



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 1/28/2025

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick (707)565-1925, Haleigh Frye (707) 565-2477

Vote Requirement: Majority

Supervisory District(s): Second

Title:

10:30 A.M. - Appeal of a Use Permit Approval to allow a commercial cannabis cultivation and centralized processing operation at 4707 Bloomfield Road in Petaluma. Permit Sonoma File No. UPC19-0012; APN 027-050-022.

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 for 5,000 square feet of indoor cannabis cultivation, 10,000 square feet of mixed-light cultivation, accessory propagation, and centralized processing. (Second District)

Executive Summary:

This report presents an appeal of a Board of Zoning Adjustment's (BZA) decision to approve a Use Permit to allow a commercial cannabis cultivation operation at 4707 Bloomfield Road in Petaluma, APN 027-050-022. The Use Permit was approved on August 22, 2024. An appeal of the approval was filed by Ayris Hatton and Allan Kipperman (appellants), neighbors of the project, on August 27, 2024.

The project proposes a commercial cannabis operation including mixed-light cultivation and indoor cultivation totaling 15,000 square feet of cultivation area, and centralized processing on a 113-acre parcel zoned Land Extensive Agriculture in the Petaluma Dairy Belt.

The appeal cites concerns related to the hours of operation, traffic, noise, and night lighting. During the August 22, 2024 hearing, the BZA heard concerns from the public including all of those cited in the appeal, and discussed hours of operation, long term operational noise, access to the site, and trips associated with project operations. The project Conditions of Approval and the mitigation measures included in the Mitigated Negative Declaration (MND) address these concerns. However, during the hearing, the Board of Zoning Adjustments added one additional condition related to project site access to further ensure site access concerns were addressed.

A Mitigated Negative Declaration was prepared for the project and circulated through the State Clearinghouse for public review from April 22, 2024 through May 22, 2024. After the close of the public hearing on August 22, 2024, the Board of Zoning Adjustments determined that all potential impacts could be mitigated to a less

than significant level and adopted the Mitigated Negative Declaration.

Discussion:

PROJECT DESCRIPTION

Bloomfield Flowers, LLC., proposes 5,000 square feet of indoor cultivation area in a new 6,480 square foot structure and 10,000 square feet of mixed-light cultivation area in a new 12,960 square foot greenhouse, and both centralized processing and accessory indoor propagation in a new 10,000 square foot structure (see Attachment 2 Board of Zoning Adjustments Staff Report and Exhibits, Site Plan, page 57). Centralized processing refers to the processing of cannabis grown onsite and within the local area. The project site is located in a previously graded, flat, graveled area on a portion of the parcel formerly used as a quarry decommissioned prior to 1980 (see Attachment 2 Board of Zoning Adjustments Staff Report and Exhibits, Site Photos, page 59). The project area footprint is approximately 2.5-acres.

The mixed-light and indoor cultivation operations would operate year-round, seven days a week generally from 8:00 am to 5:00 pm, with extended hours during harvest typically 7:00 am to 7:00 pm. While these are the typical and expected operating hours, operations would be allowed to be conducted seven days a week, 24-hours a day as needed. Management would be on-call 24 hours a day, seven days per week, to address any operational or emergency issues. The state Department of Cannabis Control classifies delivery and shipping of cannabis as “distribution”. All delivery and shipping activities, including those carried out by third-party distributors transporting cannabis to other licensed premises, would be limited to Monday through Friday between 8:00 am to 5:00 pm. The cannabis operation would employ up to 19 staff including a combination of full time, part time, and administrative staff. The operation would not be open to the public.

The parcel supports a variety of existing agricultural uses including a horse training facility, commercial organic vegetable farm, bee keeping, and livestock grazing, which would continue to operate independently of the cannabis operation. The majority of the 113-acre parcel (over 100-acres) will be reserved for these uses.

PROJECT SITE AND CONTEXT

Background

The project parcel is located in a western unincorporated agricultural area of Sonoma County, southwest of the City of Sebastopol and northwest of the City of Rohnert Park, and about 1.5 miles east of the town of Bloomfield. Existing development on the parcel includes a horse arena, four barns, one greenhouse, and several outbuildings for the existing agricultural uses (see Attachment 2 Board of Zoning Adjustments Staff Report and Exhibits, Overall Site Plan, page 56).

