

Board of Supervisors

July 19, 2022

Appeal of Two Year Review – Outdoor Cannabis Cultivation

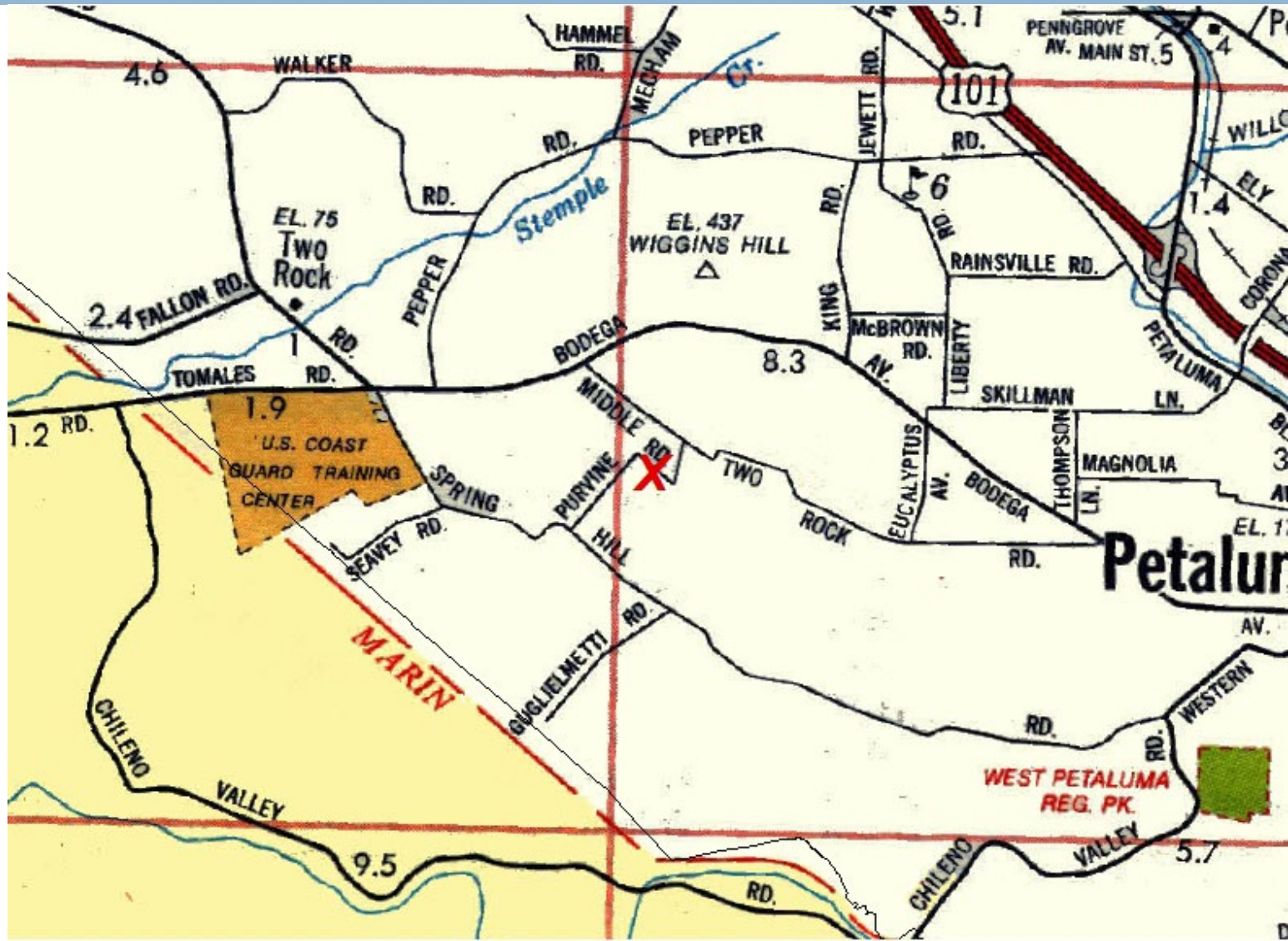
334 Purvine Road, Petaluma

UPC17-0020

Crystal Acker



Vicinity Map



Surrounding Land Uses



Approved Project

BZA 4/11/2019; BOS 9/30/2019

- Mixed Light Cultivation (8,096 sq ft)
- Indoor Cultivation (2,880 sq ft)
- **Outdoor Cultivation (28,560 sq ft)**
- Total Cultivation = 39,536 sq ft
($<43,560/1$ acre)
- Propagation (4,080 sq ft)
- On-Site Processing of Site-Grown Plants

