdf](#)

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Crystal, here are additional comments concerning the cannabis cultivation operation at 334 Purvine.

Trucked in water

You have been provided with well-documented evidence that Petaluma Creamery water trucks were filling with water from Santa Rosa city water, from hydrants that were licensed to Petaluma Dairy only for dairy use (report attached below for convenience). Large quantities of this water were transported to 334 Purvine. These frequent (multiple times daily) water deliveries were documented in the attached report and observed by many neighbors in the summer of 2021 (July-August). The Petaluma Creamery water trucks were not registered with DOT for water hauling or with DCC as required for such use for cannabis irrigation. Furthermore, cannabis operations are required to have adequate on site water: § 26-88-254(g) (10) "An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees." Using trucked city water is against the cannabis ordinance. This water supplied by Petaluma Creamery trucks is completely separate from the Rain for Rent trucked-in water that you referenced in your report that was stated as used only for construction purposes. I still would like to see the invoices they referenced for this construction water usage.

2021 was the second year of severe drought. Wells of surrounding neighbors were losing capacity and going dry, as was the well at 334 Purvine; the additional huge water use from 334 Purvine hastened the drying up of near by wells (noted in letters from several neighbors- Garry Mahrt, 421 Purvine and 4000 Middle Two Fork Rd; Richard Strozzi-Heckle, 4101 Middle Two Rock Rd; Curtis and Jill Coffin, 4257 Middle Two Rock Rd; Phoebe Lang, 105 Purvine; Sanjay Banga, 105 Purvine; Gary McClelland, 6475 Bodega Ave). Neighbors observed several well drilling rigs recently, and have spoken with water haulers who were offered large sums of cash for delivering trucked water to 334 Purvine. Simply put, there is not sufficient ground water in this area for commercial cannabis. These concerns were raised by neighbors prior to the initial CUP approval, but apparently ignored. DCC has previously written to Scott Orr that all water usage for cannabis cultivation in the county needs to be analyzed in conjunction with all other water uses county wide (July 20, 2021 letter attached, see p3): "cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer". Ie, does water usage at one site affect water availability at other sites? That certainly is the case here, separate from the illegal water hauling discussed above. Neighbors expressed these very concerns prior to and at the initial public hearing for this project, but they have been ignored.

Clearly this trucked city water is in gross violation of the cannabis ordinance, and of itself should result in revoking of the use permit, and certainly not granting its 3 year extension.

This trucked water is very different from what was discussed in your report, where a completely different source, Rain for Rent water, was stated to be used only for construction. This Petaluma Creamery illegal water hauling was not addressed in your report.

Promotional events related to commercial cannabis activities.

This illegal water hauling violation is in addition to the numerous other violations, including public nuisance from odor, lighting, signage, employee housing and canna tourism, among others, detailed in letters from neighbors and previously submitted to you.

Concerning the promotional events, § 26-88-250(5) reads: "Tasting, promotional activities, and events related to commercial cannabis activities are prohibited." Although the current advertising by Sonoma Hills Farm states that the visitors at the AirBNB event do not tour the cannabis facilities directly, it is clear from the promotional material that these events are 'related to commercial cannabis activities.'

Thus the AirBNB listing linked on SHF web media page states: "IF CANNABIS IS YOUR THING, Airbnb has partnered with Sonoma Hills Farm to give you an experience you'll never forget. You could be one of three lucky people to bring a friend on an adventure to live the high life by booking a [cannabis farm stay in Petaluma, California](#), for just \$60 per night (a reference to the farm's 60 acres)...Guests will spend time learning and participating in the farm's planting season and maybe even dig a hole for a cannabis plant or two."

Another posting listed on SHF web page from Thrillist provides a quote from Chief Cannabis Cultivator Aaron Keefer: "By offering an insider's look into how we carefully cultivate our products—be they vegetables or cannabis strains—we hope to offer a stay that's equal parts relaxing and enriching," Keefer says.

And from the Washington Post "Sonoma Hills Farm will offer guests a first-hand look at cannabis farming." Nov 18, 2021 [https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9\\_video.html](https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9_video.html)

Recent media posts advertised "Organic cannabis, and food-cannabis pairing dinners at Sonoma Hills Farm. What an honor to host @washingtonpost for an intimate private meal prepared by @nightbirds's @kimalter paired with Sonoma Hills Farm's fresh exotic estate cannabis flower." [https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9\\_video.html](https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9_video.html)

These clearly are "promotional activities related to commercial cannabis" conducted openly by Sonoma Hills Farm. Just because they now list a 'disclaimer' on their web page does not remove past infractions, nor the obvious promotional content for their commercial cannabis with their current AirBNB advertising.

I have summarized above just two of the violations of the Conditions of Approval by Sonoma Hills Farm (in addition to the Odor violations discussed in my prior email), either one of which should require denial of extension of their permit and/or revocation of their permit.

I look forward to your reply to these points.

Thanks,  
Debby

Deborah Eppstein, PhD

[PRMD Part 1.pdf](#)

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On Apr 26, 2022, at 12:33 PM, Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)> wrote:

Dear Crystal,

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Best,  
Debby

Deborah Eppstein, PhD  
801-556-5004



July 20, 2021

Scott Orr, Deputy Director of Planning  
Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for UPC17-0069;  
Freestone Ranch LLC (SCH No. 2021060487)

Dear Mr. Orr:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Sonoma for the proposed UPC17-0069; Freestone Ranch LLC (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a)(2).) All commercial cannabis cultivation within the California requires a cultivation license from DCC. For a complete list of all license requirements, including regulations, please visit: [https://static.DCC.ca.gov/MCCP/document/DCC%20Final%20Regulation%20Text\\_01162019\\_Clean.pdf](https://static.DCC.ca.gov/MCCP/document/DCC%20Final%20Regulation%20Text_01162019_Clean.pdf).

DCC expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Sonoma County.

DCC offers the following comments and recommendations concerning the IS/MND.

## **General Comments (GCs)**

### ***GC1: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the Proposed Project requires a cultivation license from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's regulations, similar to the discussion provided with regard to County regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

### ***GC 2: AB 52 Compliance***

The IS/MND does not contain a description of the AB 52 compliance process for the Proposed Project. The document would be strengthened if it included a detailed description of this process, including a list of tribes that were contacted, the date(s) upon which those tribes were contacted, and any responses received.

### ***GC 3: Permits and Approvals***

The IS/MND does not list DCC as a public agency whose approval would be required to operate the Proposed Project. The IS/MND could be improved if it listed all agencies requiring approval of the Proposed Project, including DCC and the

California Department of Fish and Wildlife, as well as other state cannabis business licensing agencies, if applicable. It would also be more informative if the permit required from each agency was listed.

#### ***GC 4: Site-Specific Reports and Studies***

The IS/MND references several project-specific plans, studies, and project-specific data, including Biological Resources Assessment, Greenhouse Gas Emission Reduction Plan, Fire Safety and Evacuation Plan, Water Conservation Plan, Stormwater Management Plan, Erosion and Sediment Control Plan, and Noise Study. In addition, to ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

#### ***GC 5: Evaluation of Cumulative Impacts***

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in Sonoma County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the County, and any other reasonably foreseeable projects in Sonoma County that could contribute to cumulative impacts similar to those of the Proposed Project.

### **Specific Comments and Recommendations**

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

<b>Comment No.</b>	<b>Section No.</b>	<b>Page No.</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
1	V. Setting	4	N/A	Figure 3	The quality of the Site Plan (Figure 3) is such that details cannot be discerned. DCC requests that the County advise applicants to provide a higher resolution copy of the Site Plan with their state application package for their annual cultivation license to DCC.
2	VI. Project Description	5-7	N/A	N/A	The IS/MND would be improved if it included a description of any equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.
3	VII. Issues Raised by the Public or Agencies	7	N/A	A referral packet was drafted and circulated to inform and solicit comments from relevant local and state agencies; and to special interest groups that were anticipated to take interest in the project.	DCC requests that the County include DCC on the list of agencies to receive referral packets for future cannabis projects.  In addition, the IS/MND would be strengthened if it included a summary of the responses received from local and state agencies.
4	VIII. Other Related Projects	7	N/A	The two neighboring parcels (APN 026-080-008 and APN 026-080-007) west of the parcel site have received cannabis permits.	The IS/MND would be improved if it included an analysis of the cumulative impacts of these neighboring cannabis projects. See GC 5.

<b>Comment No.</b>	<b>Section No.</b>	<b>Page No.</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
5	1.d.	12	Aesthetics	The proposed new structures could introduce new sources of exterior light and possible glare.	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 8304(c), 8304(g)).
6	3.c	18	Air Quality	There would be no long-term increase in emissions, and any potential dust emissions would be reduced to less than significant through application of the Ordinance and permit issuance requirements described in Section 3.b above.	Section 3.b does not appear to discuss Ordinance and permit requirements related to long-term operational air emissions. The document would be improved if it included a description of criteria air pollutant emissions that could result from cannabis cultivation operations and routine maintenance at the project site, including emissions resulting from heavy equipment, delivery trucks, and employee vehicles on dirt and gravel roads. Further, the document would be improved if it provided an analysis of whether such emissions would impact nearby sensitive receptors.
7	3.d	18	Air Quality	Regardless, the County has determined that because the project is	The document would be improved if it described how compliance with the

Comment No.	Section No.	Page No.	Resource Topic	IS/MND Text	DCC Comments and Recommendations
				<p>odor generating and within the minimum one-mile screening distance, “a public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.”</p> <p>The code requirements are adequate to ensure that potential odor impacts would be less than significant.</p>	code requirements would ensure odor impacts would be less than significant.
8	4	19-30	Biological Resources	N/A (General Comment)	The IS/MND would be improved if it provided an analysis of potential impacts to biological resources resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.

Comment No.	Section No.	Page No.	Resource Topic	IS/MND Text	DCC Comments and Recommendations
9	4.a.	25	Biological Resources	<p><b>BIO-1: Monitor Special Status Plants Onsite:</b> To ensure no take of individuals and compliance with CDFW guidelines, three additional seasonal surveys shall be conducted in March, April, and May for four special-status plant species:</p>	<p>The IS/MND does not clearly indicate whether the surveys must take place prior to construction. In addition, it does not clearly indicate whether these surveys are mandated only one time, or whether they must be completed annually. The document would be improved if it specified the timing of the seasonal surveys for special status plants.</p>
10	10.b.	45	Hydrology and Water Quality	<p>The project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time.</p>	<p>The IS/MND would be improved if it provided support for this statement. The document would be strengthened if it included information regarding the estimated amounts of water use for the Proposed Project, status of the groundwater basin, and any water efficiency equipment that would be installed. In addition, an analysis of the cumulative impacts of the Proposed Project on the groundwater basin should be included. (See GC 5.)</p>
11	19.b.	61	Utilities and Service Systems	<p>The project is unlikely to cause a decline in groundwater elevations</p>	<p>The IS/MND would be improved if it provided support for this statement. The document would be strengthened if it included information regarding the</p>

<b>Comment No.</b>	<b>Section No.</b>	<b>Page No.</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
				or deplete groundwater resources over time.	estimated amounts of water use for the Proposed Project, status of the groundwater basin, and any water efficiency equipment that would be installed. In addition, an analysis of the cumulative impacts of the Proposed Project on the groundwater basin should be included. (See GC 5.)
12	21.b	78-79	Mandatory Findings of Significance (Cumulative Impacts)	N/A	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and provide an analysis of whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at [kevin.ponce@cannabis.ca.gov](mailto:kevin.ponce@cannabis.ca.gov).

Sincerely,

Lindsay Rains  
Licensing Program Manager

**From:** [Rachel Zierdt](#)  
**To:** [Eric Koenigshofer](#); [Greg Carr](#); [Pat Gilardi](#); [Crystal Acker](#)  
**Subject:** 334 Purvine  
**Date:** May 27, 2022 6:26:02 PM

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Dear Members of the BOZ,

Before the BOZ is a request for a three year renewal of a cannabis permit that has clearly not met its legal requirements.

Why the county continues to condone bad actors is incomprehensible to me and further engenders anger and lack of faith in the process of permitting cannabis? Evidence has been given to the county of violations especially in regards to trucking in water. The county made no effort to look at the evidence choosing instead to “take the word” of the applicant despite everything pointing to the fact that the opposite is really the truth. I ask that the BOZ do due diligence and look at what has been presented to the county and find the request to extend this permit is not warranted.

Best Regards,  
Rachel Zierdt

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**From:** [Alexa Wall](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Tennis Wick](#)  
**Subject:** UPC17-0020 (334 Purvine Rd., Petaluma)  
**Date:** May 30, 2022 8:30:21 AM

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Hi Crystal,

We are writing to express our sincere and unequivocal support of the cannabis permit at 334 Purvine Road. Not only has the applicant provided the necessary documents to prove that their project satisfies all of the requirements of the cannabis land use ordinance, but the project has already been approved!

Cannabis odor is a natural agricultural smell and this project is located in an agriculture zone. There should be no further discussion needed especially when hemp, the same plant, can be grown practically anywhere. This makes zero sense and to us this hearing is a waste of our County's valuable time that could be spent addressing other necessary matters.

We have had a chance to tour Sonoma Hills Farm personally and we were amazed. No bad smells when we visited. This farm is exactly what this county needs and we should be PROUD of what Sonoma Hills Farm is doing. They are a regenerative farm, members of local advocacy groups like Sonoma County Growers Alliance, fighting for fair rules and they are active members of the cannabis community trying to do the right thing and set a good example. Please support their project and pass the two year review.

PS: I love the smell of cannabis plants! It's no problem to our household and we much prefer it over the smell of manure. But we deal with it because we accept that we live in a county full of smells!

Thanks,  
Alexa & Curtis Wall  
Penngrove Residents

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## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** UPC17-0020  
**DATE:** April 11, 2019  
**TIME:** 2:20 pm  
**STAFF:** Crystal Acker, Project Planner

Appeal Period: 10 calendar days

### SUMMARY

**Applicant:** Petaluma Hills Farm, LLC., Samuel Magruder, Managing Member  
**Owner:** Sonoma Hills Farm, LLC., Michael Harden, Managing Member  
**Location:** 334 Purvine Road, Petaluma  
**APN:** 022-230-020 **Supervisory District No.:** 2  
**Subject:** Cannabis Use Permit for Mixed Light, Indoor, and Outdoor Cultivation

**PROPOSAL:** Request for a Use Permit for a commercial cannabis operation, including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, and 28,560 square feet of outdoor cultivation, for a total proposed cultivation canopy area of 39, 536 square feet (less than 1 acre/43,560 square feet). Accessory operations requested include 4,080 square feet of indoor propagation (less than 25% of cultivation canopy area), and processing of site-grown cannabis, consisting of trimming, drying, curing, weighing, and packaging. Project operations are proposed in new and repurposed structures in the same portion of the 37.02-acre parcel where farm development currently exists.

**Environmental Determination:** Proposed Mitigated Negative Declaration  
**General Plan:** Land Extensive Agriculture (LEA) 100-acre density  
**Specific/Area Plan:** Petaluma Dairy Belt Area Plan: Land Extensive Agriculture  
**Zoning:** Land Extensive Agriculture 100-acre density (LEA B6 100), Accessory Dwelling Unit Exclusion (Z)



**Land Conservation**

**Contract:** Not Applicable

**Ord. Reference:** 26-06-020(t) – Land Extensive Agriculture Uses Permitted with a Use Permit;  
26-88-250 – Commercial Cannabis Uses;  
26-88-254 – Cannabis Cultivation-Commercial

**Application Complete**

**for Processing:** December 11, 2017

**RECOMMENDATION:** Recommend that the Board of Zoning Adjustments approve the request, with conditions, for a five-year limited term Conditional Use Permit for a commercial cannabis cultivation operation including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, 28,560 square feet of outdoor cultivation, 4,080 square feet of indoor propagation, and associated processing of site-grown cannabis.

**EXECUTIVE SUMMARY:** Staff is recommending approval of the cannabis use permit application because:

- The proposed project is consistent with the General Plan because it supports ongoing agricultural activities, preserves the agricultural character of the area, and does not increase residential density of the area.
- The proposed project is consistent with the Petaluma Dairy Belt Area Plan because it supports ongoing agricultural uses, preserves the agricultural character of the area, and does not increase residential density of the area.
- The proposed project meets the development criteria of Sonoma County Cannabis Ordinance and will meet the operating standards of the Ordinance through compliance with recommended conditions of approval.
- Commercial cannabis cultivation and processing are allowed uses in the Land Extensive Agriculture zoning district.
- The design, location, size, and operating characteristics of the project are considered compatible with the agricultural zoning and surrounding land uses in the vicinity due to the large parcel size of the site (37.02 acres) and the ample distance between proposed cannabis cultivation sites and residential neighbors.
- The Site Security Plan for the project includes robust security measures which exceed requirements, has been reviewed by the Sonoma County Sheriff's Office, and has received a positive evaluation from the County Sheriff.

## ANALYSIS

### **Background:**

Regulations. In October 2015, the Governor signed three bills into law collectively known as the Medical Cannabis Regulations and Safety Act establishing the State's first licensing system for commercial medical cannabis activity.

In November 2016, California voters approved Proposition 64, legalizing the adult use and possession of cannabis.

On December 20, 2016, the Sonoma County Board of Supervisors adopted the Cannabis Ordinance (No. 6189) to establish a comprehensive local program to permit and regulate medical cannabis to align with State Regulations. The ordinance was intended to preserve environmental resources, protect the health and safety of communities, and ensure the industry contributes positively to the economic vitality of the County.

In June 2017, the Governor signed a bill creating a single regulatory scheme for both medical and adult use cannabis businesses.

On October 16, 2018, the Sonoma County Board of Supervisors adopted an amendment to the Cannabis Ordinance (No. 6245), extending the maximum term of cannabis use permit from one year to five years, authorizing adult use in addition to medical with a use permit, increasing minimum parcel size in agricultural and resource zones, allowing non-flowering propagation up to 25% of the permitted cultivation area with a use permit, and clarifying a number of additional items, such as setbacks and definitions.

Application Processing. On August 16, 2017, a Use Permit application was submitted for Cultivation (mixed Light, Indoor, and Outdoor), and associated Processing. The applicant did not enroll in the penalty relief program; no commercial cannabis is currently grown on the site.

On August 24, 2017, Permit Sonoma sent notification of the proposed project to neighboring properties within 300 feet of the parcel boundaries. A number of public comments with concerns regarding the project have been received since the early notification letter was sent out. These letters are part of the administrative record and have been attached to this Staff Report for reference (Exhibit C).

On September 5, 2017, an initial site inspection was performed by County staff.

On December 11, 2017, the application was deemed complete for processing.

On December 3, 2018, the application was amended to request a 5-year permit term, adult use, and indoor propagation.

On December 14, 2018, another site visit was performed by County staff.

On March 11, 2019, a draft Initial Study/Mitigated Negative Declaration was published for public review and submitted to the State Clearinghouse for State Agency review (SCH Number 2019039068). The public review period is 30 days, from March 11-April 11.

On March 11, 2019, Permit Sonoma sent notification of the hearing date and availability of the Mitigated Negative Declaration to neighboring properties within 1,000 feet of the parcel boundaries, and to all members of the public who had previously requested notice as an "interested party." A number of public comments with concerns regarding the project have been received in response to the hearing notification and Mitigated Negative Declaration review period. These letters are part of the administrative record and have been attached to this Staff Report for reference (Exhibit C).

On March 11, 2019, two public hearing signs were installed on the Purvine Road frontage on the proposed project site.

## **Project Description:**

### Project Overview

Petaluma Hills Farm, LLC., proposes a commercial cannabis operation within a new 15,353 square foot building including 8,096 square feet of mixed light canopy (Type 2B state license), 2,880 square feet of indoor canopy (Type 1A state license), and 4,080 square feet of indoor non-flowering propagation, for a total cultivation canopy area of 39, 536 square feet (less than 1 acre/43,560 square feet). The operation would also include 28,560 square feet of outdoor cultivation (Type 3 state license). The applicant is not participating in the penalty relief program; no commercial cannabis is currently grown on the site.

On-site processing of site-grown cannabis is also proposed consisting of trimming, drying, curing, weighing, and packaging. Proposed hours of operation for cultivation, indoor processing, and outdoor harvesting are 24 hours per day, seven days per week, as needed. Outdoor cultivation will only take place for 5-6 months per year during the growing season, and all outdoor cultivation activities, with the exception of harvest, would be limited to daytime hours. Deliveries and shipping would be limited to 8:00 am to 5:00 pm Monday through Friday. The cannabis operation would have a maximum of 10 employees, including 2 full-time security guards, an on-site manager, and up to 7 cultivation, processing, and harvest employees. The operation will not be open to the public.

Existing cattle grazing on 25 acres and 1-acre chef's garden operations would continue, independently from the cannabis operation (See Site Characteristics below for more description of existing operations not associated with the requested use permit).

All structures would be located in approximately the same footprints as existing or previous structures within the developed interior portion of the parcel. The majority of the land (over 25

acres) would remain as open pastureland to support cattle grazing. The outdoor cultivation area would be located where the previous poultry barns were. The indoor/greenhouse cultivation building would be located where the former dairy barn was located. The drying barn would be located in place of the former hay barn, and all other operations would take place in repurposed existing buildings. Therefore, the overall level of structural development would be similar to the existing condition. Refer to proposed Site Plan (Exhibit B - Figure 1), and the proposed Cultivation Floor Plan (Exhibit B - Figure 5). Identification codes below (e.g., P1), correspond to the Site Plan.

### Cultivation and Processing Facilities

The following three structures are the only buildings where cannabis would be present at any time during the proposed operation. Each of these buildings would have a security system installed, including security lighting and cameras, and controlled access by key card or digital code, protected by an alarm system.

The new 15,343-square-foot greenhouse (P1) and indoor cultivation (P7) building would consist of a corrugated metal building with metal framing and solid walls on a concrete slab foundation.

The mixed light greenhouse portion of the building would have a frosted refracted glass paned gabled roof with retractable curtains and would contain four greenhouse bays. The roof curtains would be designed to fully contain the light and ensure that no light escapes between sunset and sunrise or would be visible from neighboring properties. Flowering cannabis plants in the greenhouse would be grown in soil medium in containers in a single level. The entire greenhouse portion of the building would be used for flowering cultivation, approximately 8,096 square feet of flowering canopy.

The indoor portion would have a solid gabled roof instead of glass, and would be the same width as two greenhouse bays. One bay would contain flowering cannabis plants in a 3-tiered mobile racking system totaling about 2,880 square feet of flowering canopy. The other bay would contain approximately 4,080 square feet of non-flowering canopy in two propagation rooms for mothers and vegetative plants, also using 3-tiered mobile racking systems. Mobile racks maximize cultivation space so that less walkway space is needed for cultivators to reach all plants. One full-width aisle is provided along one side and at the end of each cultivation room when all the racks are pushed together. When the end rack is pushed against the end wall, it creates a new aisle between the adjacent racks. Each additional rack can move along a track to provide a new aisle until reaching the opposite wall. Plants would be grown in soil medium in trays or containers. The indoor facility would also include non-cultivation areas, including a harvest room and changing room.

Soil would be delivered to the site, as needed. Used soil would be composted along with cannabis green waste and re-used in the operation. Irrigation and application of fertilizer and growth

amendments would occur using timer/sensor-driven drip irrigation. A perimeter fence (see below under Fencing for more details) would be constructed around the greenhouse/indoor structure and additional outdoor area designated for cannabis green waste composting and soil reclamation processes to provide security and screen the operations from view.

The new 3,611-square-foot drying barn (P8) would be constructed of wood framing and wood siding on a concrete foundation in the same footprint as the old hay barn (B8). The new barn would be approximately the same height as the former, consisting of a ground floor and partial second floor/central loft area. Walls would be clad with salvaged barn wood from the original barn to maintain the agrarian character, and the barn roof would be gabled to match the look of the original barn. Drying of site-grown cannabis is the only processing activity that would occur in the barn. The structure would include a separate room to house hazardous materials, such as fertilizers, and additional non-cannabis storage would occur on the second floor. No cultivation would occur in the structure.

The repurposed 1,440-square-foot concrete block packaging and inventory storage building (B3/P10) would require framing/structural improvements to meet current building code. Interior improvements and installation of a security system and secure temperature-controlled storage are also proposed. Processing activities, including trimming, curing, and weighing of cannabis, would occur in this structure and be limited to cannabis grown on-site; no importation of off-site cannabis would be allowed. Packaging and short-term storage of products prior to transfer to a licensed and permitted distributor would also occur in this structure. The structure would be equipped with a roll-up door for secure loading of cannabis products. Transport vehicles would pull inside the secure loading fence immediately outside the rollup door, and loading would occur inside the fence with the fence gates closed. No cultivation would occur in the structure.

### Odor and Climate Control

The indoor cultivation and mixed light greenhouse building would be equipped with a self-contained, closed-loop climate control and air filtration system. All cultivation rooms would contain carbon filters and multiple fans to diminish cannabis odor. Carbon filters pull odor out of the air and neutralize odors that pass through the room. Additionally, carbon filters can filter out mold and mildew spores. Odor inspections are proposed to be conducted daily by the on-site manager. Inspections would include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and would include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/greenhouse, and both processing buildings).

The odor filtration system would function in tandem with the climate control system. Air would be continually conditioned and re-circulated around the building interior by blowers to maintain the exact desired temperature and humidity at all times, year-round. The only exterior component of the system is the chiller unit, which would be ground mounted on a concrete pad outside the

cultivation building on the east (property interior) side. Processing buildings would have similar closed loop climate control and carbon filter systems, but with smaller residential HVAC units, instead of a commercial chiller.

#### Lighting and Energy Use

Indoor and greenhouse lighting would consist of liquid-cooled LED horticultural lights, which are extremely efficient and can reduce facility energy costs by up to 70% over traditional high pressure sodium (HPS) grow lights. The liquid cooling is a closed loop system which pulls heat away during the hot summer months and recirculates it through the facility during winter to reduce both heating and cooling needs and increase both water and energy efficiency. The applicant is currently enrolled in the Sonoma Clean Power EverGreen program to satisfy the requirement of the cannabis ordinance that all energy use must be 100 percent renewable.

#### Outdoor Cultivation

Outdoor cannabis (P9) would be cultivated in a 28,560-square-foot area in the former location of the poultry barns. Outdoor cultivation would occur during the May to October outdoor growing season with one harvest conducted, typically in late October. Plants would be cultivated in-ground with dry-farming techniques and be irrigated on a limited basis by timer/sensor-driven drip irrigation to limit water use and prevent surface runoff. A perimeter fence (see below under Fencing for more details) would be constructed around the entire outdoor cultivation site to provide security, screen the site from view, and provide a deflection windbreak for odor management.

No engineered odor control system is required by the cannabis ordinance for outdoor cultivation. However, the cultivation site is proposed near the center of the parcel in a location greater than 200 feet away from the nearest property boundary and greater than 600 feet away from the nearest off-site residence to limit potential for off-site odors.

#### Support Facilities

Support facilities would be used by staff in the proposed operation, but would not contain cannabis at any stage of the commercial process.

The existing residence (B10) (currently under rental) would be used to house the on-site manager and his or her family. No changes to the house are proposed.

The existing 792-square-foot detached garage (B9) contains a small office space which would be enlarged and improved to accommodate a security office and an additional office. The remaining portion of the garage would continue to serve as parking and storage for the primary residence.

The existing 901-square-foot accessory dwelling unit (B11) would be converted to an office/employee break room with an Americans with Disabilities Act (ADA) accessible restroom, and additional non-cannabis storage.

### Fencing and Landscaping

Security fencing would be installed around the outdoor cultivation area and around the greenhouse/ indoor cultivation building, including a designated cannabis green waste composting/soil reclamation area. Fencing would include security lighting and cameras, and controlled access by key card or digital code, protected by an alarm system. Proposed fencing would consist of 7-foot-tall chain link and green plastic slat with 3 rows of barbed wire on the top (8 feet total height).

Proposed landscaping in front of the fence would consist of rose bushes planted along the fence on exterior sides (facing Purvine Road & neighbors to the southwest). Drought-tolerant, fire-resistant, trees and shrubs would then be planted in front of the roses.

A new 8-foot wood fence was also recently constructed between the project property and their neighbors to the southwest, at the neighbor's request. No permit is required for this type of fence in agricultural zoning.

### Driveway, Access, and Parking Improvements

The existing driveway entrance would be widened to 24 feet and an electronic security gate would be installed a minimum of 30 feet back from Purvine Road. The remaining driveway would be widened to 20 feet in the property interior and would be paved to the security office. Remaining access roads would be improved gravel or dirt. A fire truck turnaround would be constructed to the west of the greenhouse/ indoor perimeter fence. The improvements would widen and improve the angle for access to the driveway and would be done at the same time as the grading for the new buildings.

A gate camera/intercom system would be installed to communicate with the security office (B9) and control site access. All staff, all vendors, and all visitors would be required to check in with security staff prior to entering the gate.

Ten parking spaces would be provided, including four accessible parking spaces compliant with ADA Standards for Accessible Design. One accessible space would be located at each building (greenhouse/indoor cultivation complex, security office, one at each processing building).

### Water Supply

An existing domestic water well is located in a pump house (B12) on the northwest portion of the site. In addition, two shallow "hand dug" water wells are present, one located approximately 220

feet south of the domestic well and the other located approximately 370 hundred feet south of the domestic well. These shallow wells were likely dug associated with previous ranching operations to supplement watering for livestock; however, they are not proposed for use in the cannabis operation or included in water supply calculations for any of the proposed or existing uses.

A rainwater harvesting system would also be installed to capture up to 40,000 gallons from the greenhouse/indoor cultivation building roof. The rainwater would be filtered and used to supplement cultivation irrigation. In addition, greywater would be captured from the handwashing sink in the indoor building and from bioswales constructed downslope of the greenhouse/indoor cultivation complex and used only to supplement irrigation of perimeter fence landscaping.

Water Storage Tanks: Four 10,000-gallon rainwater collection tanks (P3) would be installed for irrigation (40,000 gallons total). Three additional irrigation tanks (two 10,000-gallon; one 5,000-gallon) would be connected to the existing well pump house and filled with well water (25,000 gallons total).

Two 5,000-gallon tanks would be installed for fire suppression (10,000 gallons total), also filled with well water. A 1,500-gallon graywater tank would be installed and used only to supplement irrigation of the fence landscaping around the greenhouse/indoor cultivation complex. Two existing 2,500-gallon well water storage tanks are present near the existing well house.

#### Solid Waste and Wastewater Disposal

All cannabis plant waste and all used soil or other cultivation planting mediums would be collected in a dedicated secured waste area (P2), and composted for reuse in the cultivation operation. Cannabis green waste would be ground up in a small wood chipper and mixed with soil and/or mulch prior to composting.

A covered solid waste enclosure for non-cannabis waste only (P5) would be constructed south of the concrete block processing building (B3, P10).

Domestic wastewater disposal would be via the two existing septic systems, one 1,200-gallon system for the primary residence (B10) and one estimated 650 gallon tank for the granny unit conversion to an ADA compliant restroom and employee office/break room (B11/P11).

#### Construction

Project construction is anticipated to occur over 6-8 months, with work hours from 7:00 am to 7:00 pm Monday – Saturday as weather permits, and no construction grading or heavy construction during holidays. Construction would begin with site preparation, including clearing and grubbing to provide a relatively flat surface and remove old foundations and building debris within the project area. Rough grading activities would include building pad preparation and grading of roads and

walkways to elevations shown on final improvement plans, and installation of sediment and erosion control features. Concrete slab foundations for the new greenhouse/indoor cultivation facility and new drying barn would be constructed next, followed by vertical construction of new buildings, and remodeling/interior improvements to existing buildings. The final phase would include finished hardscapes, installation of fencing, landscaping, and water storage/irrigation systems. A variety of construction equipment would likely be used, including an excavator, bulldozer, backhoe, grader, cement mixers, pavers, and other general construction equipment.

The proposed earthwork would balance on site and would not require import or export of soil. Additional crushed rock for road base and a base for the building slabs would be brought on site with dump trucks. Appropriate Best Management Practices, including dust control, would be implemented throughout construction, as needed.

#### **Site Characteristics:**

The parcel is 37.02 acres in size, and is located in an unincorporated, rural agricultural area in the Petaluma Dairy Belt of southwest Sonoma County, approximately 4.5 miles west of the City of Petaluma, about 3 miles southeast of Two Rock, and about 2 miles northeast of the Sonoma County-Marín County border (Exhibit B – Figure 3). The U.S. Coast Guard Training Center is about 1.5 miles to the west. Laguna Lake is approximately 1.5 miles to the south, and Stemple Creek is about 2 miles to the northwest. Surrounding parcels are generally large agricultural properties. The parcel is accessed from Purvine Road, a public County road via either Spring Hill Road or Middle Two Rock Road (Exhibit B – Figure 4).

Existing structural development occurs mostly in the center of the parcel, including one primary residence, one 901 square foot accessory dwelling unit, a detached garage, three barns, a storage shed, and a well pump house. There is an existing domestic water well and two existing septic systems, serving the main house and accessory dwelling unit. The entrance to the property is a dirt/gravel driveway. In 2016, a recorded lot line adjustment created the current Assessor's Parcel Number (APN) for the property; prior to this it was part of APN 022-230-018. The parcel is not part of a subdivision. The nearest off-site residence is about 600 feet away from the proposed outdoor cannabis cultivation location.

There are existing trees on the property, primarily a row of eucalyptus along the Purvine Road frontage and a few other species (e.g., coast live oak, Monterey pine, coast redwood, fan palm) planted around the residential structures. A few remnant orchard trees are present southwest of the farm buildings (cherry, apple, and grapefruit). However, most of the site consists of gently sloping, open pastureland vegetated by non-native annual grassland, which is common to heavily grazed areas.

Site drainage occurs by overland flow to the southwest. Site elevation ranges from 320 feet MSL at the eastern end to 240 feet MSL at the southwestern corner. There are no waterways or wetland features on the parcel. The site is located in a Groundwater Availability Class 2 – Major Natural Recharge Area, and is not within a Medium or High Priority basin defined under the Sustainable Groundwater Management Act (SGMA). The nearest SGMA basin is Petaluma Valley, about 3 miles to the northeast.

The General Plan Land Use Designation on the parcel is Land Extensive Agriculture 100-acre density. The site is also designated Land Extensive Agriculture by the Petaluma Dairy Belt Area Plan. The project is not located on a bikeway or closer than two miles to an existing or proposed bikeway. The closest proposed Class II bikeway is Bodega Ave to the north.

The parcel is not under a Land Conservation Act Contract (Williamson Act). The project site is mapped as Farmland of Local Importance, which not a category designated as Important Farmland by the state Farmland Mapping and Monitoring Program.

#### Existing Agricultural Operations

Approximately 25 acres of pastureland (about 68% of the total land area) is leased for grazing, which will continue separately from the proposed cannabis operation.

An approximately 1-acre area in the western corner of the property along Purvine Road is leased to SHF Jugo, Inc., as an organic chef's garden. The lease includes use of an existing barn (B2) and storage structure (B7). The garden operation raises and sells organic produce by contract direct to restaurants. One head farmer runs the operation with 2-4 seasonal employees to help during planting and harvest. This operation will continue separately from the proposed cannabis operation.

Refer to the Premise Map (Exhibit B – Figure 2) for locations of each operation/leasehold located on the parcel.

#### **Surrounding Land Use and Zoning:**

This area is largely rural, located in the hills west of Petaluma. Surrounding parcels to the subject site are zoned Land Extensive Agriculture, with a density of 100 acres per dwelling unit (LEA-100) or 60 acres per dwelling unit (LEA-60). Surrounding land uses are predominantly pasture land, dairy and poultry farms, horse and canine facilities, and rural residential development. Uses on the adjacent agricultural properties include a dairy to the northwest (McClelland's Dairy), grazing land and a residence to the east (about 750 feet away from the proposed greenhouse), undeveloped grazing land to the south, and a residence to the southwest (about 600 feet away from the proposed outdoor cultivation area). Nearby commercial operations include McClelland's Dairy, Reichardt Duck Farm, Spring Hill Cheese, Two Rock Dog Ranch, and the Great Peter Pumpkin Patch.

## DISCUSSION OF ISSUES

### **Issue #1: General Plan Consistency**

The subject property has a General Plan Land Use designation of Land Extensive Agriculture, which is intended to ensure the stability and productivity of the County's agricultural lands and industries, specifically by enhancing and protecting lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. Section 2.6 of the General Plan Land Use element identifies the intended policy and permitted uses for Land Extensive Agriculture areas. This land use designation is intended to establish and maintain densities and parcel sizes that are conducive to continued agricultural production.

In adopting the Cannabis Ordinance, the Sonoma County Board of Supervisors determined that cannabis uses (including cultivation and processing) are consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan pursuant to Ordinance No. 6189 Section I. Findings. U. By requiring a conditional use permit for cannabis cultivation in the Land Extensive Agriculture zone, the goals of protecting agricultural production can be examined on a case-by-case basis. The Sonoma County Board of Supervisors passed Ordinance No. 6189 on December 20, 2016.

### **Staff Comments:**

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Land Extensive Agriculture land use designation provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. Although cannabis is not defined as an agricultural crop under County Code, it is classified as an agricultural product, and cannabis cultivation is an allowed use in agricultural zoning with Use Permit or Zoning Permit approval. The proposed project will disturb a relatively small portion of the 37-acre property, and much of the development is occurring in previously disturbed areas within the developed interior portion of the parcel. The density of the parcel size will remain unchanged. There is no proposal to provide additional services, such as public sewer or water, which might facilitate more intensive development away from agricultural industries or result in further encumbrance of agricultural lands.

Cattle grazing and a commercial organic garden are two current agricultural uses of the property; these uses are proposed to continue in addition to the cannabis cultivation. Although the proposed greenhouse is intended for cannabis cultivation, greenhouses are generally agricultural in nature, and would not be out of place in the LEA district. The project would preserve the natural, visual, and scenic resources of the site, avoid urban development of the site, and would result in the use of existing property consistent with General Plan Objectives LU-9.1, -9.3, -9.4, -19.1, -19.2, -19.4 and AR-4.1, as well as the policies for the Land Extensive Agriculture Areas.

**Issue #2: Petaluma Dairy Belt Area Plan Consistency**

The site's Petaluma Dairy Belt Area Plan land use designation is Land Extensive Agriculture. This includes lands characterized predominantly by dairies, sheep and cattle ranches, grazing, silage, and related activities. Residences are mostly related to the agricultural economy and include single family homes, mobile homes, and farm labor housing. A density range of one dwelling per 60-160 acres is used for this category to reflect the existing parcel pattern, discourage incompatible higher density residential use, and maintain large areas for extensive agricultural operations. Furthermore, the primary emphasis in Land Extensive Agriculture designated properties is to promote, protect, and preserve agricultural land uses.

Priorities of the Petaluma Dairy Belt Area Plan are as follows: to preserve and enhance the agricultural resources and protect the agricultural industry; to preserve the area's scenic beauty; to accommodate a variety of rural lifestyles; and to encourage the development of an adequate transportation network which will accommodate proposed development and projected travel needs, and which will facilitate movement of agricultural products to the market place. Major policies of the Petaluma Dairy Belt Area Plan involve: mitigating for increased residential densities; adopting Scenic Design zoning along Highway 116 (Gravenstein Highway), Stony Point Road and U.S. 101; and limiting conflicts with agricultural activities.

