



2550 Ventura Avenue  
Santa Rosa, CA 95403

**p:** (707) 565-1900  
**f:** (707) 565-1017

Tennis Wick  
Director

Scott Orr  
Assistant Director

Michelle Arellano  
Administration

Nathan Quarles  
Engineering and Construction

Emi Thériault  
Planning

Tyra Harrington  
Code Enforcement

Genevieve Bertone  
Communications

Steve Mosiurchak  
Fire Marshal

John Mack  
Natural Resources

Brian Keefer  
Ombudsperson

## ***Sonoma County Board of Zoning Adjustments Minutes***

Board of Supervisors Chambers  
575 Administration Drive, Room 102A  
Santa Rosa, CA 95403  
[PlanningAgency@sonoma-county.org](mailto:PlanningAgency@sonoma-county.org)

August 22, 2024  
Meeting No.: 24-10

### **Roll Call**

Commissioner Freeman, District 1  
Commissioner Gilardi, District 2  
Commissioner Ocaña, District 3  
Commissioner Koenigshofer, District 5  
Commissioner McCaffery, Chair, District 4

### **Staff Members**

Emi Thériault, Deputy Director of Planning  
Haleigh Frye, Project Planner  
Crystal Acker, Supervising Planner  
Tasha Levitt, Administrative Assistant  
Sita Kuteira, Deputy County Counsel IV

**1:00 PM** Call to order, Roll Call and Pledge of Allegiance.

### **Correspondence**

### **Planning Commission/Board of Supervisors Actions**

### **Commissioner Announcements**

**Public Comments on matters not on the Agenda:** None **0m0s**

**Items scheduled on the agenda**

## **Board of Zoning Adjustments Regular Calendar**

**Item No.:** 1  
**Time:** 1:20 PM  
**File:** UPC19-0012  
**Applicant:** Bloomfield Farms LLC; Michael Agins  
**Owner:** Same  
**Cont. from:** N/A  
**Staff:** Haleigh Frye  
**Env. Doc:** Proposed Mitigated Negative Declaration  
**Proposal:** Request for a five-year limited-term Conditional Use Permit for a commercial cannabis operation including 10,000 square feet mixed light cultivation, 5,000 square feet indoor cultivation, and centralized processing of cannabis (from the local area, Sonoma County) and accessory propagation in all new structures on a 113 acre parcel zoned Land Extensive Agriculture (LEA) located at 4707 Bloomfield Rd, Petaluma. Operations are permitted 24-hours a day seven days a week as needed, although generally hours of operation will be during daylight hours. Vendor deliveries and shipping would be limited to 8:00 am to 5:00 pm Monday through Friday. The cannabis operation would employ a maximum of 19 employees including full and part time staff. No public access or retail sales are permitted.

#### **Recommended**

**Action:** Permit Sonoma recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request, with conditions, for a five-year limited term Conditional Use Permit for a cannabis operation including 10,000 square feet mixed light cultivation, 5,000 square feet indoor cannabis cultivation, and centralized processing.

**Location:** 4707 Bloomfield Rd, Petaluma  
**APN:** 027-050-022  
**District:** Second  
**Zoning:** Land Extensive Agriculture, maximum density of one dwelling unit per 160 acres, Riparian Corridor 50-foot development setback/50-foot agricultural setback (LEA B6 160, RC50/50)

#### **Commissioner Disclosures:**

**Commissioner Gilardi** stated a time constraint and that she made a site visit and met with Nick Caston. **Commissioner Ocana** stated she had a phone call with the applicant representative, Nick Caston, yesterday. **Commissioner Koenigshofer** stated he did a site visit and also visited with Mr. Caston. **Commissioner McCaffery** stated he did a site visit and visited with Mr. Caston as well. [0h01m](#)

**Staff Haleigh Frye** summarized the staff report, which is incorporated herein by reference. [0h02m](#)

#### **Commissioner Questions:**

**Commissioner Ocaña** asked if there are images of the proposed construction from the neighbors private properties? **Staff Frye** responded no, she does have a view from Bloomfield road but it's not from the perspective of a neighbors' property. **0h11m**

