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Via Electronic Mail

January 16, 2025

The Honorable Board of Supervisors
County of Sonoma
575 Administration Drive
Room 100 A
Santa Rosa, CA 95403
bos@sonoma-county.org

Re: Appeal of Sonoma County Board of Zoning Adjustments Decision; File No. UPC19-0012;
Board of Supervisors Meeting January 28, 2024

Dear Supervisors:

On behalf of appellants Allan Kipperman, M.D. and Ayris Hatton, we are providing this letter as a supplement to the attached PowerPoint Presentation already provided to staff for the January 28, 2024, Board of Supervisors meeting. This letter will expand on some of the issues in that PowerPoint.

This is an appeal of the decision by the Sonoma County Board of Zoning Adjustments (BZA) regarding the proposed cannabis project at 4707 Bloomfield Road, Petaluma, California. The project is proposed by Bloomfield Farms LLC/Michael Agins and includes 10,000 square feet of mixed light cannabis cultivation in a 12,960 square foot greenhouse, 5,000 square feet of indoor cannabis cultivation in a 6,480 square foot warehouse, and centralized processing of cannabis in a 10,000 square foot warehouse. The processing includes not only the applicant's own cannabis crops but also crops from other growers in Sonoma County. The Board of Zoning Adjustments approved the project on August 22, 2024, with operations permitted 24-hours a day seven days a week.

This project is incompatible with the surrounding area particularly with respect to issues concerning odor, light, noise, traffic and hours of operation. It is the appellants' position that the Board of Supervisors should **deny the project** as incompatible with the quiet rural community and reject the mitigated negative declaration. If the Board approves the project, it should only be approved with **additional conditions of approval** so that the project conforms to the Expanded Initial Environmental Study. The project should also include a detailed Odor Abatement Plan and Noise Abatement Plan with specific conditions to minimize odor and noise and to monitor the project for odor and noise violations. The hours of operation should be reduced to a more reasonable number. The Conditional Use Permit term should be reduced from five years to one year.

The appellants' property at 4760 Bloomfield Rd. adjoins the subject project property and is on a hillside overlooking the project. From their property, including their house on the property, the appellants will have a bird's eye view of the nearly 30,000 square feet of new commercial structures. The appellants' house is only 1,200 feet from the project site. In addition, there are 5 other properties that will also be impacted by this project with homes ranging from 330 feet to 2000 feet from the project.

Beginning with the **hours of operation**, the hours approved by the BZA exceed what the applicant requested and what was analyzed in the Expanded Initial Environmental Study. While everyone acknowledges that plants will be growing 24 hours a day with timers for lighting and irrigation, the applicant requested hours of operation seven days a week from 8 a.m. to 5 p.m. with extended hours of 7 a.m. to 7 p.m. during harvesting. The BZA approved hours of operation 24 hours a day, seven days a week as needed. A commercial operation running 24 hours a day every day would substantially impact the surrounding properties and is wholly unacceptable.

Moving to **traffic**, this impact was not adequately described by the applicant in the project proposal, and it does not appear to have been adequately analyzed in the Expanded Initial Environmental Study. Not only will there be additional traffic from employees and the usual business deliveries, but cannabis businesses have a more substantial impact on traffic due to the regulatory requirements for transporting cannabis. Growers cannot transport their own cannabis and third-party distribution vehicles will be required to transport cannabis to and from the project site including trips to manufacturers, distributors or testing labs. In addition, such vehicle trips will be necessary to transport cannabis to and from the other growers whose cannabis this project will be processing. The Expanded Initial Environmental Study does not specifically state whether the Study analyzed this additional traffic. The Study should be updated to determine if a mitigated negative declaration is appropriate.

As for **noise**, the staff recommendation and the applicant's proposal simply reference the Sonoma County Noise Guidelines. Superior noise protection is necessary to protect the community surrounding this project. This is a small quiet community with some farming and large animal grazing. The appellants' residence is on top of the hill overlooking the project site which puts them in the unique position of noise, light and odor impacting their property more than others. Noise can be generated from traffic, employees, and equipment such as HVAC, fans, circulation, ventilation, exhaust, blowers, heaters, etc.

If the project is approved, a new condition of approval should be added to require the applicant to prepare a **Noise Abatement Plan**, to be approved by the County, that prevents excessive noise from being experienced within neighboring properties. The Plan should include, among other things, installation of necessary equipment and soundproofing to limit any noise to 0 decibels of continuous noise 24 hours/day, proper maintenance of equipment, continuous monitoring by the applicant using noise detection equipment and maintenance of that noise monitoring data for 3 years, community participation and outreach to residents located within 1,000 feet of the project property line, and contact information for the applicant's Primary Noise Contact who shall be available by telephone on a 24 hour/day basis. The Plan should provide that Permit Sonoma staff shall monitor implementation prior to final building clearance and that staff may request additional measures necessary for corrective actions to be provided at the cost of the applicant.

If the project is approved, a new condition of approval should be added to address **sunlight glare and ambient light**. The new condition should require the 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. The Expanded Initial Environmental Study was specifically predicated on all indoor and mixed light operations being fully contained so that little to no light escapes, and on lighting not escaping at a level that is visible from neighboring properties between sunset and sunrise. As

the appellants' residence is on top of the hill overlooking the project site, the appellants will be uniquely impacted by any visible light.

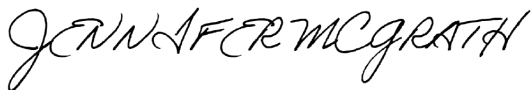
Odor control is one of the most critical elements of any cannabis business. This is a particularly acute issue for growing, harvesting and processing cannabis. Odor is one of the most common and frequent complaints by the local community. Cannabis odor has substantial negative impacts on the community ranging from public health to reduced property values. Cannabis odor often results in significant time and money spent by neighbors, operators, and county staff on complaints, litigation and appeals.

If the project is approved, a new condition of approval should be added to require the applicant to prepare an **Odor Abatement Plan**, to be approved by the County, that prevents odors from being experienced within neighboring properties. Most critically, the Odor Abatement Plan should specifically require the use of **carbon scrubbers** as stated in the Expanded Initial Environmental Study. The Plan should also address maintenance of equipment, continuous monitoring by the applicant using Nasal Ranger odor detection equipment, and maintenance of odor monitoring data for 3 years. The Plan should include community participation and outreach to residents located within 1,000 feet of the project property and provide contact information for the applicant's Primary Odor Contact, who shall be available by telephone on a 24 hour/day basis. The Plan should provide that Permit Sonoma staff shall monitor implementation prior to final building clearance and that staff may request additional measures necessary for corrective actions to be provided at the cost of the applicant.

In closing, it is the appellants' position that the Board of Supervisors should deny the project. If the Board approves the project, it should only be approved with the additional conditions of approval including a detailed Odor Abatement Plan and a Noise Abatement Plan, reduced hours of operation, and a reduction of the Conditional Use Permit term from five years to one year.

The appellants are available to respond to any questions or comments by individual Supervisors prior to the January 28, 2024, Board meeting, and they will also be available at the Board meeting.

Sincerely,



Jennifer McGrath & Edward Pinchiff
Attorneys for Appellants Allan Kipperman, M.D. and Ayris Hatton

cc: Haleigh Frye (Haleigh.Frye@sonoma-county.org); Crystal Acker (Crystal.Acker@sonoma-county.org)