**Staff Comments:**

The project would continue to support agriculture uses and does not increase residential density of the area. Although cannabis is not defined as an agricultural crop under County Code, it is classified as an agricultural product. Cattle grazing and a commercial organic garden are two current agricultural uses of the property; these uses are proposed to continue in addition to the cannabis cultivation. A row of eucalyptus trees along Purvine Road partially screens the proposed outdoor cultivation location; additional vegetation will be planted to screen the outdoor cultivation location and the proposed new cultivation building. The proposed greenhouse/indoor cultivation building will be constructed in a style similar to other agricultural buildings in the area, and the proposed new drying barn will use salvaged barn lumber as siding to maintain some of the aesthetic characteristics. The site is not located in a Scenic Resource area or along the scenic corridors identified in the Petaluma Dairy Belt Area Plan. There will be no increase in residential density; there is no proposal to provide additional services, such as public sewer or water, which might facilitate more intensive development away from agricultural industries or result in further encumbrance of agricultural lands. The proposed project does not conflict with other surrounding agricultural activities. Therefore, the proposed project does not conflict with area plan policies.

**Issue #3: Zoning Consistency*****1) Cannabis Ordinance No. 6189 and Ordinance No. 6245–***

Commercial cannabis cultivation is an allowed use in the Land Extensive Agriculture (LEA) zoning district pursuant to Sonoma County Code 26-88-250 through 26-88-254, which was adopted on December 20, 2016 (No. 6189), and amended on October 16, 2018 (No. 6245). The applicant requests a conditional use permit for a commercial cannabis operation including outdoor, mixed light, and indoor cultivation, with associated propagation and processing of site-grown cannabis. Pursuant to Ordinance development criteria and permit requirements in the LEA zoning district:

- 1) The minimum parcel size cannot be less than 10 acres;
- 2) Indoor cannabis cultivation cannot exceed 5,000 square feet of cultivation area (Specialty Indoor) per parcel;
- 3) Mixed light cannabis cultivation cannot exceed 10,000 square feet of cultivation area (Small Mixed Light) per parcel;
- 4) Outdoor cannabis cultivation cannot exceed 43,560 square feet (1 acre) of cultivation area (Medium Outdoor) per parcel;
- 5) The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel;
- 6) Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- 7) Associated processing is limited to on-site cultivation only; and
- 8) The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner.

**Staff Comments:**

The request complies with Ordinance requirements listed above in that the proposed use involves:

- 1) Operation on a 37.02-acre parcel;
- 2) 2,880 square feet of indoor cultivation area;
- 3) 8,096 square feet of mixed light cultivation area;
- 4) 28,560 sq ft of outdoor cultivation area;
- 5) A total cultivation area of 39,536 square feet for the project parcel;
- 6) 4,080 square feet of non-flowering propagation (the 25% limit = 9,884 square feet) located in a separate room in the indoor structure;
- 7) Processing of only site-grown plants; and
- 8) There are three managing members of Petaluma Hills Farm, LLC.: Samuel Magruder, Michael Harden, and Gian Paolo Veronese. There are two managing members of Sonoma Hills Farm, LLC.: Michael Harden and Samuel Magruder. None of these individuals or businesses hold or have applied for permits for other commercial cannabis operations in the County.

## II) **Setbacks –**

Cannabis cultivation operations for commercial use must be compliant with the development criteria and operating standards within Section 26-88-254 (Cannabis Cultivation – Commercial) of the Zoning Code. Included within the above referenced development criteria are the following property setback standards applicable to the LEA zoning district:

**Property Setbacks – Outdoor.** *Outdoor cultivation areas and all structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties. Outdoor cultivation sites shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park (Sec. 26-88-254(f)(6)).*

**Property Setbacks – Indoor.** *All structures used for indoor cultivation shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure. Indoor cultivation within agricultural and resource zones shall be setback a minimum of six hundred feet (600') from a school providing education to K-12 grades. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use (Sec. 26-88-254(f)(7)).*

**Property Setbacks – Mixed Light.** *Mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties in agricultural and resource zones. Mixed light structures in all zones shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park (Sec. 26-88-254(f)(8)).*

**Staff Comments:**

Based on Geographic Information System measurements of aerial imagery, site plans, and field inspections, the proposed mixed light/indoor cultivation building is greater than 200 feet from the nearest property line, and approximately 750 feet away from the nearest off-site residence. The outdoor cultivation area is about 600 feet away from the nearest off-site residence, and is also greater than 200 feet away from the nearest property line. The subject property is over 3 miles from any park, school/childcare center, or rehab center.

Cultivation areas will be screened from public view with various trees and other vegetation types. As mentioned earlier in this report, the application proposes extensive landscaping to screen the cultivation structure and the outdoor cultivation area in order to minimize visibility from Purvine Road and Spring Hill Road.

The proposed operation exceeds all setbacks and complies with public screening requirements.

**Issue #4: Environmental Determination**

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that the project is subject to the California Environmental Quality Act. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed.

As a result of the Initial Study, it was determined that project impacts could be mitigated to a less than significant level, and so a Mitigated Negative Declaration was drafted for the project. This document identifies mitigation measures and a monitoring program for the proposed project. The following table lists subsections of the Initial Study that may be potentially impacted by this project. Mitigation measures for these potential impacts are detailed in the Mitigated Negative Declaration, and have been incorporated into the conditions of approval.

The environmental factors checked below in the “Yes” column would be potentially affected by this project, but have been determined to be “Less than Significant with Mitigation” as indicated in the Initial Study for the project.

Topic Area	Abbreviation*	Yes	No
Aesthetic/Visual	VIS		No
Agricultural & Forest Resources	AG		No
Air Quality	AIR	Yes	
Biological Resources	BIO	Yes	
Cultural Resources	CUL	Yes	
Geology and Soils	GEO		No

Topic Area	Abbreviation*	Yes	No
Greenhouse Gas Emission	GHG		No
Hazards and Hazardous Materials	HAZ		No
Hydrology and Water Quality	HYDRO		No
Land Use and Planning	LU		No
Mineral Resources	MIN		No
Noise	NOISE	Yes	
Population and Housing	POP		No
Public Services	PS		No
Recreation	REC		No
Transportation and Traffic	TRANS		No
Utility and Service Systems	UTL		No
Mandatory Findings of Significance			No

For more detailed analysis and the prescribed mitigation measures for the topic areas that may have impacts that are “Potentially Significant” or “Less than Significant with Mitigation”, please refer to the corresponding sections of the CEQA Initial Study (Mitigated Negative Declaration) for the project:

Section 3. Air Quality: pages 18-24

Section 4. Biological Resources: pages 24-30

Section 5. Cultural Resources: pages 30-34

Section 12. Noise: pages 50-54

#### **Issue #5: Odor**

##### Indoor and Mixed Light Structures

Odor is discussed in the Air Quality section of the Initial Study. Cannabis cultivation operations for commercial use must be compliant with the following Operating Standard:

*All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold (Sec. 26-88-254(g)(2)).*

#### **Staff Comments:**

All cultivation and processing structures include self-contained, closed-loop climate control systems, including carbon filtration to clean the air and control odor. Daily inspections are required to be performed and recorded in a daily log by the on-site manager. Inspections will include verifying that all filtration equipment is functioning properly, checking that filters have been

replaced on schedule, and will include a walking tour through the interior and around the exterior of each cannabis-containing structure to document any noticeable odor (indoor cultivation/greenhouse building, and both processing buildings).

The project incorporates required odor control filtration systems, which complies with the Operating Standard. Daily inspections and reporting are required to ensure that the system is working adequately to control off-site odors.

#### Outdoor Cultivation Area

Outdoor cannabis cultivation would be conducted in a 28,560-square-foot area during the May to October outdoor growing season with one harvest conducted, typically in late October. Cannabis plants start to emit odors about 3-5 weeks into the flowering period, generally starting in August or September and continuing until harvest in October.

The Cannabis Ordinance does not require an odor control system for outdoor cultivation. However, cannabis cultivation operations must be compliant with the following Health and Safety requirement:

*Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes (Sec. 26-88-250(f)).*

#### **Staff Comments:**

Generally, odors dissipate with distance from the source and opposite the primary direction of the odor flow. A minimum parcel size of 10 acres is required for all outdoor cultivation. Minimum setback distances are also required (300 feet from residences and businesses and 1,000 feet from schools, parks and other sensitive uses) to facilitate odor dissipation by distance.

Surrounding an odor-generating land use with a vegetated windbreak has been a successful strategy to reduce odor impacts for poultry and swine operations (Lin et al. 2006; USDA NRCS 2007). The windbreak strategy is most effective when parcels are large (at least 10 acres) and land uses are far apart, maximizing odor dissipation with distance between uses. Odor plumes generally travel along the ground in the direction of the prevailing winds. However, tree and shrub windbreaks have been found to deflect the odor plume above the vegetation layer where it is mixed with the prevailing winds to dilute the odor and diffuse it into the atmosphere (Lin et al. 2006; USDA NRCS 2007). Windbreaks were found to be more effective when densely planted, located closer to the odor source, and when composed of coniferous trees (Lin et al. 2006). Higher air temperatures resulted in greater odor dispersal over a shorter distance (Lin et al. 2006). Additional benefits of planted windbreaks include visual screening, noise reduction, and providing

food, shelter and overwintering habitat for birds and beneficial invertebrates, such as insect predators and native pollinators (USDA NRCS 2007 and 2014).

The prevailing wind direction during August-October is from the coast- west to east. Most of the parcels to the east are large agricultural parcels without residences; however, there are four parcels with residences within one half mile of the cultivation site in a general easterly direction. The approximate distance between the outdoor grow site and the nearest residence to the east or northeast is about 850 feet away. The next three residences are approximately 1,250, 1,500, and 2,300 feet from the outdoor cultivation site. Six additional residences occur within one half mile in other directions (a total of 10 residences identified within 0.5 mile from aerial imagery). The nearest residence overall is about 620 feet to the southwest of the outdoor cultivation site. This residence is opposite the prevailing wind direction and separated from the cultivation area by the cultivation site fencing and landscaping and by an additional 8-foot wood fence along the property boundary, all of which are expected to deflect and diffuse cannabis cultivation odors.

As noted above, an outdoor cannabis operation is not required to be odor free at all times to be operating lawfully, but rather, the odor must be contained in such a manner that it does not result in a public nuisance; public nuisance considerations include the strength, frequency, and duration of the odor from nearby residences and businesses. Some degree and duration of odor is to be expected from this agricultural product, particularly during the flowering period when terpenes are present; this impact was taken into consideration when cannabis zoning, minimum parcel sizes and setbacks were established.

The proposed outdoor cultivation operation is sited near the center of the parcel and exceeds ordinance requirements for minimum parcel size (10-acre minimum; 37-acre parcel) and setbacks (300-foot minimum from residences; project 600+feet from residences). Planted screening of the cultivation site will also occur. The landscape plan is subject to design review; the planting proposal will need to address both visual screening and odor management to be approved. Cannabis odors would be present during the hottest months of the year, when natural air convection is highest, further enhancing the odor management potential of planted windbreaks to deflect air and odors upwards to be mixed with prevailing winds and diluted.

The applicant has submitted an Odor Control Plan. A condition of approval has been added to implement this plan, and to require review of additional odor-reduction measures in the event that verified odor complaints are received.

#### **Issue #6: Security**

In adopting the Cannabis Ordinance, the Board of Supervisors found that security issues could be addressed through compliance with the Zoning Code Security and Fencing requirements:

*A Site Security Plan shall be required. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by non-invasive, fire resistant vegetation and fenced with locking gates with a Knox lock. No outdoor or mixed light cultivation sites located on parcels adjacent to public parks shall be visible from trails or public access points. Razor wire and similar fencing shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access (Sec. 26-88-254(f)(21)).*

**Staff Comments:**

A submitted Site Security Plan is reviewed and approved as part of a project. In order to make the security measures difficult to defeat, part of the security protocol requires security plans to remain confidential, although a generalized description of the plan is included below.

All cultivation sites will be bordered with security fencing and locking gates and screened with vegetation. A gate camera/intercom system will be installed at the site driveway entrance to communicate with the security office and control site access. A security guard will be on duty at all times, 24 hours per day. All staff, all vendors, and all visitors will be required to check in with security staff prior to entering the gate. All persons allowed on-site will be required to have a key card with a specific security clearance limiting access to specific areas. Each building used in the operation and the outdoor cultivation perimeter fence will include key card security at one or more locations to limit access. A security camera system will be implemented that will use standard industry format to record footage 24 hours per day that will be kept for at least thirty (30) days in a secured location. Security cameras will be set up in a fashion as to not be noticeable from/directed to surrounding neighbors. Proposed on-site security measures are robust and go above and beyond the security and fencing requirements detailed above. A condition of approval will limit the cash retained on this site to the minimum needed for daily operations, and will require that all cash be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

The Site Security Plan was discussed with and reviewed by the Sonoma County Sheriff's Office by the applicant. The Sheriff's Office has since submitted a letter to County staff (see Exhibit C - Agencies), signed by the Sheriff, stating:

*“The Petaluma Hills Farm security plan clearly incorporated the most current and best practices for security as it relates to cannabis operators. I understand that for some, cannabis operations in Sonoma County continues to raise local opposition, however after reviewing Petaluma Hills Farm security plan, I do not have any objections to their proposal from a security/public safety point of view.”*

The Site Security Plan exceeds the Zoning Code security and fencing requirements, and has received a positive evaluation from the Sonoma County Sheriff’s Office.

#### **Issue #7: Neighborhood Compatibility**

Findings on the design, location, size, and development and operating standards are used to evaluate the project’s neighborhood compatibility. These findings are used to determine if the proposed project/use would be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the area. This determination does not require that there be an environmental impact to prove the project/use may be detrimental.

#### **Staff Comments:**

- The nearest residence is about 620 feet away from the proposed outdoor cannabis cultivation location; the next closest residence is about 850 feet away from the proposed greenhouse. Both of these distances exceed setback requirements.
- The proposed cultivation operation is appropriately scaled for the site; cultivation areas are less than allowed by the Ordinance and proposed structures and the outdoor cultivation area are located in the approximate footprint of existing or previous farm development.
- The mixed light/indoor cultivation area will be contained within a non-distinct, corrugated metal greenhouse, similar to other agriculture structures in the area. The building will be located in the space of a former dairy barn and will be partially screened by proposed vegetation. The drying barn will be located in the footprint of a former hay barn and will be clad with reclaimed wood salvaged from that barn. The outdoor cultivation area will be located in the footprint of two former poultry barns and will be screened by both existing trees and proposed vegetation.
- Access to and from the site will be controlled through a private security gate. As noted above, security measures are robust and will deter potential theft and other crime.
- Odor control and management meets all requirements of the Ordinance. Odor in the cultivation building will be controlled by using a closed-loop recirculating air system, carbon filter, and odor neutralizers. The outdoor cultivation area is sited near the center of the parcel and exceeds setback requirements. A windbreak/hedgerow will also be planted and maintained to help deflect any odor plume above the vegetation layer into the atmosphere where winds will dissipate any odors.

- Proposed lighting meets all requirements of the Ordinance. The greenhouse will have a paned glass roof with retractable curtains designed to fully contain the light between sunset and sunrise, and ensure no light from within the greenhouse is visible from neighboring properties. All exterior security lighting will be fully shielded and downward casting to prevent spillover into the night sky or onto adjacent properties.
- Traffic to and from the site is expected to be minimal: the traffic study expects an average of 31 trips per day, including 5 each during the morning and evening peak hours.

For these reasons, and compliance with all development criteria and operating standards of the Cannabis Ordinance, the project is compatible with the surrounding neighborhood.

#### **Issue #7: Public Comment Letters**

As of April 3, 2019, 65 comment letters (including emailed comments) have been received on the project (Exhibit C):

- 48 in response to the March 11, 2019, Hearing Notice and Mitigated Negative Declaration publication, including:
  - o 2 agencies: California Department of Food and Agriculture and the Sonoma County Sheriff's Office;
  - o 39 from the public citing concerns with the project or general opposition to cannabis or the cannabis ordinance;
  - o 6 from the public providing support for the project; and
  - o 1 from the applicant documenting public outreach correspondence with neighbors and special interest groups.
- 17 in response to the August 24, 2017, early notification, or received between August 24, 2017, and March 11, 2019.

The California Department of Food and Agriculture runs the state CalCannabis licensing program and is a Responsible Agency under CEQA. They submitted a number of requests to help them satisfy their CEQA obligations related to potential future issuance of a state license.

The Sonoma County Sheriff's Office provided support for the project Site Security Plan.

Primary topics of concern raised by the public related to the proposed project include: groundwater use and quality, odor, safety, traffic and road conditions, preservation of rural agricultural character and structures, visual impacts (mostly related to proposed fencing and security improvements), and special events and tourism.

Many commenters mistakenly believe that a guard tower or guard station is proposed at the property entrance. No new security building is proposed. The security office, where security

personnel will be located to monitor the entrance gate camera, is proposed inside the existing detached garage.

It is also important to note that the Cannabis Ordinance does not allow any sort of special events or tourism related to cannabis. Such operations could not be approved, and have not been requested by the applicant.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Use Permit subject to Conditions of Approval.

### **FINDINGS FOR RECOMMENDED ACTION**

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental impacts resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
2. The proposed project is consistent with the General Plan land use designation and Policies related to the protection of agriculture and the rural character of the project environs. In adopting the Cannabis Ordinance (No. 6189 and No. 6245), the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Land Extensive Agriculture land use designation subject to securing a Use Permit, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. The project is consistent with the General Plan because it does not increase residential development, preserves the rural character of the area, is compatible with and supportive of agricultural uses, conserves the majority of the site for future agriculture, and helps stabilize farm incomes. Conditions of approval limit construction and operational activities and require design review of new structures and landscape screening to ensure that the project will not detract from the rural character of the project site or vicinity.
3. The proposed project is consistent with the Petaluma Dairy Belt Area Plan because the project would continue to support agricultural uses and does not increase residential density of the area. Although cannabis is not defined as an agricultural crop under County Code, it is classified as an agricultural product. Cattle grazing and a commercial organic garden are two current agricultural uses of the property; these uses are proposed to continue in addition to the cannabis cultivation. A row of eucalyptus trees along Purvine Road partially screens the proposed outdoor cultivation location; additional vegetation will

be planted to screen the outdoor cultivation location and the proposed new cultivation building. The proposed greenhouse/indoor cultivation building will be constructed in a style similar to other agricultural buildings in the area, and the proposed new drying barn will use salvaged barn lumber as siding to maintain some of the aesthetic characteristics. The site is not located in a Scenic Resource area or along the scenic corridors identified in the Petaluma Dairy Belt Area Plan. There will be no increase in residential density; there is no proposal to provide additional services such as public sewer or water which might facilitate more intensive development away from agricultural industries or result in further encumbrance of agricultural lands. The proposed project does not conflict with other surrounding agricultural activities.

4. The proposed project is consistent with Land Extensive Agriculture (LEA) Zoning District, in that the proposed cannabis cultivation operation is allowed with approval of a Conditional Use Permit. The project proposes a use that is allowed by Use Permit, that complies with the development criteria and operating standards of the Cannabis Ordinance, and adheres to the operational requirements of the Zoning District within the Sonoma County Code. The project meets or exceeds all required setbacks, minimum lot size requirements, ownership, square foot limitations, and permitted development criteria. The project will implement a Site Security Plan, Fire Prevention Plan, Odor Control Plan, and Waste Management Plan, and is energy source compliant with the Sonoma County Code. The proposed cannabis operation and site improvements would disturb a small portion of the overall parcel, and most of these areas were previously developed. The project is consistent with the development standards and operating limitations for the Land Extensive Agriculture zoning.
5. 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 in this case are: (1) The cannabis operation would not involve more than one acre of cannabis cultivation area; 2) All cannabis cultivation areas are greater than 100 feet from property boundaries and greater than 300 feet from adjacent off-site residences; 3) The project parcel is greater than 10 acres (37.02-acres); 4) All cannabis cultivation areas will be screened from public view from Purvine Road and Spring Hill 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) Outdoor cultivation activities (except for harvest) will be limited to daylight hours. Deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday; 8) All cultivation lighting will be contained within the mixed light structure; exterior lighting 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.

## LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Graphics:

Figure 1. Site Plan

Figure 2. Premise Map

Figure 3. Vicinity Map

Figure 4. Aerial Map

Figure 5. Cultivation Building Floor Plan

Figure 6. General Plan Land Use Map

Figure 7. Zoning Map

EXHIBIT C: Public Comments:

Agencies

Public in Opposition

Public in Support

Early Comments (submitted in response to the 2017 early notification, not in response to a formal public review period or County action)

Applicant's public outreach correspondence with neighbors and special interest groups

EXHIBIT D: Odor Sources

Lin et al. 2006.

United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS). March 2007.

USDA NRCS. March 2014.

EXHIBIT E: Odor Control Plan

EXHIBIT F: Draft Resolution

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Separate Attachments for Commissioners: Mitigated Negative Declaration and larger sized maps



SUMMARY REPORT

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**Agenda Date:** 9/30/2019

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Crystal Acker, 707-565-8357

**Vote Requirement:** Majority

**Supervisorial District(s):** Second

**Title:**

Appeal of a Use Permit approval to allow the Petaluma Hills Farm commercial cannabis cultivation operation at 334 Purvine Road in Petaluma. UPC17-0020

**Recommended Action:**

Hold a public hearing and adopt a Resolution denying the appeal, adopting a Mitigated Negative Declaration, and upholding the Board of Zoning Adjustment's decision to approve the commercial cannabis operation, consisting of 8,096 square feet of mixed light/greenhouse cultivation, 2,880 square feet of indoor cultivation, and 28,560 square feet of outdoor cultivation, for a total cultivation area of 39,536 square feet (less than one acre/43,560 square feet), 4,080 square feet of indoor propagation, and associated processing of site-grown cannabis.

**Executive Summary:**

This report presents an appeal of a Board of Zoning Adjustment's decision to approve a Use Permit to allow a commercial cannabis cultivation operation at 334 Purvine Road in Petaluma, APN 022-230-020. The Use Permit was approved unanimously (5-0-0 vote) on April 11, 2019. An appeal of the approval was filed by Kevin Block, attorney representing No Pot on Purvine and adjacent neighbors, on April 19, 2019.

The project proposes a commercial cannabis cultivation operation including outdoor cultivation, mixed light/greenhouse cultivation, and indoor cultivation totaling less than one acre in cultivation area, as well as associated propagation and on-site processing of site-grown plants, including trimming, drying, and packaging, on a 37-acre parcel zoned Land Extensive Agriculture in the Petaluma Dairy Belt.

The appeal cites concerns related to maintaining a primary agricultural use; neighborhood compatibility issues, including outdoor cultivation odor, special events/public access, and public safety; and personal character of the applicant. During the April 11, 2019 hearing, the BZA heard concerns from the public including all of the appeal-cited concerns, and discussed outdoor cultivation odor, special events/public access, and public safety/site security at length. Whereas, five new Conditions of Approval were added by the BZA at the hearing to address those concerns.

A Mitigated Negative Declaration was prepared for the project and circulated through the State Clearinghouse March 11, 2019 through April 11, 2019. After the close of the public hearing on April 11, 2019, the Board of Zoning Adjustments determined that all potential impacts can be mitigated to a less than significant level and adopted the Mitigated Negative Declaration. However, at the public hearing, the Board of Zoning Adjustments

directed staff to substitute certain mitigation measures and add clarifying language to the Mitigated Negative Declaration. No recirculation is required pursuant to the California Environmental Quality Act (CEQA) Guidelines.

**Discussion:**

Project Description Summary

Petaluma Hills Farm, LLC., proposes a commercial cannabis cultivation operation including a total cultivation area of 39,536 square feet (less than one acre/43,560 square feet) and cultivation support activities, including propagation and on-site processing of site-grown plants as described below:

- Total Permitted Cultivation Area = 39, 536 square feet
  - 8,096 square feet of mixed light canopy/greenhouse (Type 2B state license),
  - 2,880 square feet of indoor canopy (Type 1A state license),
  - 28,560 square feet of outdoor cultivation (Type 3 state license),
- 4,080 square feet of indoor non-flowering propagation
  - Not included in the permitted cultivation area,
  - Limited to 25% of the permitted cultivation area = 9,884 square feet,
- On-site processing of site-grown plants, including trimming, drying, curing, weighing, and packaging.

The applicant is not participating in the penalty relief program; no commercial cannabis is currently grown on the site.

Existing cattle grazing on 25 acres and a 1-acre chef's garden will continue operating on the site, independently from the cannabis operation.

Indoor cultivation, mixed light cultivation, and propagation operations will be conducted in a new 15,343-square-foot cultivation building. Drying will occur in a new 3,611-square-foot drying barn, which will also include a separate room to house hazardous materials, such as fertilizers, and additional storage on the second floor. All other processing activities and secure storage of cannabis products will occur in a repurposed 1,440-square-foot concrete block building.

Proposed hours of operation for cultivation, indoor processing, and outdoor harvesting are 24 hours per day, seven days per week, as needed. Outdoor cultivation will only take place for 5-6 months per year during the growing season, and all outdoor cultivation activities, with the exception of harvest, will be limited to daytime hours. Deliveries and shipping will be limited to 8:00 am to 5:00 pm Monday through Friday. The cannabis operation will have a maximum of 10 employees, including 2 full-time security guards, an on-site manager, and up to 7 cultivation, processing, and harvest employees. The operation will not be open to the public.

All new structures will be located in approximately the same footprints as existing or previous structures within the developed central portion of the parcel. The majority of the land (over 25 acres) will remain as open pastureland to support cattle grazing. The outdoor cultivation area will be located on the footprints of the site's prior poultry barns. The indoor/ greenhouse cultivation building will be located on the site of the former dairy barn. The drying barn will be in place of the former hay barn, and all other operations will take place in repurposed existing buildings. Therefore, the structural development will be similar to the existing

condition. The nearest off-site residence is about 600 feet away from the proposed outdoor cannabis cultivation.

For a more detailed project description, see Attachment 5 Staff Report, Project Description, pages 4-10.

#### Site Characteristics

The parcel is 37.02 acres in size, and is located in an unincorporated, rural agricultural area in the Petaluma Dairy Belt of southwest Sonoma County, approximately 4.5 miles west of the City of Petaluma, about 3 miles southeast of Two Rock, and about 2 miles northeast of the Sonoma County-Marín County border (See Attachment 5 Staff Report: Exhibit B - Figure 3. Vicinity Map). The U.S. Coast Guard Training Center is about 1.5 miles to the west. Laguna Lake is approximately 1.5 miles to the south, and Stemple Creek is about 2 miles to the northwest. Surrounding parcels are generally large agricultural properties. The parcel is accessed from Purvine Road, a public County road via either Spring Hill Road or Middle Two Rock Road (See Attachment 5 Staff Report: Exhibit B - Figure 4. Aerial Map). The parcel is not under a Land Conservation Act Contract (Williamson Act).

Existing development is located in the center of the parcel, including one primary residence, one 901 square foot accessory dwelling unit (proposed to be converted to an employee break room and accessible restroom), a detached garage, three barns, a storage shed, and a well pump house. There is an existing domestic water well and two existing septic systems, serving the main house and accessory dwelling unit. The entrance to the property is a dirt/gravel driveway.

There are existing trees on the property, primarily a row of eucalyptus along the Purvine Road frontage and a few other species (e.g., coast live oak, Monterey pine, coast redwood, fan palm) planted around the residential structures. A few remnant orchard trees are present southwest of the farm buildings (cherry, apple, and grapefruit). However, most of the site consists of gently sloping, open pastureland vegetated by non-native annual grassland, which is common to heavily grazed areas.

Site drainage occurs by overland flow to the southwest. Site elevation ranges from 320 feet MSL at the eastern end to 240 feet MSL at the southwestern corner. There are no waterways or wetland features on the parcel. The site is located in a Groundwater Availability Class 2 - Major Natural Recharge Area.

#### General Plan Land Use and Zoning

The General Plan Land Use Designation on the parcel is Land Extensive Agriculture 100-acre density. The site is also designated Land Extensive Agriculture by the Petaluma Dairy Belt Area Plan.

#### Surrounding Land Use and Zoning

This area is largely rural, located in the hills west of Petaluma. Surrounding parcels to the subject site are zoned Land Extensive Agriculture, with a low residential density of 100 acres per dwelling unit (LEA-100) or 60 acres per dwelling unit (LEA-60). Surrounding land uses are predominantly pasture land, dairy and poultry farms, horse and canine facilities, and rural residential development. Uses on the adjacent agricultural properties include a dairy to the northwest (McClelland's Dairy), grazing land and a residence to the east (about 750 feet away from the proposed cultivation building), undeveloped grazing land to the south, and a residence to the southwest (about 600 feet away from the proposed outdoor cultivation area). Nearby commercial agricultural operations include McClelland's Dairy, Reichardt Duck Farm, Spring Hill Cheese, and

the Great Peter Pumpkin Patch. The Two Rock Dog Ranch, a commercial kennel operation is also nearby.

Issues Discussed at the Board of Zoning Adjustments Hearing and Raised in the Appeal Letter

**1. Consistency with General Plan Policy AR-4a/Maintain a Primary Agricultural Use**

The appellant contends that the project is inconsistent with General Plan Policy AR-4a, describing the primary uses in the Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA) and Diverse Agriculture (DA) land use designations:

*“The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”*

Staff Analysis

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Land Extensive Agriculture land use designation with Use Permit approval, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. The General Plan Purpose and Definition for Land Extensive Agricultural Areas is:

*“This category shall enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. Soil and climate conditions typically result in relatively low production per acre of land. The objective in land extensive agricultural areas shall be to establish and maintain densities and parcel sizes that are conducive to continued agricultural production.”*

The development density (100-acre density) and the parcel size (37 acres) will remain unchanged under the project proposal, which complies with the overall purpose of the Land Extensive Agriculture Zoning District to maintain large parcel sizes conducive to agricultural production, provided that a primary agricultural use is also established or maintained on the parcel. Neither the General Plan nor the Zoning Code includes a discrete definition for “primary agricultural use.” Therefore, determining what constitutes a primary agricultural use involves evaluation and balancing of multiple factors, including acreage of land dedicated to agricultural vs. non-agricultural uses, income derived from all land uses on the parcel, and compatibility of non-agricultural land uses with agricultural uses, both on the project parcel and surrounding agricultural parcels. Each of these factors is discussed below.

*Agricultural Acreage.* The cannabis operation will encumber a relatively small portion of the 37-acre property totaling approximately 2.7 acres, as follows:

- Approximately 18,954 square feet (0.44 acre) of replacement buildings involving new construction in the locations of former structures (the cultivation building in the location of the former dairy barn and the drying barn in the location of the former hay barn),
- Approximately 3,133 square feet (0.07 acre) of existing buildings repurposed for the operation (the garage/security office, employee break room/rest room, and processing/secure storage building),
- Approximately 28,560 square feet (0.66 acre) of outdoor cultivation,
- Approximately 5,336 square feet (0.12 acre) of new hardscape (driveway, parking, and fire turnaround improvements), and

- Approximately 62,722 square feet (1.44 acres) of additional land inside security fences (separate from everything listed above). Various activities and improvements occur within the fences, including the rainwater collection system and storage tanks, graywater collection and storage tank, composting and soil reclamation areas, secure outdoor storage of equipment and supplies, and other cultivation support functions.

Refer to Tables 1 and 2 in the Mitigated Negative Declaration for a detailed breakdown of existing and proposed structures and improvements (Attachment 8, pages 2-3). The Site Plan (Attachment 2) shows locations and square footage of all structures.

A majority of the 2.7-acre cannabis operation will occur within the footprint of previous farm development (e.g., the new cultivation building is larger than but located in the footprint of the former dairy barn; the outdoor cultivation area is located in the footprint of former poultry barns) where the land had already been removed from agricultural production by structures.

Currently, 25 acres are leased for grazing (see Attachment 3. Grazing Lease), and 1 acre is leased as a commercial organic chefs garden. Leasing of the property for livestock grazing has been occurring historically for many years, at least the past 10 years according to neighbors. The current 25-acre grazing lease was first initiated with a nearby cattle rancher on July 1, 2017, shortly after the applicant purchased the property, and has been renewed twice (see Attachment 3. Grazing Lease for current agreement). The chefs garden is a comparatively new operation begun in spring of 2018. The garden space is leased to and managed by Sonoma Hills Farm Jugo, Inc., to supply organic produce for restaurant use.

Under the project proposal, existing agricultural uses totaling approximately 26 acres (70%) of the 37-acre property will continue to be dedicated to agricultural use.

*Income Derived from Property Uses.* While specific figures are not available, it is probable that the income from cannabis will exceed income from agricultural uses on the property. However, it is not uncommon for a property owner of an agricultural property to derive income from multiple activities in addition to agriculture, when the non-agricultural uses are compatible with the agricultural use or otherwise allowed under the law. For example, telecommunication towers, non-agricultural home occupations, and establishment of visitor-serving uses such as agricultural farmstays are all ways that can help sustain agricultural uses by supplementing and stabilizing farming incomes. Neither the General Plan nor the Zoning Code requires that the agricultural use generate more income than other allowed uses. Recently, the Board of Supervisors revised the Agricultural Farmstay Zoning Code regulations under Section 26-88-085 (Ordinance 6255, adopted January 8, 2019), deleting the requirement for on-site agricultural products to be the primary source of income, largely to encourage preservation and promotion of agricultural operations which may otherwise be financially insolvent without the added farmstay income. Thus, cannabis cultivation as the primary revenue source on the property does not conflict with the agricultural use of the property in this regard, and furthermore, can help support ongoing agricultural uses on the parcel by providing supplemental income.

*Character of the Land Remains Agricultural.* A majority of the 2.7-acre cannabis operation will occur within the footprint of previous farm development within the interior portion of the parcel. The majority of the land (over 25 acres) will remain as open pastureland. The outdoor cultivation area will be located where the previous poultry barns were. The indoor/greenhouse cultivation building will be located where the former

dairy barn was located. The drying barn will be located in place of the former hay barn, and all other operations will take place in repurposed existing buildings. Therefore, the overall level of structural development will be similar to the existing condition. The land does and will continue to look 'agricultural' in nature, containing a primary residence, barns, outbuildings, a greenhouse, water tanks, planted crops and landscaping, farm animals, and open and rural spaces.

In addition, new and repurposed buildings have been designed to stay in character with the agricultural setting. The new drying barn will have walls clad with salvaged barn wood from the original hay barn to maintain the agrarian character, and the barn roof will be gabled to match the look of the original barn. The new indoor cultivation/greenhouse structure will be approximately 23 feet tall, slightly taller than the former dairy barn (about 20 feet tall), but of similar scale. It also will have a gabled roof and be constructed of corrugated metal siding common to newer agricultural buildings in the county.

Cannabis is not defined as an agricultural crop under County Code due to its classification and regulation as a Schedule 1 controlled substance. However, the cultivation and processing of cannabis products is similar to other farming activities, and therefore, it is classified as an "agricultural product". Farming equipment and infrastructure (e.g., tractors, irrigation systems, barns, greenhouse) proposed for the cannabis operation are compatible with surrounding agricultural development, and could also support future non-cannabis agricultural uses. In contrast, other land uses allowed in agricultural zoning- such as schools, cemeteries, or commercial kennels- are much less likely to support a future agricultural use.

The project does not propose to provide additional services, such as public sewer or water which could facilitate more intensive future development, or to provide additional residential development which might create a conflict with existing agricultural uses in the surrounding area due to agricultural nuisance situations, such as flies, noise, odors, or spraying of chemicals.

In view of all the facts and circumstances for this property and this project described above, the proposed cannabis cultivation operation is determined to be in compliance with General Plan Land Use and Agricultural Resource Element policies for agricultural land.

## **2. Alleged Violations**

The appellant contends that the applicant has engaged in unpermitted cultivation and/or tourism.

### Staff Analysis

The applicant is not participating in the Penalty Relief program and no commercial cannabis is currently being grown on the parcel. There are no open violations on the parcel. Several site inspections have been performed by County Code Enforcement staff in response to complaints; no violations have been documented for unpermitted cannabis cultivation or unpermitted events. One building code violation was documented for unpermitted framing and electrical work inside a barn; this case has since been closed.

## **3. Neighborhood Compatibility - Odor**

The appellant contends that the Board of Zoning Adjustments failed to impose mitigation measures sufficient to control cannabis odor.

### Staff Analysis

Cannabis cultivation operations for commercial use must comply with the following Operating Standard, set forth in Section 26-88-254(g)(2):

*“All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.”*

All cultivation and processing structures include self-contained, closed-loop climate control systems, including carbon filtration to clean the air and control odor, which complies with the Operating Standard. Daily inspections and reporting are required by Condition of Approval No. 24 to ensure that the system is working adequately to control off-site odors from the cultivation building.

Outdoor cannabis cultivation will be conducted in a 28,560-square-foot area during the May to October outdoor growing season with one harvest conducted, typically in late October. Cannabis plants start to emit odors about 3-5 weeks into the flowering period, generally starting in August or September and continuing until harvest in October.

The Cannabis Ordinance does not require an odor control system for outdoor cultivation. To address odor impacts, the County adopted setback and separation criteria between cannabis operations and adjacent uses. A minimum parcel size of 10 acres is required for all outdoor cultivation. Minimum setback distances of 300 feet from residences and businesses and 1,000 feet from schools, parks and other sensitive uses are also enforced by the County to facilitate odor dissipation by distance. In addition, cannabis cultivation operations must comply with the following Health and Safety requirement, set forth in Section 26-88-250(f):

*“Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.”*

Generally, odors dissipate with distance from the source and opposite the primary direction of prevailing winds

There was substantial discussion at the hearing related to the possible use of vegetated windbreaks to deflect the outdoor cannabis odor plume above the windbreak vegetation where it can mix with the prevailing winds and be diluted (for more details see Attachment 5 Staff Report, pages 18-19; and Staff Report Exhibit D - Odor Sources).

The proposed outdoor cultivation operation is sited near the center of the parcel and exceeds ordinance requirements for setbacks (300-foot minimum required from residences, while the project achieves 600+feet from residences). Planted screening and windbreak deflection of the cultivation site will also occur. The landscape plan is subject to design review; the planting proposal will need to address both visual screening and odor management to be approved. Cannabis odors will be present during the hottest months of the year, when natural air convection is highest, further enhancing the odor management potential of planted windbreaks to deflect air and odors upwards to be mixed with prevailing winds and diluted.

The prevailing wind direction during August-October is from the coast- west to east. Most of the parcels to the

east are large agricultural parcels without residences; however, there are four parcels with residences within one half mile of the cultivation site in a general easterly direction. The approximate distance between the outdoor grow site and the nearest residence to the east or northeast is about 850 feet away. The next three residences are approximately 1,250, 1,500, and 2,300 feet from the outdoor cultivation site. Six additional residences occur within one half mile in other directions (a total of 10 residences identified within 0.5 mile from aerial imagery). The nearest residence overall is about 620 feet to the southwest of the outdoor cultivation site. This residence is opposite the prevailing wind direction and will be separated from the cultivation area by the cultivation site fencing and landscaping, which are expected to facilitate deflection and diffusion of cannabis cultivation odors.

As stated in Sec. 26-88-250(f) above, an outdoor cannabis operation is not required to be odor free at all times to be operating lawfully, but rather, the odor must be contained in such a manner that it does not result in a public nuisance. Public nuisance considerations include the strength, frequency, and duration of the odor to nearby residences and businesses. Some degree and duration of odor is to be expected from this agricultural product, particularly during the flowering period when terpenes are present; this impact was taken into consideration when cannabis zoning, minimum parcel sizes, and setbacks were established.

The applicant has submitted an Odor Control Plan (See Attachment 5 Staff Report: Exhibit E - Odor Control Plan). Condition of Approval No. 24 requires review of additional odor-reduction measures in the event that verified odor complaints are received. During the BZA hearing, commissioners deliberated on whether additional odor mitigations could be imposed. Discussion primarily focused on the lack of proven odor-control technology for outdoor cannabis cultivation. Also discussed was eliminating the outdoor cultivation component of the project and relocating it further away from the closest residence. However, relocating the outdoor grow further away from one residence would move it closer to another. Ultimately, the BZA concluded that the operation meets and exceeds minimum parcel size and setback standards, as required by code to address potential off-site odor impacts (10-acre parcel size required to separate operations from adjacent parcels; the parcel is 37 acres. 300-foot setback required from off-site residences; the nearest is about 620 feet away from the outdoor cultivation site).