**Commissioner Ocaña** asked one of the neighbor's concerns was about the private driveway looking down into the proposed site driveway. Her understanding is that driveway has now been moved or at least the occupants will use a different driveway? **Staff Frye** responded yes, that driveway will be decommissioned, so it's not going to be a useful driveway for the project. **0h12m**

**Commissioner Gilardi** stated she doesn't have a lot of questions because she had the opportunity to question Mr. Caston. She can say the other neighbor is up on a hill, so they definitely will see anything that's happening.. She asked if the applicant could review the security measures when they come up. **0h13m**

**Commissioner Koenigshofer** asked about an aerial that shows the perspective from the residents labeled 3 which is on a hilltop looking down on it. The arrow marked 1 is the residence that characterizes as closest to 330 +/- feet. He asked approximately across from there is the driveway the people and residence were concerned about? **Staff Frye** responded and explained where the driveway is. **0h13m**

**Commissioner Koenigshofer** asked is there any condition that specifically prohibits the use of the driveway that's in the proximity of residence 1? **Staff Frye** responded there's not a condition that requires that, however if they were to use that driveway, they would need to approve the driveway for our public infrastructure conditions. **0h14m**

**Commissioner Koenigshofer** stated right if they decided to bring it to the attention of the county as opposed to just use it. Is there a condition that prohibits the use of that, then there's no concern about the future. **Staff Frye** responded there's not currently a condition that prohibits that but that driveway doesn't currently have a road that would be able to access the project site, but we could certainly add a condition if you'd like. **0h15m**

**Commissioner Koenigshofer** asked about groundwater not to exceed 1-acre foot per year. It's actually stated as an average over 3 years, so it doesn't actually prohibit exceeding 1-acre foot per year, it requires an average of 1-acre foot per year, is he reading that correctly? **Staff Frye** responded correct. **0h16m**

**Commissioner Koenigshofer** stated it seems like there's two different standards there. One prohibits exceeding 1-acre foot per year, the other allows exceeding 1-acre foot per year, provided it's average over a 3 year period is 1-acre foot. Does staff have a position on which of those standards you think is the most preferred? **Staff Acker** responded the intent with those conditions is the one-acre per year is the limit but they don't have to go back to the BZA to look at additional conservation measures if they don't go over that amount for more than 3 years.

That's the way it was intended to be written. The reason it's allowed, they're still supposed to keep under the 1-acre foot of use, but say they have a break in the pipe and they go way over 1 year for some reason, that's why they get that 3 years where if they don't go over for 3 years or more that it doesn't necessarily have to go back to have additional measures imposed. It's basically to allow for unforeseen circumstances in one year, but if they do that over and over then we'd question that. **0h16m**

**Commissioner Koenigshofer** stated he thinks that could be stated more clearly. That might lead to confusion or complexity since enforcement is always an issue, since its complaint driven. Relative to the monitoring, there's metered monitoring reported quarterly, but other uses on the property also extract water from the same wells, correct? **Staff Frye** responded correct. **Commissioner Koenigshofer** asked so this metering he assumes is isolated, specific to this portion of the property? **Staff Frye** responded correct. **0h17m**

**Commissioner Koenigshofer** asked since a significant amount of water is presumptively to be rainwater catchment storage, a pretty significant amount? **Staff Frye** responded yes it's over 2/3rds of the water supply for the cannabis operation. **0h18m**

**Commissioner Koenigshofer** asked is there any potential, under current ownership, use, relationship between the applicant for this component of activities on the property and the underlying owner of the real property that in the event of change of ownership, because he understands the owner of the real property is a participant in this project. Since there is a possibility in the future that even the ownership of this component and/or the ownership of the real property could change, so that there wasn't a common owner, is there any provision for certainty of the right of this project to use a portion of the water that's extracted from the well? **Staff Frye** responded yes the project conditions require the use of the well and the green water system. Does that answer the question? **0h19m**