Approved Project



Site Plan Aerial



Scope of Two-Year Review

- Required by BZA and BOS as Condition of Approval to review operation for neighborhood compatibility after two cultivation seasons
 - Odor*
 - Landscaping screening
 - Water Use
 - Security
 - Applicable Conditions of Approval

Scope of Two-Year Review

- ✘ Not a permit extension- already approved for 5-year permit term
- ✘ Not a permit renewal- 3 years left on term
- BOS to determine if:
 - Outdoor cultivation can continue for the remaining 3 years as originally conditioned;
 - One or more modifications are necessary to allow continuation of outdoor cultivation; or
 - Outdoor cultivation should be revoked

Condition Compliance

- All annual monitoring reports submitted
 - ▣ Security Incident Log (no incidents)
 - ▣ Odor Monitoring Log
 - ▣ Groundwater Well Monitoring and Reporting
- Site inspections current and in compliance
- Security fence and landscaping installed around exterior sides of outdoor cultivation
- Pre-construction surveys conducted, negative
- Taxes current

Condition Compliance – Public Access

- Photographs/information submitted by Appellant from 2018
- One complaint submitted to and investigated by CE in 2021 for occupied travel trailer was unfounded
 - ▣ Trailer was refrigerated unit for temporary storage of cannabis during harvest
- No other complaints related to public access occurred during 2020-2021

Condition Compliance – Public Access

- ❑ Permitted vacation rental at 250 Purvine (adjacent parcel to SW under same ownership)
- ❑ Guests can buy produce and tour farm, with the exception of the cannabis cultivation area
- ❑ Website alerts potential guests to this prohibition
- ❑ Applicant states home is primarily used as a permanent residence and has only occasionally been used as a vacation rental

Condition Compliance – Public Access

- ❑ Visitor-serving uses not allowed associated with the cultivation area
- ❑ There has been “public” access to non-cannabis agricultural operations on the parcel: chefs garden, hemp garden, livestock lease areas, residence
- ❑ No evidence of public access to the cultivation area; All access to the cultivation area has been by licensed cannabis supply chain businesses

Project Groundwater Use – Approved up to 2.08 acre-feet per year

- Total water use for site – 5.94 acre-ft/yr
 - ▣ Greenhouse/Indoor cultivation – 1.66 acre-ft/yr
 - ▣ Outdoor cultivation – 1.27 acre-ft/yr
 - ▣ Cattle grazing – 1.68 acre-ft/yr
 - ▣ Domestic uses – 1.33 acre-ft/yr
- Rainwater harvest offset – 0.85 acre-ft/yr
- **Net cultivation water use – 2.08 acre-ft/yr**
- Average CA household uses 0.5-1.0 acre-ft/yr

Condition Compliance – Water Use

- Groundwater use limited to 2.08 acre-ft (677,770 gallons)/yr
 - ▣ Outdoor cultivation use estimate – 1.27 acre-ft/yr
 - ▣ Actual cultivation use 2020 – 1.2 acre-ft (399,280 gals)
 - ▣ Actual cultivation use 2021 – 1.1 acre-ft (338,841 gals)
 - ▣ Actual use below estimated use analyzed in MND and below limit set by Condition of Approval 52