As described above, the proposed cannabis cultivation operation meets and exceeds all odor-control requirements, and was determined to be compatible with surrounding agricultural and residential land uses. Nevertheless, the BZA added the following condition at the hearing in response to concerns expressed by the public related to outdoor cultivation odor impacts:

**Condition No. 17. Two-Year Review.** A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation operation, including but not limited to landscape screening, odor control, security, and water use. All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.

The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.

If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code. The planning director may waive the requirement for a public hearing as provided in Section 26-92-040(d), provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received.

If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.

This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.

#### **4. Neighborhood Compatibility - Public Safety/Site Security**

The appellant contends that the Board of Zoning Adjustments failed to impose conditions of approval to address neighborhood security as opposed to the security of the applicant's cannabis operation; that too much reliance was placed on the Sonoma County Sheriff's positive review of the applicant's Site Security Plan; and that the Site Security Plan should be made public.

##### Staff Analysis

In adopting Ordinance No. 6189, the Board of Supervisors found that security issues could be addressed through compliance with the Zoning Code Security and Fencing requirements, set forth in Section 26-88-254(f) (21):

*"A Site Security Plan shall be required. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by non-invasive, fire resistant vegetation and fenced with locking gates with a Knox lock. No outdoor or mixed light cultivation sites located on parcels adjacent to public parks shall be visible from trails or public access points. Razor wire and similar fencing shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access."*

The submitted Site Security Plan had been reviewed by staff as part of a project. To maintain effectiveness of the security measures, part of the security protocol requires security plans to be held in a confidential file, although a generalized description of the plan can be provided to the public and decision-makers.

A Site Security Plan must meet all the minimum requirements of the ordinance, tailored to address site-specific project activities and site constraints. A Site Security Plan was reviewed by County staff and found to meet ordinance requirements, including security fencing and screening, cameras, lighting, and alarms. Additional non-required security measures have also been proposed by the applicant, including: a security gate/camera/intercom system at the site driveway entrance where all staff, all vendors, and all visitors will be required to check in with security staff prior to entering the gate; dedicated security personnel will be on-site at all times, 24 hours per day; all persons allowed on-site will be required to have a key card with a specific security clearance limiting access to specific areas; each building used in the operation and the outdoor cultivation perimeter fence will include key card security at one or more locations to limit access; and implementation of a training program for staff and vendors to familiarize them with security equipment and protocols appropriate to the individual's level of clearance. Proposed on-site security measures are robust and go above and beyond the security and fencing requirements detailed in the Zoning Code above.

Condition of Approval No. 23 limits the cash retained on-site to the minimum needed for daily operations and requires that all cash be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism). Condition of Approval No. 23 also requires that a log of security incidents be kept and an annual report be submitted to Permit Sonoma staff.

The Site Security Plan was discussed with and reviewed by the Sonoma County Sheriff's Office by the applicant. The Sheriff's Office has since submitted a letter to County staff (see Attachment 5 Staff Report, Exhibit C - Public Comments, Agency Letters), signed by the Sheriff, stating:

*"The Petaluma Hills Farm security plan clearly incorporated the most current and best practices for security as it relates to cannabis operators. I understand that for some, cannabis operations in Sonoma County continues to raise local opposition, however after reviewing Petaluma Hills Farm security plan, I do not have any objections to their proposal from a security/public safety point of view."*

The Site Security Plan exceeds Zoning Code security and fencing requirements, and has received a positive evaluation from the Sonoma County Sheriff's Office. Conditions of approval can only be imposed on the project operation as part of the land use approval, and cannot be extended to neighboring properties over which the applicant has no control. However, the intent of the security plan requirement is to facilitate public safety of the surrounding neighborhood by limiting potential for opportunistic crime at the site (e.g., controlling site access, implementing alarms and cameras to discourage break-ins, limiting cash on hand to discourage theft).

With implementation of the Site Security Plan, the project is not anticipated to attract opportunistic crime or result in any undue impacts to public safety, and therefore, was determined to be compatible with the surrounding neighborhood.

##### **5. Neighborhood Compatibility - Special Events/Public Access**

The appellant contends that the Board of Zoning Adjustments failed to impose conditions of approval to prohibit all events on the property, not just those related to cannabis activity, and to restrict public access to the entire property, not just the cannabis operation.

##### Staff Analysis

Tastings, promotional activities, and events related to commercial cannabis activities are prohibited by Zoning Code Section 26-88-250(c), and therefore, could not be approved as a part of the Use Permit, as stated in Condition of Approval No. 11. However, there was extensive discussion at the hearing related to potential non-cannabis special events and concern expressed about public access to the site. There is an existing residence on the parcel, which will be retained. Residents and their guests will be required to check in with security, but will otherwise be able to enjoy the use of their residence consistent with County regulations. Non-cannabis special events are allowed by Zoning Permit in agricultural zoning. Due to the prohibition of special events related to cannabis, events could not be approved on the parcel, unless it could be clearly demonstrated that the event would have no relation to cannabis, and that attendees of the event would have no access to any portion of the cannabis operation, which could require providing separate site access and/or confining the event to a fully enclosed area.

The following new Conditions of Approval were added by the BZA at the hearing in response to concerns expressed by the public related to special events and public access:

**Condition No. 12. Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.

**Condition No. 13. Temporary Occupancy Structures.** Tents, yurts, and other temporary structures designed for human habitation are prohibited.

**Condition No. 15. On-Street Parking.** Parking on Purvine Road is prohibited.

As described above, public access to the site is not allowed, except residential guests who will be required to check in with security. Special events would require a separate permit approval, with a public notice posted in the area, and only approved if it is demonstrated the event would have no relation to cannabis, and attendees of the event do not have access to any portion of the cannabis operation. The additional Conditions of Approval cited above prohibit public access for all types of transient overnight occupancy, and prohibit parking on Purvine Road, which was expressed as a primary public concern related to special events. Therefore, the project is not anticipated to result in any off-site impacts related to special events or public access, and was determined to be compatible with the surrounding neighborhood.

## **6. Neighborhood Compatibility - Use Permit Findings**

The appellant contends that the Board of Zoning Adjustments erred in finding that the project would be compatible with the neighborhood under Sec. 26-92-080(a):

*In order to grant any use permit, the findings of the board of zoning adjustments shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.*

### Staff Analysis

Findings on the design, location, size, and development and operating standards are used to evaluate the project's neighborhood compatibility. These findings are used to determine if the proposed project/use would be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the

area. This determination does not require that there be an environmental impact to prove the project/use may be detrimental.

The following facts support the Board of Zoning Adjustment's finding of neighborhood compatibility:

- The nearest residence is about 620 feet away from the proposed outdoor cannabis cultivation location and is not located in the direction of the prevailing winds; the next closest residence is about 850 feet away from the proposed greenhouse. Both of these distances exceed the 300-foot residential setback requirement.
- The proposed cultivation operation is appropriately scaled for the site; cultivation area is less than the maximum allowed by Zoning Code (43,560 square feet allowed; 39,536 square feet proposed). All proposed structures and the proposed outdoor cultivation area are located in the approximate center of the parcel within the footprint of existing or previous farm development.
- The mixed light/indoor cultivation area will be contained within a non-distinct, corrugated metal building, similar to other agriculture structures in the area. The building will be located in the space of a former dairy barn and will be partially screened by proposed vegetation. The drying barn will be located in the footprint of a former hay barn and will be clad with reclaimed wood salvaged from that barn. The outdoor cultivation area will be located in the footprint of two former poultry barns and will be screened by both existing trees and proposed vegetation. Therefore, project development will be similar to the existing condition and compatible with surrounding agricultural development.
- Access to and from the site will be controlled through a private security gate. As noted above, security measures are robust and will deter potential theft and other crime.
- Odor control and management meets all requirements of the Zoning Code. Odor in the cultivation building will be controlled by using a closed-loop recirculating air system, carbon filter, and odor neutralizers. The outdoor cultivation area is sited near the center of the parcel and exceeds all setback requirements (300-foot minimum from residences; project 600+feet from residences). A windbreak/hedgerow will also be planted and maintained to help deflect any odor plume above the vegetation layer into the atmosphere where winds will dissipate any odors.
- Proposed lighting meets all requirements of the Zoning Code. The greenhouse will have a paned glass roof with retractable curtains designed to fully contain the light between sunset and sunrise, and ensure no light from within the greenhouse is visible from neighboring properties. All exterior security lighting will be fully shielded and downward casting to prevent spillover into the night sky or onto adjacent properties.
- Traffic to and from the site is expected to be minimal: the traffic study expects an average of 31 trips per day, including 5 each during the morning and evening peak hours.

The following new Condition of Approval was added by the BZA at the hearing in response to concerns expressed about neighborhood compatibility:

**Condition No. 14. On-Site Manager.** An on-site manager for the cannabis operation shall be required to reside at all times on the premises, and shall provide contact information to all adjacent neighbors.

The intent of the above condition is to provide a designated contact to receive all neighbor concerns, and to ensure this contact has authority and responsibility to act on all concerns to resolve them.

For all of the reasons described above, and compliance with all development criteria and operating standards of the Cannabis Ordinance, the project was determined to be compatible with the surrounding neighborhood.

The ordinance requires a minimum of two inspections per year: 1) an annual inspection to document cultivation area and verify compliance with operating standards is performed by staff from the Agricultural Commissioner's office, and 2) an annual inspection to verify compliance with Use Permit Conditions of Approval is conducted by Permit Sonoma planning staff.

#### Applicant's Request to Eliminate Condition Requiring Two-Year Review

In response to public odor concerns, the BZA incorporated a new Condition of Approval No. 17 to require a two-year review of the outdoor cultivation operation, as described above. The applicant has requested the Board eliminate the two-year review because: 1) the permit is already term-limited to five years; 2) the time and expense required to conduct review and renewal hearings at two years and again at five years is substantial; and 3) more information will be available for decision-makers to evaluate at the end of five years, including site-specific operational data, information on the cannabis industry in general, and better understanding of odor-control technology.

#### Environmental Determination

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that all potential project impacts can be mitigated to a less than significant level. Mitigation measures were included to address: Air Quality (construction emissions, odor control and monitoring); Biological Resources (pre-construction surveys); Cultural Resources (salvage and reuse of barn wood, interpretive display, archaeological monitor); and Noise (sound wall around HVAC unit, construction operation limitations). The draft Mitigated Negative Declaration was circulated through the State Clearinghouse for public and agency review and comments March 11, 2019 through April 11, 2019.

An amended Mitigated Negative Declaration was prepared to address comments from two responsible state agencies: the California Department of Food and Agriculture and the California Department of Fish and Wildlife. The California Department of Food and Agriculture runs the state CalCannabis licensing program and requested a number of mostly format changes to help them satisfy their CEQA obligations related to potential future issuance of a state license. The California Department of Fish and Wildlife comments were primarily concerned with expanding protections to species already addressed in the CEQA document. All requested mitigation measures are substitutions that are equivalent or more effective than previously proposed. Thus, these measures can be substituted pursuant to CEQA Guidelines Section 15074.1 and no recirculation is required. For details on changes, see Attachment 7. Staff Memo recommending changes to the Mitigated Negative Declaration and Conditions of Approval, April 11, 2019.

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**Agenda Date:** 9/30/2019

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The Mitigated Negative Declaration was adopted by the Board of Zoning Adjustments on April 11, 2019, at which time the Board of Zoning Adjustments directed staff to substitute certain mitigation measures and make clarifying changes to the Mitigated Negative Declaration, as outlined in the Staff Memo.

Staff Recommendation

Staff recommends the Board deny the appeal and uphold the Board of Zoning Adjustment's decision to approve the request, subject to the attached Conditions of Approval.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

N/A

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Draft Board of Supervisors Resolution

Exhibit A Draft Conditions of Approval of the Resolution and Mitigation Monitoring Program

- 1: Appeal submitted by Kevin Block for No Pot on Purvine, April 19, 2019
- 2: Site Plan
- 3: Grazing Lease
- 4: Board of Zoning Adjustments Minutes, April 11, 2019
- 5: Board of Zoning Adjustments Staff Report and Exhibits, April 11, 2019
- 6: Final BZA Conditions of Approval, April 11, 2019
- 7: Staff Memo recommending changes to the MND and Conditions of Approval, April 11, 2019
- 8: Mitigated Negative Declaration, March 11, 2019, Amended April 11, 2019
- 9A: MND Biotic Assessment.pdf
- 9B: MND Historic Resource Evaluation
- 9C: MND Hydrogeologic Assessment
- 9D: MND Trip Generation Analysis Assessment

**Related Items "On File" with the Clerk of the Board:**

N/A



June 3, 2022

VIA ELECTRONIC MAIL

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Crystal Acker [Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)  
Board of Zoning Adjustments  
PRMD  
Santa Rosa, California

**Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)**

Dear Commissioners and Ms. Acker,

On behalf of Bennett Valley Residents for Safe Development, we object to the extension of the conditional use permit) for an additional three years to Sonoma Hill Farms, 334 Purvine Road (UPC 17-0020. Normally we confine commenting to projects within Bennett Valley. In this instance, however, we believe that allowing this cannabis operation to continue to operate would set a dangerous precedent given its manifest failures to comply with the Cannabis Ordinance.

PRMD's notice dated April 22, 2022 contains the following statement that is so ridiculous it should embarrass PRMD and county government: "The Permit Sonoma Director has determined that there is no credible evidence of non-compliance with the conditions of approval applicable to outdoor cultivation, and that outdoor cultivation activities at this site do not constitute a public nuisance." This boilerplate is silly, and our comments explain why.

**The Site Lacks Sustainable Water.**

Section 26-88-254(g)(10) of the Cannabis Land Use Ordinance provides:

An on-site water supply source adequate to meet all on-site uses on a sustainable basis shall be provided. Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees.

Trucked water shall not be allowed, except as provided below and for emergencies requiring immediate action as determined by the Director.

Sonoma Hills Farm lacks sufficient on-site water “adequate to meet all on-site uses on a sustainable basis.” Several neighbors have provided information that their wells are going dry. These include wells at 421 Purvine and 4000 Middle Two Fork Road (Garry Mahrt), 4101 Middle Two Rock Road (Richard Strozzi-Heckle), 4257 Middle Two Rock Road (Curtis and Jill Coffin), 105 Purvine Road (Phoebe Lang and Sanjay Bagai), and 6475 Bodega Avenue (Gary McClelland). The Department of Cannabis Control wrote PRMD on July 20, 2021 that the county must assess “cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer.” PRMD has never undertaken such an analysis.

The record contains abundant evidence of at least 50,000 gallons per day of water being trucked in last summer by a Petaluma Creamery tanker truck (e.g., *Insight report* (September 4, 2021); *Illegal Water Hauling in Petaluma Dairy Belt* by Sanjay Bagai (October 2021)). The water was taken from city hydrants in Santa Rosa and Petaluma. PRMD’s only comment on trucked-in water was to say it was for construction purposes as stated by the applicant and to reference a letter provided by the applicant, where the president of Rain for Rent said their trucked in water was used for construction. This is completely different water from that supplied by the Petaluma Creamery trucks. According to the state water board, the only trucked water listed from the state water monitoring board was 3,500 gallons in May 2020. This is a huge discrepancy that cannot be ignored with stating “there is no credible evidence of non-compliance.”

Neighbors near 334 Purvine have observed several well drilling rigs recently, and have spoken with water haulers who were offered large sums of cash for delivering trucked water to the cannabis site. This site clearly lacks sustainable water and constitutes a nuisance for neighboring properties in depleting the shared water table.

### **Fire Road Issues.**

During the initial permit approval process, PRMD either did not address fire road safety issues or implemented erroneous advice from County Counsel as to the applicable standards. When the county extends or reissues a permit, it must apply the current regulations that apply at that time and amend conditions in the permit as needed to comply with current law.

When Sonoma County amended its Fire Safety Ordinance in December 2019, the Board of Forestry (BOF) Fire Safe Regulations immediately applied to all conditional use permits in the State Responsibility Area (SRA). The SRA includes 334 Purvine Avenue. Sonoma County tried for most of 2020 to persuade the BOF to certify its flawed 2019 regulations, and contended that a 12-foot-wide road “equals or exceeds” the state regulatory requirement of a 20-foot-wide road. To anyone of normal intelligence this is ridiculous. The county failed miserably in its effort to certify its uncertifiable regulations. The BOF senior counsel chastised the county for being disingenuous and for refusing to respond to straightforward questions. Subsequently the county attempted for 18 months to eviscerate the Fire Safe Regulations in a BOF rulemaking. The county also failed in this endeavor.

The state SRA Fire Safe Regulations are in force now, have been in force since at least December 2019. Even the prior Sonoma County fire ordinance stated that it must comply with the state regulations, which have been in effect since 1991. The material standards of those rules were reconfirmed by the BOF on May 5, 2022, with an official deadline of August 22, 2022. The current and future requirements in Article 2 of the regulations include: 1) road width is minimum 20 feet, excluding striping and shoulders (§ 1273.01); and 2) driveways cannot access any commercial facility (§ 1271.00); thus, any access to a commercial operation must meet the standards for roads, i.e., 20 feet wide. There are many other requirements, including for grade, road surface, turnarounds, and turnouts. The road access requirements apply from the fire station to structure, per California Fire Code § 202.

The roads that access 334 Purvine Avenue from the fire station do not meet the SRA Fire Safe Regulations. No permit extension or building permits for this commercial facility should be issued unless the roads are upgraded.

### **Promotional Activities and Canna-tourism.**

Section 26-88-250(5) of the Cannabis Land Use Ordinance provides:

Tasting, promotional activities, and events related to commercial cannabis activities are prohibited.

The owners of 334 Purvine have long been conducting promotional activities and canna-tourism. They opened an AirBNB rental on the adjacent property and the advertising in national sources and on their own web page promotes canna-tourism as described in § 26-88-250(5).

- Washington Post “Sonoma Hills Farm will offer guests a first-hand look at cannabis farming.” Nov 18, 2021 [https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9\\_video.html](https://www.washingtonpost.com/video/national/organic-cannabis-and-food-cannabis-pairing-dinners-at-sonoma-hills-farm/2021/11/18/05d32256-63a1-45e3-8a91-d7143db864c9_video.html)
- AriBNB’s April 5, 2022 ad, posted on Sonoma Hill Farm’s website: "Live the high life with a cannabis-infused stay at Sonoma Hills Farm..... This April, select Airbnb guests will have the opportunity to experience the crop’s benefits to mind, body and earth firsthand via immersive stays at Sonoma Hills Farm" <https://news.airbnb.com/a-cannabis-infused-stay-at-sonoma-hills-farm/>
- An April 15 article linked on their web page stated about Sonoma Hill Farms that "They are building out their property with the idea of making tasting and socializing comfortable and engaging. There will be tours, and sommeliers will guide tasting." <https://www.greenstate.com/business/what-happens-when-a-high-end-california-farm-adds-cannabis-to-the-menu/> Although they end with a disclaimer that guests will only have access to hemp, the intent is clear, to promote canna tourism. Just by not allowing tasting of cannabis does not change that they are conducting “promotional activities and events related to commercial cannabis”

Crystal Acker and Scott Orr of PRMD hosted a meeting with the Cannabis Business Association of Sonoma County on August 20, 2021. It was taped as part of PRMD's vision outreach for the revised cannabis ordinance. One participant was Gretchen Giles, identified herself as being associated with the California Cannabis Tourism Association (possibly now Cannabis Travel Association International) based in Petaluma. Ms. Giles openly discussed ongoing canna-tourism at Sonoma Hill Farms (see tape starting at 30:20), saying 'it's a darling' and that "we have tours there all the time." This location may be part of the "cannabis trail" that Ms. Giles is promoting, despite the fact that such tours violate the ordinance. [https://sonomacounty.zoom.us/rec/play/yP-H-BvhBFvWNiiEDRU0gCOOpj01Ok8Q55Mu9xkL5O00w\\_WKYtMTGhGeb1PH3fa\\_XX2thCsue4W3c\\_lr.dWiZHMlbcPqvSJuC](https://sonomacounty.zoom.us/rec/play/yP-H-BvhBFvWNiiEDRU0gCOOpj01Ok8Q55Mu9xkL5O00w_WKYtMTGhGeb1PH3fa_XX2thCsue4W3c_lr.dWiZHMlbcPqvSJuC)

Even if these activities were to stop, Sonoma Hills Farm has been violating the cannabis ordinance for two years. How can PRMD conclude that there is no "credible evidence" of canna-tourism or no "credible evidence" of promotional activities related to commercial cannabis activities? Such conclusions insult our intelligence.

### **Odor.**

Section 26-88-250(f) of the Cannabis Ordinance provides that "[c]ommercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating . . . odor. . . ." This has been a problem for neighbors of 334 Purvine.

Odor has been a persistent problem for neighbors. PRMD implements no objective tests for odor, and accepts the permittee's self-serving statements that there is no problem. What next? Will PG&E be allowed to investigate and conclude that it isn't responsible for wildland fires and the county will rubberstamp that conclusion? The only means of mitigating odor from an outdoor cannabis grow is distance, and 1,000 feet is a bare minimum. PRMD has not studied yet alone attempted to regulate beta-myrcene, a chemical deemed by the State of California to be a carcinogen under Proposition 65. How can PRMD force neighbors to be subjected to a known carcinogen? This grow violates the health and safety provisions of the Cannabis Ordinance, and the permit should not be extended.

Thank you for your consideration.

Craig S. Harrison  
Bennett Valley Residents for Safe Development

*Craig S. Harrison*

**From:** [Neighborhood Coalition](#)  
**To:** [Greg Carr](#); [Eric Koenigshofer](#); [Kevin Deas](#); [cquelynn.Ocana@sonoma-county.org](mailto:cquelynn.Ocana@sonoma-county.org); [Pat Gilardi](#); [Crystal Acker](#)  
**Subject:** June 9, 2022, Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)  
**Date:** June 04, 2022 3:50:15 PM  
**Attachments:** [image.png](#)

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June 4, 2022

Dear Commissioners:

The article below in June's Sonoma County Gazette concerns 334 Purvine Road, Petaluma.

We hope that you will stop the misappropriation of public water by the operators of this cannabis grow. Last summer the operators obtained a building permit (BLD21-9472) to fabricate and install "a 90,684-gallon metal water storage tank on a concrete ring foundation and associated site work." Obviously, they intend to continue to truck in water for a long time. It seems clear their well failed last year, because they have received a county permit for a new well (WEL22-01140).

It would be a simple matter for the commissioners to add a new condition to the permit to rectify this:

"PRMD, at the expense of the permittee, must sample the water in this storage tank monthly during the growing season, on a spot inspection basis, to determine whether it came from a well on the property. If water in the storage tank did not come from 334 Purvine Road, the cannabis permit is immediately revoked "

Thank you for your consideration.

Neighborhood Coalition  
Nancy and Brantley Richardson, Communications Directors  
[SonomaNeighborhoodCoalition@gmail.com](mailto:SonomaNeighborhoodCoalition@gmail.com)

<https://www.sonomacountygazette.com/sonoma-county-news/opinion-water-theft-in-petaluma-is-intolerable/>

Sonoma County Gazette (June 2022), page 6

## Opinion: Water theft in Petaluma is intolerable

A close up of the marijuana farm industry. Stock photo.



**NANCY AND BRANTLEY RICHARDSON**  
SONOMA NEIGHBORHOOD COALITION  
May 25, 2022

It is intolerable for local governments to ask ordinary citizens to make sacrifices— including not growing vegetable gardens or watering lawns—while they look the other way when cannabis growers filch public water during California’s worst drought in a millennium.

The City of Petaluma’s website announces a vast array of water restrictions that the City Council has placed on residents of Petaluma because of the drought. These include outdoor watering only twice a week; no use of potable water for washing sidewalks, driveways, or buildings; no vehicle washing at home; no filling of new or existing pools; no planting of landscapes that require water; and potable water meters for construction limited to use for water line hydrostatic testing and chlorination.

Last summer our members observed flagrant water theft in Petaluma. Tankers filled up from

Petaluma city hydrants and delivered the city's potable water to cannabis cultivation projects, violating the Petaluma ordinance, the county's cannabis ordinance, and flying in the face of Petaluma's demands to residents to reduce water usage. We photographed a Petaluma Creamery tanker and its license plate that took water from a hydrant close to Ray's tavern (900 Western Ave, Petaluma), and reported it to Petaluma officials.

Nothing was done except we think a city official telephoned the permit holder to warn that the illegal activity had been observed and to be more careful. We were told by the officials that eye witness accounts and photographic evidence at hydrants and on public roads leading to cannabis grows was insufficient evidence to undertake an investigation. One Agriculture Department regulator suggested that the public trespass on the cannabis property to obtain additional photographs.

We are writing to ask what additional steps the City of Petaluma will take this year to thwart such illegal water thefts. Will you devote sufficient investigative resources to stop these activities? Is using city water for cannabis cultivation while you urge ordinary residents to conserve water acceptable to the mayor and city council? Will the city council amend its ordinance to permanently ban permit holders and levy significant fines for those who make illegal diversions?

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**From:** [Dick and Vi Strain](#)  
**To:** [Eric Koenigshofer](#); [Kevin Deas](#); [Jacquelynne Ocana](#); [Pat Gilardi](#); [Crystal Acker](#); [Greg Carr](#)  
**Subject:** Board of Zoning Adjustments, PRMD Santa Rosa, CA - Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)  
**Date:** June 06, 2022 8:06:36 AM

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Dear Commissioners and Ms. Acker,

The above subject extension of a cannabis permit contains information that is illustrative of a serious concern the citizens of Bloomfield have over the County lack of identifying and monitoring zoning violations. The neighbors of the above operation have submitted copious amounts of information to the County re the violations on this property that the County seems to be ignoring. The Counties lack of attention to code enforcement and monitoring of "Conditions of Approval" places surrounding property owners in the unwarranted position of having to monitor and report violations to the County. It is the Counties job to do this, not the neighbors.

In Bloomfield, we have the specter of a Commercial Cannabis operation next door to multiple residential property lines and our cemetery with only the current 100 foot setback from our property lines to cannabis operations. We are commenting on this application as we believe if the County allows this cannabis operation to continue operating it will set a precedent for other future projects to be able to flaunt non-compliance with the Cannabis Ordinance and suffer no consequences for this non-compliance. We also are greatly concerned that as stated above, it is the neighbors who have uncovered the many violations, not the County Staff. We in Bloomfield know how this works. Please drive to Bloomfield Road at the Petaluma/Valley Ford Road and take a look at the Junk Yard located at the entrance to Bloomfield. This is a non-permitted use that has been reported to Code enforcement with no visible improvement for years. It is an unwanted job to get the County to do the job that is their responsibility.

The subject cannabis operation was approved under the provisions of the existing cannabis ordinance prior to consideration of neighborhood compatibility and sufficient environmental analysis of issues relative to cannabis. A new cannabis Ordinance and an Environmental Impact Report that are currently underway will take many years to complete. In the interim it is important to sufficiently study new information that may be harmful to humans living in close quarters to cannabis. One such issue is "Odor" that subjects neighbors to a chemical, beta-myrcene, deemed to be a carcinogen under Proposition 65. This is also a health and safety issue that needs attention now that it has been identified. Neighborhood compatibility is an issue that many rural residents are concerned about and the issues identified in this operation causing such grief to the neighbors are an example of why neighborhood compatibility needs to be a top priority for the County when considering these types of land use.

We support the "Bennett Valley Residents for Safe Development" letter dated June 3, 2022 regarding specific code violations such as water use regulations, fire safe road

violations, promotional activities violations, health and safety violations and building permit violations and as such will not repeat the detailed information in our email except by this reference.

We request you deny the requested extension and require compliance with all code violation prior to any further consideration of extending this permit.

Vi Strain on behalf of ccbloomfield.

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**From:** [concerned citizens](#)  
**To:** [Eric Koenigshofer](#); [Kevin Deas](#); [Jacquelynn Ocana](#); [Pat Gilardi](#); [Crystal Acker](#); [Greg Carr](#)  
**Subject:** The city of Petaluma Water Department responds to illegal water hauling at 334 Purvine  
**Date:** June 07, 2022 8:03:21 AM  
**Attachments:** [Response to Neighborhood Coalition 5-19-22 Letter - 6-3-22.pdf](#)

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EXTERNAL

Dear Commissioners.

I want to share the response that was received from the Petaluma Water Department in response to Nancy Richardson of the Neighborhood Coalition reporting the water hauling at 344 Purvine during the Summer of 2021.

The Neighborhood Coalition will be following up with photo documentation of the water hauling that occurred and the detectives report obtained by neighbors.

The wide spread ground water shortage in the area, and that 334 was getting water illegally from an unlicensed truck is confirmed by Petaluma in this letter.

How much water did the applicant say they would use for construction? 50-100,000 gallons trucked in observed by neighbors. The applicant also drilled 2 new wells and is installing 90,000 gallons of storage- none of which were analyzed in the MND.

Isn't this the same site that advertises cannabis products and tasting menus available with their Airbnb listing? I thought canna tourism was prohibited under the ordinance. Seems like the applicant is demonstrating a pattern of bending the rules to meet the needs of their enterprise without regard for the rules or the community that lives around them and shares resources with them.

Please take this into account when considering the renewal of the permit at this site.

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Best,  
Veva Edelson on behalf of CCOBloomfield



# CITY OF PETALUMA

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Mayor

Brian Barnacle  
D'Lynda Fischer  
Mike Healy  
Dave King  
Kevin McDonnell  
Dennis Pocekay  
Councilmembers

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**Housing Division**  
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**Information Technology Division**  
Phone (707) 778-4417  
Fax (707) 776-3623



June 3, 2022

Via email: [SonomaNeighborhoodCoalition@gmail.com](mailto:SonomaNeighborhoodCoalition@gmail.com)

Dear Nancy and Brantley Richardson and the Sonoma Neighborhood Coalition:

The City of Petaluma received your letter dated May 19, 2022, which was subsequently published in the *Sonoma County Gazette* on May 25, 2022.

We recognize the frustration expressed in your letter regarding Petaluma's current water use restrictions that have been enacted in response to ongoing drought conditions. Please know that Petaluma is working hard to adhere to all state and local regulations governing water use as we all work together to conserve water through this multi-year drought.

Due to prolonged, severe drought conditions in our area, several dairies and cattle ranches outside the City of Petaluma's water service area did not have access to water in the summer of 2021. Accordingly, last summer, Sonoma County coordinated with the City to allocate additional water to the City to permit the City to provide hauled potable water to those ranches that ran out of water. The hydrant mentioned in your letter located on Western Avenue, up the hill from Ray's Deli & Tavern, is a designated fill location for authorized water haulers that have been issued permits by the City of Petaluma. All water haulers permitted by the City are issued a water meter to use and are charged for all potable water drawn from hydrants designated by the City. All the City's potable water hauling permits are restricted to a specified permittee, drawing from a specified meter, hauling to specified locations, for specified uses. All permitted water haulers are subject to a monthly allotment of water that may not be exceeded. Any departures from the permit requirements are subject to permit revocation and imposition of significant penalties.

When the City receives a complaint about a water hauler, our staff follows up and investigates the issue promptly. Our monitoring and enforcement efforts include following water haulers to verify that the delivery locations match those specified their permit. When a violation is discovered, the water hauler's permit is revoked.

In response to your letter, we reviewed our records from last summer. City records show that a hauler using a Petaluma Creamery truck was permitted to draw water from a hydrant on the North McDowell extension and to haul potable water to Primrose Avenue in Santa Rosa. The permit was one of those issued to ranches using the additional water allocation granted to Petaluma for that purpose. On June 21, 2021 (well before we received your letter on May 19, 2022), we revoked that permit because we determined the water was being

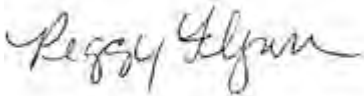
hauled to a ranch at 750 Chileno Valley Road. In our research we did not find any complaints about water thefts involving cannabis operations or any City-initiated enforcement actions involving cannabis operations.

Your letter indicates that a photo was taken of a Petaluma Creamery truck including the truck's license plate while drawing water from a hydrant on Western Avenue last summer. If you have the photo, and/or any information on the location of the cannabis cultivation site where the truck delivered the water, please forward that information to us so we can investigate. If we find that an unauthorized water usage occurred, we will take appropriate enforcement action.

We rely on reports from the public, in addition to regular patrols by Public Works and Utilities staff and the Petaluma Police Department, to ensure that water theft does not occur, and to take prompt enforcement steps when it does. We take reports of water theft and water use violations very seriously.

If you have additional information to share regarding claims of water theft occurring in the City of Petaluma, or wish to report other water use violations, please contact us at 707-778-4546 or by email at [publicworks@cityofpetaluma.org](mailto:publicworks@cityofpetaluma.org).

Sincerely,



Peggy Flynn  
City Manager

cc: City Council  
Richard Green, *Press Democrat*, [rick.green@pressdemocrat.com](mailto:rick.green@pressdemocrat.com)  
Rollie Atkinson, *Sonoma West*, [rollie@sonomawest.com](mailto:rollie@sonomawest.com)  
Amie Windsor, *Sonoma County Gazette*, [amie@sonomacountygazette.com](mailto:amie@sonomacountygazette.com)

**From:** [Deborah Eppstein](#)  
**To:** [Greg Carr](#); [Pat Gilardi](#); [Jacquelyne Ocana](#); [Kevin Deas](#); [Eric Koenigshofer](#)  
**Cc:** [Crystal Acker](#); [Sita Kuteira](#); [Scott Orr](#); [Tennis Wick](#)  
**Subject:** 334 Purvine; new information on non-compliance with Fire Safe Regulations  
**Date:** June 07, 2022 8:10:16 PM  
**Attachments:** [334 Purvine cond of approval Att 2 9-30-2019.pdf](#)  
[SRA Fire Safe Regulations Jan 2020 ADA.docx](#)  
[Slaton 10-23-21 Response to 10-18 Sonoma Letter Highlight.pdf](#)

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Dear Members of the BZA,

I know you have received a lot of information including from me, but I just received a response from Permit Sonoma on the Fire Safe Roads issue that needs comment and correction. As summarized below, it appears that the Fire Prevention department must not have been aware of the requirement to follow the state SRA Fire Safe Regulations, but that is incorrect and in violation of state law.

I had requested the road inspection report for Purvine Road that is required for compliance with the Title 14 SRA Fire Safe Regulations. Crystal helpfully responded that all the information is in the Conditions of Approval, (“COA”) on pages 12-14. Note p12, items 63-65 and p14, item 74. Item #64 requires compliance with CCR Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5 (SRA Fire Safe Regulations or “**SRA Regs**”, attached), and the Sonoma County Fire Code Chapter 13, Article Division A Section 13-24 (“**SoCo Code**”). The SoCo Code was in effect in 2019 (still subject to stricter measures of the SRA Regs) but after Dec 2, 2019, only the SRA Regs were in effect in the State Responsibility Area (“SRA”) as the SoCo Code was not certified by the Board of Forestry (“BOF”). BOF and County Counsel confirmed this.

Important points;

1) The **SoCo Code states** that it is **subject to the SRA Regs** and does not supersede more restrictive provisions of the Code (§13-22). Both the SRA Regs and the California Fire Code (“CFC”) are incorporated in the SoCo Code; thus in 2019 the more restrictive provisions of **the SRA Regs** and the **CFC dominate** all development in the SRA (State Responsibility Area) as required under state law., and after Dec 2, 2019, only the SRA Regs continue to apply. 334 Purvine Rd is in the SRA. Although SoCo Code §13-24 references exemptions for existing roads, **such exemptions are not allowed in the SRA Regs.**

2) The **SRA Regs** require **20 ft width** for all two-way roads, safe concurrent fire apparatus ingress and civilian evacuation and unobstructed traffic circulation. The **SoCo Code** encompasses the CFC which also requires **20 ft wide** Fire Apparatus Access roads from a fire station to a structure.

3) Yet **COA #74(a)** (Condition of Approval attached) says that development **only** needs to comply with the SoCo Code and the CFC; it **ignores the requirement to comply with the state SRA Regs** (which will always dominate if more restrictive) referenced in COA #64 and in the Cannabis Ordinance operating standards. COA #74(a) then says that all existing access roads must be 20 ft wide, but that this could be reduced to 12 ft with turnouts as approved by fire code official, and that this only applies from the property to the public road (ie, does not apply on Purvine Rd), but even then says this requirement may also be waived. **Thus COA**

**#74** says there are **no required road standards for this cannabis operation under SoCo Code, ignoring that the stricter standards of the SRA Regs and CFC must still apply.**

4) Conditions of **COA #74 are not allowed in the State SRA Regs!** SRA Regs apply equally to **public and private** roads (see definition of Road, § 1271). Yet COA #74 states there are no road requirements for the public Purvine Rd for this cannabis operation, completely ignoring the 20 ft width requirement of both the CFC and the SRA Regs, and the requirement for access roads from the fire station. The fire inspection official did not provide an inspection report for Purvine Rd. **Purvine Rd is only 15 ft wide** (confirmed by neighbors), far less than the required 20 ft to enable 10 ft wide fire engines to safely pass other vehicles.

5) In the past, Sonoma County refused to follow the SRA Regs for existing roads, saying they were exempted, and spent a year (2020) trying to convince the state BOF that the SoCo Code was more stringent. This was soundly shot down by BOF, who refused to certify the 2020 SoCo Code (letter from BOF Sr. Counsel attached). Although Permit Sonoma and County Counsel may argue that the SoCo Code was certified by BOF between 2017-2019 and thus existing roads were exempted, as noted above even in 2019 the SoCo Code and the Cannabis Ordinance still required that the SRA Regs and CFC be followed.

6) The **building permits** applied for by the applicant have all been **illegally granted by Permit Sonoma** as the access roads **don't comply with the SRA Regs. These permits were granted after 2019;** thus it is clear that they were only under the SRA Regs, as the SoCo Code was not certified. **COA #70** (p13) requires annual fire safety inspections. Did these inspections occur and if so, why didn't they flag that the buildings were **out of compliance with the SRA Regs?**

7) The SRA Regs do have an exception mechanism if Material Facts are provided showing that an alternative provides the same practical effect as the SRA Regs- ie, as in Article 2, concurrent ingress and egress, and unobstructed traffic circulation. This is not possible on a 15 ft wide road even with turnouts, and furthermore **no exception was requested, nor granted, nor submitted to CalFire** as required under the SRA Regs.

**BOTTOM LINE, COA #64 is completely violated, and the cannabis operation and all new or modified building are illegal under state law.**

I recognize that this is a lot of information for you to absorb but as the public hearing process only allows for very limited public comments and no opportunity to provide corrections if incorrect information is presented by the county, I hope you can follow this. I am happy to discuss by phone if that would be helpful!

Thanks,  
Debby  
801-556-5004

Deborah Eppstein  
[deppstein@gmail.com](mailto:deppstein@gmail.com)



3. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.
4. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,675.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
5. Department of Agriculture Annual Site Monitoring Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Department of Agriculture Annual Site Monitoring Fee of \$900.00 (or other amount consistent with the adopted fee schedule in effect at the time) to verify compliance with the ordinance. The applicant/operator shall be responsible for payment of additional annual site monitoring fees for each year over the effective term of the permit. The annual site monitoring fee shall be paid by January 31 of each year the permitted operation is active.
6. Traffic Mitigation Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit to Permit Sonoma a Traffic Mitigation Fee per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.

**PLANNING:**

**Contact Permit Sonoma Planning at 707-565-8357**

7. **Type(s) and Limitations of Use:**
  - a. This use permit allows for cannabis cultivation, including associated processing and packaging of cannabis grown on-site only.
  - b. This use permit does not allow public access to the cannabis operation.
  - c. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
  - d. If phased construction will occur rather than full buildout of permitted uses, a Phasing Plan shall be submitted for review and approval by Permit Sonoma staff within 90 days of Use Permit approval. At a minimum, the Phasing Plan shall include a floor plan and corresponding table disclosing the following for each room:
    - i. Room identifier/label.
    - ii. Square footage per room.
    - iii. Canopy area per room.
    - iv. Use (e.g., flower, vegetative propagation, processing, distribution).



