

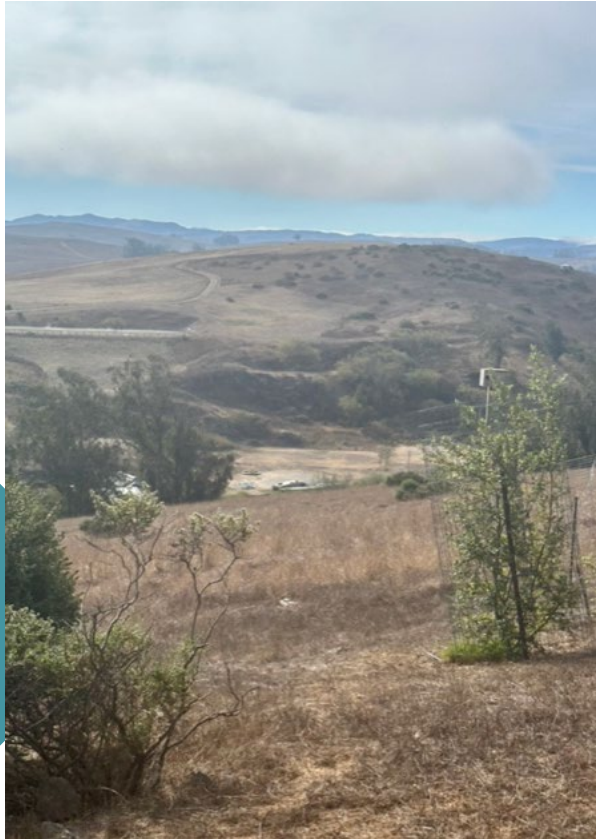


UPC19-0012
(4707 BLOOMFIELD RD)
APPEAL OF BZA DECISION

Project As Approved by the Board of Zoning Adjustments 8/22/2024

- **Five-year limited-term Conditional Use Permit**
- **10,000 square feet mixed light cultivation (12,960 sq. ft. greenhouse)**
- **5,000 square feet indoor cultivation (6,480 sq. ft. warehouse)**
- **Centralized processing of cannabis (10,000 sq. ft. warehouse)**
(their own crop and the crops from other growers in Sonoma County)
- **Operations are permitted 24-hours a day seven days a week as needed**
- **Adopted the Mitigated Negative Declaration**

