



County of Sonoma

State of California

Date: November 2, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Finding the Project Exempt from the California Environmental Act and Granting a Use Permit
for One-Acre of Outdoor Cannabis Cultivation, Propagation and Distributor-Transport Only to
Castle Rock Ridge, Inc., on a 40 acre parcel located at 2260 Los Alamos Road, Santa Rosa, CA,
95409, APN: 030-090-002**

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

Section 1. Proposed Project and Procedural History

- 1.1 On October 31, 2017 an application was submitted for enrollment in the Penalty Relief Program. On June 1, 2018, the applicant, Castle Rock Ridge, Inc., filed an application for a limited-term Conditional Use Permit for a commercial cannabis cultivation operation, including 43,560 square feet (1-acre) of outdoor cultivation; associated processing of site-grown cannabis, including trimming, drying, curing, and weighing; and an onsite security trailer, on a 40.00-acre parcel located at 2260 Los Alamos Road, Santa Rosa; APN 030-090-002; Zoned Resources and Rural Development (RRD) and combining zone for Biotic Habitat (BH); Supervisorial District No 1.
- 1.2 In June of 2021, the application was revised to remove the on-site processing and on-site security trailer and add distributor-transport only and the maximum allowed propagation area of 25% of the proposed cultivation area.
- 1.3 On December 17, 2019, the Ad Hoc Committee, comprised of two members of the Board of Supervisors, requested that the Board exercise original jurisdiction over 19 applications including the UPC18-0037 and the Board approved the request.
- 1.4 Approval of the proposed project is exempt from California Environmental Quality Act (CEQA) under, Section 15304 (Minor Land Alterations), which provides for minor public or private alterations in the condition of land water and/or vegetation which does not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The project involves

seasonal cultivation of an area constituting less than four percent of the project site. The use does not require additional grading, vegetation removal, construction of new structures or placement of impervious surfaces. A categorical exemption is also appropriate because the evidence supports the conclusion that the Project will not have a significant impact on wildfire risk or evacuation plans in the event of an emergency. The proposed activity is also exempt under the common sense exemption, Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question could have a significant impact on the environment. No exceptions listed under CEQA Section 15300.2 apply. The categorical exemptions applicable to the project are not subject to any applicable exception, including the "unusual circumstances" exception because the evidence in the record supports the conclusion that there is no reasonable possibility the Project will have a significant effect on the environment due to unusual circumstances.

- 1.5 On November 2, 2021 the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed proposed project and staff's recommended action, and by a _____ vote, found the project to be exempt from CEQA review and approved the Proposed Project ("the Project"), subject to the conditions of approval imposed herein.
- 1.6 The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board's intentions regarding the Project and applicable CEQA exemptions. The Board's decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board's hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

Section 2. General Plan, Planning and Zoning Compliance

3.1 General Plan Consistency.

The Proposed Project is consistent with the General Plan land use designation of Resources and Rural Development, which is intended to manage and conserve the natural resource areas and existing areas of rural character.

The total cultivation area would cover 4% of the 40-acre parcel, within areas that do not require additional grading or removal of trees to facilitate cultivation. The remainder of the parcel would remain undeveloped with the exception of the residential rebuild and would thus align with overall General Plan land use policies aimed to protect resources. For these reasons, the project would preserve the natural, visual and scenic resources of the site, avoid urban development of the site and result in a use of the existing property consistent with General Plan Objectives.

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

3.2 Franz Valley Area Plan Consistency.

The Proposed Project aligns with the goals and policies outlined in the Franz Valley Area Plan which involve scenic routes, vista points, parks, recreation, public lands, historical sites and natural resource protection which are either met or do not apply to the project.

The Proposed Project is consistent with the Franz Valley Area Plan because, the project is not located along a scenic route as designated by the County, the project is not located in the vicinity of a vista point, the project would not prohibit the expansion of Hood Mountain Regional Park, and the project is adequately setback from the park due to the intervening topography and vegetation of the project site and general area. Additionally, the Proposed Project due to its limited size would not preclude types of development that would preclude potential future land uses involving agriculture, timber resources, and geothermal development.