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



- v. Proposed phase and timeline for each phase
  - e. The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0020 as modified by these conditions.
8. **Propagation Area.** This use permit allows for 4,080 square feet of indoor propagation, 0.00 square feet of mixed light propagation, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 4,080 square feet. The operator shall not increase propagation area beyond 4,080 square feet at this location without prior approval from Permit Sonoma staff.
9. **Cultivation Area.** This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.
10. **Hours of Operation.** Indoor cultivation, indoor processing, and outdoor harvesting operations are allowed to occur 24 hours per day, 7 days a week. Outdoor cultivation activities (except for harvest) are allowed to occur 7 days per week but shall be limited to daylight hours. Deliveries and shipping operations shall be limited to the hours of 8:00 am to 5:00 pm Monday through Friday.
11. **Special Events.** Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.
12. **Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.
13. **Temporary Occupancy Structures.** Tents, yurts, and other temporary structures designed for human habitation are prohibited.
14. **24-Hour Contact.** The Applicant shall provide 24-hour contact information to all adjacent neighbors. Applicant must log and investigate all complaints and take prompt action to correct any problem.
15. **On-Street Parking.** Parking on Purvine Road is prohibited.
16. **Term of Permit.** This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever ensure to the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0020 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The Operator must apply for permit renewal at least 90 days prior to expiration of the Use Permit Certificate to avoid interruption of service.
17. **Two-Year Review.** A review of outdoor cultivation activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first outdoor harvest to determine compliance with the Conditions of Approval applicable to the outdoor cultivation



operation, including but not limited to landscape screening, odor control, security, and water use, and to determine whether the outdoor cultivation use constitutes a nuisance, consistent with the authority granted pursuant to Sonoma County Code Section 26-92-120 (Revocation generally). All annual monitoring reports and incident logs required by the County shall be submitted in support of this review, including groundwater monitoring reports, odor inspection and complaint logs, and security inspection and incident logs.

The director shall give notice of this Use Permit review and opportunity to submit comments or request a public hearing to all owners of real property within one thousand feet (1,000') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment.

If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation or that outdoor cultivation activities constitute a nuisance, or a public hearing is requested, the director shall refer the matter to the Board of Zoning Adjustments for possible modification of the Use Permit with regard to the outdoor cultivation activities, which may include elimination of the outdoor cultivation portion of the operation. Any such modification shall be preceded by a public hearing noticed and heard in compliance with Sonoma County Code.

If the director determines that no credible evidence of non-compliance with the Conditions of Approval applicable to outdoor cultivation and that outdoor cultivation activities do not constitute a public nuisance, and no public hearing is requested, the outdoor cultivation operation shall be extended to the full five-year permit term without a public hearing.

This Use Permit review shall not include any aspects of the original Use Permit approval that do not relate to outdoor cultivation, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.

**18. Operator(s) and Employees:**

- a. The applicant/operator and all employees must be age 21 years or older. This use permit allows for a maximum of 10 employees.
- b. The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- c. An applicant/operator providing false or misleading information result in nullification or revocation of this issued use permit.

**19. Ownership changes.** Written notification shall be provided to Permit Sonoma prior to any of the following changes: 1) a new person meeting the definition of cannabis business owner of the permit holder, 2) change in business entity type of the permit holder, 3) change in legal business name of the permit holder, 4) a new person serving as operator of the permit holder, or 5) a new property owner. Supporting documentation shall be submitted to Permit Sonoma within 30 days of any of the aforementioned changes.

**20. Tracking.** The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records



tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the County upon request.

21. **State Licensing.** The applicant/operator shall be required to obtain a state license and shall comply with any applicable state licensing requirements, such as operational standards and locational criteria.
22. **Occupational Safety.** The applicant/operator shall comply with all federal, state and local laws and regulations governing California Agricultural Employers, which may include but is not limited to: federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.
23. **Security Plan.** The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

24. **Odor.** The applicant/operator shall install and maintain an odor control air filtration and ventilation system to control humidity and mold and to control off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including mixed light greenhouses.

Daily inspections shall be performed by the on-site manager, and shall comply with the approved Odor Control Plan, as modified by these conditions. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).

Daily inspections by the on-site manager shall also be conducted of the outdoor cultivation site (when in operation). Outdoor inspections shall be conducted when plant chemistry is most active (dusk or dawn; the actual inspection time shall be noted in the log), and shall note any damage to planted windbreaks that might reduce effectiveness.

A log of inspection results shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. Any odor complaints received shall also be documented, along with the complaint resolution and the timeframe required to address the odor issue, and shall also be included in the annual report. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

If verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce odor generation, including use of engineered solutions, such as Vapor-Phase Systems (Fog Systems).



25. **Energy Use.** The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean Power EverGreen program has been submitted and shall be maintained, unless another 100 percent renewable alternative is proposed. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.
26. **Maintenance of On-Site Agricultural Use.** The applicant/operator shall maintain a primary agricultural use on the parcel. Currently, primary agricultural uses include a lease to graze cattle on 25 acres of the property and a lease to grow organic produce for restaurants on 1 acre of the property. Failure to maintain a primary agricultural use shall be considered a violation of this use permit, subject to revocation or modification.
27. **Signage.** The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
28. **Taxes.** Cannabis uses shall be current on applicable Sonoma County Cannabis Business Taxes and any additional taxes enacted by the voters or this permit may be subject to revocation or non-renewal.
29. **Water Efficient Landscaping.** Landscaping plans must comply with the County Water Efficient Landscape Ordinance as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Prior to Building Permit Issuance, a Landscape Plan shall be submitted for review and approval by Permit Sonoma. The approved Plan shall be implemented by the applicant/ operator prior to issuance of the Use Permit Certificate or operation of the use. Verification of implementation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
30. **Water Conservation Plan.** A Water Conservation Plan for the building shall be submitted for review and approval by Permit Sonoma. The Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include: installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse. The approved Water Conservation Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.
31. **Greenhouse Gas Reduction Plan.** A Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be submitted for review and approval by Permit Sonoma. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to: best available conservation technologies for all energy and water uses; installation of renewable energy facilities to meet demand on-site; provisions of electric vehicle charging stations; bicycle facilities including secure bike parking and lockers and showers for employees; employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc. The approved Greenhouse Gas Reduction Plan shall be implemented by the applicant/ operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.



32. **Lighting.** All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Outdoor security lighting shall have motion-sensors. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

33. **Design Review.** Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Prior to Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.

34. **Cultural Resource Protection.** The grading permit shall have the following notes printed on plan sheets prior to issuance:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult with and/or notify the appropriate tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense."

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."



35. **Use Permit Certificate.** A Use Permit Certificate with these conditions, approved proposal statement, and approved floor plan shall be maintained on site and made available to county officials upon request.
36. **Conformance with Statutes.** This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.

**BUILDING:**

**Contact Permit Sonoma Building Plan Check at 707-565-2095**

37. The applicant/operator shall apply for and obtain building related permits from Permit Sonoma for new construction. The necessary applications appear to be, but may not be limited to accessibility report and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s). A signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
38. Due to the scope of this commercial project, the California Business & Professions Code requires plans and calculations to be prepared by California licensed design professionals (architects, engineers). Cover sheet of plans shall identify the full scope of work, and shall include an architectural analysis of the proposed project including occupancies of all spaces, areas, area and height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements and fixture requirements. All buildings shall comply with prescriptive requirements of all applicable codes, including Energy and CALGreen.
39. In order to determine proper fire separations, the intended occupancies and uses of the facility, and spaces therein shall be clearly stated on the plans; similarly, the approved use and occupancy of the adjacent spaces in the building shall be shown. A detail of the wall assembly separating those spaces shall be shown on the plans. Plans shall include an analysis of proposed occupant load, area and height limitations, emergency egress and fire rated construction details.
40. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
41. All manufacturing uses shall be defined and scoped. All fertilizers, pesticides, corrosives, flammables, explosives and/or toxic materials that may be stored or used at the facility shall be defined, scoped and quantified. A control area analysis shall be provided for any of the above materials exceeding code-prescribed thresholds.
42. Mechanical, electrical and plumbing plans shall be fully detailed. Plumbing system materials used to convey concentrated byproducts of water reuse process equipment shall be identified and detailed from point of inlet to point of discharge. Path of reclaimed condensate systems and associated storage and conveyance equipment shall be identified and detailed.
43. The applicant/operator shall comply with California Building Code section 11B-202.3, which requires that alterations to existing elements or spaces to comply with the accessibility requirements of CBC 11B Division 2. All buildings, structures, sidewalks, curbs, and related



facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements. Plans shall include details of the path of travel from accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent CBC as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure. For this purpose, a change of use or occupancy classification is considered to be an alteration.

44. All permanently installed equipment shall be identified in the appropriate section of the mechanical/electrical/plumbing sheets. Product information shall be included to verify installation and use of equipment is consistent with manufacturer's listing and/or recommendations.
45. Prior to any site review or field inspections, any materials or systems that could present a danger to inspectors shall be isolated and secured. All field inspection staff shall be accompanied by personnel familiar with systems and construction capable of describing and controlling equipment.
46. Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.
47. Per CBC Ch. 10, any racking systems proposed shall be limited in size to allow continuous unobstructed egress from all portions of the room of facility and shall also comply with Chapter 15 of the ASCE 7-10 design standard, specifically Section 15.5.3 for anchorage of racks to meet seismic requirements.

**Natural Resources Geologist:**

**Contact Permit Sonoma Natural Resources at 707-565-1352**

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

48. Prior to the issuance of any building permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PERMIT SONOMA Project Review staff and County Counsel prior to recordation.

**PRIOR TO OCCUPANCY:**

49. Water well(s) used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point.

**OPERATIONAL REQUIREMENTS:**

50. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after



being turned off. Static water shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the County by January 31 of each year. The annual report shall show the location of the well(s) with the groundwater level measuring device and the location of the water meter(s), and shall include a cumulative hydrograph of static water levels and total quarterly quantities of water pumped from well(s) used in the operation.

51. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
52. Prior to building permit final or granting of occupancy or initiation of the use, the County shall verify that the well monitoring equipment has been installed and that the access easement has been recorded. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. In the event that project groundwater use exceeds 2.08 acre-feet per year from the project well, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce water use. In the event that groundwater use exceeds 2.08 acre-feet per year by more than 10 percent, Permit Sonoma staff shall bring this matter back to the Board of Zoning Adjustments to consider whether additional measures to reduce water use are appropriate.

#### **Grading and Storm Water:**

#### **Contact Permit Sonoma Grading and Storm Water at 707-565-1352**

53. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
54. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, shall to be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be currently registered in the State of California.
55. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.



56. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.
57. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
58. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Monofilament netting, including photo- or biodegradable plastic netting shall not be used.
59. Residue or polluted runoff from the outdoor cultivation areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands.
60. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
61. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit



must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

62. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

**FIRE:**

**Contact Fire and Emergency Services at 707-565-2191**

Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:

*(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*

63. Due to the scope of this project a Fire Services Pre-Construction meeting is required.
64. Prior to initiation of the use, the project shall submit a Fire Prevention Plan demonstrating compliance with the Sonoma County Fire Safety Ordinance (Sonoma County Code), subject to review and approval by the Sonoma County Fire Marshal. The Plan be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions: *(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 - 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*
65. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property.
  - a. A fire inspection shall be conducted by the Sonoma County Fire and Emergency Services Department to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
  - b. The Sonoma County Fire and Emergency Services Department may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.



- c. The building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.
66. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises the applicant shall provide a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The report and opinion shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon. CFC Sec. 104.7.2, CBC Sec. 414.1.3.
67. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
68. Site Plan shall indicate any proposed exterior security fencing, personnel gates or vehicular gates. Note exit discharge shall be direct and unobstructed to the public way.

#### **Fire - Operational Permits**

69. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code for Cannabis type operations (CFC Sec. 105.6.50(11)).
  - a. Hazardous material: storing, transporting on site, dispensing, using or handling hazardous materials
  - b. Cannabis type operations
70. An annual fire safety inspection maybe required by the fire code official for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

#### **Construction Permits**

71. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code.
72. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2013 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

#### **Fire - Emergency Planning and Response**

73. A Fire Protection plan shall be provided prior to operation and shall provide information about the property including but not limited to the following. See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>



- a. Emergency Contacts
- b. Address
- c. Property owner
- d. Fire access roads including gates
- e. Water supplies and hydrants
- f. Location of hazardous materials
- g. Utilities
- h. Floor plans showing intended use of each room/area
- i. Employee training for use of regulated materials in the fire code
  - i. When required by the local fire jurisdiction special processing of cannabis may require the facility to have identified trained staff including a main point of contact to oversee and train employees in the special process.
  - ii. This process shall have onsite training records for review and a manual in address emergencies associated with the special process.(Example is extraction equipment)

#### **Fire - Access**

74. Prior to operation, the applicant/operator shall at a minimum facilitate locating an emergency, avoid delays in response and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide and unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code. The following shall be approved by the fire code official prior to operation.

- a. All existing roads providing access to new commercial cannabis operations with structures shall be provided with an access road not less than 20 feet in width. Access roads may be allowed to be reduced to 12 feet in width with turnouts as approved by the fire code official.
  - i. This requirement shall apply from the property line of the application to the public right-of-way.
  - ii. This requirement may be waived with written approval by Sonoma County Fire or the Fire Code Official.
- b. All roadways and building shall be identified by approved road signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.

#### **Fire - Water Supply**

75. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.

- a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.



- b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.

### **Vegetation Management**

76. On each parcel, building setbacks shall be in compliance with the California Fire Code and California Building Code as adopted and amended by Sonoma County Code, and Sonoma County Fire Safe Standards Section 13-55.

### **Fire - Occupancy**

77. Prior to occupancy, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

### **ENVIRONMENTAL HEALTH (Permit Sonoma):**

**Contact Permit Sonoma Health at (707) 565-1924**

### **PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

#### **Water**

78. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation: a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures. b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
79. The project is located within the Petaluma Nitrate Study Area and consequently the water supply well is required to have a 100-foot annular seal, or water intended for human or animal consumption must be treated in compliance with the Sonoma County Well Ordinance (Sec. 25B-8(b)). Prior to issuance of building permits, a treatment plan shall be submitted to the Project Review Health Specialist for review and approval. The Plan shall comply with all requirements of the well ordinance and shall provide a site plan identifying where treatment equipment and treated and non-treated water lines will be located.

Prior to issuance of a Use Permit Certificate or final occupancy, water treatment equipment shall be installed and verified by Permit Sonoma staff.



80. Prior to issuance of a Use Permit Certificate or final occupancy, the applicant shall install appropriate warning signage at all non-potable water access points. Signage shall be dual language or shall include "Do Not Drink the Water" pictographs. Verification of sign installation shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
81. Prior to issuance of a building permit, the components of the indoor irrigation system shall be proven to be appropriately specific for the intended use and shall comply with the equipment manufacturer's instructions, cautions, and warnings. For the health and safety of employees working in an enclosed greenhouse environment containing high moisture with aerosolized chemicals and microbes, installation and use of the irrigation equipment/components shall adhere to the manufacturer's installation, use, and maintenance instructions. Proof of appropriately specific irrigation system equipment and components shall be submitted to the Project Review Health Specialist.

### **Septic**

82. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Revised Use Permit. Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.
83. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the "finalized" Abandonment Permit.
84. Toilet facilities shall be provided for employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

### **Solid Waste**

85. Prior to building permit issuance, the applicant/operator shall submit a design for trash enclosures and recycling areas for review and approval by the Permit Sonoma Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance (total of 19 feet high) at the location where the bins are tipped.

### **PRIOR TO OCCUPANCY:**

#### **Water**

86. Prior to Occupancy the applicant/operator shall have the water supply system evaluated for



potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2016 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

87. Prior to occupancy, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD. The Project Review Health Specialist shall receive a letter from the Cross Connection Control Specialist stating that backflow prevention has been installed as recommended.

### **Solid Waste**

88. Prior to building occupancy, the applicant shall submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs for review and approval. The Project Review Health Specialist shall receive a clearance letter or e-mail from Sonoma County Environmental Health regarding the project solid waste management plan and compost/trash enclosure design.

### **OPERATIONAL REQUIREMENTS:**

#### **Water**

89. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
90. A safe, potable water supply shall be provided and maintained.

#### **Septic**

91. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
92. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

#### **Noise**

93. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:



TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

94. Mitigation Measure NOISE-1 HVAC Unit Sound Wall: A wall for sound attenuation shall be constructed on three sides of the cultivation HVAC unit. The wall shall be constructed of ½ inch thick (at a minimum) plywood and studs; the top of the wall shall extend to a minimum of two feet above the top of the HVAC unit. Solid walls of brick, masonry, or other robust materials are also allowable instead of lumber as long as they attenuate sound to an equal or greater degree.
95. Mitigation Measure NOISE-2 Construction Operation: All plans and specifications or construction plans shall include the following notes:
- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site stating the allowable hours of construction, and including the Coordinator's 24-hour phone number for public contact regarding noise issues. The Coordinator shall investigate all complaints to determine the cause (such as starting too early, faulty muffler, etc.), and shall take prompt action to correct any problem. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
  - b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - c. Except for actions taken to prevent an emergency or to deal with an existing emergency, all construction activities (including equipment start-up, operation, servicing, and deliveries) shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma staff as soon as practical.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.



96. If noise complaints are received from nearby residents, and they appear to be valid complaints, then the applicant/operator shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The applicant/operator shall implement any additional Mitigation Measures needed to meet noise standards.

### **Solid Waste**

97. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.

### **Smoking**

98. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
99. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash can.
100. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited in any work area.

### **SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**Contact Transportation & Public Works at 707-565-2231**

### **Right of Way Requirements**

101. The Applicant/Operator shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
- a. As necessary to create public right-of-way a total of 25 feet wide on the Applicant's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Purvine Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
  - b. To contain all Public drainage facilities.



### Intersections of Roads and Driveways

102. The Applicant/Operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Purvine Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Purvine Road) meets these requirements.
- a. A minimum throat width of 24 feet (measured 30 feet from the edge of pavement).
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Petaluma Hill Road. A 1:10 pavement taper shall be constructed on both sides of the entrance. Entrance curve radii may be reduced with the approval of the Fire Services Division of the Sonoma County Department of Emergency Services.
  - c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with current AASHTO requirements for the speed traveled on Purvine Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.
  - f. Improvements shall be constructed prior to use of the property for the proposed land entitlement.
103. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria prior to issuance of building permits:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
  - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
  - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.



104. The applicant/operator shall not construct, install, or place any monuments and/or signs within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any project entry where it intersects a public roadway.

#### **Emergency Vehicle Access**

105. The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the public road traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

#### **Processing**

106. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

#### **MITIGATION MEASURES FROM MND, DATED 3/11/2019, AS AMENDED 4/11/2019:**

107. Mitigation Measure AIR-1 Construction Dust and Air Quality Control:

The following dust and air quality control measures shall be included in the project:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- e. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- f. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Trackout shall not be allowed at any active exit from the project site onto an adjacent paved public roadway or shoulder of a paved public roadway that exceeds cumulative 25 linear feet and creates fugitive dust visible emissions without cleaning up such trackout within 4 hours of when the Construction Coordinator identifies such excessive



trackout, and shall not allow more than 1 quart of trackout to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.

- i. Visible emissions of fugitive dust shall not be allowed during cleanup of any trackout that exceeds 20 percent opacity as determined by the Environmental Protection Agency in *Method 203B - Opacity Determination for Time-Exception Regulations* (August 2017).

Trackout is defined by BAAQMD in Regulation 6, Rule 6: Prohibition of Trackout (August 2018) as any sand, soil, dirt, bulk materials or other solid particles from a site that adhere to or agglomerate on the exterior surfaces of vehicles (including tires), and subsequently fall or are dislodged onto a paved public roadway or the paved shoulder of a paved public roadway on the path that vehicles follow at any exit and extending 50 feet out onto the paved public roadway beyond the boundary of the site. Material that has collected on the roadway from erosion is not trackout.

108. Mitigation Measure AIR-2 Operational Odor Control for Structures: The cannabis cultivation building shall install and maintain an odor control air filtration and ventilation system that controls humidity and mold and ensures there will be no off-site odor from structures. Daily inspections shall be performed by the on-site manager. Inspections shall include verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor (indoor cultivation/ greenhouse, and both processing buildings).
109. Mitigation Measure AIR-3 Operational Odor Control for Outdoor Cultivation: In the event that multiple verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems).
110. Mitigation Measure BIO-1 Amphibian Pre-Construction Survey(s): Pre-construction surveys shall be performed within 24 hours of initiation of project activities (including initial ground disturbing activities). Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. Any small mammal burrows found shall be protected with a 30-foot buffer and exclusion fencing placed around the construction site. No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period; however, construction activities may resume 24 hours after the end of the rain event. Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the sensitivity of special-status species potentially occurring in the project area. If any special status amphibians are encountered during the surveys, all work in the area shall be placed on hold while findings are reported to state and federal regulatory agencies, and it is determined what, if any, further actions must be followed to prevent possible take of the species.
111. Mitigation Measure BIO-2 Roosting Bat Pre-Construction Survey(s): If initial ground disturbance or building demolition occurs during the bat maternity roosting season (May 1 through August 31), a qualified biologist shall conduct a bat roost assessment of trees and structures within 100 feet of the construction site. Surveys shall be conducted immediately prior to construction



(within 1 to 2 days). Surveys shall be conducted immediately prior to construction (within 1 to 2 days). If the biologist determines there is potential for maternity roosting bats to be present within 100 feet of the project site, nighttime emergence surveys shall be performed to determine if maternity roosting bats are present. If bat maternity roosts are present, the biologist shall establish an appropriate exclusion zone around the maternity roost. Once all young have become independent of the roost, construction may take place in the former exclusion zone.

112. Mitigation Measure BIO-3 Nesting Bird Pre-Construction Survey(s): If initial ground disturbance or vegetation removal occurs during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding bird survey no more than 14 days prior to ground disturbance to determine if any birds are nesting in underground burrows or dens, or in trees on or adjacent to the project site. If active nests are found close enough to the project site to affect breeding success, the biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending on the species, nest location, and existing visual buffers, but typically would entail a minimum of 500 feet for raptor species and 300 feet for other migratory species. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone. If initial ground disturbance is delayed or there is a break in project activities of more than 14 days within the bird-nesting season, then a follow-up nesting bird survey shall be performed to ensure no nests have been established in the interim. If a burrowing owl or occupied burrow is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the owl or burrow to a safe location.
113. Mitigation Measure BIO-4 American Badger Pre-Construction Survey: If initial ground disturbance or vegetation removal occurs during the badger breeding season (February through May), a qualified biologist shall conduct a badger survey prior to construction activities. This survey could be conducted concurrently with preconstruction nesting bird surveys conducted within the same time period. If a badger or its den is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the badger or den to a safe location.
114. Mitigation Measure BIO-5 Pre-Construction Rare Plant Survey: If initial ground disturbance occurs during the blooming period of congested-headed hayfield tarplant (May-November), a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. If the plant is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include collection and redistribution of the seedbank.
115. Mitigation Measure CUL-1 Archive or Salvage Building Materials: Prior to demolition of any structures, the applicant shall inventory the architectural elements to re-use on site or donate to the Sonoma County Historical Society or other appropriate archival facility. Any associated artifacts or other architectural elements that are feasible to archive or store shall be salvaged. The associated artifact or architectural element shall be carefully removed and properly stored for reuse or delivered to the archive facility in good condition to be used in future conservation work.

116. Mitigation Measure CUL-2 Interpretive Display: The applicant shall work with the Sonoma County Historical Society or the Petaluma Historical Library and Museum in developing an interpretive display about the Collings family history and chicken farming on the property that can be displayed on site. This could include a film documentation, historical photographs, and/or an oral history with interviews conducted by a professional oral historian with Walter Collings.
117. Mitigation Measure CUL-3 Archaeological Monitoring: A qualified Archaeological Monitor shall be present onsite during all initial grading and ground disturbance activities, including any vegetation removal or grubbing. Monitoring shall continue until, in the Archaeological Monitor's judgment, cultural resources are not likely to be encountered.

If archaeological materials are encountered during ground-disturbing activities, all work within 25 feet of the discovery shall be halted until the archaeologist assesses the finds, consults with the appropriate individuals and agencies, and makes recommendations for the treatment of the discovery. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to Permit Sonoma and the NWIC upon completion of the project.

**GENERAL:**

118. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
119. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.
120. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
121. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void



and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.



**BOARD OF FORESTRY AND FIRE PROTECTION**

THE NATURAL RESOURCES AGENCY  
STATE OF CALIFORNIA

**KEITH GILLESS, CHAIR**

Wade Crowfoot, *Secretary*

Gavin Newsom, *Governor*

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(916) 653-0989 FAX  
[BOF Website \(www.bof.fire.ca.gov\)](http://www.bof.fire.ca.gov)



October 23, 2020

Linda Schiltgen  
Deputy County Counsel  
County of Sonoma  
Linda.Schiltgen@sonoma-county.org

**Re: BOF Certification Questions: Sonoma County Responses**

Dear Ms. Schiltgen:

The Board is in receipt of your letter dated October 18, 2020, and addressed to Board of Forestry and Fire Protection (Board) Chair Keith Gilless and Vice Chair Darcy Wheelles. It has been distributed to the Board members for consideration. Because your letter provides responses to questions posed by Board staff, please accept this response by Board staff on their behalf.

**Background**

A brief summary is appropriate for context. For several months, the Board, its staff, and representatives from the County of Sonoma (Sonoma County) have been engaged in discussions relative to the potential certification of Sonoma County's local fire safe ordinance as equaling or exceeding the Board's Fire Safe Regulations (14 CCR § 1270 et seq.). Board members and staff have expressed concerns about portions of Sonoma County's ordinance that either omit standards included in the Fire Safe Regulations or set standards that, on their face, appear to be less stringent than the Fire Safe Standards. At the September 22, 2020, Joint Committee Meeting of the Board, Board staff were directed to provide Sonoma County with a list of specific questions posed by both Board members and staff, that, if answered, would allow Board staff to properly evaluate the local ordinance and enable staff to make a recommendation to the Board in favor of certification. By letter dated October 12, 2020, Board staff issued those questions to Sonoma County. By your letter dated October 18, 2020, Sonoma County provided its responses for Board staff consideration.

When being presented with the myriad of issues related to certification, it is important not to lose sight of the fundamental task before the Board. The Board is reviewing the Sonoma County ordinance pursuant to 14 CCR § 1270.04 to decide whether to exercise its discretion "to certify [the ordinance] as equaling or exceeding [the Board's regulations] when they provide

the same practical effect.”<sup>1</sup> While it is generally not difficult to determine whether a particular provision of an ordinance equals or exceeds a corresponding provision in the Board’s regulations, the same cannot be said for determining whether a local ordinance that fails to equal or exceed the Board’s regulation nonetheless provides the *same practical effect*. To aid in this determination, the Board’s regulations provide a detailed definition of the term *same practical effect*. With these tools, the Board must evaluate each provision of a local ordinance and compare it to the corresponding provision in the Board’s regulations to determine whether the local ordinance provision equals or exceeds the Board’s regulation or provides the same practical effect. Still, the task before the Board is challenging and requires careful and deliberate consideration, especially when applying the complex definition of *same practical effect*.

### **Summary of Staff Findings**

At its core, the Board’s task is fundamentally a very narrow inquiry: *For each substantive requirement in the Fire Safe Regulations, does the local ordinance have a provision that equals or exceeds or has the same practical effect as that Fire Safe Regulation standard?*

Board staff have completed their review of Sonoma County’s responses and continue to have significant concerns that the ordinance does not satisfy the Board’s standards for certification. Sonoma County’s responses pertaining to standards for existing roads and for ingress/egress that allows concurrent civilian evacuation are of particular concern. Accordingly, Board staff lack an evidentiary basis to support a recommendation for certification. Board staff have enclosed an updated matrix, dated to reflect the upcoming November 3, 2020, Joint Committee Meeting of the Board, that provides more specific observations and staff recommendations.<sup>2</sup>

This is an appropriate point to address Sonoma County’s position that if the Board does not certify its ordinance, then Sonoma County is prevented from enjoying the benefits of the portions of its ordinance that it believes clearly equal or exceed the Fire Safe Regulations. The Board would like to reiterate to Sonoma County that certification of its ordinance by the Board is not required for Sonoma County to apply its own standards that go above and beyond the state minimum standards. Board certification is a creature of regulation, the benefit of which is to publicly document a mutual understanding of the Board and the local jurisdiction that a local ordinance equals or exceeds the Fire Safe Regulations. Under Public Resources Code § 4290, subdivision (c), the Board’s minimum standards do not supersede any Sonoma County

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<sup>1</sup> References in this letter to the “equal or exceed” standard includes this “same practical effect” standard.

<sup>2</sup> The attached November 3, 2020, matrix represents Board staff’s current evaluation and recommendations to the Board, and supersedes any prior matrix, whether final or draft, including the deliberative draft September 4th matrix, which apparently Sonoma County misunderstood to be something more than merely an informal tool to facilitate productive discussion in advance of the September Board meeting.

ordinance that equals or exceeds the minimum state standards.<sup>3</sup> Thus, if Sonoma County has stricter, greater, or enhanced requirements in its ordinance, the lack of certification by the Board does not preclude Sonoma County from deciding to apply these stricter requirements.

Turning now to Sonoma County's responses, it is worth mentioning that it is unnecessary for Board staff to address each individual response. The purpose of the exercise is to provide Board staff sufficient information so that it may complete its evaluation of Sonoma County's ordinance and issue a recommendation for the Board's consideration. As noted above, the certification determination is made in light of the language of the local ordinance and any documents incorporated by reference. Supplemental information, such as Sonoma County's responses, merely illuminates the local jurisdiction's interpretation of its ordinance and how it equals or exceeds the Fire Safe Regulations.

In any event, Sonoma County's responses reflect a number of recurring issues of concern to Board staff that can be summarized generally without focusing on the content of specific responses or specific sections of the ordinance. Board staff have consistently expressed concerns that the Sonoma County ordinance and Administrative Policy do not articulate specific minimum standards for each type of road referenced in the ordinance and Administrative Policy<sup>4</sup> nor does it articulate what standards govern the fire official's assessment that a road provides concurrent civilian evacuation. Board staff's questions were particularized and specific attempts to identify those standards so that Board staff could evaluate where they equal or exceed the Fire Safe Regulations.

### **Detailed Discussion**

Board staff acknowledge that some of Sonoma County's responses on certain other issues resolved Board concerns or provided additional clarity. This letter focuses on major issues that preclude the Board staff from issuing a recommendation in favor of certification. Board staff refer interested parties to the staff-prepared final matrix for the November 3, 2020, Board meeting for a more comprehensive discussion of portions of the ordinance that equal or exceed the Fire Safe Regulations.

Sonoma County's ordinance and responses to staff questions on the following topics are inadequate. Sonoma County's responses do not provide the requested citations nor identify the specific standards that Sonoma County contends apply. Instead, the responses reiterate

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<sup>3</sup> It is necessary to acknowledge that the statute does not include a "same practical effect" standard. A local ordinance applied pursuant to Public Resources Code § 4290(c), without obtaining Board certification, must "equal" or "exceed" the Fire Safe Regulations in the ordinarily understood sense of those words. Thus, a non-certified local ordinance applied by a local jurisdiction is potentially subject to a stricter legal standard than is required for certification under 14 CCR § 1270.04.

<sup>4</sup> The ordinance and Administrative Policy contemplate new roads, existing roads, existing public roads, existing private roads, and existing roads approved on a discretionary basis and a ministerial basis. Sonoma County is entitled to have as many subcategories as it chooses, but each must have an established standard that equals or exceeds the Fire Safe Regulations.

positions that, while not unimportant, are nonetheless irrelevant to the narrow certification inquiry before the Board.

We will first address the various arguments that are not relevant to and therefore do not inform staff's analysis.

**Sonoma County Argument 1: Some portions of the ordinance equal or exceed the Fire Safe Regulations**

Sonoma County's introductory paragraph includes a chart outlining several provisions showing how its ordinance equals or exceeds the Fire Safe Regulations. This general claim is reiterated in response to several questions.

The Board acknowledges that many elements of Sonoma County's standards clearly equal and exceed the minimum standards of the Fire Safe Regulations. This has been well established in documents provided for Board consideration, as well as testimony at several Board and Joint Committee Meetings this year. However, exceeding the Fire Safe Regulations in certain aspects does not excuse an ordinance's failure to equal or exceed other standards imposed by the Fire Safe Regulations.

Thus, the Board's determination that one provision of a local ordinance equals or exceeds the Fire Safe Regulations has no bearing on the Board's consideration of other unrelated provisions of the local ordinance. This argument is an unnecessary distraction and does not inform whether all provisions satisfy the certification standard. As such, the Board does not focus on these statements when applying the certification standard.

**Sonoma County Argument 2: Takings / Inability to secure easements for expanding roads**

Another argument advanced in Sonoma County's preliminary comments asserts that the Fire Safe Regulations effect an unconstitutional "taking" of private property for public use because they make a landowner individually responsible for upgrading existing roads that serve other parcels. Other variations of this argument suggest that the Fire Safe Regulations encourage Not-In-My-Backyard (NIMBY) opposition to prevent development or allow a landowner to extort a neighbor by refusing to sell an easement to facilitate road widening to comply with state standards. These arguments are also reiterated in response to several questions seeking clarity about Sonoma County's standards and how they equal or exceed the Fire Safe Regulation.

The Fire Safe Regulations have not been legally challenged, let alone invalidated, as being unconstitutional in any sense. They are binding as minimum standards on Sonoma County, notwithstanding speculative practical inconveniences at the local level. It is Sonoma County's prerogative to impose those burdens on individual landowners instead of exercising other options at its disposal, such as eminent domain. In any event, the issue of who bears financial responsibility for upgrading existing roads that serve as access to new building construction has no bearing on whether road standards in Sonoma County's ordinance – such as minimum road

widths – equal or exceed the corresponding standard in the Fire Safe Regulations. As such, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

### **Sonoma County Argument 3: Fire Safe Regulation Exception Process**

Another argument advanced in Sonoma County’s preliminary comments asserts inadequacies in the Fire Safe Regulations’ “exception process” (14 CCR § 1270.06), including a loophole authorizing local jurisdictions to waive any requirement in the Fire Safe Regulations. This argument is reiterated in response to several questions.

While the Board appreciates Sonoma County’s comments and will certainly takes these into account to consider whether regulatory changes are warranted to address this point, Sonoma County’s concerns regarding 14 CCR § 1270.06 do not have bearing on the present issues related to certification of Sonoma County’s ordinance, for multiple reasons. First, Sonoma County adopted its own “exceptions to standards” provision, § 13-23, in its ordinance. Notwithstanding certain staff comments in the matrix, the Board may determine that these provisions equal or exceed the minimum standards in § 1270.06. Second, assuming for the sake of argument that 14 CCR § 1270.06 allows for “behind closed doors” determinations, or fails to provide a thorough open and public process, this is irrelevant as to whether *other* sections of Sonoma County’s ordinance equal or exceed the Board’s minimum standards. Finally, to the extent Sonoma County finds the minimum standards in 14 CCR § 1270.06 unsatisfactory, the regulation expressly states that local jurisdictions “may establish additional procedures or requirements for exception requests.” Thus, to the extent Sonoma County believes that the Board’s exception standards in § 1270.06 are deficient, Sonoma County may remedy these by imposing additional requirements. Consequently, the Board does not focus on this argument when evaluating the ordinance for compliance with its certification standard.

### **Sonoma Ordinance Issue 1: Existing Road Standards**

We now turn to Sonoma County’s discussion of the specific standards and citations in response to the Board staff’s questions relating to existing road standards and the concurrent evacuation requirement. Sonoma County’s responses continue to make conclusory statements about the quality of its ordinance and Administrative Policy. Board staff are repeatedly told that these documents have “clear standards” and a “strict set of requirements,” but do not reference actual standards or citations. Board staff needs this information to properly evaluate the ordinance for certification. Without it, Board staff are compelled to conclude that no such standards exist and recommend to the Board that Sonoma County’s ordinance does not satisfy the certification standard for existing roads.

Throughout the certification process, Sonoma County has repeatedly maintained that Public Resources Code section 4290 and the Fire Safe Regulations do not apply to existing roads. Sonoma County's position is incompatible with the plain language of PRC § 4290,<sup>5</sup> the Fire Safe Regulations,<sup>6</sup> and opinions and letters issued by the Attorney General of California.<sup>7</sup> More importantly, the Fire Safe Regulations themselves – which constitute the basis for the certification determination – clearly provide no exemption for existing roads, and it is these regulations that the Sonoma County ordinance must equal or exceed. This represents a fundamental and intractable disagreement between the Board and Sonoma County. Sonoma County's position on existing roads, standing alone, is a legitimate basis for determining that the ordinance does not equal or exceed the Fire Safe Regulations.

Moreover, Sonoma County's position has a discernible impact on it characterizes its ordinance, and the amount of effort necessary for Board staff to parse its assertions for accuracy and compliance with the certification standard. Specifically, any assertion Sonoma County makes about "roads" requires the Board to evaluate whether Sonoma County intends to apply that standard to existing roads.

Setting aside this fundamental disagreement as to the applicability of the Fire Safe Regulations, Sonoma County has argued that, in the alternative, even though it believes existing roads are exempt, Sonoma County's Administrative policy nonetheless applies to existing roads and equals or exceeds the Fire Safe Regulations.

Board staff have reviewed the ordinance and Administrative Policy in great detail. The only specific standard identified in the Administrative Policy is a 12-foot width requirement for existing private roads. On its face, this falls short of the minimum road standard in 14 CCR § 1273.01. That is a significant obstacle to Board certification. More concerning, however, is that the policy provides no standards for other types of existing roads. As noted before, the Administrative Policy contemplates a public/private distinction, as well as a discretionary/ministerial distinction. No standards for these types of existing roads exist in the ordinance or Administrative Policy. Until these deficiencies are remedied to the Board's satisfaction, Sonoma County's ordinance and Administrative Policy is conclusively ineligible for certification. As Sonoma County's responses fail to provide the requested information with sufficient detail, Board staff can only conclude that no such standards exist and recommend to the Board that the ordinance does not meet the certification standard.

Additionally, Sonoma County's reliance on the Administrative Policy as setting the exclusive standard for existing roads raises concerns beyond the road width issues. The Fire Safe

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<sup>5</sup> "These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas..." (Emphasis added.)

<sup>6</sup> See 14 CCR § 1270.02 which includes the same language in fn5 and includes an exemption for roads that is limited to agricultural, mining, and timber-related operations.

<sup>7</sup> See, e.g., AG Opinion No. 92-807 (1993); AG letter to Monterey County Planning Commission (Oct. 25, 2019).

Regulations set other standards for roads, such as grade, surface requirements, radius, turnouts, turnarounds, and dead end roads. However, the Administrative Policy is silent on those issues, and Sonoma County's responses do not identify what standard, if any, apply for those existing road requirements, and where they can be located in the ordinance or Administrative Policy.

In this respect, Sonoma County's response to Question 1.1.3.3 is emblematic. The Board staff posed a direct request seeking specific information: "For convenience and reference, please complete the following table by filling in the specific ordinance section or Administrative Policy section that addresses the specified SRA Fire Safe Regulation." One axis of the referenced table identified (with citations) all of the above-referenced road requirements in the Fire Safe Regulations that Sonoma County's ordinance must equal or exceed. Along the other axis, the table identified all of the categories of existing roads referenced in the Administrative Policy. Sonoma County's task was to provide an ordinance or Administrative Policy citation in each box.