**View from Master
Bedroom, Kitchen,
Family Room,
Dining area and Deck**



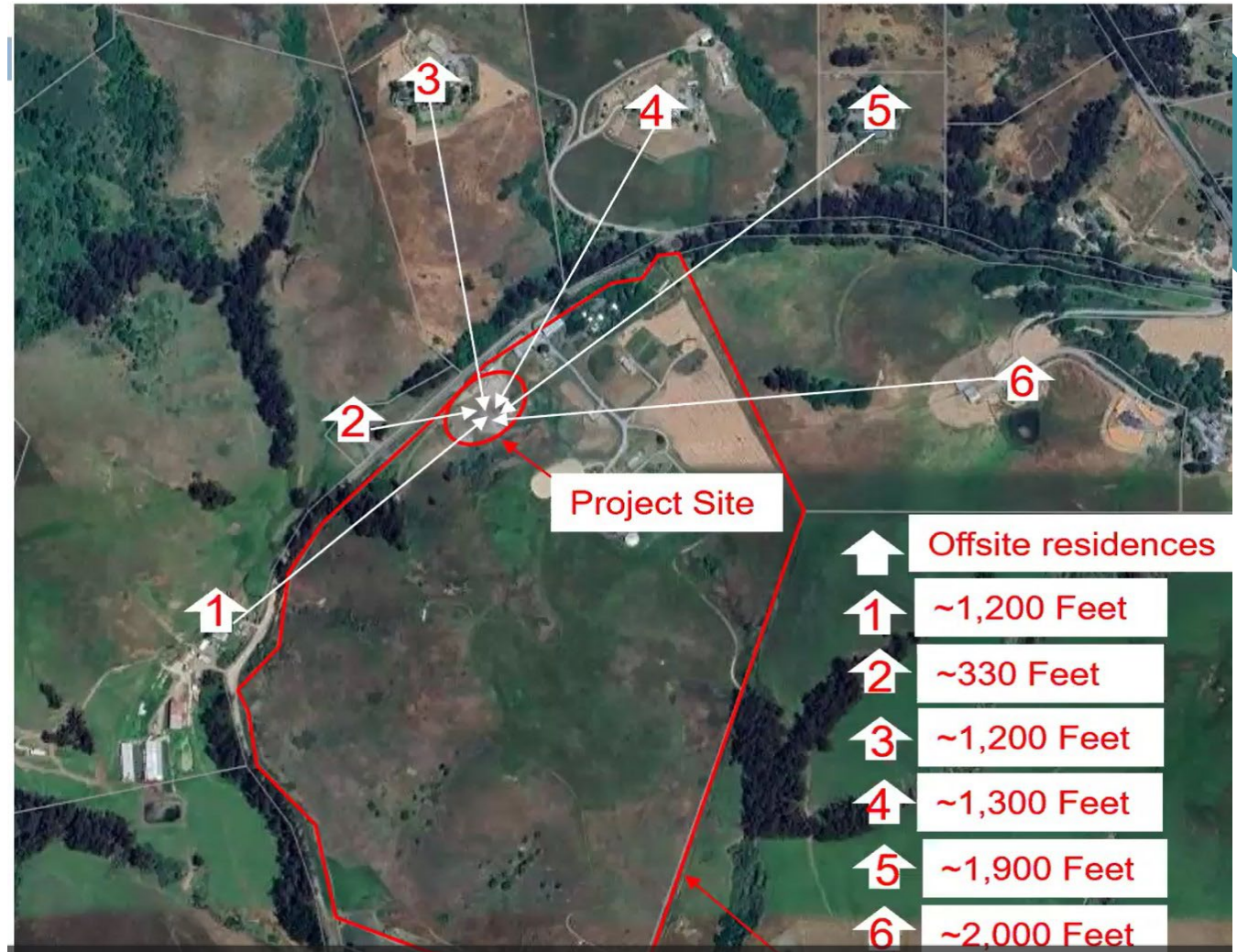
View from Appellants' Property. Property Line is at Bloomfield Road.

***Appellants:*
Allan Kipperman and Ayris Hatton
4760 Bloomfield Rd.**

Grounds for Appeal

Appellants' Property is #3. The property line is at Bloomfield Road directly across from the proposed use and they will have a bird's eye view of nearly 30,000 square feet of the three new commercial structures from their home on the hilltop.

1. Hours of Operation
2. Traffic
3. Non-Traffic Noise from equipment and operations
4. Sunlight Glare and Ambient light at night
5. Odor



Hours of Operation

STAFF RECOMMENDATION

14. Hours of Operation. Indoor and mixed light cultivation and processing activities are allowed to occur 24 hours per day, seven days a week as needed, although general use will occur during daylight hours. All vendor deliveries and shipping activities shall be limited from 8:00 am to 5:00 pm Monday through Friday, year-round.

APPLICANT'S PROPOSAL STATEMENT

The project will operate from 8:00 a.m. to 5:00 p.m. with longer days from 7:00 a.m. to 7:00 p.m. during harvest periods.



The right to operate 24 hours per day, seven days a week as needed, is wholly unacceptable to the surrounding properties.

1. It exceeds what the applicant requested and what was analyzed in the Initial Study. The applicant requested:

- **Plants will be growing 24 hour/day with timers for lighting and irrigation.**
- **Hours of Operation will be seven days a week 8 a.m. – 5 p.m., with extended hours of 7 a.m. – 7 p.m. during harvesting.**
- **Shipping and Deliveries Monday through Friday 8 a.m. – 5 p.m.**

2. Neighbors concerned about noise, lights, and traffic all night.



Traffic

STAFF RECOMMENDATION

None.



APPLICANT'S PROPOSAL STATEMENT

None.

Initial Study:

Most employees would work during daytime hours and deliveries would occur between the hours of 8:00 am to 5:00 pm.