3.3 Zoning Consistency.

The proposed project is consistent with the Resources and Rural Development Zoning District, in that the proposed cannabis cultivation operation is allowed with approval of a Use Permit.

The Proposed Project is consistent with the operating standards and development criteria of the Cannabis Ordinance, Sonoma County Code Sections 26-88-250 and 26-88-254 because the project complies with minimum parcel size requirements, cultivation limits, setbacks from property lines and sensitive uses, security and fencing requirements, 100% renewable energy, hours of operation, noise standards and water supply.

The Proposed Project is consistent with the purpose of the Biotic Habitat Combining District (BH), to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values because a Biological Assessment was prepared by Synthesis Planning in February of 2018 which determined that the project site and buffer area do not lie within any USWFWS designated critical habitat areas. The fresh emergent wetland vegetative community was observed in the project buffer area along the upland water interface of the pond to the southeast of the northern grow area. The northern cultivation area is setback 165 feet from this vegetative community. Therefore, the project complies with the requirements of the Biotic Habitat combining zone.

3.4 Land Conservation Contract Compliance.

The proposed project is located on a parcel that is restricted by a Land Conservation Contract (also known as a Williamson Act Contract). The contract and the County of Sonoma's Uniform Rules for Agricultural Preserves (Uniform Rules) require that the land be devoted to agriculture, which it is because 50% or more of the parcel is utilized for commercial cattle grazing under a grazing lease. Under Rule 8.3.G. of the Uniform Rules, the cultivation of cannabis is listed as a compatible use. Under the Uniform Rules, the total area all compatible uses may occupy, including residential uses, is limited to 5% of the parcel, which is 2 acres for this 40 acre parcel.

The proposed cannabis site occupies 4% of the property, which is 1.60 acres, which complies with the contract. There are presently no other compatible uses on the property, though a residence destroyed in the Glass Faire is planned to be reconstructed. With the reconstructed residence, all compatible uses will be under 2 acres. The contract is in non-renewal status, and will expire at the end of its term at the conclusion of 2022.

3.5 Fire Safe Standards Compliance.

- a. The County of Sonoma, like many other counties, in 2017 had a local fire safety ordinance that had been certified by the Board of Forestry. All local fire safety ordinances throughout the State expired on January 1, 2020.
- b. The Board of Forestry took action to stop certifying all local ordinances in the State, and focused its efforts on updating its regulations as directed by the Legislature, including its requirements for existing roads outside of parcel boundaries.
- c. The Board of Forestry's process of updating its regulations is ongoing and involves input from the public and stakeholders statewide regarding potential requirements for existing roads outside of parcel boundaries, and minimum road width standards for existing roads throughout California.
- d. The Board of Forestry's draft regulations have not been adopted and do not apply to the Project. Board of Forestry fire safe standards regulations in effect since July 2020 apply to the Project.
- e. CAL FIRE has delegated Inspection Authority to the Sonoma County Fire Prevention Division to inspect projects for compliance with fire safety laws. 14 CCR §1270.05(a)(3).
- f. The current Board of Forestry regulations authorize an applicant to request an exception to Standards. Exceptions to Standards are authorized by the Board of Forestry regulations as an alternative to a specific standard due to health, safety, environmental conditions, physical site limitations or other limiting conditions that provides mitigation of the problem. 14 CCR §1271.00. Upon request by the applicant, the Inspection Authority may grant an Exception to Standards where the exceptions provide the same practical effect as the Board of Forestry regulations towards providing defensible space. 14 CCR §1270.06. Same practical effect 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 a wildfire or defend a structure from wildfire; and (e) fuel modification sufficient for civilian and fire fighter safety. 14 CCR §1271.00.
- g. Here, the Project applicant requested an exception to the Board of Forestry standards for the width and dead end road standards (14 CCR §1273.01 and §1273.08). The applicant included material facts and mitigation alternatives, documented with site maps.
- h. The Sonoma County Fire Marshal considered the applicant's request, including the following:
 - 1) If the applicant were required to pay for the widening and upgrades to the existing Los Alamos Road, it would constitute a physical site limitation and result in environmental

conditions from the significant amount of grading, paving, and roadwork to improve the road outside of parcel boundaries.