Board staff believed the table provided the best and simplest opportunity for Sonoma County to provide the information necessary to support certification with respect to requirements for existing roads. Sonoma County's response does not provide any relevant or informative citations. For two columns, Sonoma County cross-referenced six of its other responses to unrelated questions. The County responses did not comply with the call of the question to provide a citation, nor could any relevant citations or standards be discerned from the referenced answers. In fact, some of the cited responses made no mention of the relevant terms. With respect to the remaining categories of existing road standards (public/private and ministerial/discretionary), Sonoma County referenced provisions of its ordinance that apply to *new* roads.<sup>8</sup> These citations are also unresponsive to the call of the question because §13-25(f) of the ordinance clearly states that existing road standards are governed by the Administrative Policy.

In the last couple of weeks, Sonoma County has advanced a new argument indicating that its adoption of an optional appendix from the California Fire Code satisfies the requirement for establishing road requirement standards that satisfy the Fire Safe Regulations. As Board staff made clear in a prefacing comment to Question 2.2 and subsequent follow up questions, compliance with the California Fire Code does not ensure compliance with the Fire Safe Regulations. Those standards are relevant only to the extent that they equal or exceed the Fire Safe Regulations. The Board staff's follow up questions on this point quoted a number of the appendix standards which Sonoma County revised so that the standard may also be satisfied by compliance "with the Sonoma County Fire Safe Standards or as approved by the fire code official." The reference to the Sonoma County standard is a circular reference to the very

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<sup>8</sup> If Sonoma County intends the particular referenced ordinance provisions to apply both to new roads and existing roads, the ordinance and Administrative Policy will require substantial revision.

standard that Sonoma County has been unable to identify to Board staff. Additionally, it appears that the fire code official has unfettered discretion to impose any standard – including a lesser standard or no standard at all. Sonoma County’s responses do not contradict this reasoning or clarify the requirements. Board staff stand by the position that Sonoma County’s adoption of the California Fire Code Appendix is meaningless in connection with establishing that the Sonoma County ordinance and Administrative Policy provide minimum standards that equal or exceed the Fire Safe Regulations’ road requirement standards.

Again, Sonoma County has had repeated opportunities to identify and provide citations for these standards. Sonoma County repeatedly declines to do so. Until Sonoma County can provide direct and adequate responses to the Board’s important questions, the Board has no evidentiary basis to support a decision to certify the Sonoma County ordinance.

### **Sonoma County Ordinance Issue 2: Concurrent civilian evacuation**

A distinct component of the Fire Safe Regulations that is somewhat related to the road conditions issue is that emergency access requirements must accommodate ingress and egress for emergency vehicles *and concurrent civilian evacuation*. Board members and staff have asked Sonoma County on prior occasions to clarify how Sonoma County’s ordinance and Administrative Policy satisfy this requirement.

The Administrative Policy states, in an introductory paragraph, that a Fire Inspector will perform an evaluation to “confirm that the proposed development equals or exceeds the below requirements, and the proposed development shall be safely accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response.”

We acknowledge and appreciate that Sonoma County confirms in its responses that the concurrent evacuation standard is an additional standard to equaling or exceeding “the below requirements.” However, Sonoma County does not articulate what standards guide the Fire Official in making that determination.

The first requirement following that statement in the Administrative Policy highlights the importance of that query. The requirement sets a road width standard for existing private roads at 12-ft plus 1-foot of vegetation clearance on both sides. This leads Board staff to question how a 12-foot road, which falls short of the Fire Safe Regulation road width requirement, could be certified as ensuring concurrent civilian evacuation during a wildfire. Nor does this section of the Administrative Policy provide guidance as to what standards guide the Fire Official in making a subjective determination. Absent clarification – which did not occur in response to the Board staff’s questions – the Board is appropriately reluctant in determining that the ordinance and Administrative Policy equal or exceed the Fire Safe Regulations.

In addition, Sonoma County routinely refers Board staff to §§ 13-62 and 13-63, in response to Board staff's concerns about the lack of specific articulable standards in the ordinance and Administrative Policy. Sonoma County's reliance is misplaced, however, as those sections merely confer discretionary authority to require compliance with additional fire safety measures. Critically, permissive authority provides no assurances to the Board that additional requirements will be imposed at the level contemplated by the Fire Safe Regulations.

### **Conclusion**

In conclusion, Sonoma County's responses to questions issued by Board staff fail to resolve a number of significant concerns expressed by Board members and staff over the preceding months. The question before the Board at the November 3, 2020, Board meeting is whether the Sonoma County ordinance equals or exceeds the substantive requirements in the Fire Safe Regulations. At this time, the Sonoma County ordinance and Administrative Policy include requirements that fall short of the Fire Safe Regulations and omit standards that are required as a counterpart to other provisions of the Fire Safe Regulations. Until Sonoma County addresses these infirmities, Board staff lack a basis to recommend, and the Board lacks a legal basis to certify, the ordinance as equaling or exceeding the Fire Safe Regulations.

Consistent with our prior communications and correspondence, this letter reflects only the position of Board staff. We wish to be transparent with Sonoma County regarding our ongoing concerns and how we intend to advise the Board in advance of the November Board meeting. Ultimately, the Board will be responsible for making its own assessment on the question of whether the Sonoma County ordinance should be certified as equaling or exceeding the Fire Safe Regulations. Similarly, we respect the right of Sonoma County to disagree with Board staff positions expressed in this letter or the enclosed matrix when the matter is considered by the Board's Joint Committee on November 3, 2020.

Respectfully,



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# SRA Fire Safe Regulations

## Board of Forestry and Fire Protection



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As of January 1, 2020

California Code of Regulations

Title 14 Natural Resources

Division 1.5 Department of Forestry

Chapter 7 - Fire Protection

Subchapter 2 SRA Fire Safe Regulations

Articles 1-5

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## Article 1 Administration

### § 1270.00. Title

These regulations shall be known as the "SRA Fire Safe Regulations," and shall constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection.

### § 1270.01. Purpose

(a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA).

(b) The future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.

(c) These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

### § 1270.02. Scope

(a) These regulations shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991 except as set forth below in subsection (b.);

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971;

(3) all tentative and parcel maps or other developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) Affected activities include, but are not limited to:

(1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);

(2) application for a building permit for new construction, not relating to an existing structure;

(3) application for a use permit;

(4) road construction, including construction of a road that does not currently exist, or extension of an existing road.

(d) EXEMPTION: Roads used solely for agricultural, mining, or the management and harvesting of wood products.

### § 1270.03. Provisions for Application of These Regulations.

This subchapter shall be applied as follows:

(a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits,

tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA.

(b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.

(c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

#### § 1270.04. Local Ordinances.

(a) Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction provided that such ordinance, rule, regulation or general plan element is equal to or more stringent than these minimum standards.

(b) The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect.

(c) Counties may submit their local ordinances for certification via email to the Board.

(d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.

#### § 1270.05. Inspections.

Inspections shall conform to the following requirements:

(a) Inspection shall be made by:

(1) the Director, or

(2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or

(3) local jurisdictions where the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

(b) Inspections made under 14 CCR § 1270.05(a)(2) or 14 CCR § 1270.05(a)(3) shall occur only when these regulations are incorporated into local ordinance in one of the following manners:

(1) these regulations have been incorporated verbatim or by reference into that jurisdiction's permitting or approval process for the activities described in 14 CCR § 1270.02; or

(2) the local ordinances have been certified pursuant to 14 CCR § 1270.04.

(c) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.

(d) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

(e) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

#### § 1270.06. Exceptions to Standards.

(a) Upon request by the applicant, exceptions to standards within this subchapter or to local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR § 1270.05, where the exceptions provide the same practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection

entity listed in 14 CCR § 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

(b) Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception. Local jurisdictions listed in 14 CCR section 1270.05 may establish additional procedures or requirements for exception requests.

(c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

(d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.

(e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

## § 1271.00. Definitions

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and Miscellaneous Group U buildings.

CAL FIRE: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

Development: As defined in section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or their designee.

Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.

Distance Measurements: All specified or referenced distances are measured along the ground, unless otherwise stated.

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

Fire valve: see hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf

courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply or storage system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Residential unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons.

Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in 14 CCR § 1270.01(c).

Road: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Road or driveway structures: Bridges, culverts, and other appurtenant structures which supplement the traffic lane or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
- (e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Vehicular access adjacent to the traffic lane.

State Board of Forestry and Fire Protection (Board): As defined in Public Resources Code section 730.

State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a road or driveway that provides a single line of vehicle travel.

Turnaround: A road or driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a road or driveway to allow vehicles to pass.

Utility and Miscellaneous Group U building: A structure of an accessory character or a miscellaneous structure not classified in any specific occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the road or driveway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

## **Article 2 Emergency Access and Egress**

### **§ 1273.00. Intent**

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

### **§ 1273.01. Width.**

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

### **§ 1273.02. Road Surfaces**

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

(b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

(c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

### **§ 1273.03. Grades**

(a) At no point shall the grade for all roads and driveways exceed 16 percent.

(b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect.

### **1273.04. Radius**

(a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

### **§ 1273.05. Turnarounds**

(a) Turnarounds are required on driveways and dead-end roads.

- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.
- (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

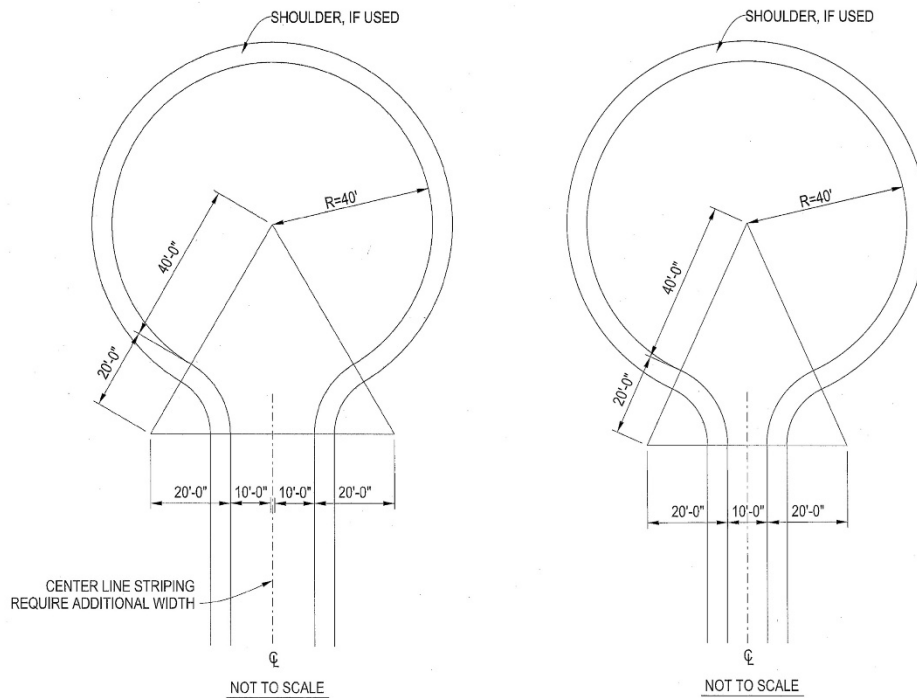


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

### § 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

### § 1273.07. Road and Driveway Structures

- (a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, shall reflect the capability of each bridge.
- (b) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

### § 1273.08. Dead-end Roads

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet

parcels zoned for 5 acres to 19.99 acres - 2,640 feet

parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

### § 1273.09. Gate Entrances

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

## Article 3 Signing and Building Numbering

### § 1274.00. Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads and buildings shall be designated by names or numbers posted on signs clearly visible and legible from the road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

### § 1274.01. Road Signs.

(a) Newly constructed or approved roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each local jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering.

(b) The size of letters, numbers, and symbols for road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

## § 1274.02. Road Sign Installation, Location, and Visibility.

- (a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.
- (b) Signs required by this article identifying intersecting roads shall be placed at the intersection of those roads.
- (c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:
  - (i) at the intersection preceding the traffic access limitation, and
  - (ii) no more than one hundred (100) feet before such traffic access limitation.
- (d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

## § 1274.03. Addresses for Buildings.

- (a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.
- (b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.
- (c) Addresses for residential buildings shall be reflectorized.

## § 1274.04. Address Installation, Location, and Visibility.

- (a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property.
- (b) Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.
- (c) Address signs along one-way roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

## **Article 4 Emergency Water Standards**

### § 1275.00. Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a wildfire or defend property from a wildfire.

### § 1275.01. Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.

### § 1275.02. Water Supply.

- (a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when

alternative methods of protection are provided and approved by the local authority having jurisdiction.

(b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.

(c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.

### § 1275.03. Hydrants and Fire Valves.

(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

### § 1275.04. Signing of Water Sources.

(a) Each hydrant, fire valve, or access to water shall be identified as follows:

(1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(2) if located along a road,

(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or

(ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

## Article 5 Fuel Modification Standards

### § 1276.00 Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide for increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways, and a point of attack or defense from a wildfire.

### § 1276.01. Setback for Structure Defensible Space.

(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.

(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.

(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

### § 1276.02. Maintenance of Defensible Space Measures.

To ensure continued maintenance of commonly owned properties in conformance with these standards and to assure continued availability, access, and utilization of the defensible space provided by these standards during a wildfire, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements.

### § 1276.03 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

### § 1276.04 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

**From:** [Sanjay Bagai](mailto:Sanjay.Bagai)  
**To:** [Pat Gilardi](mailto:Pat.Gilardi); [Eric Koenigshofer](mailto:Eric.Koenigshofer); [Kevin Deas](mailto:Kevin.Deas); [Jacquelynn Ocana](mailto:Jacquelynn.Ocana); [Crystal Acker](mailto:Crystal.Acker); [Greg Carr](mailto:Greg.Carr)  
**Subject:** Board of Zoning Adjustments, PRMD Santa Rosa, CA - Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)  
**Date:** June 08, 2022 1:03:20 PM

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[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)  
[greg.carr@sonoma-county.org](mailto:greg.carr@sonoma-county.org)

**Subject: Board of Zoning Adjustments, PRMD Santa Rosa, CA - Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)**

Dear Commissioners and Ms. Acker,

Attached, please find evidence that the cultivation at 334 Purvine Rd (UPC 17-0020) has violated the following conditions of approval granted to them by PRMD:

#52, #7b, #7c, #11, #12, #100, #3, #13, #23, #31, #95b, #102, #20, #33, #64, #65, #32, #18b, #18c

This cultivation sits on arid land without sufficient water to accommodate any form of agriculture, let alone a water-hungry crop like cannabis. If PRMD had insisted on an updated well test to update the last one conducted in 1972, this would have been obvious and saved everyone a tremendous amount of time and money.

Based on the evidence provided, the cultivators and owners of this project have clearly shown that they are a nuisance to their neighbors and Sonoma County. Therefore, all permits and approvals must be withdrawn immediately.

Best

[Signed Electronically]

Sanjay Bagai & Phoebe Lang  
105 Purvine Rd  
Petaluma Ca 94952

 [PRMD Part 1.pdf](#)

 [PRMD Part 2.pdf](#)

 [PRMD Part 3.pdf](#)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART I of III

04/08/22

31 Pages

## 'Condition of use' Clause and sub clause:

52. Prior to building permit final or granting of occupancy or initiation of the use, the County shall verify that the well monitoring equipment has been installed and that the access easement has been recorded. Water meters shall be calibrated and copies of receipts and correction factors shall be submitted to Permit Sonoma staff at least once every five years. In the event that project groundwater use exceeds 2.08 acre-feet per year from the project well, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce water use. In the event that groundwater use exceeds 2.08 acre-feet per year by more than 10 percent, Permit Sonoma staff shall bring this matter back to the Board of Zoning Adjustments to consider whether additional measures to reduce water use are appropriate.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

# Evidence of violating Clause: 52

**DUPLICATE**  
Driller's Copy

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

Do not fill in  
No. 110752

Notice of Intent No. \_\_\_\_\_  
Local Permit No. or Date \_\_\_\_\_  
State Well No. \_\_\_\_\_  
Other Well No. \_\_\_\_\_

(1) OWNER: Name Francis Collings  
Address 334 Purvine  
City Petaluma, California 94952

(2) LOCATION OF WELL (See instructions):  
County \_\_\_\_\_  
Well address if different from above same  
Township \_\_\_\_\_  
Distance from cities, roads, railroads, fences, etc. \_\_\_\_\_

(3) TYPE OF WORK:  
New Well  Deepening   
Reconstruction   
Reconditioning   
Horizontal Well   
Destruction  (Describe destruction materials and procedure in Item 12)

(4) PROPOSED USE:  
Domestic   
Irrigation   
Industrial   
Test Well   
Stock   
Municipal   
Other

WELL LOCATION SKETCH

(5) EQUIPMENT:  
Hoist  Reverse  No  No  Size \_\_\_\_\_  
Cable  Air  Water of line \_\_\_\_\_  
Other  Bucket

(6) GRAVEL PACK:  
None  Yes  No  Size \_\_\_\_\_  
Water of line \_\_\_\_\_

(7) CASING INSTALLED:  
Steel  Plastic  Other

(8) PERFORATIONS:  
Type of perforation size of screen

From ft.	To ft.	Dia. in.	Open end	From ft.	To ft.	Size in.
110	130.6	10	NONE			

(9) WELL SEAL:  
Was surface auxiliary seal provided? Yes  No  If yes, to depth 20 ft.  
Were annular seals against pollution? Yes  No  Interval \_\_\_\_\_ ft.  
Method of sealing \_\_\_\_\_

(10) WATER LEVELS:  
Depth of first water, if known \_\_\_\_\_ ft.  
Standing level after well completion 20 ft.

(11) WELL TESTS:  
Was well test made? Yes  No  If yes, by whom? \_\_\_\_\_  
Type of test Pump  Slug  At 1 hr   
Depth to water at start of test \_\_\_\_\_ ft. At end of test 110 ft.  
Discharge 12 gal/min after 4 hours Water temperature \_\_\_\_\_  
Chemical analysis made? Yes  No  If yes, by whom? \_\_\_\_\_  
Was electric log made? Yes  No  If yes, attach copy to this report

Work started 7/25/77 Completed 7/28/77

WELL DRILLER'S STATEMENT:  
This well was drilled under my direction and this report is true to the best of my knowledge and belief.

SIGNER Kenneth Hansen  
NAME LES PETERSEN DRILLING & PUMP, INC.  
Address 5434 Old Redwood Highway  
City Santa Rosa, Calif. No. 95401  
License No. 261084 Date of this report 7/29/77

OWR 188 (rev. 7-74) IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

- No 72-hour pump test was conducted since applicant changed water source to external. However, since then applicant has changed water source back to well supply, but did not comply with any requirements for yield tests.
- Yield test from 1977 shows 12 gpm with recharge after 4 hours. Which is insufficient to service the 1.2-2 Million gallons needed.
- Neighboring property wells are now dry since water table is extremely low.
- Applicant has provided a well test from 1977 to support using well water as sole water supply

## Evidence of violating Clause: 52

The Cannabis grow at 334 Purvine Rd is a full acre, and from satellite photos appears to be well over 1.5 acres. This requires between **1.2 – 2.0 Million gallons** of water per harvest, grower is harvesting two times per season.

The grower has represented it draws 12 Gallons per minute based on a 4-hour test **conducted in 1977**, but recharge is slow. For this applicant to draw 1.2 Million gallons from this well this well would have to run 1,666 hours. That is roughly 70 days nonstop.

This is a zone 3-4 water area there is absolutely **NO WAY THIS WELL CAN YIELD THIS AMOUNT OF WATER...**

This grower's use seems to have run **all wells dry within a radius of ¼ mile and predictably is now hauling water from illegal sources**

## Synopsis:

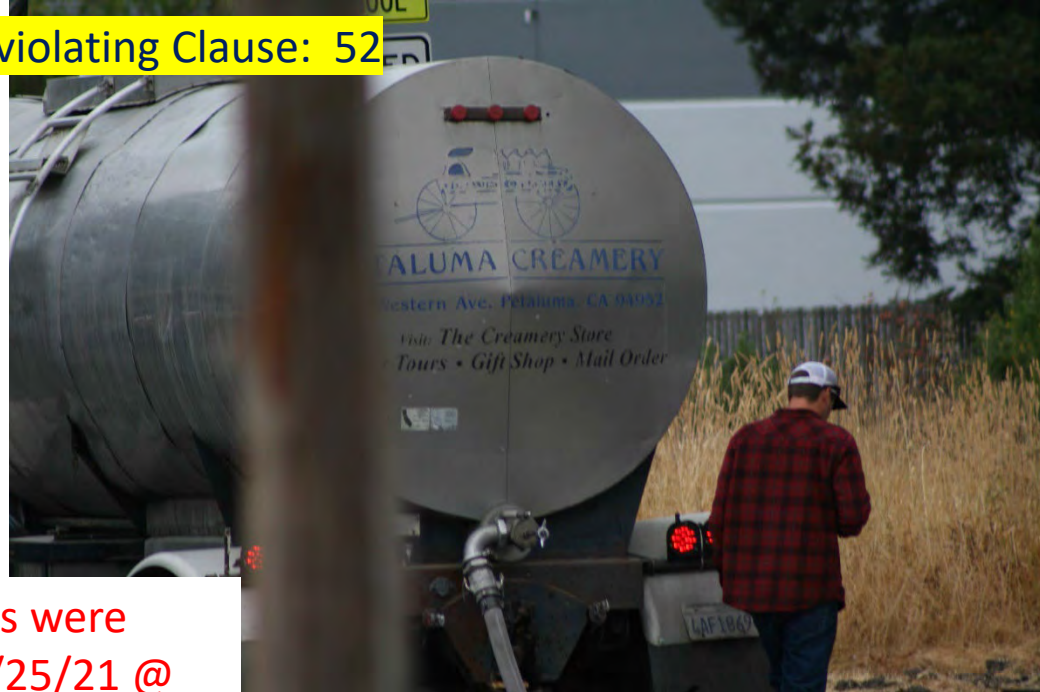
On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California.

Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2)

Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.

Applicant has been purchasing water from Santa Rosa and from neighboring farmers who are delivering 4-6 truck loads per day

Evidence of violating Clause: 52

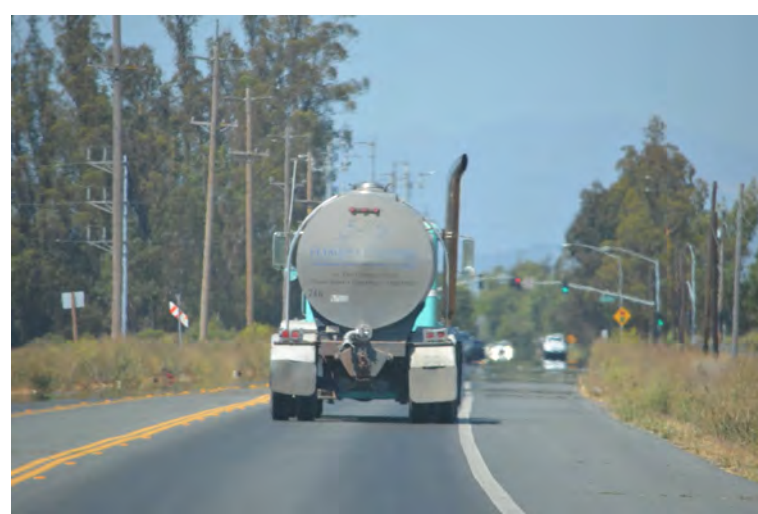


These photos were taken on 08/25/21 @ 8:56am at the fire hydrant located on 3276 Dutton Ave in Santa Rosa



4/8/2022

Evidence of violating Clause: 52



These photos are of the Petaluma Creamery Truck repeatedly driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm

Evidence of violating Clause: 52



These photos are of the Petaluma Creamery Truck driving to and filling up at the fire hydrant located at 3276 Dutton Rd in Santa Rosa. These photos were taken on 08/16/21 at 12:31pm

## Evidence of violating Clause: 52

Cannabis grow at 334 Purvine Rd is buying from Petaluma Creamery who is not licensed by DOT and not licensed by DCC as licensed water haulers. This water truck has been making between 4-5 trips per day to 334 Purvine Rd. Calls to Santa Rosa Water Department confirmed that this water is NOT permitted to be used for Cannabis farming, the permit granted to Petaluma Dairy s specifically for dairy use. The permit granted to Petaluma Creamery to draw water for their dairy operations, not for Cannabis farming and certainly not intended for resale

These photos of the Petaluma Creamery truck unloading water into tanks at 334 Purvine Rd 3-4 times per day. This is the same water which was obtained from the fire hydrant at 3276 Dutton avenue were taken on 08/16/21 @ 2:04pm at 334 Purvine Rd

4/6/2022

Evidence of violating Clause: 52

All these photos of this without any DOT registration unloading water @ 334 Purvine Rd were taken on 7/2/21 @ 2:21pm



4/8/2022



10

## **'Condition of use' Clause and sub clause:**

### **7. Type(s) and Limitations of Use:**

- b. This use permit does not allow public access to the cannabis operation.
- c. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.

**11. Special Events.** Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.

**12. Transient Occupancy.** Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.

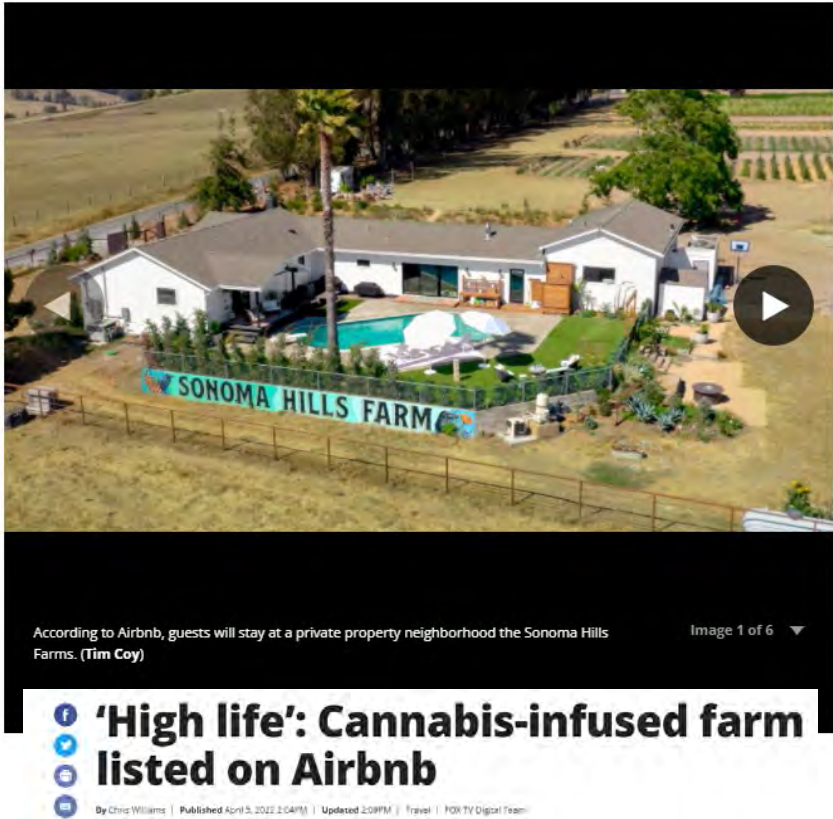
### **Smoking**

**100. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited in any work area.**

## **Evidence on following pages clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has allowed public access to the cannabis operation on a regular basis and in fact routinely conducts tours and special occasions such as dinners and meetings.
- Applicant routinely is delivering Cannabis to the public and in fact advertises access on social media.
- Applicant routinely conducts promotional activities and events at the cannabis operation.
- Applicant has been advertising on airBNB, social media, in the press and in journals and magazines farm stay vacation rental and hosted rental for 'Sonoma Hills Farm'
- Applicant routinely invites and encourages smoking of cannabis at the cannabis operation and advertises on social media, website as well as journals. Applicant routinely distributes cannabis at these events

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Advertising Farm Stay, vacation stay, hosted rental, transient occupancy

4/8/2022

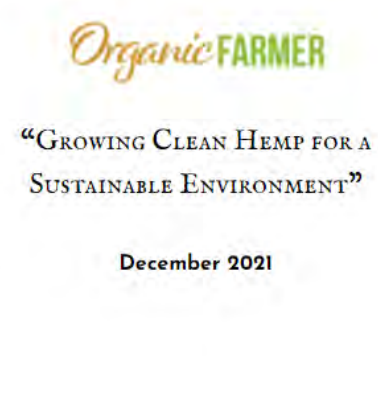
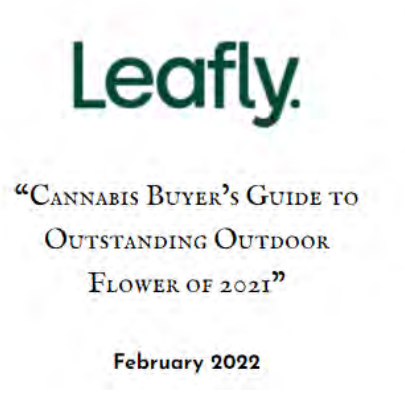
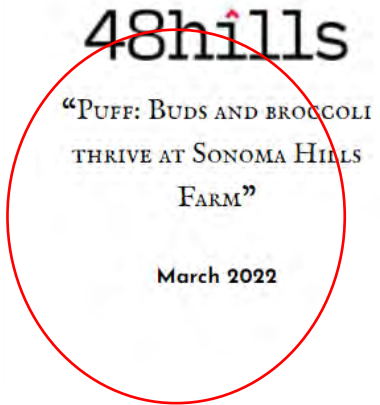
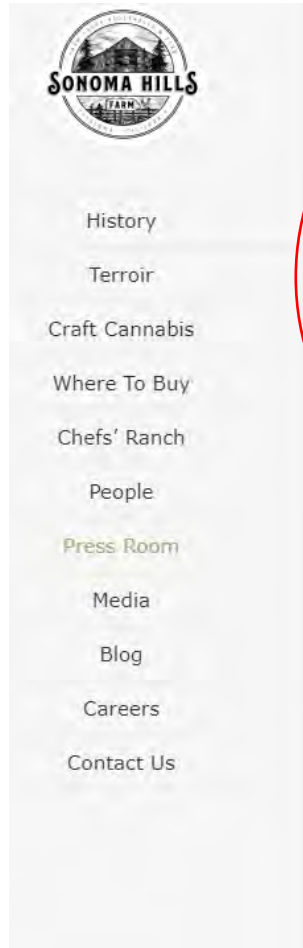


Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Advertising Farm Stay, vacation stay, hosted rental, transient occupancy  
Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis  
4/8/2022



Public access, retail delivery, tasting, promotional activity and events



Public access, retail delivery, tasting, promotional activity and events



Public access, promotional activity and events

Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

4/8/2022



Public access, retail delivery, tasting, promotional activity and events



Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, promotional activity and events

4/8/2022

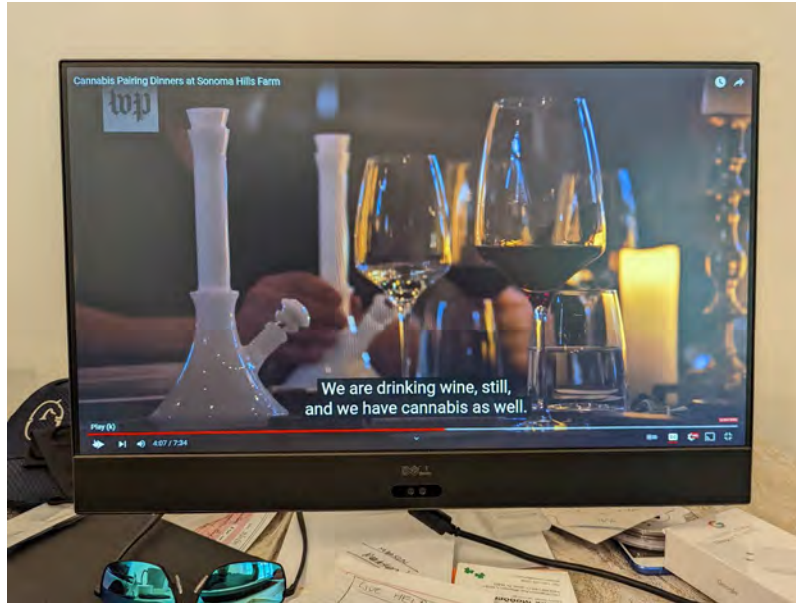


Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

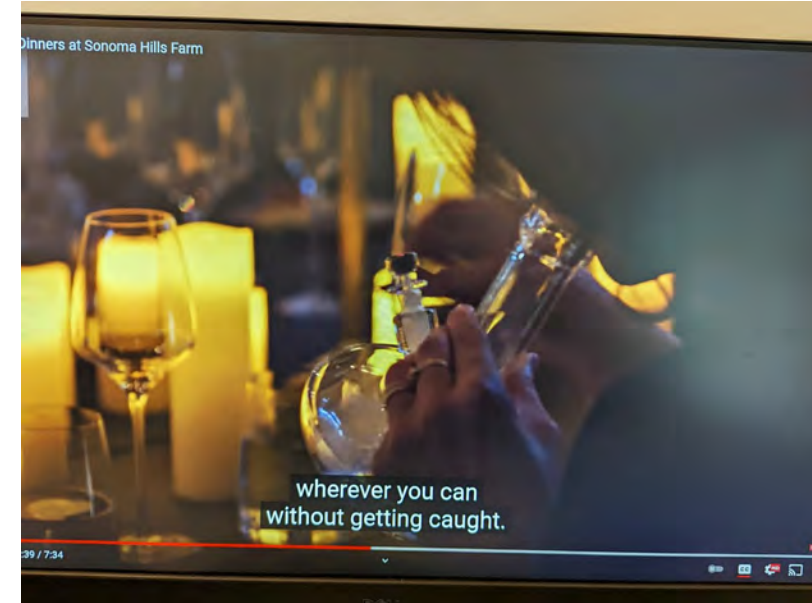
## Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

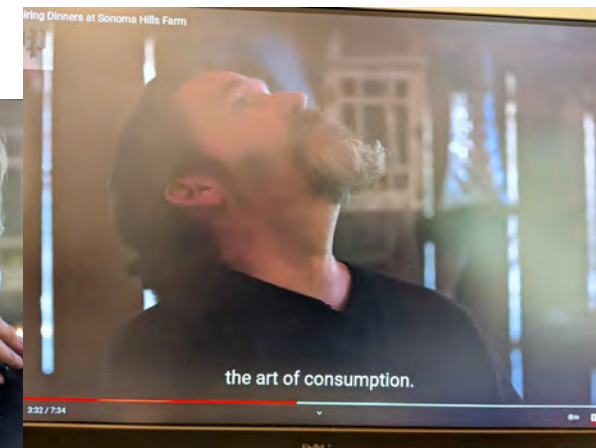
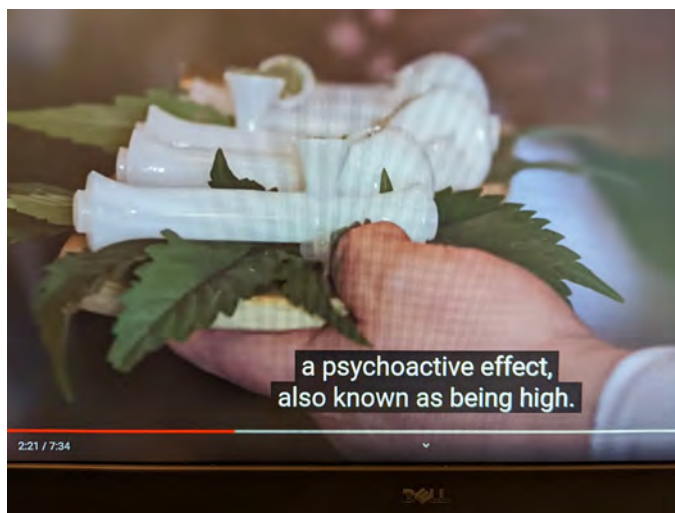


Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis



Public access, retail delivery, tasting, promotional activity and events, smoking, consumption of cannabis

## Evidence of violating Clause: 7B, &C, 11, 12 & 100



Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

Public access, retail delivery, tasting, promotional activity and events , smoking, consumption of cannabis

<https://youtu.be/rVG8HyAbNng>

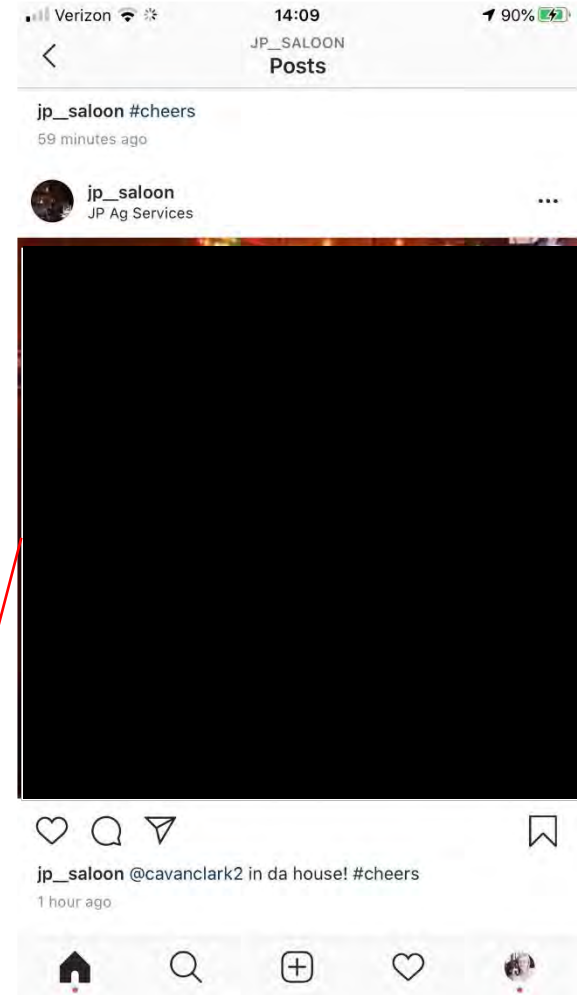
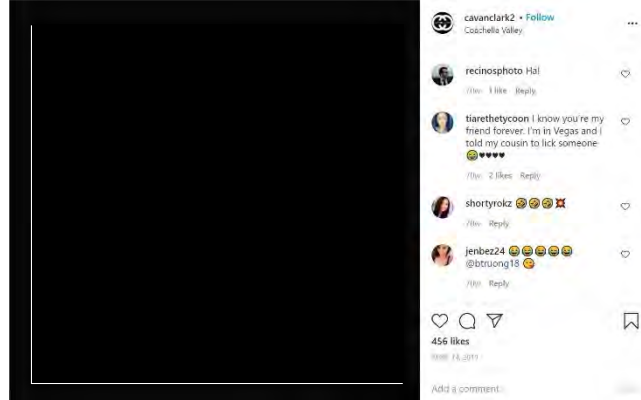
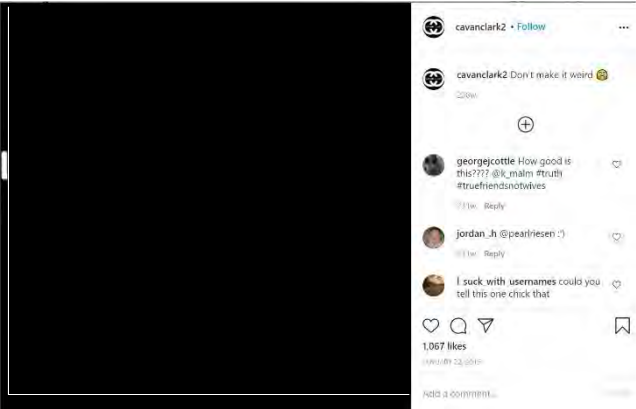
Full Video of this event held at 334 Purvine Rd can be seen here click on link above

Evidence of violating Clause: 7B, &C, 11, 12 & 100

[https://youtu.be/BtQ1L\\_b9k\\_8](https://youtu.be/BtQ1L_b9k_8)

Video posted by Highlands  
Canopy, taunting the  
neighborhood on Purvine Rd and  
identifying the occupants of the  
homes nearby to their  
subscribers

# Evidence of violating Clause: 7B, &C, 11, 12 & 100



Applicant's on-site resident manager "Cavan Clark" has set up an illegal bar across the street with lewd pictures and illegally selling alcohol and supplying cannabis to neighborhood teenagers. Parties are held every Friday and Saturday flouting all COVID restriction. Manager's social media encourage and promote lewd behavior against women. This is not compatible with our neighborhood

## 'Condition of use' Clause and sub clause:

3. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.
  