General Plan Land Use and Zoning

The General Plan Land Use designation on the parcel is Land Extensive Agriculture with a 160-acre density. The site is also designated Land Extensive Agriculture by the Petaluma Dairy Belt Area Plan.

Surrounding Land Use and Zoning

The area is largely rural with scattered residential development and undeveloped parcels consisting of rolling hills and nonnative grassland interspersed with sparse oak woodland and small stands of Eucalyptus. Surrounding parcels to the subject site are zoned Land Extensive Agriculture, with a low residential density of 160 acres per dwelling unit (LEA-160) or 60 acres per dwelling unit (LEA-60). Surrounding land uses are predominantly pastureland and dairy interspersed with scattered residential development. The nearest offsite

residence is approximately 330 feet from the project site boundary and 400 feet from the proposed mixed-light greenhouse.

ISSUES RAISED IN THE APPEAL LETTER

The appeal letter is provided as Attachment 1. The issues are addressed below.

1. Hours of Operation

The appellants contend that the hours of operation are excessive given the rural nature of the area.

Staff Analysis

The design, location, size, and operating characteristics of the project are considered compatible with the agricultural zoning and surrounding land uses in the vicinity. This is evident by the large parcel size of the site (113 acres) and surrounding parcels (ranging from approximately 30-290 acres and averaging approximately 96 acres).

The area surrounding the project parcel is characterized as rural. Surrounding parcels are relatively large, and a significant portion of surrounding land is under Williamson Act Contracts or conservation easements. Surrounding land uses include grazing and dairy operations such as Tremari Ranch and Dougan Dairy within a 1,000-foot radius of the project parcel. Dairy operations are allowed to operate 24 hours a day. A typical 24-hour dairy operation involves continuous care and management of dairy cows, with milking occurring two to three times daily at set intervals, including late evening and early morning hours, both after sunset and before sunrise. There is regular truck traffic for the transportation of milk offsite after each scheduled milking, along with deliveries of feed, supplies, and other dairy products regularly.

The cannabis operation would operate year-round, seven days a week. Primary cultivation operating hours are 8:00 am to 5:00 pm and 7:00 am to 7:00 pm during harvest for the majority of activities. The Conditions of Approval allowing twenty-four hour operations as needed are to account for discrete events when overnight activities are required, and would not be allowed as part of normal operations, based on urgent operational needs. The potential for such emergency operational needs was considered in the MND impact analyses and all aspects of these activities would be subject to the conditions of approval. All deliveries and shipping are limited to 8am-5pm (Condition of Approval Number 14). Management will be on-call 24 hours a day, seven days per week, to address any operational or emergency issues. Vendor deliveries and shipping activities would be limited to 8:00 am to 5:00 pm Monday through Friday. The cannabis operation would hire up to 19 employees including full and part time staff. The operation would not be open to the public.

The limited operations that may occur outside of regular operating hours are very limited, subject to conditions of approval, and thus unlikely to cause disturbance to neighbors and are similar in scale to the surrounding dairy operations and thus would not significantly change the rural agricultural nature of the area.

2. Traffic and Transportation

The appellants raise concerns with traffic generated by the proposed cannabis operation including potential impacts to Bloomfield Road.

Staff Analysis

The portion of the road where the project is located has an average daily traffic volume of 547 vehicles. According to the Governor's Office of Planning and Research Technical Advisory, small projects generating or attracting fewer than 110 trips per day typically result in a less-than-significant transportation impact. With an estimated 58 daily trips, the project falls well below this threshold.

Due to the low number of trips-58 total trips if all employees were to commute to the site, with an average daily estimate of 23 trips and approximately 8 peak-hour trips-the project did not exceed the screening threshold outlined in the County of Sonoma Guidelines for Traffic Impact Studies. As a result, Sonoma Public Infrastructure did not request a traffic study during the project referral process. The project also proposes a local hiring plan, which is expected to reduce commuting distances for employees. Although the exact distance of employee trips cannot be estimated, most employees will be hired locally in accordance with the local hiring plan, resulting in relatively low vehicle miles traveled.