Condition Compliance – Trucked Water

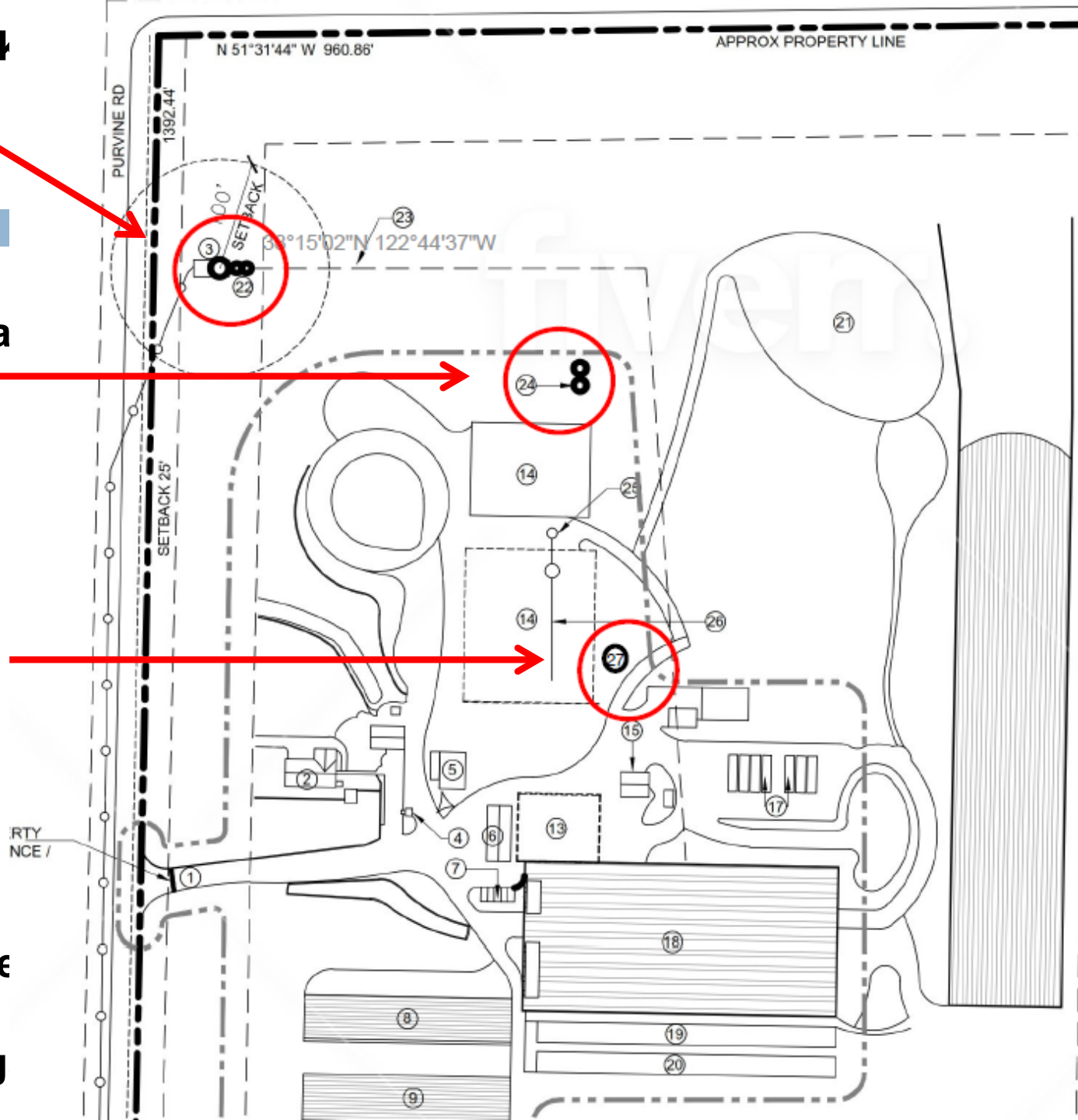
- Zoning Code prohibits trucked potable water for cannabis cultivation purposes (Sec. 26-88-254(g)(10))
- No Zoning Code prohibition or regulatory requirements related to trucked water for non-cultivation purposes
 - Most of trucked water (150,000 gals over 3+ months) was used for construction purposes in 2021
 - About 3,000 gallons was imported to prime pump and partially re-fill the 2 domestic tanks near the well house
 - Photos submitted of Creamery truck filling these two tanks

**Two 4,000 gal tank
(8,000 total);
Domestic uses;
Operational**

**Four 4,400 gal
tanks (17,600 tota
Farming uses &
Cannabis;
Operational**

**One 90,000 gal
tank; Fire
Suppression &
Cannabis;
Non-Operational**

**Total on-site water
storage for all
uses is 115,600 g**



Condition Compliance – Signage

Well house pump shed painted mural advertising Sonoma Hills Farm; Barn wood has temporarily been installed over “Hills Farm” at bottom, which will be painted over