13. **Temporary Occupancy Structures**. Tents, yurts, and other temporary structures designed for human habitation are prohibited.

## Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has had 3 RV's parked at property for long term, complaint was filed with PRMD.

## Evidence of violating Clause: 3 & 13



- Applicant has had 3 RV's parked at property for long term, complaint was filed with PRMD.



## 'Condition of use' Clause and sub clause:

23. **Security Plan.** The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).

A log of security incidents shall be kept and an annual report shall be submitted to Permit Sonoma annually by January 1 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant violated terms of the security plan and has occupied premises and commenced business prior to this being corrected

# Evidence of violating Clause: 23

As designed and agreed:



This is a rendering of what was described and agreed to Sonoma County PRMD

As is currently  
ENTRANCE



Entrance to  
cultivation



The applicant has not completed any security details. This is applicant's idea of high security. These are pictures of entrance to 334 Purvine and entry to the outdoor cultivation area. Applicant routinely fires multiple gun shots. No vegetation has been planted.

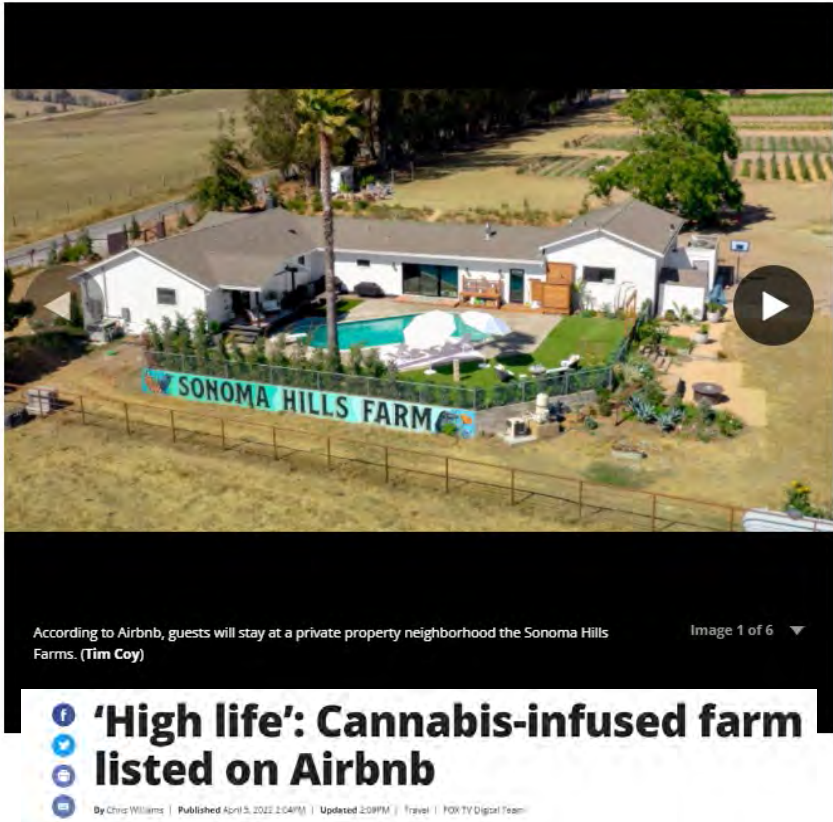
## 'Condition of use' Clause and sub clause:

27. **Signage.** The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant violated terms of the signage clause, and has deliberately painted huge murals on both sides so that approaching traffic can clearly see the signs From 100's of feet. Applicant regularly advertises with the signage in clear view, increasing the risk of crime in the neighbourhood

## Evidence of violating Clause: 27



Applicant has painted HUGE signs on both ends of the property that can be seen for almost 1 mile by the naked eye and is constantly advertising on social media

4/8/2022



Applicant has painted HUGE signs on both ends of the property that can be seen for almost 1 mile by the naked eye



## 'Condition of use' Clause and sub clause:

8. **Propagation Area.** This use permit allows for 4,080 square feet of indoor propagation, 0.00 square feet of mixed light propagation, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 4,080 square feet. The operator shall not increase propagation area beyond 4,080 square feet at this location without prior approval from Permit Sonoma staff.
9. **Cultivation Area.** This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.

## Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has significantly exceeded the propagation and cultivation area.

## Evidence of violating Clause: 8 & 9

### BLOCK&BLOCK ATTORNEYS

January 8, 2021

*By Electronic Mail*

Tabatha Chavez, Chief  
Compliance and Enforcement Branch  
CalCannabis Cultivation Licensing  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
[calcannabis@cdfa.gov](mailto:calcannabis@cdfa.gov)

*By Electronic Mail*

Tennis Wick, Director  
Sonoma County Permit and Resources Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
[tennis.wick@sonoma-county.org](mailto:tennis.wick@sonoma-county.org)

*By Electronic Mail*

Andrew Smith  
Sonoma County Agricultural Commissioner  
Department of Agriculture/Weights and Measures  
133 Aviation Boulevard, Suite 110  
Santa Rosa, CA 95403  
[andrew.smith@sonoma-county.org](mailto:andrew.smith@sonoma-county.org)

Dear Ms. Chavez, Mr. Wick and Mr. Smith:

I am writing to bring to your attention systemic violations of state and local cannabis law that are occurring in the Middle Two Rock neighborhood of Sonoma County, where my clients live. The undue concentration of permits in this area, as evidenced by the attached aerial photograph ([Exhibit A](#)), imposes an unfair burden on area residents. Their burden is compounded by growers' widespread cultivation of cannabis beyond legal limits and by the lack of any sustained or effective enforcement effort by the relevant authorities.

The photographs attached to this letter are evidence of egregious and easily detectable violations of state and local cannabis law. Enforcement by cannabis regulatory and law enforcement authorities, however, has been practically non-existent. This lack of enforce-

ment gives non-compliant growers an unfair advantage in the marketplace, deprives state and local authorities of tax revenue, undermines the cannabis regulatory system, infringes on local residents' property rights and quality of life, and generally breeds cynicism and distrust concerning California's experiment with legal cannabis.

I ask that you investigate the violations and properties identified in this letter and take swift and certain action to hold the responsible parties to account for past violations and ensure compliance in the future. I also ask that this evidence be taken into account in connection with any permit reviews or license renewals.

**A. The Witt Property**  
5730 Bodega Avenue  
APN 022-090-002

Between May 31 and July 23, 2020, the Sonoma County Department of Agriculture issued sixteen ministerial permits to seven different applicants for up to 10,000 square feet of outdoor cultivation on each of four contiguous parcels. One of the applicants – Sennin Soul, LLC – has four provisional state licenses for small outdoor cultivation. The others do not have any state licenses. Thus, the maximum amount of cannabis that may be cultivated on this site is 40,000 square feet, all of it outdoors.

Attached is an aerial photograph of the site taken on October 11, 2020 ([Exhibit B](#)). It shows 93,954 square feet of outdoor cultivation and 127,489 square feet of mixed light cultivation, for a total area under cultivation of 221,443 square feet.

On November 2, 2020, the county issued notices of violation for thirteen 4,000 square foot hoop houses at 5730 Bodega Avenue. These hoop houses alone account for 52,000 square feet of mixed light cultivation, none of which was authorized by Sennin Soul's permit or license.

Next to the hoop houses was 93,954 square feet of unpermitted outdoor cannabis, which was in plain sight of county officials when they inspected the hoop houses. Yet the county has failed to cite anyone for patently illegal outdoor or mixed light cultivation. County officials deliberately looked the other way.

Sennin Soul should never have received a state license. Section 26050.2 of the Business and Professions Code provides that the Department of Food and Agriculture may issue a license if CEQA review of the application is either complete or underway. Because the County classifies the permits granted to Sennin Soul as ministerial, there was and never will be any CEQA review. There is also no neighborhood notice, public hearing, or meaningful appeal of ministerial permit applications.

## Evidence of violating Clause: 8 & 9

The issuance of ministerial permits in this case is improper. Even a cursory review of the documents, and the cultivation infrastructure on-site, reveals that the applicants are working in concert to pursue a single large cannabis project. The project was clearly “piece-mealed” – separated into 16 different applications – to qualify for ministerial permits and avoid environmental review. The county has condoned this ruse for some time and is now embroiling the state in this illegal behavior.

### B. The Western Dairy Property

4235 Spring Hill Road

APN 022-240-007/008/009, 022-260-003

A similar ploy was used by the applicants at 4235 Spring Hill Road. On June 15 and 16, 2020, the county issued ministerial permits for 10,000 square feet of outdoor grow on four separate parcels to four applicants. All four list Vanessa Calhoun as organizer or agent and use the same address in Santa Rosa, adjacent to CannaCraft’s headquarters. A principal in one of the applicants, Melissa Huynh, is listed as a CannaCraft director.

The county should have considered these applications together, consistent with CEQA’s requirement to evaluate the “project as a whole.” Instead, it enabled the applicants to evade environmental review by splitting a single project into 16 applications. The state has now issued provisional licenses for this property, effectively ratifying the county’s CEQA violation.

Attached is an October 11, 2020 photograph of cultivation on the four Spring Hill Road parcels (Exhibit C). It shows (i) 78,716 square feet of mixed light grow on APN 022-240-007; (ii) 61,287 square feet of mixed light grow and 15,584 square feet of outdoor grow on APN 022-240-008; (iii) 66,480 square feet of outdoor grow on APN 022-240-009; and (iv) 41,500 square feet of mixed light grow on APN 022-260-003.

The permits and licenses issued for this property allow a maximum of 160,000 square feet of outdoor grow. The total area under cultivation in the photograph is 249,541 square feet, of which 181,503 is mixed light cultivation for which there are no permits or licenses.

On October 21 and 23, 2020, the county issued notices of violation for 17 unpermitted hoop houses on three of these parcels: (i) eight on APN 022-240-007 totaling 70,400 square feet; (ii) five on APN 022-240-008 totaling 42,000 square feet; and (iii) four on APN 022-260-003 totaling 33,600 square feet. Shockingly, while citing the owners for failing to obtain building or fire department permits for the hoop houses, the county ignored the fact that mixed light cultivation was not authorized on this property at either the state or county level.

At the same time, the county ignored violations on an adjacent parcel, APN 022-240-009, where 66,480 square feet of outdoor cannabis was being cultivated in plain sight on a parcel permitted for a maximum of 40,000 square feet.

### C. The Drips Property

3215 Middle Two Rock Road

APN 021-160-011

According to county records, this grower is operating under the Penalty Relief Program (“PRP”). The PRP entitles an eligible grower to continue growing, without a county permit, until the county acts on the grower’s cannabis permit application on the condition that the grower not cultivate more cannabis than would be allowed under the permit for which it has applied.

The county has not yet acted on the grower’s permit application, so cultivation is still subject to the terms of the PRP. The grower has applied for a cannabis use permit authorizing 10,000 square feet of mixed light cultivation, and currently holds a provisional state license for medium outdoor cultivation. The grower does not have a state license for indoor or mixed light cultivation.

The attached photograph (Exhibit D), taken on October 11, 2020, shows 18,356 square feet of mixed light cultivation. This is (1) a state law violation because the grower does not have a license for mixed light cultivation, and (2) a violation of the county’s PRP because the amount of mixed light cultivation shown in the photograph is almost double the amount allowed by the permit for which the grower has applied.

### D. The Highland Canopy Property

334 Purvine Road

APN 022-230-020

This grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. The attached photograph from October 11, 2020 (Exhibit E) shows outdoor cultivation at 334 Purvine Road consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation.

This is not the first time the grower on this property has ignored applicable law. In February 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license (Exhibit F). The court’s decision was based on aerial photographs from July 2018, similar to the photographs attached to this letter, showing illegal cultivation occurring before the grower

## Evidence of violating Clause: 8 & 9

had received either a county permit or a state license. The injunction was upheld on appeal.

### E. Conclusion

Two facts stand out about cannabis cultivation in the Middle Two Rock neighborhood. First is the scope and brazenness of the violations. Growers feel free to grow as much as they want wherever they want, confident that there will be no consequences.

Their brazenness is related to the second remarkable fact – the obvious indifference of the authorities. It is absolutely clear that Sonoma County lacks the will to reign in illegal grows and is deliberately turning a blind eye to large-scale, easily detectable violations. The utter lack of enforcement of cannabis rules raises troubling questions about the influence of the cannabis lobby on local decision-makers.

I earnestly request that the state and county work in tandem to hold the responsible parties accountable for the violations identified in this letter and to put in place a more aggressive enforcement program to improve compliance in the future. Doing so is the only way to ensure a steady flow of tax revenue, neighborhood compatibility, public confidence in cannabis regulation, and the ultimate success of the legal cannabis market.

Sincerely,



Kevin P. Block

cc:

Stacey Roberts, Supervising Deputy AG, Cannabis Control Section ([stacey.roberts@doj.ca.gov](mailto:stacey.roberts@doj.ca.gov))

Richard Parrott, Director, CalCannabis ([richard.parrott@cdfa.ca.gov](mailto:richard.parrott@cdfa.ca.gov))

Margaret Cornell, CalCannabis Licensing ([margaret.cornell@cdfa.ca.gov](mailto:margaret.cornell@cdfa.ca.gov))

David Rabbitt, Sonoma County Supervisor ([david.rabbitt@sonoma-county.org](mailto:david.rabbitt@sonoma-county.org))

Patrick McGreevy, LA Times ([patrick.mcgreevy@latimes.com](mailto:patrick.mcgreevy@latimes.com))

Evidence of violating Clause: 8 & 9

Address: 334 Purvine Road  
Feature Type: Indoor Cultivation  
Area: 1284.32 Square Feet  
Perimeter: 152.95 Linear Feet

Address: 334 Purvine Road  
Feature Type: Barn/Mixed Light Cultivation  
Area: 1550.26 Square Feet  
Perimeter: 173.1 Linear Feet

Address: 334 Purvine Road  
Feature Type: Mixed Light Cultivation  
Area: 616.93 Square Feet  
Perimeter: 104.25 Linear Feet

Address: 334 Purvine Road  
Feature Type: Outdoor Cultivation  
Area: 45374.26 Square Feet  
Perimeter: 912.24 Linear Feet

Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART II of III

04/08/22

32 Pages

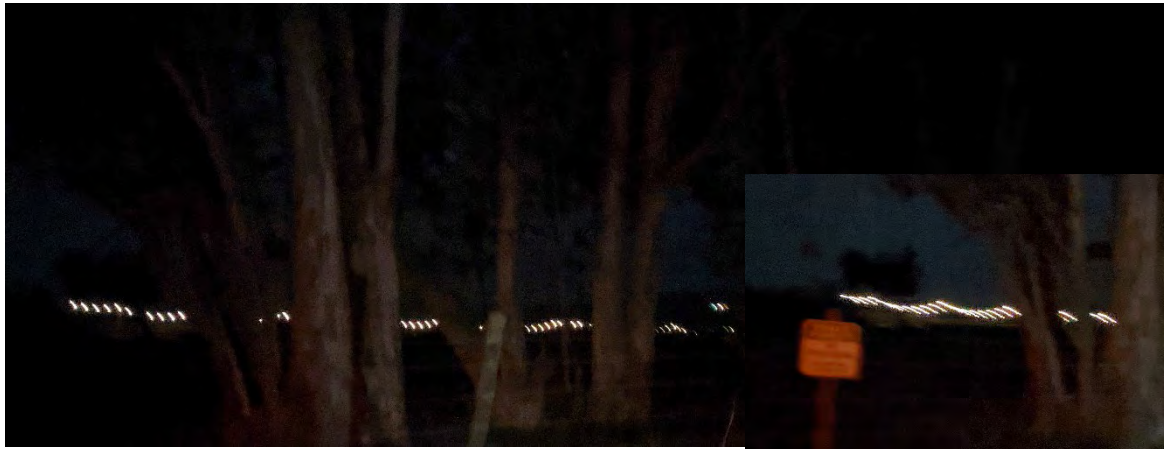
## 'Condition of use' Clause and sub clause:

32. **Lighting.** All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spill over onto other properties or the night sky. Outdoor security lighting shall have motion-sensors. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

Evidence of  
violating Clause: 32



Applicant has installed high intensity lights which can be seen for miles the light pollution from this location is deplorable, even over headlights and can be distracting to drivers. Applicant has installed bright orange flashing lights and a fire siren which they routinely blast intermittently without warning. During fire season it is very disturbing

## 'Condition of use' Clause and sub clause:

### 18. Operator(s) and Employees:

- b. The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- c. An applicant/operator providing false or misleading information result in nullification or revocation of this issued use permit.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has neglected and omitted significant information regarding founder's background which would have prohibited the issuance of any license from county or state

## Evidence of violating Clause: 18: b & c

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26013, Business and Professions Code § 8115. Notification and Grounds for Denial of License; Petition for Reconsideration.**

(3) The applicant made a material misrepresentation on the application; or  
(13) If applicable, a detailed description of any criminal convictions. A conviction within the meaning of this section **means a plea** or verdict of guilty or a conviction following a plea of nolo contendere. Convictions dismissed under sections 1203.4, 1203.4a and 1203.41 of the Penal Code or equivalent non-California law shall be disclosed. Juvenile adjudications and traffic infractions do not need to be included. For each conviction, all of the following shall be provided: (A) The date of conviction; (B) Date(s) of incarceration, if applicable; (C) Date(s) of probation, if applicable; (D) Date(s) of parole, if applicable; (E) A detailed description of the offense for which the owner was convicted; and (F) A statement of rehabilitation for each conviction. The statement of rehabilitation is to be written by the owner and may contain evidence that the owner would like the department to consider that demonstrates the owner's fitness for licensure. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, a certificate of rehabilitation under section 4852.01 of the Penal Code, and dated Page 7 of 73 letters of reference from employers, instructors, or professional counselors that contain valid contact information for the individual providing the reference.

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26013, Business and Professions Code § 8113. Substantially Related Offenses Review.**

(3) A felony conviction involving fraud, deceit, or embezzlement;  
(4) Any felony conviction involving the hiring, employment, or use of children in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor, or offering, furnishing, or selling any controlled substance to a minor; and

# Evidence of violating Clause: 18: b & c

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940  
Release No. 4550 / October 13, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17624

In the Matter of

ARTIS CAPITAL MANAGEMENT,  
L.P. and MICHAEL W. HARDEN,

Respondents.

ORDER INSTITUTING  
ADMINISTRATIVE PROCEEDINGS  
PURSUANT TO SECTIONS 203(e) AND  
203(f) OF THE INVESTMENT  
ADVISERS ACT OF 1940, MAKING  
FINDINGS, AND IMPOSING  
REMEDIAL SANCTIONS

I.

SEC Violations  
committed by  
principal applicant:  
Insider Trading

A. Pursuant to Section 203(e) of the Advisers Act, Artis is hereby censured.

B. Artis shall, in accordance with the terms of the payment schedule set forth in paragraph D below, pay disgorgement of \$5,165,862 and prejudgment interest of \$1,129,222 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to SEC Rule of Practice 600.

C. Artis shall, in accordance with the payment schedule terms set forth in paragraph D below, pay a civil money penalty in the amount of \$2,582,991 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. § 3717.

D. Artis shall pay the total disgorgement, prejudgment interest, and penalty due of \$8,878,075 in three installments to the Commission according to the following schedule: (1) \$2,959,358 within 30 days after entry of this Order; (2) \$2,959,358 within 180 days after entry of this Order; and (3) \$2,959,358 within 360 days after entry of this Order.

If Artis fails to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this Order, including post-Order interest, minus any payments made, shall become due and payable immediately at the discretion of the staff of the Commission without further application to the Commission.

E. Harden be, and hereby is, suspended from association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent for a period of 12 months, effective on the second Monday following the entry of this Order. In connection with this suspension, Harden has agreed to provide to the Commission, within 30 days after the end of the 12 month suspension period, an affidavit that he has complied fully with the terms of the suspension.

F. Harden shall, within 30 days of the entry of this Order, pay a civil money penalty in the amount of \$130,000 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. §3717.

G. Respondents' payments of the above disgorgement, prejudgment interest and/or civil penalty amounts must be made in one of the following ways:

- (1) Respondents may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request;
- (2) Respondents may make direct payment from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>; or

Violations to the SEC order:  
applicant and his partners  
were even denied a DBO....not  
disclosed to Calcannabis

State of California - Department of Business Oversight

MARY ANN SMITH  
Deputy Commissioner  
SEAN M. ROONEY  
Assistant Chief Counsel  
CHARLES CARRIERE (State Bar No. 285837)  
Counsel  
Department of Business Oversight  
One Sansome Street, Suite 600  
San Francisco, California 94104  
Telephone: (415) 972-8570  
Facsimile: (415) 972-8550

Attorneys for Complainant

BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
OF THE STATE OF CALIFORNIA

In the Matter of: ) CRD NO. 168686  
)  
THE COMMISSIONER OF BUSINESS )  
OVERSIGHT, )  
)  
Complainant, ) STATEMENT OF ISSUES IN SUPPORT OF  
) ORDER DENYING INVESTMENT ADVISER  
v. ) CERTIFICATE PURSUANT TO  
) CORPORATIONS CODE SECTION 25232  
ARTIS VENTURES MANAGEMENT, L.P., )  
)  
Respondent. )

The Commissioner of Business Oversight ("Commissioner") alleges and charges as follows:

**I.**  
**INTRODUCTION**

1. The Commissioner brings this action to deny an investment adviser certificate to Respondent Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

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State of California - Department of Business Oversight

**II.**  
**STATEMENT OF FACTS**

2. On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking registration as a California state-registered investment adviser.

3. Artis Ventures Management, L.P., is registered as an investment adviser with the Securities and Exchange Commission (SEC) effective February 24, 2014.

4. Artis Capital Management, L.P., was registered as an investment adviser with the SEC until April 27, 2016.

5. Artis Capital Management and Artis Ventures Management have common ownership and control. Facts supporting this conclusion include, but are not limited to:

- a. Robert Reimer is the Chief Compliance Officer of both firms;
- b. Stuart Leonardo Peterson ultimately owns and controls both firms;
- c. Both firms share the same principal office, place of business, and phone number;
- d. Peterson is the president of both firms;
- e. In correspondence with the Department, Artis Ventures Management stated that it had been "operationally integrated" with Artis Capital Management before Artis Capital Management wound down its operations in 2016.

6. Effective October 13, 2016, the SEC issued an administrative order ("SEC Order") imposing remedial sanctions against Artis Capital Management and an Artis Capital Management employee, Michael W. Harden ("Harden"), for failure to reasonably supervise an employee, Matthew Teeple ("Teeple").

7. The SEC Order found that:

- a. "In 2007, Artis hired Teeple as a research analyst to evaluate potential investments in software, semiconductor, networking, and other technology companies...
- b. "Unlike a typical research analyst at a hedge fund advisory firm, Teeple did not construct analytical models regarding the financial performance of

# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

the companies he covered, did not provide written reports supporting his recommendations to buy or sell the securities of such companies, and did not maintain research files available for review by his supervisor, Harden, or others at Artis.

- c. "On at least two occasions in 2008, Teeple obtained material nonpublic information about the publicly traded company Foundry Networks, Inc. ("Foundry") from an employee of Foundry. On both occasions, Teeple provided information regarding Foundry to Artis, which executed timely and profitable trades in advance of public announcements by Foundry.
- d. "On both occasions, Teeple shared information with Harden that should have caused a reasonable supervisor to question whether Teeple had improperly obtained material nonpublic information from a corporate insider. Notwithstanding the information provided by Teeple, Harden did not question Teeple about the source of his information or ask the Chief Compliance Officer ("CCO") or any other colleagues at Artis to look into the matter."

8. The SEC Order found that Artis Capital Management and Harden had "failed to reasonably supervise Teeple, within the meaning of Section 203(e)(6) of the Advisers Act, with a view to preventing and detecting violations of Section 17(a) of the Securities Act of 1933 ("Securities Act") and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder by Teeple."

9. As part of the SEC Order, Artis Capital Management agreed to pay disgorgement of \$5,165,862, plus prejudgment interest of \$1,129,222, and a civil monetary penalty of \$2,582,991. In addition, Harden was suspended from the securities industry for twelve months and ordered to pay a civil money penalty of \$130,000.

10. On January 19, 2018, Artis Ventures Management's counsel stated that Harden became an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis Ventures Management's website as one of the firm's two "General Partners."

State of California - Department of Business Oversight

### III. APPLICABLE LAW

11. Corporations Code section 25232 provides, in relevant part:

The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to...an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:

...

(d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.

### IV. ANALYSIS

12. The Commissioner should deny Artis Ventures Management's application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a "General Partner" on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

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# Evidence of violating Clause: 18: b & c

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V.  
CONCLUSION

Based upon the foregoing, it is in the public interest to deny an investment adviser certificate to Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

WHEREFORE, IT IS PRAYED that Respondent Artis Ventures Management, L.P., be denied an investment adviser certificate pursuant to Corporations Code section 25232, subdivision (d)(3).

Dated: August 20, 2018  
San Francisco, California

JAN LYNN OWEN  
Commissioner of Business Oversight

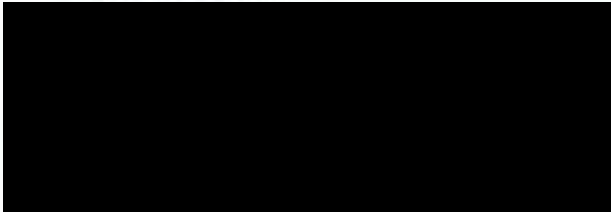
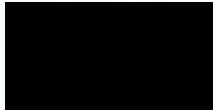
By \_\_\_\_\_  
Charles Carriere  
Counsel  
Enforcement Division



STATE OF CALIFORNIA  
Department of Business Oversight  
GOVERNOR Gavin Newsom • COMMISSIONER Manuel P. Alvarez

August 13, 2019

By Email and U.S. Mail



On August 3, 2019, the Department of Business Oversight (Department) received your request pursuant to the California Public Records Act (Government Code Section 6250 et seq.) for "all records, rational, exhibits and reasons for this sudden change in decision." The decision you referenced was the Department's November 27, 2019 Order Withdrawing Notice of Intention to Issue Order Denying Application for Investment Adviser Certificate in connection with the following matter: The Commissioner of Business Oversight vs. Artis Ventures Management LP (OAH Case No: 2018090957).

Your request seeks, in part, copies of records that are exempt from disclosure under express provisions of the California Public Records Act. Records that are exempt from disclosure or otherwise not subject to disclosure will not be provided pursuant to subdivision (d)(1) of Section 6254 of the Government Code (records contained in or related to applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions), subdivision (d)(3) of Section 6254 of the Government Code (drafts, notes, or interagency and intra-agency communications); subdivision (d)(4) of the Government Code (information received in confidence); and subdivision (k) of Section 6254 of the Government Code (records that fall within the attorney work-product privilege, attorney-client privilege, deliberative process or official information privilege, or other privilege).

However, we have identified two documents that are responsive to your request and subject to public inspection. For your convenience, we have attached those documents to this letter.

Sincerely,

Manuel P. Alvarez  
Commissioner  
Department of Business Oversight

By   
Charles Carriere  
Senior Counsel

1515 K Street, Suite 200, Sacramento, CA 95814-4052  
(866) 275-2677  
[www.dbo.ca.gov](http://www.dbo.ca.gov)

4/8/2022

State of California - Department of Business Oversight

1 MARY ANN SMITH  
Deputy Commissioner  
2 DANIEL P. O'DONNELL  
Assistant Chief Counsel  
3 KIRK WALLACE  
Senior Counsel  
4 CHARLES CARRIERE (State Bar No. 285837)  
Counsel  
5 Department of Business Oversight  
6 One Sansome Street, Suite 600  
7 San Francisco, California 94104  
Telephone: (415) 972-8570  
8 Facsimile: (415) 972-8550  
9 Attorneys for Complainant

11 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
12 OF THE STATE OF CALIFORNIA

13 In the Matter of: ) OAH No. 2018090957  
14 THE COMMISSIONER OF BUSINESS ) AGENCY CASE No.168686  
15 OVERSIGHT, )  
16 Complainant, ) NOTICE OF SETTLEMENT; REQUEST TO  
17 v. ) TAKE MATTER OFF CALENDAR  
18 ARTIS VENTURES MANAGEMENT, L.P., ) Date: December 4 and 5, 2018  
19 Respondent. ) Time: 9:00 a.m.  
20 ) Place: 1515 Clay Street  
Suite 206  
Oakland, California

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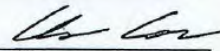
TO THE OFFICE OF THE ADMINISTRATIVE HEARINGS:

The parties have reached a resolution of this matter and therefore jointly request that the hearing set to commence on December 4, 2018 at 9:00 a.m. be taken off calendar.

Respectfully submitted,

Dated: November 13, 2018  
Sacramento, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By:   
CHARLES CARRIERE  
Counsel

ARTIS VENTURES MANAGEMENT, L.P.,

By:   
JAHAN RAISSI  
Counsel



Jan Lynn Owen  
Commissioner of Business Oversight

November 13, 2018

Via Email and First-Class Mail

Jahan Raissi  
Shartsis Friese LLP  
One Maritime Plaza, 18th Floor  
San Francisco, California 94111  
jraissi@sflaw.com

RE: Investment Adviser Application

Dear Mr. Raissi:

On August 20, 2018, the Commissioner of Business Oversight issued a Notice of Intention to Issue Order Denying Application for an Investment Adviser Certificate, and a Statement of Issues in support thereof, to your client Artis Ventures Management, L.P (Ventures Management). Ventures Management timely requested an administrative hearing, and the matter is currently scheduled for an administrative hearing on December 4, 2018. To resolve this matter, Ventures Management and the Department of Business Oversight (Department) have agreed that:

- (1) Ventures Management will withdraw its application for an investment adviser certificate by filing a Form ADV-W through the Investment Adviser Registration Depository; and
- (2) Ventures Management will not re-apply for registration with the Department as an investment adviser so long as any employee or individual affiliated with Ventures Management has been subject to any order of the Securities and Exchange Commission, or the securities administrator of any other state, suspending the employee from association with any broker, dealer, investment adviser, municipal securities dealer, or transfer agent. Ventures Management agrees that the Department may use this letter as a basis to deny any application it submits to the Department for an investment adviser certificate if an employee or individual affiliated with Ventures Management meets the above criteria.

1515 K Street, Suite 200  
Sacramento, CA 95816-4052  
(916) 445-7205

320 West 4th Street, Suite 750  
Los Angeles, CA 90013-2344  
(213) 576-7500

1250 Front Street, Room 2034  
San Diego, CA 92101-3697  
(619) 525-4233

One Sansome Street, Suite 600  
San Francisco, CA 94104-4426  
(415) 977-8565

300 S. Spring Street, Suite 15513  
Los Angeles, CA 90013  
(213) 697-2085

7575 Metropolitan Drive, Suite 108  
San Diego, CA 92108  
(619) 682-7227

# Evidence of violating Clause: 18: b & c

Department of Business Oversight  
Page 2

(3) After Ventures Management submits its form ADV-W and accepts these terms by signing this letter, the Department will issue an order withdrawing its Notice of Intention to Issue Order Denying Application for an Investment Adviser Certificate, and a Statement of Issues in support thereof, issued on August 20, 2018, and cancel the related administrative hearing scheduled for December 4, 2018.

Within five business days of the date of this letter, please have an authorized representative of Ventures Management sign below and return the original to:

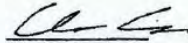
Charles Carriere  
Enforcement Division  
Department of Business Oversight  
One Sansome St., Suite 600  
San Francisco, California 94104

Please contact the undersigned counsel if you have any questions.


Best regards,

Jan Lynn Owen  
Commissioner  
Department of Business Oversight

By

  
Charles Carriere  
Counsel

AGREED AND ACCEPTED  
Artis Ventures Management, L.P.

  
By ROBERT A. RIEMS  
Its CHIEF OPERATING OFFICER

# Evidence of violating Clause: 18: b & c

Order denying applicant even an Investment

adviser license because applicant did not

follow the terms of his parole

1 MARY ANN SMITH  
Deputy Commissioner  
2 SEAN M. ROONEY  
Assistant Chief Counsel  
3 CHARLES CARRIERE (State Bar No. 285837)  
4 Counsel  
5 Department of Business Oversight  
One Sansome Street, Suite 600  
6 San Francisco, California 94104  
Telephone: (415) 972-8570  
7 Facsimile: (415) 972-8550

8 Attorneys for Complainant

9  
10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
11 OF THE STATE OF CALIFORNIA

12 In the Matter of: ) CRD NO. 168686  
13 THE COMMISSIONER OF BUSINESS )  
OVERSIGHT, )  
14 Complainant, )  
15 v. ) STATEMENT OF ISSUES IN SUPPORT OF  
16 ARTIS VENTURES MANAGEMENT, L.P., ) ORDER DENYING INVESTMENT ADVISER  
17 Respondent. ) CERTIFICATE PURSUANT TO  
CORPORATIONS CODE SECTION 25232

18  
19  
20 The Commissioner of Business Oversight ("Commissioner") alleges and charges as  
21 follows:

22 **I.**  
23 **INTRODUCTION**

24 1. The Commissioner brings this action to deny an investment adviser certificate to  
25 Respondent Artis Ventures Management, L.P., pursuant to Corporations Code section 25232,  
26 subdivision (d)(3).  
27 //  
28 //

1  
2 **II.**  
3 **STATEMENT OF FACTS**

4 2. On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking  
5 registration as a California state-registered investment adviser.

6 3. Artis Ventures Management, L.P., is registered as an investment adviser with the  
7 Securities and Exchange Commission (SEC) effective February 24, 2014.

8 4. Artis Capital Management, L.P., was registered as an investment adviser with the SEC  
9 until April 27, 2016.

10 5. Artis Capital Management and Artis Ventures Management have common ownership and  
11 control. Facts supporting this conclusion include, but are not limited to:

- 12 a. Robert Reimer is the Chief Compliance Officer of both firms;
- 13 b. Stuart Leonardo Peterson ultimately owns and controls both firms;
- 14 c. Both firms share the same principal office, place of business, and phone number;
- 15 d. Peterson is the president of both firms;
- 16 e. In correspondence with the Department, Artis Ventures Management stated that it  
17 had been "operationally integrated" with Artis Capital Management before Artis  
18 Capital Management wound down its operations in 2016.

19 6. Effective October 13, 2016, the SEC issued an administrative order ("SEC Order")  
20 imposing remedial sanctions against Artis Capital Management and an Artis Capital  
21 Management employee, Michael W. Harden ("Harden"), for failure to reasonably supervise an  
22 employee, Matthew Teeple ("Teeple").

- 23 7. The SEC Order found that:
- 24 a. "In 2007, Artis hired Teeple as a research analyst to evaluate potential  
25 investments in software, semiconductor, networking, and other technology  
26 companies...
  - 27 b. "Unlike a typical research analyst at a hedge fund advisory firm, Teeple  
28 did not construct analytical models regarding the financial performance of

# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

the companies he covered, did not provide written reports supporting his recommendations to buy or sell the securities of such companies, and did not maintain research files available for review by his supervisor, Harden, or others at Artis.

- c. "On at least two occasions in 2008, Teeple obtained material nonpublic information about the publicly traded company Foundry Networks, Inc. ("Foundry") from an employee of Foundry. On both occasions, Teeple provided information regarding Foundry to Artis, which executed timely and profitable trades in advance of public announcements by Foundry.
- d. "On both occasions, Teeple shared information with Harden that should have caused a reasonable supervisor to question whether Teeple had improperly obtained material nonpublic information from a corporate insider. Notwithstanding the information provided by Teeple, Harden did not question Teeple about the source of his information or ask the Chief Compliance Officer ("CCO") or any other colleagues at Artis to look into the matter."

8. The SEC Order found that Artis Capital Management and Harden had "failed to reasonably supervise Teeple, within the meaning of Section 203(e)(6) of the Advisers Act, with a view to preventing and detecting violations of Section 17(a) of the Securities Act of 1933 ("Securities Act") and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder by Teeple."

9. As part of the SEC Order, Artis Capital Management agreed to pay disgorgement of \$5,165,862, plus prejudgment interest of \$1,129,222, and a civil monetary penalty of \$2,582,991. In addition, Harden was suspended from the securities industry for twelve months and ordered to pay a civil money penalty of \$130,000.

10. On January 19, 2018, Artis Ventures Management's counsel stated that Harden became an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis Ventures Management's website as one of the firm's two "General Partners."

State of California - Department of Business Oversight

### III. APPLICABLE LAW

11. Corporations Code section 25232 provides, in relevant part:

The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to... an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:

...

(d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.

### IV. ANALYSIS

12. The Commissioner should deny Artis Ventures Management's application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a "General Partner" on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

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# Evidence of violating Clause: 18: b & c

State of California - Department of Business Oversight

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V.  
**CONCLUSION**

Based upon the foregoing, it is in the public interest to deny an investment adviser certificate to Artis Ventures Management, L.P., pursuant to Corporations Code section 25232, subdivision (d)(3).

WHEREFORE, IT IS PRAYED that Respondent Artis Ventures Management, L.P., be denied an investment adviser certificate pursuant to Corporations Code section 25232, subdivision (d)(3).

Dated: August 20, 2018  
San Francisco, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By \_\_\_\_\_  
Charles Carriere  
Counsel  
Enforcement Division

## Evidence of violating Clause: 18: b & c

On August 20, 2018 at San Francisco, **California JAN LYNN OWEN Commissioner** of Business Oversight Citing Corporations Code section 25232:

*The commissioner may, after appropriate notice and opportunity for hearing, by order... deny a certificate to...an investment adviser, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling the investment adviser, whether prior or subsequent to becoming such, or any employee of the investment adviser while so employed has done any of the following:*

*... (d) Is or has been subject to... (3) any other order of the [Securities and Exchange] commission or any administrator, association, or exchange referred to in this subdivision which is or has been necessary for the protection of any investor.*

And noted that

The Commissioner of Business Oversight (“Commissioner”) denied Artis Ventures Management’s application because Artis Ventures Management employs Harden as a partner, and Harden was the subject of an SEC order necessary for the protection of investors. As discussed above, Artis Ventures Management informed the Department that it employs Harden, and lists Harden as a “General Partner” on its website. Further, Harden was subject to the SEC Order discussed above, which was necessary for the protection of investors, because insider trading harms investors who are not privy to the information available to insiders.

Further noted the following:

On or about October 28, 2016, Artis Ventures Management filed a Form ADV seeking registration as a California state-registered investment adviser.

3. Artis Ventures Management, L.P., is registered as an investment adviser with the Securities and Exchange Commission (SEC) effective February 24, 2014.

4. Artis Capital Management, L.P., was registered as an investment adviser with the SEC until April 27, 2016.

5. Artis Capital Management and Artis Ventures Management have common ownership and control. Facts supporting this conclusion include, but are not limited to: a. Robert Reimer is the Chief Compliance Officer of both firms;

b. Stuart Leonardo Peterson ultimately owns and controls both firms;

c. Both firms share the same principal office, place of business, and phonenumber;

d. Peterson is the president of both firms;

e. In correspondence with the Department, Artis Ventures Management stated that it had been “operationally integrated” with Artis Capital Management before Artis Capital Management wound down its operations in 2016. On January 19, 2018, Artis Ventures Management’s counsel stated that Harden became an employee of Artis Ventures Management on January 8, 2018. Harden is listed on Artis Ventures Management’s website as one of the firm’s two “General Partners.”