- 2) To allow for emergency wildfire equipment access concurrently with civilian evacuation, the application includes turnouts, hammerhead turnarounds, a staging area for emergency wildfire equipment in the event of emergencies, and sufficient width on existing roads to allow for safe emergency wildfire equipment access concurrently with civilian evacuation.
 - 3) The project includes signing to avoid delays in emergency response.
 - 4) The project includes available and accessible water in the 3.2 acre pond and water tanks to effectively attack or defend a structure from wildfire.
 - 5) The Fire Marshal also required conditions of approval related to a Fire Prevention Plan prepared by the applicant, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management to ensure defensible space.
- i. The County' Fire Marshal, acting as the Inspection Authority as officially designated by CAL FIRE, has determined those conditions of approval have the same practical effect as defined in the current regulations, thereby ensuring that the Project meets state law requirements.
 - j. The Board of Forestry regulations, 14 CCR §1270.05(b)-(c) allow members of the public to report alleged violations to CAL FIRE to conduct an independent review and ensure compliance with state law.
 - k. On June 17, 2020, an opponent to a cannabis cultivation project on Los Alamos Road submitted a letter to the Board of Forestry regarding the width of Los Alamos Road and alleged violations pursuant to 14 CCR §1270.05(b)-(c). The letter expressed concern about a cannabis cultivation project on Los Alamos Road because it was located at "5.6 mile dead-end, thick vegetation, 12 feet wide for upper mile, steep drop offs, cliffs and many blind curves, then 10 feet wide private dirt road."
 - l. Thereafter, CAL FIRE inspected Los Alamos Road. CAL FIRE necessarily inspected for conformance with state law, and not conformance with the county's ordinance, as the county's ordinance was expired at the time of inspection. 14 CCR §1270.05(b).
 - m. After and based on its inspection, in a September 1, 2020 letter, CAL FIRE concluded it did not share the opponent's concerns. CAL FIRE declined to countermand the delegated Inspection Authority for the Project. The Board of Forestry and CAL FIRE continue to delegate Inspection Authority to the County of Sonoma Fire Prevention Division to ensure compliance with the Board of Forestry regulations. The Board of Forestry fire safe standards regulations have not changed since the date of the CAL FIRE response letter. CAL FIRE has not withdrawn its letter supporting the Fire Marshal's continued delegated Inspection Authority.
 - n. On September 9, 2021, the Sonoma County Fire Marshal submitted the approved Exception to Standard for this Project. CAL FIRE has not objected to the Fire Marshal's determination of same practical effect for this Project.
 - o. The Board finds that the Project meets Sonoma County Code Chapter 13 (Fire Code) and the Board of Forestry's fire safe standards regulations set forth in 14 California Code of Regulations §1270- 1276 (Fire Safe Standards).

3.6 General Use Permit Finding.

The establishment, maintenance, or operation of the use for which application is made, will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the area of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances that support this finding are set forth above and include, but are not limited to, the following facts: 1) The cannabis operation would not involve more than one acre of cannabis cultivation area; 2) Cultivation areas are located greater than 100 feet from property boundaries and greater than 300 feet from adjacent offsite residences; 3) All cannabis cultivation area will be screened from public view due to intervening topography and vegetation; 4) Security measures will be implemented to uphold the healthy, safety, peace and comfort and general welfare of persons residing or working in the neighborhood of such use; 5) All equipment shall be in conformance with the General Plan Noise Standard; 6) Deliveries and shipping operation will be limited to the hours of 8:00am to 5:00pm Monday through Friday; 7) All security lighting will be contained within the indoor and mixed light structures; exterior lighting downward casting, fully-shielded and motion sensor-controlled to remain off unless needed; 8) Hazardous materials will be stored in accordance with local, state and federal regulations; 9) All energy will be 100% renewably sourced; and 10) No public access or retail sales are permitted.

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

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The use permit is granted for the proposed project as represented in the application package revised in June of 2021 and as described in the Conditions of Approval attached hereto as Attachment 2 and incorporated herein.
3. Staff is directed to file and post a Notice of Exemption of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

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

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Supervisors:

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.