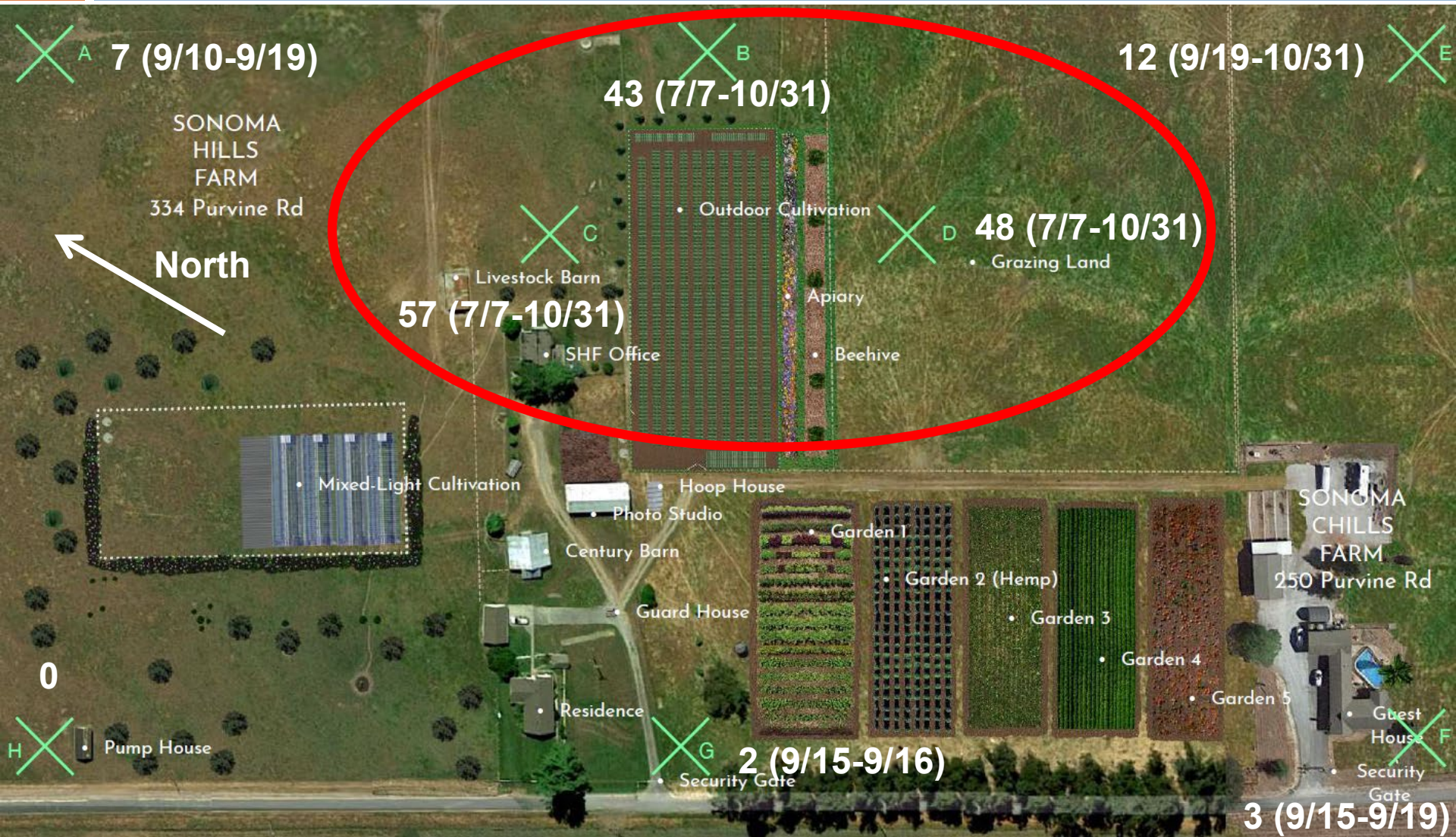
Condition Compliance – Odor

- Odor complaints from 1 residence on Purvine Rd to northeast in 2020; none received in 2021
 - AIR-3: more review of odor can be required if multiple complaints received; does not appear to be warranted based on number of complaints