Even the California Commissioner of Business Oversight has  
cited Principal Mike Harden

**Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26013, Business and Professions Code**

**§ 8113. Substantially Related Offenses Review.**

(3) A felony conviction involving fraud, deceit, or embezzlement;

(4) Any felony conviction involving the hiring, employment, or use of children in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor, or offering, furnishing, or selling any controlled substance to a minor; and

## Evidence of violating Clause: 18: b & c

**BLOCK&BLOCK**  
ATTORNEYS

October 23, 2018

*By Electronic Mail*

Department of Alcoholic Beverage Control  
Santa Rosa District Office  
50 D Street Suite 130  
Santa Rosa, CA 95404  
santarosa@abc.ca.gov

Re: 334 Purvine Road, Petaluma (APN 022-230-020)

Dear Sir/Madam:

I am writing on behalf of my clients [REDACTED] to request that you investigate the ongoing unlicensed sale and provision of alcoholic beverages at 334 Purvine Road, Petaluma.

The owner of the property is Sonoma Hills Farm, LLC. The operator, to the best of my knowledge, is Petaluma Hills Farm, LLC. In its pending application to Sonoma County for a cannabis permit, Petaluma Hills Farm identifies its CEO, COO and CFO as Mike Harden, Samuel Magruder and Gian Paolo Veronese, respectively, all with the same address in San Francisco. Because the two limited liability companies appear to be under common control and direction, this letter refers to them as "respondents."

In June 2017, respondents purchased 334 Purvine Rod, a 37-acre property located in rural Sonoma County, which has historically been in agricultural use. They thereafter made various changes to the property, such as converting a portion of an old barn into a bar, which they call the "Swallow Bar" and which they advertise on social media.

Throughout this year, respondents have used the property to host a series of large and small events featuring alcohol. In August 2018, they sponsored the Potato Palooza Festival, a large all-day party open to the public where alcohol was served. No effort was made to separate children attending that event from the areas where alcohol was being provided and consumed.

Respondents have also hosted group dinners on the property. At least one, widely publicized on social media, featured cannabis-infused cocktails. Dinners are held in a portion of the barn renovated for that purpose. Respondents advertise the space as the "Century Barn," which includes a communal table, a "prohibition-era saloon" (the Swallow Bar), and outdoor seating suitable for "a lively cocktail gathering." Respondents not only lack an ABC license, but have never obtained event permits from Sonoma County.

1109 JEFFERSON STREET, NAPA, CA 94559 • 707.251.9871 • BLOCKANDBLOCKLLP.COM • KB@WINELAWYERS.COM

4/8/2022

ABC

October 23, 2018

Page Two

Sam Magruder, the COO of Petaluma Hills Farm, is apparently familiar with the liquor license enforcement process. He was a principal in a California limited liability company, Magruder & Crum LLC (No. 200615310113), which operated a bar in Eureka, California. The ABC suspended that company's license twice, once for serving alcohol to minors (No. 0706304) and again for serving alcohol to intoxicated persons (No. 078065740). Curiously, ABC disciplinary records do not list Sam Magruder as an LLC member, although he identifies himself as such in a June 2006 filing with the California Secretary of State.

Respondents' activities are having a significant negative impact on the neighborhood. Purvine Road is a quiet, remote stretch of the Petaluma Dairy Belt. It is no place for unlicensed bars or alcohol-fueled parties and events. I respectfully request that you investigate respondents' activities to determine whether ongoing violations of the ABC Act are being committed.

The Dropbox link below will provide access to sworn declarations, photographs and other evidence relating to the issues raised in this letter. Please contact me if you would like to obtain additional information.

Sincerely,



Kevin P. Block

**Sam Magruder  
violations with  
Bureau of Alcohol  
and Tobacco**

<https://www.dropbox.com/sh/qehrpx8ckmm81ug/AAAYnsCSZ8UITBS4jjfR7vF-a?dl=0>

18

# Evidence of violating Clause 18. b & c

## Court Issues Temporary Restraining Order protecting Sonoma County neighborhood against illegal cannabis tourism

A group of Sonoma County residents has filed a lawsuit to shut down an illegal pot grow and cannabis tourism operation in the Purvine Road neighborhood. The suit alleges that the unlicensed grower is transforming a peaceful stretch of the Petaluma Dairy Belt into an unlawful cannabis event venue, corporate retreat and cannabis tourism destination.

Petaluma, CA, October 20, 2018--- PETALUMA, California, October 19, 2018 – A group of Sonoma County residents has filed a lawsuit to shut down an illegal pot grow and cannabis tourism operation in the Purvine Road neighborhood. The suit alleges that the unlicensed grower is transforming a peaceful stretch of the Petaluma Dairy Belt into an unlawful cannabis event venue, corporate retreat and cannabis tourism destination.

The grow, located at 334 Purvine Road, has been operating without a permit since 2017. According to neighbors, tourists regularly visit the property on "cannabis " experience tours arriving on buses to view the cannabis operation and eat and relax at picnic tables in the cannabis field.

Neighbors also object to steps by the owners to turn the property into a cannabis event venue and retreat. Group dinners, featuring cannabis-infused food and cocktails, are hosted in a barn which the owners renovated for that purpose. The property is advertised online, for a minimum fee of \$8,000, as a "private retreat" for up to 250 guests, with overnight accommodations and event-related offerings, such as furniture rental, staff and catering.

Neighbors are asking the court to halt these activities as illegal under both state and local law. Named as defendants in the lawsuit are the San Francisco Property Owner and cannabis operator, Petaluma Hills Farm, LLC and Sonoma Hills Farm, LLC; their owners and officers; and the cannabis tour operator, The Sonoma County Experience, LLC.

Yesterday, October 18, the court issued a temporary restraining order prohibiting the defendants from cultivating cannabis without a license and permit; hosting cannabis events or engaging in cannabis promotional activities; sponsoring non-cannabis events without an event permit; and operating the property as a vacation rental or bed and breakfast. A further hearing in the case is set for November.

The plaintiffs in the lawsuit are residents of Purvine Road and a neighborhood advocacy group, No Pot On Purvine. Phoebe Lang, one of the plaintiffs, said the neighbors took legal action when it became clear that their once-quiet neighborhood was under attack. "We cherish the beauty and tranquility of rural Sonoma," she said, "and will fight to preserve our peaceful way of life. Purvine Road is no place for tour buses full of party-goers." Britt Christiansen, another plaintiff, added, "I want to raise my family in the country, not next to an event center and tourist stop. I love the fresh air and quiet evenings. I love knowing all my neighbors. All that will be lost if the cannabis tourism operation at 334 Purvine Road continues."

Attorney Kevin Block of Block & Block LLP is representing the neighbors. "None of my clients is against legal cannabis," he said. "But illegal cannabis, and cannabis tourism, are a different kettle of fish. Illegal operators must be shut down in order for legal operators to succeed. And the ban on cannabis tourism should be kept in place until the County can thoroughly study its detrimental neighborhood and environmental impacts."

"We will be filing a code enforcement complaint with Sonoma County shortly," Block continued. "The County has tools and resources that are not available to my clients as private citizens. We want and expect the County to be our full partner in ending the illegal activity on Purvine Road."



Not disclosed



**Contact Information**

Block & Block LLP  
 Kevin Block  
 707 246 9013  
[Contact kb@winelawyers.com](mailto:kb@winelawyers.com)  
<http://www.winelawyers.com>

*Link to complaint, press release and photographs:*  
<https://www.dropbox.com/sh/zdd09xvq3rebuon/AACcuE5B1Vh98UPkiTDhmzVCa?dl=0>

Evidence of violating Clause: 18: b & c

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA

OCT 18 2018

BY Jenny B  
Deputy Clerk

1 KEVIN P. BLOCK (121329)  
kb@winelawyers.com  
2 ROMAN BLOCK (306966)  
rb@winelawyers.com  
3 BLOCK & BLOCK LLP  
4 1109 Jefferson Street  
5 Napa, California 94559  
6 Telephone: (707) 251-9871  
7 Telefax: (707) 251-0368

7 Attorneys for Plaintiffs  
8 NO POT ON PURVINE, SANJAY BAGAI,  
9 PHOEBE LANG, AUTYMN GARVISCH, AYN  
GARVISCH, BRITT CHRISTIANSEN

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SONOMA

12 )  
13 )  
14 NO POT ON PURVINE, an unincorporated )  
15 association; SANJAY BAGAI; PHOEBE )  
16 LANG; AUTYMN GARVISCH; AYN )  
GARVISCH; and BRITT CHRISTIANSEN, )

17 Plaintiffs, )

18 v. )  
19 )

20 PETALUMA HILLS FARM, LLC, a )  
California limited liability company; )  
21 SONOMA HILLS FARM, LLC, a )  
California limited liability company; )  
22 THE SONOMA COUNTY EXPERIENCE, )  
23 LLC, a California limited liability; )  
company; SAMUEL J. MAGRUDER; )  
24 GIAN PAOLO VERONESE; MICHAEL )  
25 W. HARDEN; and DOES 1 through 25, )  
inclusive, )

26 Defendants. )  
27 )  
28 )

Case No. SCV263292

**TEMPORARY RESTRAINING  
AND ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

Not disclosed

4/8/2022

2 TO DEFENDANTS PETALUMA HILLS FARM, LLC, a California limited liability  
3 company; SONOMA HILLS FARM, LLC, a California limited liability company; THE  
4 SONOMA COUNTY EXPERIENCE, LLC, a California limited liability company;  
5 SAMUEL J. MAGRUDER; GIAN PAOLO VERONESE; and MICHAEL HARDEN:

6 Based on the verified complaint for damages and injunctive relief; the declarations of  
7 Ayn Garvisch, Autymn Garvisch, Britt Christiansen, Sonya Arriaga and Kevin Block; the re-  
8 quest for judicial notice; and the memorandum of points and authorities, all of which are served  
9 and filed herewith,

10 YOU ARE HEREBY ODERED TO SHOW CAUSE on Nov. 16, 2018 at 9am;

11 or as soon thereafter as counsel may be heard, in Courtroom 16 of this Court, located at 3035  
12 Cleveland Avenue #200, Santa Rosa, California 95403, why you, your employees, agents, as-  
13 signs and all those acting in concert with you, should not be restrained and enjoined pending trial  
14 of this action from:

15 (a) engaging in Cannabis Cultivation at 334 Purvine Road, Petaluma, California with-  
16 out a Sonoma County cannabis use permit or a State Cannabis License in violation of the  
17 Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regula-  
18 tion and Safety Act, and applicable state and local regulations;

19 (b) hosting, sponsoring, organizing, holding or participating in tastings, promotional  
20 activities and events related to cannabis uses at 334 Purvine Road, Petaluma, California in viola-  
21 tion of section 26-88-250(c) of the Sonoma County Code;

22 (c) hosting, sponsoring, organizing, holding or participating in Cultural Events, Spe-  
23 cial Events, Promotional Events, Industry Wide Events or other events, gatherings, parties, festi-  
24

vals or dinners at 334 Purvine Road, Petaluma, California without a required event or other permit in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations; and

(d) maintaining, managing, operating, leasing or renting Hosted Rentals, Vacation Rentals, Farmstays, or event or meeting space at 334 Purvine Road, Petaluma, California, without required permits in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations.

**PENDING HEARING** on the foregoing Order to Show Cause, you, your employees, agents, assigns and all those acting in concert with you **ARE HEREBY RESTRAINED AND ENJOINED** from:

(a) engaging in Cannabis Cultivation at 334 Purvine Road, Petaluma, California without a Sonoma County cannabis use permit or a State Cannabis License in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations;

(b) hosting, sponsoring, organizing, holding or participating in tastings, promotional activities and events related to cannabis uses at 334 Purvine Road, Petaluma, California in violation of section 26-88-250(c) of the Sonoma County Code;

(c) hosting, sponsoring, organizing, holding or participating in Cultural Events, Special Events, Promotional Events, Industry Wide Events or other events, gatherings, parties, festivals or dinners at 334 Purvine Road, Petaluma, California without a required event or other permit in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations; and

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(d) maintaining, managing, operating, leasing or renting Hosted Rentals, Vacation Rentals, Farmstays, or event or meeting space at 334 Purvine Road, Petaluma, California, without required permits in violation of the Sonoma County Code and Sonoma County policies, ordinances and regulations.

This Order to Show Cause, and any and all supporting papers which have not been previously served, shall be served on defendants no later than 10-19, 2018 by overnight mail. Proof of service shall be filed at least 5 days before the hearing.

Any opposition papers to the Order to Show Cause shall be filed and served on plaintiffs by overnight mail no later than 11-2, 2018. Any reply papers to such opposition shall be served on defendants by overnight mail no later than 11-8, 2018.

*Copies of all pleadings must be delivered to the judge assistant in Dept. 162 at time of filing.*  
~~Capitalized terms in this temporary restraining order and order to show cause shall have the same meanings as set forth in the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") and the Sonoma County Code.~~

October 18 2018

*Retnik Bredner*  
Judge

## Evidence of violating Clause: 18: b & c

### Applicant has not disclosed serious lawsuits on his past activities at 334 Purvine Rd

### Petaluma

#### I INTRODUCTION

When California voters legalized cannabis in 2016, they voted in favor of a strict regulatory regime to govern cultivation, processing and distribution of the drug. The state Legislature subsequently implemented a comprehensive licensing system, not unlike the system governing alcoholic beverages, and authorized cities and counties to regulate land use and other aspects of the cannabis trade. In this State, legalization and regulation go hand in hand.

This dispute arose when defendants flouted the rules by cultivating cannabis without the required license and permit and by engaging in cannabis marketing and promotional activities, including bus tours of their property, which are prohibited by local law. Their illegal activity was threatening to transform plaintiffs' tranquil Sonoma County neighborhood into a cannabis tourism destination and center for commercial-scale cannabis production.

Concluding that state and local authorities lacked the resources, or the will, to enforce the rules administratively, plaintiffs sued to stop defendants' illegal conduct. In support of their request for a preliminary injunction, they presented photographs, eyewitness declarations and other evidence proving the nature and scope of defendants' activities and their devastating impact on the neighborhood. The court granted plaintiffs'

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request, restraining defendants from cultivating cannabis without a permit and license, and from engaging in cannabis promotional activity and marketing events, in contravention of law.

In response, defendants filed a special motion to strike the complaint under the anti-SLAPP statute, asserting that plaintiffs' claim arose from defendants' constitutionally-protected activity in applying to Sonoma County for a cannabis permit. Defendants argued that they were growing cannabis legally for personal medical use, that they were not engaged in cannabis tourism, and that plaintiffs lacked standing to seek injunctive relief.

The trial court rejected all of defendants' arguments. In the court's view, the evidence established that defendants were engaged in unpermitted cultivation and were hosting illegal cannabis tours and marketing events. The court denied the anti-SLAPP motion on grounds that plaintiffs' claims arose from defendants' illegal activity, not from their application for a cannabis permit. It also held that the anti-SLAPP motion was frivolous and awarded plaintiffs \$21,000 in attorneys' fees. Defendants appeal each one of these ruling, as well the court's non-appealable order striking defendants' memorandum of costs.

For the most part, defendants' appeal merely rehashes the same argument as were resoundingly rejected below. Defendants essentially invite this Court to substitute its own judgment for the judgment of the trial

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court, an invitation the Court should reject under well-established principles of appellate review. The preliminary injunction issued in this case does not abuse the trial's courts discretion and substantial evidence supports the factual determinations on which the injunction rests.

The trial court's denial of defendants' anti-SLAPP motion was not even a close call. Neither the allegations of the complaint nor plaintiffs' evidence support the conclusion that this action is an attack upon defendants' cannabis permit application. The trial court was correct to characterize the anti-SLAPP motion as frivolous and award fees to plaintiffs.

To plaintiffs' dismay, proceedings in the lower court have been stayed by operation of law since defendants filed their anti-SLAPP motion in December 2018. Although the anti-SLAPP statute is intended to shield parties from meritless litigation, defendants have used it as sword. Plaintiffs have paid dearly, in time and money, responding to a frivolous motion, and now a frivolous appeal.

Plaintiffs respectfully request that this Court dismiss the appeal of the non-appealable order striking costs; affirm the preliminary injunction, the denial of the anti-SLAPP motion, and the order granting fees; and award plaintiffs additional fees for opposing the anti-SLAPP appeal.

## **II** **APPEALABILITY**

Commercial cannabis uses are allowed only in specific zoning districts and only with a permit. (SCC 26-88-250(d), 26-88-254(c).) Cannabis uses without a permit are declared to be a nuisance. (SCC 26-88-252(a)(1).) They are subject to administrative enforcement by county authorities (SCC 26-88-252) and actions by private citizens for damages and injunctive relief (SCC 1-7.2). Cannabis tourism – described in the Ordinance as “tastings, promotional activities and events related to cannabis uses – are prohibited. (SCC 26-88-250(c)(5).)

Cultivation for personal use, whether medicinal or recreational, may occur only on parcels with a full-time resident. (SCC 26-88-258(a)(1).) It is limited to 100 square feet per residence, of which no more than six plants may be for recreational purposes. (26-88-258(a)(2).)

### **B. The Parties**

Plaintiffs are residents of Purvine Road, a narrow country lane that winds through a remote stretch of the Petaluma Dairy Belt (3 CT 509). The Purvine Road neighborhood is bucolic, characterized by broad expanses of grass-covered hills punctuated by scattered stands of eucalyptus trees. Dairy farms and other agricultural uses predominate (3 CT 509).

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Nos. 6189 as amended by Ordinance No. 6245 as the “Ordinance” or “Cannabis Ordinance.” The Cannabis Ordinance is codified as part of the County's zoning regulations in chapter 26, article 88, sections 250 through 258 of the County Code.

Defendants Sonoma Hills Farm, LLC and Petaluma Hills Farm, LLC were formed in 2017 to operate a commercial cannabis business at 334 Purvine Road (“Purvine Road” or the “Property”), adjacent to plaintiffs’ residences (2 CT 403). Sonoma Hills Farm owns the Property, which it bought in August 2017 (2 CT 443-444); Petaluma Hills Farm will operate the proposed cannabis venture under a lease (5 CT 1011).

Defendants Mike Harden, Sam Magruder and Gian Paolo Veronese are principals in the two companies (2 CT 447-453). They are associated with a fourth individual defendant, Jared Rivera, through a San Francisco company, Big Rock, which invests in and advises start-up cannabis businesses (2 CT 455-457). Sonoma Hills Farm and Petaluma Hills Farm are part of Big Rock’s investment and advisory portfolio (2 CT 459-461). Defendants have variously described Jared Rivera as: (i) part of the “PHF team” (2 CT 461), (ii) the Property Manager (4 CT 945), (iii) a tenant (5 CT 1024), and (iv) one of defendants’ partners (2 CT 453).

In August 2017, defendants applied to Sonoma County for a cannabis use permit (2 CT 463). Defendants Magruder, Harden and Veronese all signed the application, which identifies Magruder as the applicant and lists Harden and Veronese as company officers (2 CT 453). Magruder, Harden and Veronese all indicate that they should be contacted at Big Rock’s street address, telephone number and e-mail address (2 CT 453).

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In 2018, defendant The Sonoma County Experience began bringing tour buses to the Property (2 CT 486; 3 CT 534-544; 4 CT 983). The Sonoma County Experience organizes “cannabis experience tours.” Its website and social media postings feature photographs of the cannabis field at 334 Purvine Road (3 CT 531, 538-542) and group bus tours of the Property (3 CT 544). One such posting describes a tour of the Property’s “demo cannabis garden” led by Sonoma Hills Farm Chief Operating Officer Sam Magruder (2 CT 476; 3 CT 544).

**C. Defendants’ Cannabis Cultivation and Tourism Operation**

When they bought the Property in June 2017, defendants told plaintiffs that they planned to grow vegetables there (2 CT 483). Some two months later, plaintiffs received notice from Sonoma County that defendants had applied for a cannabis permit (2 CT 463). The application sought approval for one acre of cannabis cultivation, the maximum allowed by the Ordinance (3 CT 510).

Defendants began developing the Property in late 2017. They graded portions of it, demolished some of the agricultural structures, built a greenhouse for cloning cannabis plants, and erected a fence behind which they subsequently planted cannabis (2 CT 483; 3 CT 511-512).

Other changes were made for the purpose of hosting visitors and events. Defendants renovated the bar with table seating and lights, erected

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a large tent or “yurt” complete with heating and furniture, and converted a portion of the barn into the “Swallow Bar” (2 CT 484, 492; 3 CT 512, 523-527), which they opened to the public (3 CT 526-527).

By mid-2018, defendants were growing cannabis without a permit and hosting cannabis events on the Property. The first event was held in March or April 2018 (3 CT 512). Dozens of cars and a transit-size bus were parked on the Property (3 CT 529). The pungent smell of cannabis emanated from the gathering, which continued into the night (3 CT 512).

That summer, the Property also became a stop on organized cannabis tours. At least some of them were conducted by The Sonoma County Experience (2 CT 486; 3 CT 512-513). The company’s website featured photographs of the cannabis field at 334 Purvine Road (3 CT 531-532), and social media postings showed groups of visitors relaxing amidst the crop and touring the cannabis greenhouse (3 CT 538-544).

On August 18, 2018, defendants sponsored what they advertised to the public as the “Potato Palooza Festival” (2 CT 387). The festival featured beer and food and provided portable toilets (2 CT 388). Crowds of up to 50 people partied on the Property all afternoon (2 CT 387, 390). Numerous cars were parked along the side of Purvine Road (3 CT 546-553). Visitors, including children, ate or relaxed at a picnic table in the middle of the cannabis field, and were invited to view a display in the barn depicting defendants’ cannabis operation (2 CT 388-389).

Sonya Arriaga, a retired law enforcement officer who visited the site on August 19, counted 50 to 60 marijuana plants outdoors and approximately 100 in the greenhouse (2 CT 388, 414-418). Those observations are confirmed by the photographs she took at the same time (2 CT 392-401). Aerial photographs show the size of the combined outdoor and greenhouse grow as approximately 1,400 square feet (2 CT 424). Based on her 20 years of law enforcement experience, Arriaga estimated that the Purvine Road grow could produce \$55,000 to \$450,000 depending on how it was processed and packaged and whether it was sold wholesale or retail (2 CT 415).

For a time, tours and events were a regular occurrence. Following the Potato Palooza Festival, defendants hosted a group dinner featuring cannabis-infused food and cocktails (2 CT 485; 3 CT 513-514). Events generally occurred on weekends and were preceded on Thursdays and Fridays by increased activity, such as truck deliveries, furniture setup and other preparatory work (2 CT 485).

Defendants also began advertising the Property on the Internet as an event and meeting space. The listing describes 334 Purvine Road as a “private retreat” for “rest or play,” features “a cabin with a full kitchen and bathroom, a beautiful full-size Yurt with a queen-sized bed and a working fire stove, and our dreamy bar with an attached saloon” (3 CT 504-505). The availability of the barn for group meals is highlighted, while third party

links offer event-related goods and services, including catering, furniture rental, event staff and a full bar. Minimum rent is \$8,000 for 10 hours (3 CT 504-505).

## **D. The Cannabis Disappears**

Plaintiffs filed this action on October 9, 2018. On October 25, a local television station was on site videotaping a story about the Purvine Road controversy (2 CT 420). The videotape shows an empty cannabis greenhouse and a tractor in an empty cannabis field (2 CT 434-436). Aerial photos confirm that the cannabis was removed sometime between October 8 and October 25 (2 CT 422-432).

At about the same time, photographs of the Purvine Road operation were removed from the Sonoma County Experience website and Instagram account (3 CT 531-532, 538-544). The photograph of the Big Rock "team," including defendants Harden, Magruder, Veronese and Rivera, was also purged from the Big Rock website (2 CT 440-441, 457).

## **E. The First Amended Complaint**

Plaintiffs' first amended complaint (2 CT 255-267), filed on November 21, 2018, pleads four causes of action: (1) unlawful business practice, (2) common law nuisance, (3) nuisance per se, and (4) violation of the Sonoma County Code. Each cause of action is based on defendants'

unpermitted cultivation of cannabis on the Property and their hosting of unlawful cannabis tours and events.

The first cause of action alleges that defendants have committed unlawful business practices in violation of Business and Professions Code § 17200 by engaging in cannabis cultivation on the Property without a permit or license and by engaging in cannabis tourism activities in violation of the Sonoma County Cannabis Ordinance and state cannabis law (2 CT 262).

The second cause of action asserts that the noise, odor, traffic, crowds and other impacts from defendants' illegal cannabis grow and cannabis tourism activities substantially and unreasonably interfere with plaintiffs' use and enjoyment of their property and therefore constitute a nuisance (2 CT 263).

The third cause of action alleges that defendants' cultivation of cannabis without a permit, and their cannabis marketing and promotional activities, are defined by the Sonoma County Code as nuisances and therefore constitutes nuisances per se, which can and should be enjoined without proof of harm to plaintiffs or their property (2 CT 264).

The fourth cause of action invokes the private right of action conferred on persons injured by specified violations of the County Code, including violations of the Cannabis Ordinance, to seek damages, injunctive relief and attorneys' fees. The claim is based on defendants'

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## Evidence of violating Clause: 18: b & c

unpermitted, unlicensed cultivation of cannabis and their unlawful hosting and sponsorship of cannabis tours and events (2 CT 265).

### F. The Preliminary Injunction

On October 18, 2018, the lower court issued a temporary restraining order (“TRO”), enjoining defendants unlawful cannabis activity (2 CT 249-252).<sup>3</sup> On October 31, the parties entered into a “standstill” agreement under which plaintiffs agreed to dissolve the TRO in exchange for defendants’ promise to abide by its terms until the preliminary injunction hearing (2 CT 253-254, 441).

**Plaintiffs’ Evidence.** On December 18, plaintiffs filed their motion for a preliminary injunction (2 CT 325-345) supported by seven declarations. The Sonya Ariaga declarations outline her background in law enforcement, including her role in a federal, state and local ant-cannabis taskforce (2 CT 413).

Arriaga describes her August 19 visit to 334 Purvine Road, where she had unrestricted access to cannabis growing on the property (2 CT 414) and observed approximately 1,000 square feet of large, mature cannabis plants growing outdoors (2 CT 414) and 100 or so young cannabis plants in the greenhouse (2 CT 415). The 50 to 60 plants observed by Ariago

<sup>3</sup> The TRO included a prohibition on holding non-cannabis events or operating vacation rentals without County event and vacation rental permits. At the preliminary injunction stage, plaintiffs focused exclusively on defendants’ cannabis activity.

growing outdoors would, based on her experience, produce 60 to 120 pounds of cannabis per year (2 CT 415).

Arriaga’s two declarations attached multiple photographs of the indoor and outdoor growing operation; a children’s play area located next to the cannabis field; and a large quantity of cannabis drying in a barn, a portion of which had been renovated into a bar (2 CT 392-409).

Britt Christiansen lives with her husband and two children next door to 334 Purvine Road, several hundred feet away from where defendants were growing cannabis (2 CT 483). Her declaration describes defendants’ renovation of a barn on the property into a bar and event venue, where they hosted regular cannabis-related events beginning in March 2018 (2 CT 484).

At one event in June 2018, some 75 cars were parked along Purvine Road and a large bus was parked on the property, from which the stench of marijuana drifted in the direction of Christiansen’s property (2 CT 484). Events were held primarily on weekends, prior to which catering and delivery trucks would routinely visit the site (2 CT 485). Defendants’ property also became a stop on cannabis tours conducted by defendant Sonoma County Experience (2 CT 486). The Christiansen declaration attaches six corroborating photographs (2 CT 488-499).

The declaration of Sanjay Bagai describes how he purchased a number of commercially-available satellite images of the Purvine Road

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property from Harris Geospatial Solutions in Colorado. The images, depicting the cannabis field and greenhouse, span July to October 2018 (2 CT 422-436). Bagai measured the area under cultivation on July 21, 2018 using software called GlobalMapper, which shows that the outdoor cannabis field covered approximately 1,000 square feet and the greenhouse around 400 square feet (2 CT 424). The photographs also show that the outdoor plants were removed and the greenhouse emptied sometime between October 8 and October 25 (2 CT 428-436).

Ayn Garvisch is another neighbor who lives with her husband and 15 year old daughter adjacent to 334 Purvine Road (3 CT 510). She describes the transformation of the Property under defendants' ownership from cattle grazing to cannabis cultivation and events. For example, defendants renovated the barn as an event venue and erected a green mesh fence behind which they began to grow cannabis (3 CT 511-513).

Garvisch confirms that the Property became a stop on cannabis tours organized by The Sonoma County Experience (3 CT 512-513) and attaches advertisements for the tours (3 CT 531-532, 538-542), photographs of tourists observing cannabis growing in the greenhouse (3 CT 544), and promotions on social media of group dinners held at the Property featuring cannabis-infused food and cocktails (3 CT 555-564).

The declaration of plaintiffs' counsel, Kevin Block, establishes that defendants had applied for but not yet received a cannabis permit from

Sonoma County (2 CT 439-440). Block authenticates various documents evidencing the inter-relationship between and among the defendants (2 CT 455-463), including an e-mail from defendant Veronese in which he describes defendant Rivera as "one of our partners" (2 CT 453).

The Block declaration also authenticates various advertisements, social media postings, and websites relating to defendants' cannabis tourism and cultivation activity on Purvine Road (2 CT 468-476), which were not offered in evidence for the truth of statements contained in them but as circumstantial evidence that defendants' activity on the Property was commercial in nature.

**Defendants' Evidence.** Defendants submitted seven declarations in opposition to the preliminary injunction motion (4 CT 946-959), the most important of which are summarized here.

Defendant Jared Rivera states that he is a tenant on the Property and is not an owner, officer or employee of Sonoma Hills Farm (4 CT 961). He was growing cannabis at 334 Purvine Road in 2018 for his own personal medical use pursuant to a medical cannabis card (4 CT 962). Rivera's declaration does not attach the card, identify his medical reason for using cannabis, or explain how he could personally consume (based on Ariaga's estimate) 60 to 120 pounds of cannabis per year (4 CT 964).

Rivera acknowledges his understanding that a cannabis grow for personal use is limited to 100 square feet (4 CT 963-964). He states that he

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never sold or distributed the cannabis (4 CT 962) and that he does not “anticipate” growing more cannabis for a long time since the 2018 harvest provided “plenty of cannabis” for his own medical use (4 CT 964).

Mike Harden is a managing member of both Petaluma Hills Farm and Sonoma Hills Farm, which leases 334 Purvine Road to Jared Rivera (5 CT 1011). Harden is also a principal in Big Rock, a cannabis consulting and venture capital firm (5 CT 1013), which is investing in the development of the “Sonoma Hills Farm” brand (5 CT 1012-1013). Big Rock allows Rivera to use the Sonoma Hills Farm name on social media (5 CT 1013-1014) and may license it to Petaluma Hills Farm for use on Purvine Road cannabis products (5 CT 1012-1013). Rivera is involved with some Big Rock projects, does contract work for the firm, and was listed as a member of the “Big Rock Team” on Big Rock’s website until, after the lawsuit was filed, that reference was removed (5 CT 1013).

Sam Magruder is a member of Sonoma Hills Farm, the property owning entity, and Petaluma Hills Farm, the cannabis operator (5 CT 1024). Although Sonoma Hills Farm identified its business as “retail” in a filing with the Secretary of State (2 CT 447-448), that was a mistake; it is actually in the business of real estate ownership (5 CT 1024-1025). A flyer distributed to neighbors describing Sonoma Hills Farm and Petaluma Hills Farm as being in “partnership” was also an error; there is no “formal” partnership between the two (5 CT 1026-1027). According to Magruder,

defendants did not hold any events on the Property at which cannabis was sold or distributed (5 CT 1028). The only cannabis on site was being grown by Jared Rivera, a tenant, for his personal use (5 CT 1028).

Defendant Jared Giammona is the owner of The Sonoma County Experience, LLC (“SCE”) (4 CT 981), which was formed for the purpose of providing cannabis tours to Sonoma County (4 CT 981-982). SCE offers a “cannabis experience” tour, a cannabis and beer tour, and a cannabis and wine tour (4 CT 982-983). It began making tour stops at 334 Purvine Road in June 2018 (4 CT 984), after making contact with Sam Magruder, the property owner’s agent (4 CT 982).

Sonoma County Experience tours are limited to nine people (4 CT 982). On Purvine Road tours, Jared Rivera would explain to visitors the manner in which he cultivates medical cannabis (4 CT 983). Giammona never saw any cannabis being consumed on his tours and cannabis purchases were not permitted or encouraged (4 CT 983).

**The Trial Court’s Ruling.** On February 1, 2019, after listening to extended oral argument, the trial court granted plaintiffs’ motion and issued an order enjoining defendants, their employees, agents and persons acting in concert with them from:

*(a) engaging in the commercial cultivation of cannabis for medicinal or recreational purposes at 334 Purvine Road, Petaluma, California without a cannabis permit from the County of Sonoma and a cannabis license from the State of*

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*California in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations; and*

*(b) engaging in the cultivation of cannabis for medicinal or recreational purposes at 334 Purvine Road, Petaluma, California for personal use in violation of the Sonoma County Cannabis Ordinance, the California Medicinal and Adult Use Cannabis Regulation and Safety Act, and applicable state and local regulations; and*

*(c) hosting, sponsoring, organizing, holding or participating in tastings, promotional activities or events related to cannabis uses at 334 Purvine Road, Petaluma, California in violation of section 26-88-250(c) of the Sonoma County Code.*

(6 CT 1303-1305).

The court agreed with plaintiffs that unpermitted cannabis activity is a nuisance per se because the County Code, including the Cannabis Ordinance, declare it to be a nuisance. The court ruled that it was empowered to enjoin a nuisance per se, without proof of harm, on a showing that the nuisance exists and the statute or ordinance defining the activity as a nuisance is valid.

Here, plaintiffs presented sufficient evidence of illegal cannabis activity, and defendants did not challenge the validity of the Ordinance (6 CT 1303). The scope of the injunction is limited to illegal activity, the court concluded, and should apply to all defendants based on substantial evidence that they were acting in concert (6 CT 1292-1293).

### G. The Anti-SLAPP Motion

Also on February 1, 2019, the court denied defendants' motion to strike the first amended complaint under the anti-SLAPP statute. (Code Civ. Proc. § 425.16.) The judicial assessment of an anti-SLAPP motion has two prongs. Prong one requires the court to determine whether the wrongful conduct underlying plaintiffs' claims constitutes constitutionally-protected activity. If so, the court weighs whether plaintiffs have established the probable success of those claims on the merits, accepting all of plaintiffs' evidence as true.

Defendants asserted that (i) plaintiffs' action arises from defendants' filing of a cannabis permit application with Sonoma County (2 CT 286-296), which is protected by defendants' constitutional right of petition, and (ii) plaintiffs' evidence fails to establish their probable success on the merits.

The trial court denied the motion on both grounds. First, it held that plaintiffs' claims did not arise from protected activity (6 CT 1307-1308).

*At no point in the First Amended Complaint do Plaintiffs attack any activity related to obtaining the alleged permit, or otherwise [a]mounting to speech or petition activity. Regardless of the parties' potential goals or motivation, Plaintiffs expressly limit the lawsuit to Defendants' alleged illegal conduct in violation of the Sonoma County Code, expressly stating that they are suing Defendants for engaging in activities which require a permit and for which they have no permit.*

(6 CT 1307).

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## Evidence of violating Clause: 18: b & c

Even if the claims arose from protected activity, the court continued,

plaintiffs have presented sufficient evidence to demonstrate probable success.

*This evidence shows, among other things, that Defendants have operated a large public festival on the property and hold it out as a commercial cannabis growing operation . . . while Defendants have no permit for such commercial or public-related cannabis events or operation. The fact that Defendants have presented contrary evidence, such as demonstrating that any cannabis growing is solely for the personal use of Defendant Jared Rivera, does not alter the fact that Plaintiffs have provided sufficient evidence*

(6 CT 1308-1309).

The court sustained 20 of plaintiffs' 47 objections to defendants' evidence, and overruled all of defendants' objections to plaintiffs' evidence, but noted that different evidentiary rulings would not have changed its ruling on the motion (6 CT 1309).

### H. The Attorneys' Fee Award

By order dated May 29, 2019, the court awarded plaintiffs \$21,500 in attorneys' fees as sanctions on grounds that defendants' anti-SLAPP motion was frivolous.<sup>4</sup> The motion was frivolous, the court ruled, because the allegations of the first amended complaint on their face do not arise from protected activity.

<sup>4</sup> By order dated August 6, 2019, the Court augmented the record on its own motion to add the trial court's order granting plaintiffs' motion to recover attorneys' fees. Because the order granting fees was not included in the clerk's transcript, a citation to it is not possible.

Regardless of whether Defendants have applied for a cannabis permit and regardless of Plaintiffs' motivations in wishing to oppose such a permit or prevent any cannabis operation, this lawsuit is clearly and expressly limited to stopping *illegal* operations in violation of the Sonoma County Code . . . Plaintiffs base this [claim] in part expressly on the allegation that Defendants lack a permit or license allowing them to conduct the operations and business activities at issue and the first amended complaint only once mentions the permit in order to show that Defendants have applied for, but do not yet have, a permit. In the Court's opinion, the language of the first amended complaint thus clearly, unequivocally and expressly disavows any possible interpretation that the lawsuit may be aimed at the application for a permit or any other protected activity.

### IV STANDARD OF REVIEW

Determining applicable standards of review, always a cornerstone of the appellate process, is especially important in this case because defendants disregard and misconstrues many of those standards in framing their arguments on appeal. Their arguments fail to appreciate the limited nature of appellate review.

**The Preliminary Injunction.** The scope of review of a preliminary injunction is particularly narrow, since it is not an adjudication of the merits but reflects only the trial court's evaluation of the evidence before it at the very outset of the litigation. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1109.) The ultimate question is whether issuance of the injunction abuses the trial court's discretion, i.e., whether the court's decision is "so irrational or arbitrary that no reasonable person could agree

## Evidence of violating Clause: 18: b & c

Defendants' argument turns these rules upside down. Defendants view the entire record in the light most favorable to them. For example, they resolving conflicting evidence concerning the legality of defendants' cultivation by crediting the facts set forth in defendants' declarations, ignoring plaintiffs' photographs and declarations entirely, and claiming that there is no substantial evidence to support the preliminary injunction based on the "undisputed evidence" that there was no illegal grow (App. Brief, pp. 30-31).

In fact, there is substantial evidence that defendants were cultivating commercial cannabis on Purvine Road.

- Defendants began offering cannabis products from Sonoma Hills Farm commercially as early as January 2018 (2 CT 468-474).
- Defendants supported the grow with extensive, well-publicized marketing activities and promotional events, such as "cannabis experience tours" and cannabis-infused dinners (3 CT 512-514).
- The owner of the property, Sonoma Hills Farm, is a client of the Big Rock consulting firm, which advises start-up cannabis businesses (2 CT 455).
- Defendants referred to the grow in the press as a "demonstration farm" (2 CT 476) and showed visitors to the Property an exhibit describing their proposed commercial operation (3 CT 538-542).

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Petaluma Hills Farm LLC, The Highland Canopy LLC, Sonoma  
Hills Farm LLC

334 Purvine Rd Petaluma Ca 94952

Sonoma County UPC# UPC17-0020  
Cal Cannabis Lic#: CCL20-0000520

Comments, Concerns & Exhibits clearly demonstrating that the applicant has violated numerous terms of the conditions of approval and this cultivation site is a nuisance in the neighborhood where I reside

PART III of III

04/08/22

14 Pages

## 'Condition of use' Clause and sub clause:

**31. Greenhouse Gas Reduction Plan.** A Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be submitted for review and approval by Permit Sonoma. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but are not limited to: best available conservation technologies for all energy and water uses; installation of renewable energy facilities to meet demand on-site; provisions of electric vehicle charging stations; bicycle facilities including secure bike parking and lockers and showers for employees; employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc. The approved Greenhouse Gas Reduction Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.