Transportation impacts are further discussed in the Transportation section of the Initial Study (Attachment 2, Board of Zoning Adjustments Staff Report and Exhibits, UPC19-00012 Updated Final ISMND, pages 190-192). The analysis of delivery and shipping activities in the MND includes activities associated with "cannabis distribution" as that term is defined by County Code and state law ("the procurement, sale, and transport of cannabis and cannabis products between licensees"). Delivery/vendor truck trips are estimated at 217 trips per year (an average of 4 per week). Cannabis transportation generally occurs within vans (not semis or large shipping trucks) and does not require the number of trips generally associated with standard distribution operations because the volume of raw cannabis transported between cannabis facilities is relatively small.

The Sonoma County Public Infrastructure Roads Division is responsible for the construction, operation, and maintenance of the County-Maintained public road system. According to their Pavement Preservation Program an approximately one-mile portion of Bloomfield Road that runs from its intersection at Valley Ford Road to Tremari Road (postmile 10 to 11.06) repaved in 2024. In 2021, an approximately one-mile portion of Bloomfield Road (postmile 14.12 to 15.04) was repaved from its intersection at Canfield Road to Pleasant Hill Road. While the applicant for this project cannot be required to improve the public roadway which is maintained by the County, they are required by Project Conditions of Approval 102-107 to improve each project driveway entrance such that it conforms to Board of Forestry Fire Safety Regulations §1270 et seq. and County standards and to allow for concurrent emergency ingress and egress as well as the smooth and safe movement of passenger vehicles entering and exiting the public road (Bloomfield Road) that provides access to the property. Additionally, the BZA required that a condition of approval (Condition No. 30) be included specifying that the two ingress/egress access points shown on project plans are the only driveways authorized for non-emergency use by the project.

The project's low trip generation falls well below CEQA thresholds for transportation impacts, and no traffic study was required in accordance with the County's guidelines. While roadway improvements are handled by the Sonoma Public Infrastructure, the applicant will upgrade driveway entrances to meet safety standards, ensuring safe access and emergency ingress/egress. Because transportation impacts are well below CEQA thresholds and County guidelines and driveway improvements will meet safety standards, all potential traffic and transportation impacts have been addressed.

3. Long Term Operational Noise Inclusive of Ventilation Fans

The appellants raise concerns with long term operational noise from the proposed cannabis operation inclusive of ventilation fans.

Staff Analysis

County Code Section 26-88-254(g)(6) includes the following standard pertaining to cannabis: "Cultivation operations shall not exceed the General Plan Noise Standards table NE-2, measured in accordance with the Sonoma County Noise Guidelines." The three primary noise sources related to the project would include traffic (e.g., employees, deliveries), short term construction noise, and long-term operational noise. Potential noise impacts from the project have been analyzed in the Noise section the Initial Study to enhance compliance with the General Plan Noise Standards (Attachment 4 Updated ISMND). Specifically, the amended mitigation measure addresses external HVAC equipment noise, requiring compliance with the noise standards outlined in Table NE-2 of the General Plan. These standards establish maximum noise levels of 50 dBA L50 during the daytime (7 am-10 p.m.) and 45 dBA L50 during nighttime (10 p.m.-7 am), as measured at the property line. The updates clarify that additional noise metrics (L25, L08, and L02) from Table NE-2 will also apply, ensuring consistency with Condition of Approval 96 and the General Plan. To meet these requirements, external equipment must be enclosed in a Level II acoustic enclosure, typically provided by the manufacturer, or shielded by solid walls made of durable materials like masonry or brick.

The portion of Bloomfield Road where the project is located is a Minor Collector Road with an average daily traffic volume of 547 vehicles. The area consists of large agricultural parcels with widely spaced rural residences and active agricultural operations, which generate truck and employee trips. Due to the low number of vehicle trips associated with the project and its location, transportation noise is not expected to significantly impact the existing ambient traffic noise level.

Regular project operations will occur indoors, with no need for heavy machinery or equipment. Ventilation fans and other internal HVAC systems are effectively contained by the buildings, while external HVAC units and an emergency generator are strategically located behind the structures, farthest from nearby property lines (see Attachment 2 Board of Zoning Adjustments Staff Report and Exhibits, Site Plan, page 57). The updates to Mitigation Measure Noise-1 (Attachment 4 Updated ISMND, Mitigation Measure Noise 1, page 61) ensure noise impacts remain less than significant by requiring additional sound attenuation measures for external equipment and compliance with General Plan Noise Standards. The operator must provide sound level specifications for HVAC and generator equipment, including acoustic enclosures, to confirm compliance with these limits. Furthermore, Condition of Approval 41 imposes additional noise control measures for permanently installed emergency generators.