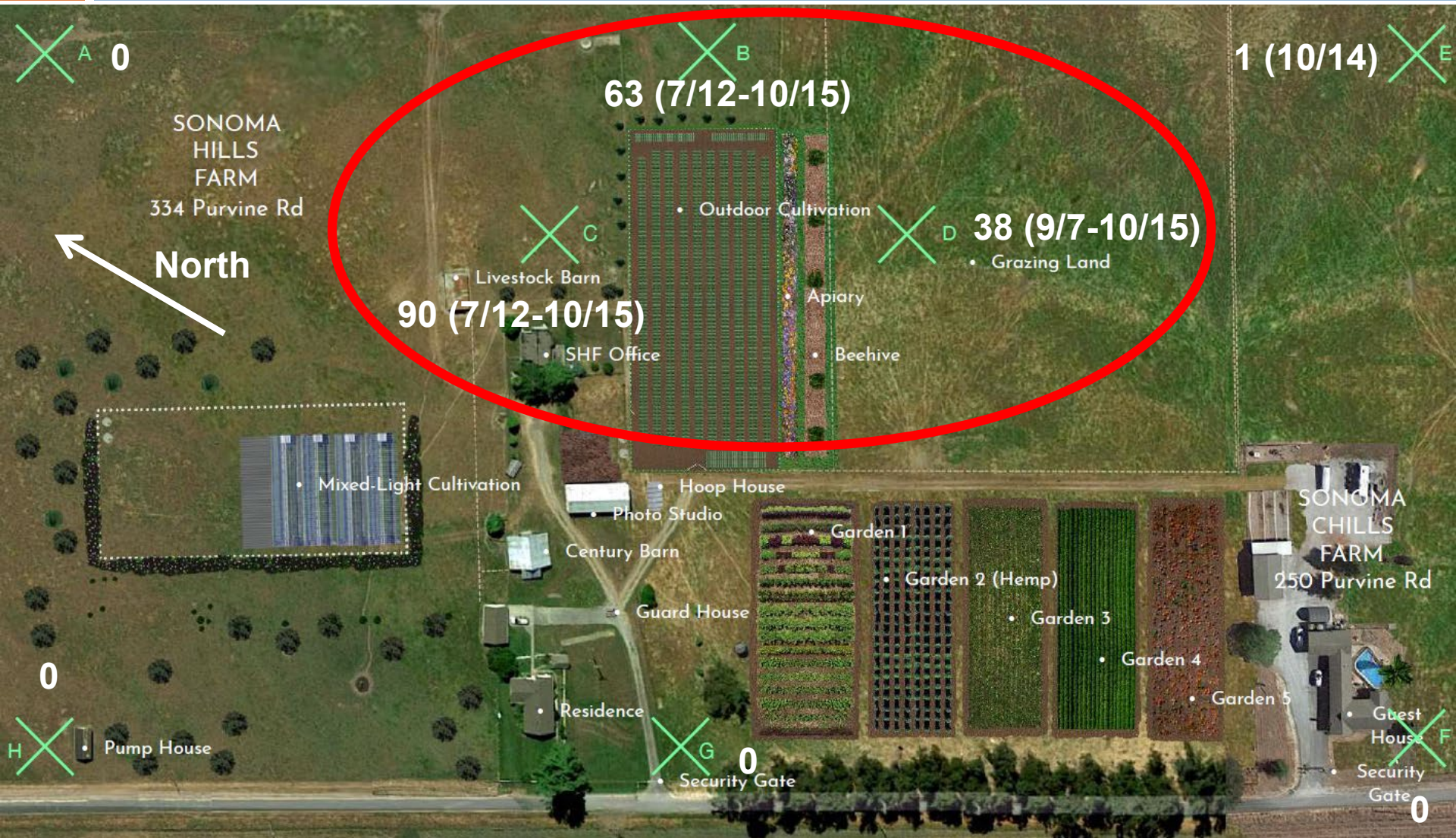
Condition Compliance – Odor

- Odor Monitoring Logs
 - ▣ Daily odor monitoring during outdoor cultivation is intended to provide information on whether outdoor odors are detectable at property boundaries
 - ▣ Odor primarily at 3 locations adjacent to cultivation
 - Early July through October at the cultivation site
 - ▣ Odor rarely detected at other locations
 - Mostly in September
 - More locations with detectable odor in 2020 than 2021

Odor Monitoring – 2020



Odor Monitoring – 2021



Odor 2020 - 2021

Prevailing
wind direction
Sept-Oct is
from the
coast- west
to east



**Maximum #
of days odor
detected at
each station**

Maximum # of days odor detected at property boundaries (2020-2021)



Prevailing wind direction September-October is from the coast- west to east

Environmental Determination

- Mitigated Negative Declaration prepared for the complete project, including the outdoor cultivation operation
- The project was approved with conditions and the Mitigated Negative Declaration was adopted by the Board of Supervisors on September 30, 2019
- No additional environmental review is required for the two-year review

Staff Recommendation

- Recommend BOS deny the appeal, uphold the BZA approval of the Two-Year Review, and allow continuation of outdoor cultivation for the remaining permit term through May 15, 2025

- OPTIONS:
 - Deny the appeal and uphold the BZA decision with revised conditions
 - Continue to a future hearing date with direction on additional information to be provided
 - Uphold the appeal and deny the Two-Year Review with justification for denial (staff would return with revised resolution on consent)

Questions?