**95. Mitigation Measure NOISE-2 Construction Operation:** All plans and specifications or construction plans shall include the following notes:

- b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant violated terms of the noise and greenhouse clause by parking three semi trailers for over 60 days with the reefer units running 24 hours

Evidence of violating Clause: 31 & 95b



These Semi-trailers were parked at these locations

## 'Condition of use' Clause and sub clause:

### Intersections of Roads and Driveways

102. The Applicant/Operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Purvine Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Purvine Road) meets these requirements.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has not complied with any of the above terms prior to occupancy

Evidence of violating Clause: 102



There is no evidence of any driveway construction, the existing driveway has been described as a gravel driveway by county staff and is unstable

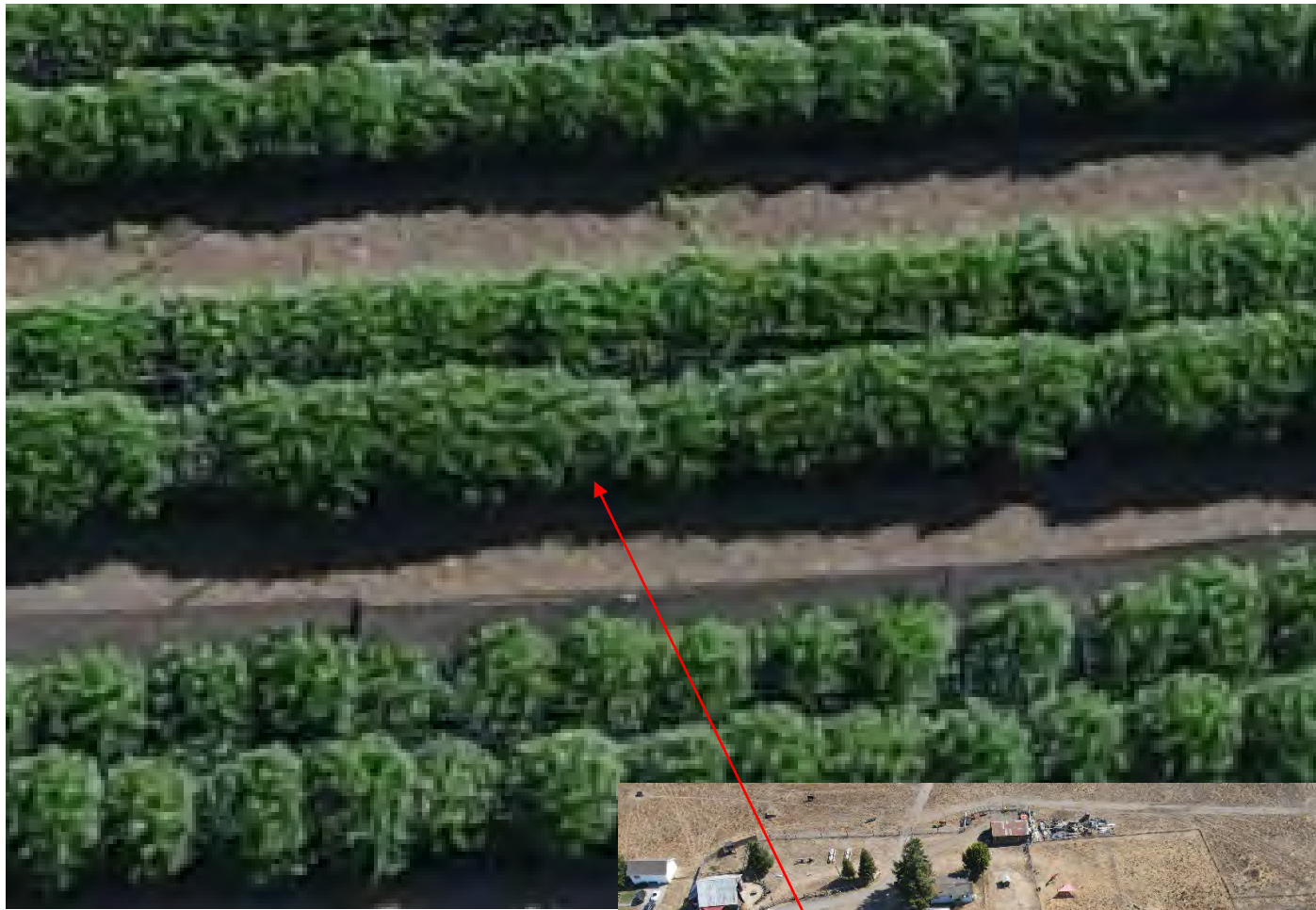
## 'Condition of use' Clause and sub clause:

20. **Tracking.** The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the County upon request.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms

Evidence  
of violating  
Clause: 20



No track & trace on almost \$4  
Million worth of Cannabis

## 'Condition of use' Clause and sub clause:

33. **Design Review.** Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Prior to Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.

### Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':

- Applicant has not complied with any of the above terms

# Evidence of violating Clause: 33



A rendering of what was proposed and accepted by Sonoma County PRMD



Evidence of violating Clause: 33



**CURRENT PICTURES**  
No evidence of compliance to final plan prior to occupancy



4/8/2022

Evidence of violating Clause: 33



**CURRENT PICTURES**

**No evidence of compliance to final plan prior to occupancy**

4/8/2022

Evidence of violating Clause: 33

No designated/Controlled pesticide area..



Nursery Does not Confirm to CalCannabis law

No drainage and protection for run off into streams

No Track and Trace UID

CURRENT PICTURES

No evidence of compliance to final plan prior to occupancy

## 'Condition of use' Clause and sub clause:

64. Prior to initiation of the use, the project shall submit a Fire Prevention Plan demonstrating compliance with the Sonoma County Fire Safety Ordinance (Sonoma County Code), subject to review and approval by the Sonoma County Fire Marshal. The Plan be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:(Ref. California Code of Regulations Title-14, Division 1.5,Chapter 7, Subchapter 2, Articles 1 - 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)
65. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property.
- c. The building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.

### **Evidence clearly demonstrate noncompliance with the above 'Conditions of approval':**

- Applicant has not complied with any of the above terms



**From:** [McClelland's Dairy](#)  
**To:** [Crystal Acker](#)  
**Cc:** [George McClelland](#)  
**Subject:** Sam Magruder, The highland Canopy LLC, Permit Sonoma File No. UPC17-0020  
**Date:** June 08, 2022 4:03:10 PM

---

Hello Crystal,

I believe there is a meeting in the coming days about this. I would like to submit my comments for consideration at the meeting.

As I testified back in 2019 and also by email to you in April, water is the main concern. We are in a low water area and the water table has dropped. Cannabis requires a lot of water and they have dug additional wells. Droughts come and go and water has always been scarce in Two Rock and Purvine Road.

Please address this concern, our livelihood depends on having enough water for our cows and operation.

On a side note we have no objections to them as neighbors, we have no complaints. Water is the only issue.

Thank you,

George McClelland

**THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.**

**Warning:** If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

**From:** [Phoebe Lang](#)  
**To:** [Greg Carr](#); [Eric Koenigshofer](#); [Kevin Deas](#); [Jacquelynne Ocana](#); [Pat Gilardi](#); [Crystal Acker](#)  
**Subject:** Fwd: File Number UPC17-0020, site address 334 Purvine Road, Petaluma, CA 94952  
**Date:** June 08, 2022 4:26:33 PM  
**Attachments:** [334 Issues email - Google Docs.pdf](#)

---

June 8th, 2022

VIA ELECTRONIC MAIL

Greg Carr [Greg.Carr@sonoma-county.org](mailto:Greg.Carr@sonoma-county.org)  
Eric Koenigshofer [Eric.Koenigshofer@sonoma-county.org](mailto:Eric.Koenigshofer@sonoma-county.org)  
Kevin Deas [Kevin.Deas@sonoma-county.org](mailto:Kevin.Deas@sonoma-county.org)  
Jacquelynne Ocaña [Jacquelynne.Ocana@sonoma-county.org](mailto:Jacquelynne.Ocana@sonoma-county.org)  
Pat Gilardi [Pat.Gilardi@sonoma-county.org](mailto:Pat.Gilardi@sonoma-county.org)  
Crystal Acker [Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)  
Board of Zoning Adjustments  
PRMD  
Santa Rosa, California

Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)

Dear Commissioners and Ms. Acker,  
Please find attached a letter detailing my concerns and comments.

Very sincerely yours,

Phoebe Lang

Phoebe Lang  
[phoebelang@gmail.com](mailto:phoebelang@gmail.com)  
415 601 5547  
105 Purvine Rd  
Petaluma CA

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**do not** click any web links, attachments, and **never** give out your user ID or password.

June 8th, 2022

VIA ELECTRONIC MAIL

Greg Carr Greg.Carr@sonoma-county.org

Eric Koenigshofer Eric.Koenigshofer@sonoma-county.org

Kevin Deas Kevin.Deas@sonoma-county.org

Jacquelynn Ocaña Jacquelynn.Ocana@sonoma-county.org

Pat Gilardi Pat.Gilardi@sonoma-county.org

Crystal Acker Crystal.Acker@sonoma-county.org

Board of Zoning Adjustments

PRMD

Santa Rosa, California

Objections to Extension of Cannabis Permit at 334 Purvine Road (UPC 17-0020)

Dear Commissioners and Ms. Acker,

I am writing in reference to File No. UPC17-0020 located at 334 Purvine Road.

As a neighbor on Purvine Road I believe there are extensive examples of non-compliance with the conditions of approval in connection with the outdoor cultivation activities that have occurred at 334 Purvine Road. I will elaborate on some of the more obvious ones below.

For the purposes of clarity as you read through, any text in blue and italicized is language drawn directly from the Conditions of Use Approval document dated 9/30/2019

**ILLEGAL WATER USE:**

Upon reviewing the PRMD permit history site, we see that the owners of 334 Purvine have a *permit issued* for a new class I well and that they have a well *permit started* for a well relocation and we see they have a permit to install a 98,000 gallon water storage tank.

Where will the water come from to fill that tank and supply enough water to support all the demands their operation currently does and will place on the groundwater supply?

During the summer of 2021 it was widely known around the neighborhood that the well at 334 Purvine had run dry and could not meet their water usage demands. At that juncture the only portion of their permitted cannabis project that required water was the outdoor grow. The operators of 334 Purvine then commenced having water hauled in on a daily basis for months and placed into their 2 water storage tanks. These 2 water tanks are located right next to a public roadway and are highly visible. By our very rough calculations 334 Purvine was hauling in at least 50,000 plus gallons of water per day, sourced directly from a hydrant within the Santa Rosa city limits by a water truck with no permit to draw and sell that water. This water truck had no DOT registration. Not only is this against the law, it is at the very least in blatant violation of the cannabis ordinance and the conditions of 334 Purvine's use permit. Knowing all this, how will they possibly have enough ground water to support and service the increased (by a

considerable factor) water usage demands that their built out permitted project will require? This is nonsensical. Even if cannabis operations were allowed to truck in as much outside water as they deemed necessary, this is not a viable model for any business let alone an “agricultural” one that boasts openly and frequently about their best organic and regenerative farming practices.

After noticing a water truck driving by our property to 334 many times a day, we looked into it further and discovered:

*“On August 25 and 26, 2021 this office, ( Insight Group,Inc.) conducted a surveillance in and around the city of Petaluma, California. Investigators observed on numerous occasions a water truck filling up with water at a city hydrant and deliver to 334 Purvine Rd Petaluma California. Agents obtained California Lic. Plate of the truck 9E26545 and trailer lic. Plate 4AF1869 and obtained California DMV registered information incorporated in this report. (Exhibits 1 – 2) Agents further obtained numerous pictures of the water truck at the city hydrant and at the delivery location at 334 Purvine Rd Petaluma, Ca. Refer to photo log of this report. Agents further obtained photos of the surrounding areas.”*



Petaluma Creamery truck loading water in SR    Same truck unloading into 334 Purvine irrigation tanks

There are many other properties in the surrounding area that rely on the very same water table for their ground water supply. Back in the very early days of the permitting process for this project, the surrounding neighbors identified water supply and groundwater availability as the number one concern regarding an operation of this scale to move into the area. PRMD was very clear about this concern and also agreed that it was a potential issue, to the extent it ordered a 72 hour dry well test to be run. That issued 72 hr dry well test magically and mysteriously disappeared soon after being ordered. With no explanation given by either Tennis Wick of PRMD or Supervisor Rabbit. **Setting aside all the other violations we believe exist with this**

project and at this site, the fact they did not have enough water to meet the demands of their outdoor cultivation in 2021 and that they resorted to hauling in great amounts of illegally sourced city water over the course of months should be sufficient grounds alone to deny renewal of their license. We also know that the owners of 334 Purvine have applied to grow 40,000 sq ft of cannabis on the neighboring 150 Purvine Road parcel. Again, where will the water for that come from? 2021 was not an unusual or anomalous year in terms of water availability. Yes there was a “drought” and less rainfall than “normal.” But this is the norm now and will continue to be so into the future. The operators of 334 Purvine can drill and drill and drill new well sites on their parcel. Does one truly believe given all that we know that they will have enough of their own water sourced from their parcel to support their water usage demands? We expect PRMD to take our concerns seriously and act in its capacity to enforce the rules and regulations set forth in the ordinance and use permit. The onus has fallen on surrounding property owners to monitor and report concerning activity. PRMD has the obligation and authority to do this. The well being, water security and property values of the surrounding neighbors also matter, not just what 334 deems best for their bottom line.

**SIGNAGE:**

***27. Signage. The project approval does not include any signage. A separate administrative design review will be required if any exterior signage is proposed.***



***33. Design Review. Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review... Review must consider private views from adjacent properties in addition to public views. All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area.***

Under the conditions of the cannabis ordinance there is to be no visible signage for the facility.

They have installed 2 enormous mural signs in vivid, bright colors that can be seen from half a mile away. The murals are akin to neon signs drawing maximum attention to Sonoma Hill Farm, the business. A visit to the Sonoma Hills Farm website shows in great detail the specifics of their business at 334 Purvine, including but not limited to the many promotional events they hold on the 334 premises for the purpose of building brand recognition and marketing the cannabis grown at 334 Purvine Road. These events include the consumption of cannabis at the address of the facility, which is expressly prohibited under the conditions of their use permit as well as the county's cannabis ordinance. This not only constitutes a violation of the ordinance and use permit, but also is a visual nuisance to the surrounding properties as well as a security risk given the bold attention it draws to the presence of a large commercial cannabis operation.

**ACTUAL SIZE OF OUTDOOR GROW:**

***9. Cultivation Area. This use permit allows for 2,880 square feet of indoor cultivation, 8,096 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis cultivation canopy area of 39,536 square feet. The operator shall not increase cultivation area beyond 39,536 square feet at this location without prior approval from Permit Sonoma staff.***

***D. The Highland Canopy Property***

***334 Purvine Road***

***APN 022-230-020***

*This grower holds a state medium outdoor license, which authorizes up to one acre of outdoor cultivation, and a county permit for 28,560 square feet of outdoor grow. The county permit provides for maximum total cultivation of 39,536 square feet. The attached photograph from October 11, 2020 (Exhibit E) shows outdoor cultivation at 334 Purvine Road consisting of 45,374 square feet and total cultivation of 48,824 square feet, including 3,451 square feet of unlicensed indoor and mixed light cultivation.*

*This is not the first time the grower on this property has ignored applicable law. In February 2019, the Sonoma County Superior Court issued a preliminary injunction prohibiting the grower from cultivating cannabis without a permit and license (Exhibit F). The court's decision was based on aerial photographs from July 2018, similar to the photographs attached to this letter, showing illegal cultivation occurring before the grower had received either a county permit or a state license. The injunction was upheld on appeal.*



Address: 334 Purvine Road  
Feature Type: Indoor Cultivation  
Area: 1284.32 Square Feet  
Perimeter: 152.95 Linear Feet

Address: 334 Purvine Road  
Feature Type: Barn/Mixed Light Cultivation  
Area: 1550.26 Square Feet  
Perimeter: 173.1 Linear Feet

Address: 334 Purvine Road  
Feature Type: Mixed Light Cultivation  
Area: 616.93 Square Feet  
Perimeter: 104.25 Linear Feet

Address: 334 Purvine Road  
Feature Type: Outdoor Cultivation  
Area: 45374.26 Square Feet  
Perimeter: 912.24 Linear Feet

**SECURITY:**

**23. Security Plan.** The operation shall maintain all aspects of the approved site security plan. (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance..., perimeter fencing, controlled access gates, locking doors, lighting and alarms...

As is currently  
**ENTRANCE**



Entrance to  
cultivation



The applicant has not completed any security details. This is applicant's idea of high security. These are pictures of entrance to 334 Purvine and entry to the outdoor cultivation area. Applicant routinely fires multiple gun shots. No vegetation has been planted.

**PROMOTIONAL EVENTS:**

The conditions of their permit disallow both public access to the cannabis operation as well as disallowing cannabis related events. You will see below that on their Sonoma Hills Farm website there are numerous articles and videos available in national news outlets detailing cannabis related parties, events, promotional activities, etc... such as the one example provided below in the Washington Post.

7.

*a. This use permit does not allow public access to the cannabis operation*

**11. Special Events. Tastings, promotional activities, and events are prohibited by Sonoma Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit**

**The Washington Post**  
*Democracy Dies in Darkness*

National

## Organic cannabis, and food-cannabis pairing dinners at Sonoma Hills Farm

As California works to differentiate its cannabis industry with state certification of cannabis and appellations, Mary Beth Albright travels to Sonoma Hills Farm for a cannabis-and-food pairing dinner



**12. Transient Occupancy. Farm stays, vacation rentals, hosted rentals, and other transient occupancies are prohibited.**

Keep an eye on this one as they own 150 Purvine, the immediate adjacent property and it is one in the same with the 334 Purvine property and activities. We do not believe they have been or will adhere to the rules.

## Airbnb Partners With Sonoma County Regenerative Cannabis Farm To Offer One-Night Stays

Jackie Bryant Contributor

*I cover cannabis business and culture.*

Follow



Sonoma Hills Farm's cannabis-farm adjacent farmhouse for rent on Airbnb HOGWASH

Airbnb has partnered with Sonoma County craft cannabis farm [Sonoma Hills Farm](#) to offer exclusive overnight stays at a neighboring property that overlooks the farm. The property is a privately owned residence and the only way to access the stay is through Airbnb. According to Airbnb, non-urban gross nights booked up nearly 45 percent compared to Q4 2019, which is good news for the burgeoning cannabis tourism industry.

### **SCREENING:**

The landscape materials planted along the perimeter fence of the outdoor grow is completely inadequate. The cannabis plants inside the grow area and surrounding fencing are highly visible from all sides, all surrounding properties and roadways from over a half a mile away. Tiny

perimeter plantings installed will take years to mature and provide screening, if ever. Operators should be required to plant fast growing shrubs and trees in at least 24-36" boxes, if not larger.

**LIGHT POLLUTION:**

***32. Lighting. All exterior lighting shall be fully shielded and downward casting and shall be located at the lowest possible point to the ground to prevent spillover onto other properties or the night sky...etc...***

In the 2021 growing season a significant amount of light was generated by the project. This will only increase with the build out of the entire permitted project.



Applicant has installed high intensity lights which can be seen for miles the light pollution from this location is deplorable, even over headlights and can be distracting to drivers. Applicant has installed bright orange flashing lights and a fire siren which they routinely blast intermittently without warning. During fire season it is very disturbing

**CLOSING COMMENTS:**

***36. Conformance with Statutes. This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be considered a violation of this use permit, subject to revocation or modification.***

***GENERAL:***

***120. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance...***

When you, our public agents and officials make rules, regulations and laws and then don't monitor and enforce them, it erodes your credibility and authority. It also erodes our trust in you. One immediate neighbor on Purvine Road has moved away due to the 334 Purvine Road operation, another has listed their property for sale in no small part due to the proliferation of commercial cannabis operations on both sides of them, and a third is strongly considering whether or not continuing to live next to a commercial cannabis operation is viable for their family. These are choices made. Sonoma County should care that this is happening and will continue to happen to its residents. The community fabric is torn. The cannabis industry has gotten the better of us all.

Consider doing the right thing by your citizens, not just by the cannabis industry.

Very sincerely yours,

Phoebe Lang



June 8, 2022

Mr. Hardin,

This letter is confirmation that all water delivered to the construction site for Sonoma Hills Farms located at 334 Purvine Rd., Petaluma, CA 94952 and stored in the Rain for Rent water storage tank was utilized for construction purposes only.

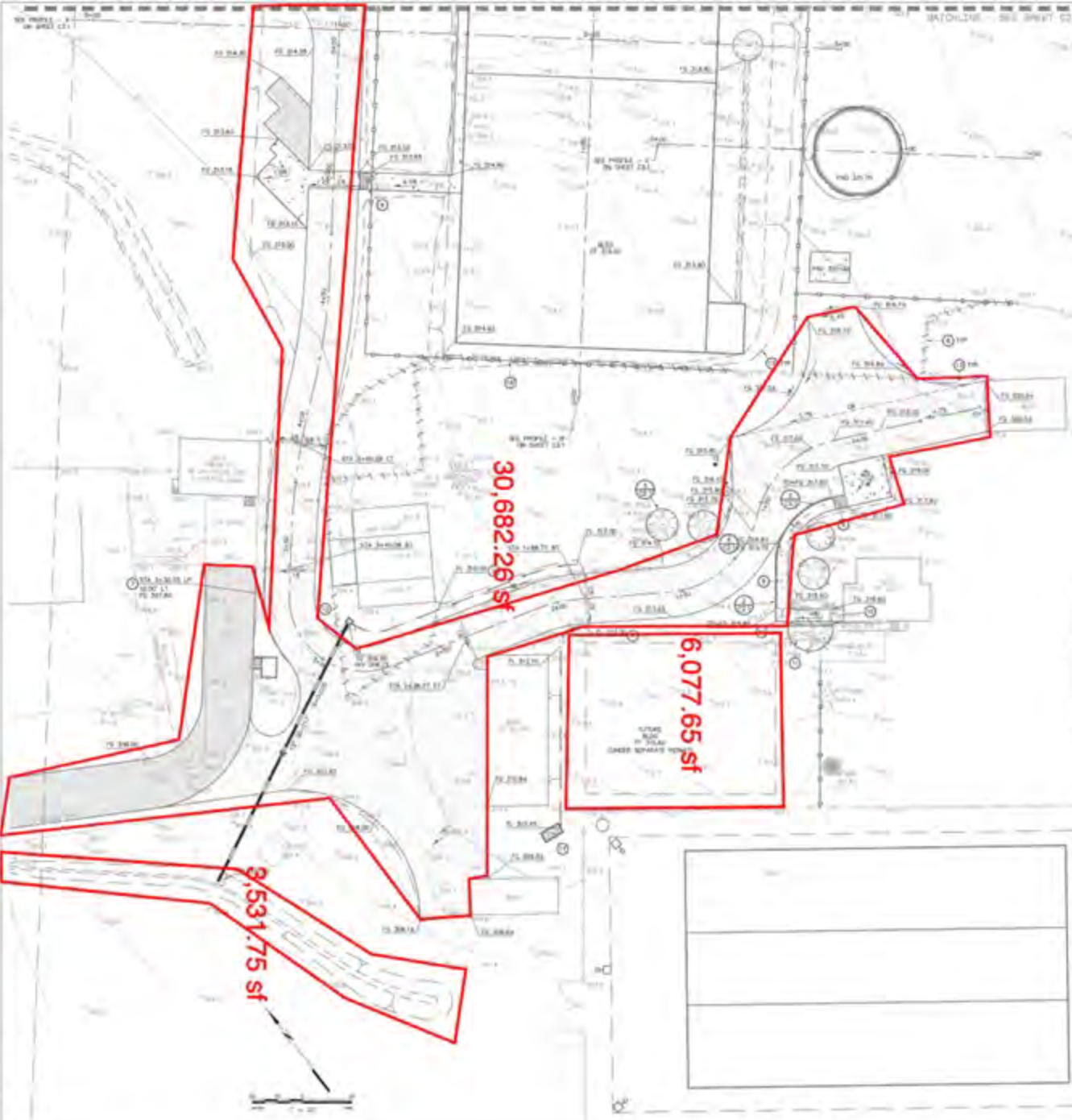
The project consisted of well over 100k SF of grading and 25k SF of 3' over excavation for building pads. This is approximately 300k yards of soils that required excavation, moisture conditioning to meet optimum moisture content per Geotech Engineering, and recompacting to meet the required 95% compaction. In addition to meet BAAQMD dust control measures, substantial water was used for dust control purposes on haul roads and spoil piles

In an effort to achieve the above mentioned work, a water storage tank was rented and for a large duration of the site work, 3-4 loads of 3,000 gallons were delivered per week to fill the storage tank. This duration was approx. 3+ months. This equates to approximately 150,000 gallons of water use for site work construction

Thank You,

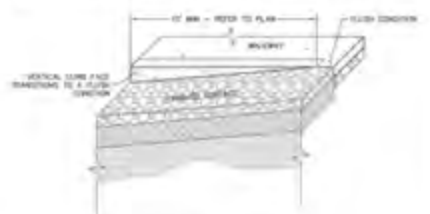
Frank Ruggirello, President

9680 Old Redwood Hwy  
Windsor, CA 95492  
Phone (707) 837-5065 \* Fax (707) 837-5623

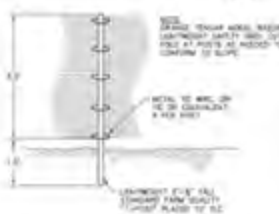


MATCHLINE - SEE SHEET C2.2

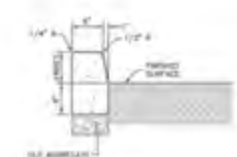
- NOTES:**
- REMOVE EXISTING MATERIAL OR FEATURES TO FACILITATE THE PROPOSED IMPROVEMENTS AND REPLACE WITH UNIFORM MATERIAL IN ACCORDANCE WITH LOCAL REGULATIONS.
  - THIS PATH SHALL BE AN OVERLAND DRAINAGE CHANNEL AND SHALL NOT BE BLOCKED WITH CONSTRUCTION EQUIPMENT.
  - PROTECTIVE WALKWAY HAVING A CROSS SLOPE WHICH DOES NOT EXCEED 2 PERCENT IS ACCORDANCE WITH SECTION 116 AND 2 OF THE 2015 CALIFORNIA BUILDING CODE.
  - DETECTABLE WALKING SURFACE IN ACCORDANCE WITH SECTION 116.106.1 OF THE 2015 CALIFORNIA BUILDING CODE.
  - LANDING HAVING A SLOPE WHICH DOES NOT EXCEED 2 PERCENT IN ANY DIRECTION IS ACCORDANCE WITH SECTION 116 AND 2, 4.4 OF THE 2015 CALIFORNIA BUILDING CODE.
  - COORDINATE WITH THE OWNER OF THIS UTILITY TO RELOCATE AND/OR ADJUST EXISTING UTILITY TO FINISHED GRADE SURFACE ELEVATION.
  - SHOW ALL NEW IMPROVEMENTS TO THE LINES AND ELEVATIONS SHOWN WITH SOIL NOTICES FOR PLANTING IN A MANNER WHICH GENERATES A UNIFORM TRANSMISSION RESISTANCE SURFACE AND PROVIDES PROTECTIVE DRAINAGE AWAY FROM STRUCTURES THROUGH SUFFICIENT SEPARATION IN ACCORDANCE WITH SECTION 1405.10.1.3 OF THE 2015 CALIFORNIA BUILDING CODE.
  - APPROXIMATE LIMITS OF IMPROVEMENT.
  - REMOVE EXISTING MATERIAL AS REQUIRED TO PROVIDE A LAYER OF SUBCOMPACTED FILL AND A 1 FOOT THICK BLANKET OF CALIFORNIA CLASS C1 HIGH SLOPE PROTECTION IS ACCORDANCE WITH CALIFORNIA 2015 STANDARD SPECIFICATION SECTION 2.5. QUANTITY SHOWN TO A DEPTH OF 6 INCHES AND SUBJECT AT 90 PERCENT RELATIVE COMPACTION PRIOR TO PLACING FILLING.
  - REMOVE AND REPLACE FINISH AS REQUIRED TO FACILITATE CONSTRUCTION.



TRANSITION CURB  
NO SCALE



PROTECTION FENCE  
NO SCALE



VERTICAL CURB  
NO SCALE

MATERIALS TABLE				
SURFACE TYPE	LOCATION	THICKNESS	BASE ROCK	NOTE
UNREINFORCED CONCRETE	WALKWAY - FINISH WALK	4"	4"	1
UNREINFORCED CONCRETE	WALKWAY - HIGH RESISTANCE WALK	4"	4"	2
GRAVEL	WALKWAY WALK	4"	4"	3

- NUMBER NUMBER & NAME AT LOCATION CENTER AND CORNER POINTS IN ACCORDANCE WITH THE CALIFORNIA STANDARD SPECIFICATION, SECTION 2.01 AND A BROWNED FINISH.
  - REFER TO THE ARCHITECTURAL DRAWINGS FOR JOINT DETAILS AND CONCRETE FINISH.
  - SHOULDER COMPACTED TO 90 PERCENT RELATIVE COMPACTION TO A DEPTH OF 6 INCHES PER THE ABOVE SPECIFIED NOTE.
- NOTE:**  
THE CONTRACTOR IS REQUIRED TO REVIEW THE SOILS REPORT PREPARED FOR THIS PROJECT TO CONFIRM THESE CONDITIONS ARE TO REVIEW SOILS REPORT FOR SITE PREPARATION AND GRADING RECOMMENDATIONS.

**ARCHILOGIX**  
300 ANTHONY STREET  
SUITE 100  
PETALUMA, CA 94952  
TEL: 707.461.1111  
WWW.ARCHIOLOGIX.COM

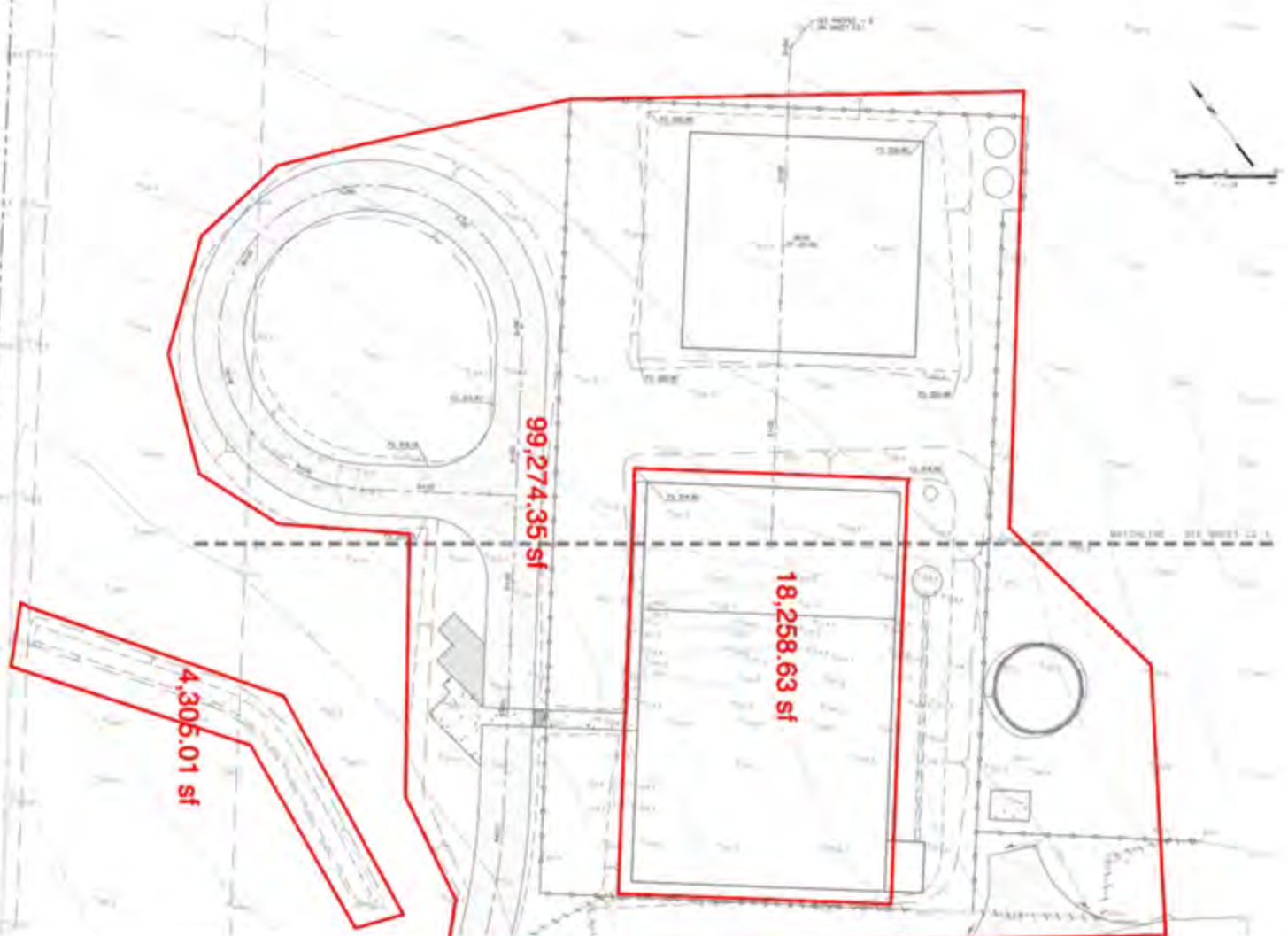
**BKF**  
300 ANTHONY STREET  
SUITE 100  
PETALUMA, CA 94952  
TEL: 707.461.1111  
WWW.BKF.COM

PLANT PROVIDED UNDER THE SUPERVISION OF

**PETALUMA HILLS FARM CULTIVATION FACILITY**  
 200 PINEWOOD ROAD  
 PETALUMA, CA 94952

DATE: 01/11/2024

PROJECT NUMBER: 2022-1701  
 DRAWING NUMBER: C2.1 OF 14  
 SHEET TITLE: GRADING PLAN  
 DATE: 01/11/2024  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



GRADING PLAN

DATE	REVISION	BY
02/15/22	1	ARCHILOGIX
02/15/22	2	ARCHILOGIX
02/15/22	3	ARCHILOGIX
02/15/22	4	ARCHILOGIX
02/15/22	5	ARCHILOGIX
02/15/22	6	ARCHILOGIX
02/15/22	7	ARCHILOGIX
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02/15/22	47	ARCHILOGIX
02/15/22	48	ARCHILOGIX
02/15/22	49	ARCHILOGIX
02/15/22	50	ARCHILOGIX

### Water Tank Details

3 - Project well head/pump house & 22 – Two 4,000 Gallon tanks for domestic uses (8,000 gallons total)

- These tanks are operational and used for Domestic Uses associated with the residence
- Approximately 3,000 gallons was imported to the domestic tanks to re0fill them after a pipe was broken during construction and all the water leaked out. The water was used to prime the well pump; the tanks were then filled back up to full capacity from the well.
- No other water has been imported to these tanks

24 - Four 4,400 gallon tanks (17,600 gal total) for farming uses and cannabis

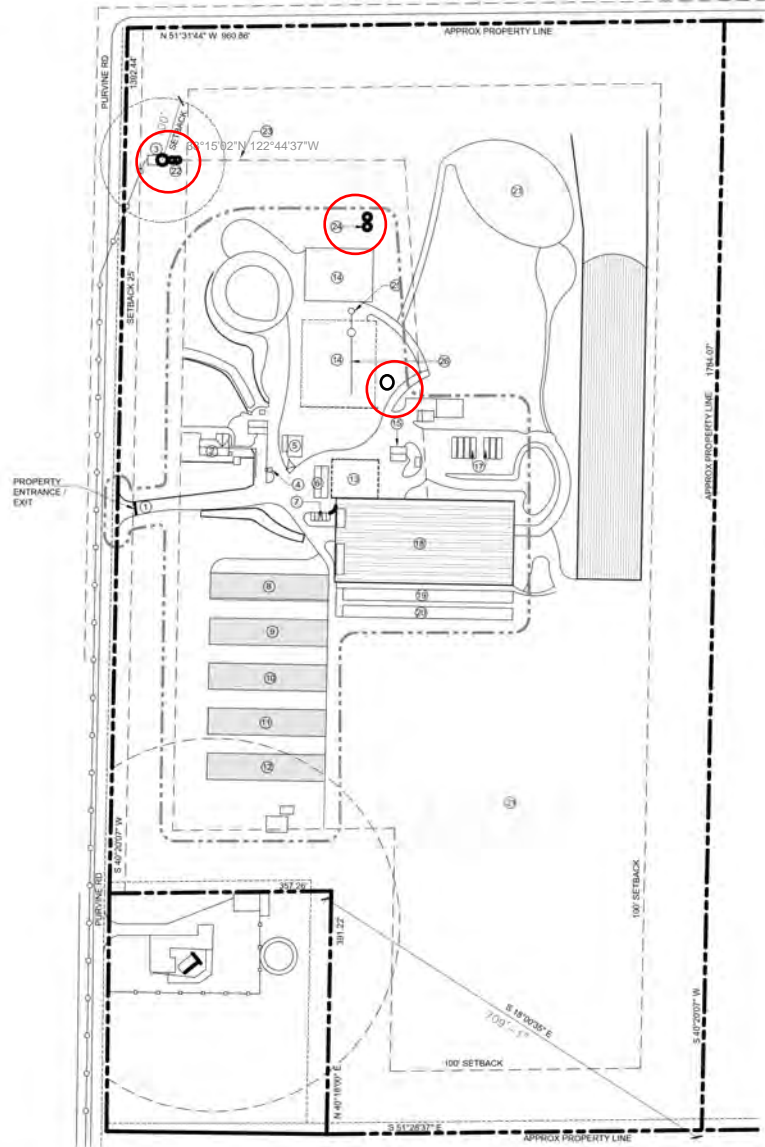
- These tanks are operational and used for Farming Uses and Cannabis, including irrigation of non-cannabis crops, irrigation of cannabis, and livestock watering
- No water has been imported to these tanks

27 - One 90,000 gallon tank for dedicated fire suppression and cannabis

- This tank is not yet operational and has never been filled
- This tank will be filled by both rainwater capture from the greenhouse roof (after it is constructed) and by well water
- The tank is required to maintain 64,000 gallons at all times for Dedicated Fire Suppression; the remaining 26,000 gallons can be used for Cannabis Irrigation
- No water has been imported to this tank

Total on-site water storage for all uses is 115,600 gallons

THE HIGHLAND CANOPY SITE MAP  
 334 PURVINE RD., PETALUMA, CA  
 94952 APN: 022-230-018



0 50 100 150 200 FEET  
 SCALE 1"=500'  
 SHEET (11 x 17)

**SITE PLAN**  
 SONOMA HILLS FARM

## Legend

1. Security Gate \*
2. Private Residence
3. Pump House \*
4. Guard House \*
5. Century Barn
6. Photo Shoot
7. Hoop House
8. Garden #1
9. Garden #2
10. Garden #3 (HEMP)
11. Garden #4
12. Garden #5
13. Future Production Facility \*
14. Future Mixed-Light and Indoor Cannabis Cultivation\*
15. Office \*
16. Corp Yard
17. Onsite Drying \*
18. Outdoor Cannabis Cultivation and Cannabis Water Meter \*
19. Apiary
20. Beehive
21. Grazing Land
22. Well, Well Head Meter\*, and Water Storage, 2 ea domestic x 4000 gallons = 8000 gallons total
23. Cannabis and Veggie Irrigation tanks, 4 ea 4400 gallons = 17,600 gallons total \*
24. Gravity Feed Emergence Irrigation
25. Surface Drainage & Gray Water Pressure Line
26. Immature Plant Area \*
27. Fire Suppression Tank, 90,000 gallons \*

\*Designated Premises relative to Cannabis Cultivation, may be inspected by DCC

\*\*Future Designated Premises, Under Construction