- 1. It is unclear if “delivery” includes the distribution vehicles of the licensed third-party company.**
 - Distribution vehicles transporting applicant’s product to manufacturers, distributors or testing labs.**
 - Distribution vehicles to and from the property for other cultivators.**
- 2. If they were not included, then the Initial Report should be updated to determine if a mitigated negative declaration is appropriate.**




Distribution is a key component of the cannabis supply chain. Growers cannot transport their own product to a testing laboratory, manufacturer, or distributor.

- BASIC OVERVIEW - CALIFORNIA SUPPLY CHAIN

CULTIVATION

GREENHOUSE
INDOOR
OUTDOOR

- FLOWER
- BIOMASS



MANUFACTURING

TYPE 6 (NON-VOLATILE)
TYPE 7 (VOLATILE)
EDIBLE KITCHEN



DISTRIBUTION

- POST PROCESSING
- PACKAGING



TESTING

- PRODUCTS MUST PASS LAB TEST TO ENTER
- FAILED PRODUCTS MUST BE DESTROYED OR REMEDIATED BY DISTRIBUTION/MANUFACTURING




DELIVERY

PRODUCTS SOLD TO END USER



CONSUMPTION LOUNGE



RETAIL

PRODUCTS SOLD TO END USER



PRODUCTION DISPOSAL
THIRD PARTY CONTRACTOR TO DESTROY PRODUCT



KEY

ARROW =
PRODUCT MOVING FROM ONE LICENSE TO ANOTHER



Noise from equipment and operations

STAFF RECOMMENDATION

96. 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:

APPLICANT'S PROPOSAL STATEMENT

r. Noise Limits. The proposed operations will not exceed the General Plan Noise Standards Table NE-2 and in accordance with the Sonoma County Noise Guidelines.

Non-Traffic Exterior Noise Exposures

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , 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
<p>¹ 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.</p>		

Superior Noise Protection is necessary for this community.



- 1. Small, quiet community with some farming and large animal grazing.**
- 2. Appellants' property line is across the street. Their residence is on top of the hill overlooking the project site which puts them in the unique position of noise and odor impacting their property more than others.**

- **Traffic Noise.**
- **Equipment Noise such as HVAC, fans, circulation, ventilation, exhaust, blowers and heaters, etc.**
- **Employee Noise.**



A new condition of approval should require an applicant to prepare a **Noise Abatement Plan, to be approved by the County, that prevents excessive noise from being experienced within residential areas.**

Noise Abatement Plan

- **Install necessary equipment and soundproofing to limit any noise to 0 decibels of continuous noise 24 hours/day prior to the commencement of cultivation activities**
- **Maintenance of Equipment**
- **Continuous Monitoring by the Applicant using noise detection equipment**
- **Maintenance of noise monitoring data for 3 years**
- **Community participation and outreach to residents located within 1,000 feet of the Property line**
- **Provide contact information for the Applicant's Primary Noise Contact, who shall be available by telephone on a 24 hour/day basis**
- **Permit Sonoma staff shall monitor implementation prior to Final Building Clearance and request additional measures necessary for corrective actions, provided at the cost of the Applicant**



Sunlight Glare and Ambient Light

STAFF RECOMMENDATION

None.



APPLICANT'S PROPOSAL STATEMENT

None.

MND Facts for Finding No Substantial Impact

The conditions of approval do not include any conditions consistent with the Initial Study related to roofing and walls to prevent sunlight glare or ambient light emanating from any structure.



1. The proposed mixed light greenhouse buildings would **use frosted composite material as roofing and walls, which will limit potential for daytime glare associated with sunlight striking the roof. . .** However, as a **condition of approval**, the project would be required to comply with the following Zoning Code lighting requirement:
 - **All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise (Sec 26-88-254(f)(19)).**
2. Nighttime lighting and preservation of nighttime skies and visual character of rural areas (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4b, and Policy OSRC-4c): The project would use **minimal, motion-activated exterior lights and all night lighting from mixed light greenhouse will be contained within the structures, which would comply with County requirements related to location, shielding, and light levels.**

Sunlight Glare and Ambient Lighting

A new condition of approval would require an applicant to utilize the appropriate roofing material and ambient lighting, to be approved by the County, that prevents any sunlight glare from any structure during the day or any light from any structure during the night.



