



To: Board of Supervisors
From: Sou Garner, Contract Planner-MIG
Date: January 25, 2021
Subject: UPC19-0002, 101 Trinity Road, Glen Ellen

This memorandum summarizes and addresses the issues that were raised in opposition of the proposed cannabis operations at 101 Trinity Road in Glen Ellen (APN 053-100-017). After reviewing the comments, staff concludes that: 1) the project complies with required setbacks; 2) Potential impacts associated with surface waters have been adequately evaluated and mitigated; and 3) the project complies with governing air quality standards. Accordingly, staff continues to recommend approval of the project as conditioned.

The applicant is requesting a five-year limited term Conditional Use Permit for a centralized cannabis processing facility with allowance to transport off-site the processed product to licensed distributors and retailers and a 1-acre cannabis cultivation operations on a 27.67-acre parcel.

The below table identifies the person commenting on the project and the date of their comments below.

Table 1: Issues Summary

COMMENTOR	DATE
Carbonaro	01/25/2021
Kutska / Genovese	01/24/2021

1. Residential Use Setback

The public comments state the proposed project is within the required 300-foot minimum distance. The distance measured from residential properties to the property line of the subject parcel is 82.44 feet and 79.62 feet. While this is correct, Sonoma County Zoning Regulations Section 26-88-254(f) states that:

Outdoor cultivation areas and mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties.

Proposed outdoor cultivation is at least 100 feet from the property line and outdoor cultivation area is approximately 600 feet and the mixed light structure is approximately 650 feet from the nearest neighboring residence consistent with the Zoning Code. The code is explicit that distances from residences are measured from outdoor cultivation area to residential structures, not property lines.

2. Trinity Creek

The public comments states that Trinity Creek is misclassified as an ephemeral drainage rather than a perennial drainage. Additionally, the public comments assert that this misclassification results in the project not adhering to the environmental regulations.

Trinity Creek runs along the northern edge of the project site and is classified as an “Intermittent Stream” on the U.S. Geological Survey Topographic Map, not a perennial stream. In a Creek evaluation provided by environmental scientist, Lucy MacMillan, dated June 25, 2020, the creek was identified as an unnamed ephemeral tributary. In all but one instance, the reference to an “unnamed ephemeral tributary” was erroneously applied to Trinity Creek. Staff is recommending a modification to the MND to correctly refer to Trinity Creek as an intermittent creek. Regardless, the classification of the Tributary does not change the analysis or conclusions of the ISMND, where the impact to the tributary were assessed and mitigated.

Mitigation measure BIO-5 requires the Project Sponsor should submit an LSA (Lake and Streambed Alteration) for any stream-related activities that were not covered under previous notification(s). This recommendation was incorporated in the updated ISMND as shown in the Attachment labeled “Response to CDFW and Errata”. Additionally, this was integrated into the project’s Condition of Approval #71.

Furthermore, Condition of Approvals #50-66, overseen by Permit Sonoma’s Grading and Storm Water Section requires protective measures be installed to ensure pollutants do not drain directly to waterways. The conditions also requires that the applicant obtains the necessary State (State Water Resource Control Board), Regional (San Francisco Bay Regional Water Quality Control Board) and Federal (US Army Corps of Engineers) permits to work near or in the waterway. These agencies will conduct their own independent review of the proposed development details and make a determination of the impacts to waterways.

3. Odor

The public comments expressed concern with odor issues associated with cannabis operations and challenges the use of the Bay Area Air Quality Management District (BAAQMD) guidelines to assess the odor impacts in the ISMND. Although correct in that the BAAQMD guidelines do not provide specific thresholds for odor as it related to specific sources (e.g. cannabis, coffee roasting, etc.), the guidelines provide a framework for local jurisdictions to discuss standards that can be used to make a determination. This framework was used to guide preparation of the Cannabis Ordinance which established appropriate development standards to avoid land use conflicts resulting from odor.

Sonoma County Code establishes setbacks and odor control requirements in Sec. 26-88-254(g)(2)) which states:

“All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with *odor control filtration and ventilation system(s) to control odors, humidity, and mold.*”-

The cannabis ordinance Section 26-88-254 (f) states that cannabis operations must be set back 300 feet from residences and businesses and 1,000 feet from schools, parks and other sensitive uses. The Board of Supervisors found that indoor operations with odor control ventilation systems and the setback requirements are sufficient in controlling odor.

The proposed project exceeds the setback standards established in the ordinance. Additionally, there have been no known odor complaints to Permit Sonoma’s Code Enforcement Division.