Because noise impacts are fully mitigated as discussed above, appellants concerns have been addressed and there is no evidence the project will cause significant noise impacts.

4. Night Lighting and Glare

The appellants raise concerns with ambient lighting at night and daytime glare from the proposed cannabis operations structures.

Staff Analysis

County Code Section 26-88-254(f)(19) includes the following standard pertaining to cannabis: "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.”

The proposed operation includes an indoor cultivation structure, an indoor processing structure, and a mixed light cultivation greenhouse. Proposed lighting meets all requirements of the Zoning Code, and the project would also be conditioned to comply with the applicable County Code sections as well as federal, state, and county statutes, rules, regulations, and ordinances (Condition of Approval 32-33). Lighting would be fully contained within the proposed indoor structures. The mixed-light greenhouse would have a frosted paned glass roof to minimize glare and would be outfitted with a light deprivation system including 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.

Because cannabis operations are required by County Code to maintain motion-sensor security equipment, inclusive of security lighting (Sec. 26-88-254(21)), and to contain all lighting within structures, the project meets these requirements. Appellants' concerns about lighting have been addressed there is no evidence the project will have a significant lighting impact.

5. Project Odors

The appellants raise concerns with odors from project operations from the proposed cannabis operation.

Staff Analysis

In adopting the Cannabis Ordinance, the Board of Supervisors found that air quality and odor issues could be addressed through compliance with development and operating standards requiring minimum setbacks for cultivation uses and implementation of odor control filtration systems for cultivation and processing structures. Odor is discussed in the Air Quality section of the Initial Study (see Attachment 4 Updated ISMND page 21).

Under the cannabis ordinance, outdoor and mixed-light cultivation must maintain a minimum 300-foot setback from offsite residences, while indoor cultivation and processing structures are only required to meet base zoning setbacks. The nearest offsite residence is approximately 330 feet from the project site boundary and 400 feet from the proposed mixed-light greenhouse. The appellants' residence is approximately 1,200-feet from the proposed project structures. In compliance with Sec. 26-88-254(g)(2), all cultivation and processing structures will be equipped with odor control filtration and ventilation systems that will control odors, humidity, and mold. This includes the use of carbon filters that function as an odor vacuum and fans to help circulate the air. The project incorporates required odor control filtration systems, which complies with the Operating Standard. Standard conditions of approval also require odor monitoring and an incident log (Condition of Approval 20-21). Additionally, the project does not include any outdoor cultivation; all odors will be contained within buildings.

While appellants have raised general concerns regarding cannabis odors, they have not presented any substantial evidence that there may be a significant odor impact from the project, which includes cannabis contained in structures with substantial odor controls. Because the project complies with all applicable odor control requirements under the Cannabis Ordinance, including setbacks and the use of odor filtration and

Agenda Date: 1/28/2025

ventilation systems, appellants' concerns about air quality and odors have been addressed and there no evidence that the project will have a significant air quality or odor impact.

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 all project impacts could be mitigated to a less than significant level, and so a Mitigated Negative Declaration was prepared and circulated for the project (see Attachment 4 UPC19-00012 Updated ISMND). This document identifies mitigation measures and a monitoring program for the proposed project. Mitigation measures for air quality related to short term construction, pre-construction surveys for nesting birds and roosting bats, and noise have been incorporated into the project conditions of approval. With incorporation of these mitigation measures, the project will have a less than significant impact.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors deny the appeal, adopt the Mitigated Negative Declaration, and uphold the Board of Zoning Adjustment's decision to approve the request, subject to the attached Conditions of Approval.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

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:

Attachment 1: Board of Supervisors Resolution M) with Exhibit A Conditions of Approval?

Attachment 2: August 22, 2024 BZA Staff Report and Attachments

Attachment 3: August 8, 2024 Board of Zoning Adjustments Minutes

Agenda Date: 1/28/2025

Attachment 4: Updated ISMND

Attachment 5: Appeal Submission

Attachment 6: Appellant Letter dated 1/16/2025

Attachment 7: Staff PowerPoint Presentation

Attachment 8: Appellant PowerPoint Presentation

Related Items “On File” with the Clerk of the Board:

N/A