Odor

The Initial Study analyzed a “project including a self-contained closed-loop climate control systems, including carbon filtration to clean the air and control odor, for all cultivation and processing structures in order to contain odors. Therefore, regular project operation would result in less than significant odor impacts.”

STAFF RECOMMENDATION

19. Odor Control System. The applicant/operator shall install and maintain an odor control air filtration and ventilation system in each structure containing cannabis products 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, processing, and product storage structures. Verification of compliance 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.

The Staff Proposed Condition of Approval did not sufficiently condition the project to meet the mitigation measure as described in the Initial Study.



Examples of Carbon Scrubbers

A new condition of approval should require an applicant to prepare an **Odor Abatement Plan, to be approved by the County, that prevents odors from being experienced within residential areas.**

Odor Abatement Plan

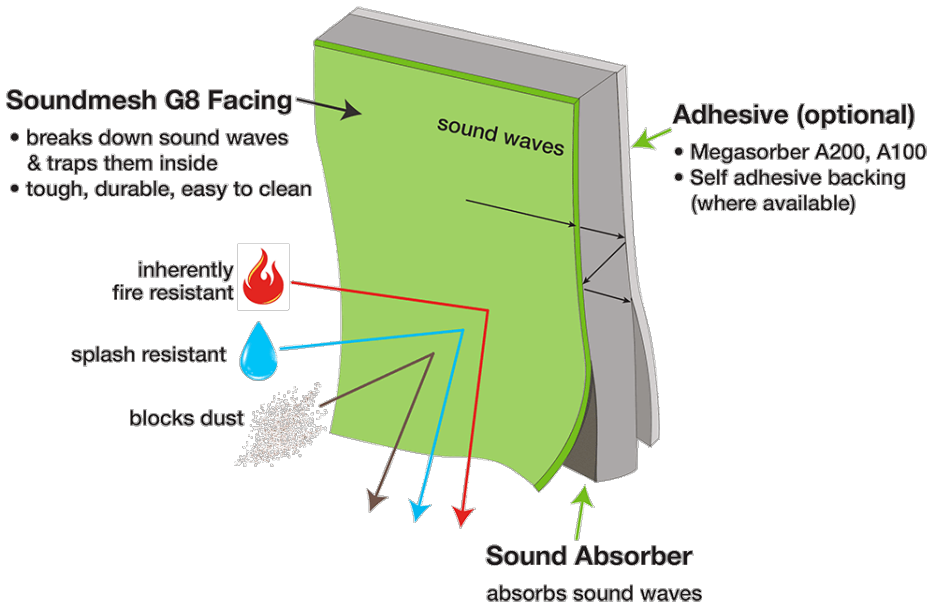
- **Carbon scrubbers must be used**
- **Installed prior to the commencement of cultivation activities**
- **Maintenance of Equipment**
- **Continuous Monitoring by the Applicant using Nasal Ranger odor detection equipment**
- **Maintenance of odor monitoring data for 3 years**
- **Community participation and outreach to residents located within 1,000 feet of the Property**
- **Provide contact information for the Applicant's Primary Odor Contact, who shall be available by telephone on a 24 hour/day basis**
- **Permit Sonoma staff shall:**
 - **Monitor implementation prior to Final Building Clearance**
 - **Request additional measures necessary for corrective actions, provided at the cost of the Applicant**

1. DENY THE PROJECT AS INCOMPATIBLE WITH THE QUIET, RURAL COMMUNITY AND REJECT THE MITIGATED NEGATIVE DECLARATION

OR

2. ADD THE REQUESTED CONDITIONS OF APPROVAL TO CONFORM WITH THE INITIAL STUDY AND APPROVE THE PROJECT WITH A REDUCED TERM TO ONE YEAR FROM FIVE YEARS

Proposed Conditions of Approval



Example of Interior Sound Attenuation Materials

- 1. Hours of Operation to be as applicant requested with a limit of three days a month for harvesting**
- 2. Limited hours and number of distribution vehicles per week**
- 3. Specific sound attenuation materials for equipment and the interior of all structures and noise monitoring as described on Slide 13**
- 4. Specific odor and ventilation equipment and monitoring as described on Slide 19**
- 5. All Conditions of Approval shall comply with the Project as described in the Initial Study**

Thank you