**Commissioner Koenigshofer** asked but if the grow property sold to someone else and there's a drought and they say we don't have water for you to use the well, does this project have an enforceable interest visa-vis the owner of the real property for using any of the groundwater? **County Counsel Sita Kuteira** responded if she's understanding correctly, that would be the contract between the project applicant and the owner, or easement and not matters of the use permit? **0h20m**

**Commissioner Koenigshofer** responded except that the use is being approved with some reliance on the well as part of the approval. **County Counsel Kuteira** responded correct, per the use permit, the applicant wouldn't be able to change water sources without a use permit modification. So if there was change between the contractual obligations of the parties, they would need to come in for a use permit modification to obtain a different water source or maybe add additional rain water capture. **0h21m**

**Commissioner Koenigshofer** stated he read the hydrology report or workings of it, trying to find the answer to the question – does the rain capture component capture enough water that

the entire water could operate without access to the well? **County Counsel Kuteira** responded she doesn't think so but will turn that back over to staff. **Staff Frye** responded it does not. They would need to supplement with groundwater. **0h22m**

**Commissioner Koenigshofer** asked so the county would know if use of the groundwater was terminated because of the reporting? **Staff Frye** responded correct. **0h22m**

**Commissioner Koenigshofer** asked if the groundwater became unavailable and the rain catchment isn't sufficient to operate, does the county have interest in knowing about that and would that change the circumstances of the way the county views the project if it had 1-acre foot less water per year? **Staff Frye** responded if there was not enough ground or rainwater to support the project, then they would not be able to operate at this point or they would have to reduce their canopy. **0h23m**

**Commissioner Ocana** asked if there's any restriction to trucking in water on this condition use permit? **Staff Frye** responded cannabis operations are not allowed to truck in water. **0h23m**

**Public Hearing Opened: 1:46 PM**

**Mr. Caston, Applicant Representative,** gave an overview of the project. **0h24m**

**Commissioner Ocana** asked about production on the property. She understands there's going to be a significant amount of space for production, could you clarify what that looks like? We all know there's a lot of changes going on in the cannabis industry, in supply versus demand, etc. Are we talking about producing, drying, and packaging dry flowers, are we talking about large oil production with excess flower? If you could just discuss what's anticipated as products to come from there? **Applicant** responded the agriculturally inclined processing part of the cannabis industry is not the same as the manufacturing type. So anything that would involve oil extraction or infusion, any of those types of activities are not a part of the licenses they have from the state or part of the application. **0h27m**

**Commissioner Ocana** asked she believes she heard the production facility is also able to accept product from neighboring farms? Is there any restriction about where those products come from? Is there a Sonoma County limit on that? **Applicant** responded, from a business stand point, part of that is to have a little bit of nimbleness for the business operations. 4 years ago when they were submitting the application, there was a vision and thought that there might be other nearby local smaller cultivators that may not have the ability to have processing. We wanted to keep that ability, should that type of growth in the industry flourish. The intent is not to have large amounts of cannabis come from outside of the area. Most of the facilities exist in the southern and coastal areas, we don't have that type of cultivation distribution here. **0h29m**

**Staff Acker** stated to follow up on that, centralized processing in the local area, we don't define that in the cannabis ordinance, but local area is defined in the General Plan basically as Sonoma County. The only other centralized processing facility we have is in Sonoma Valley on Highway

12, so this would be the only one in this half of the county and there is no limitation on who they can process for, but it would most likely be sites that are nearby. **0h30m**

**Commissioner Ocana** asked if there was an issue with receiving a certain amount of product from outside of the are that would increase traffic and essentially the county would be notified by complaint, correct? **Staff Acker** responded that is the way it would work at this point, yes. **0h31m**

**Commissioner Freeman** asked about the harvest period and normal operations. Could you define what kind of harvest period we're talking about? Is it every 6 weeks, what are the expectations? **Applicant** responded. **0h31m**

**Commissioner Koenigshofer** asked in the staff report description it states operations are permitted 24 hours a day, 7 days a week. Vendor deliveries and shipping would be limited to 8-5pm, Monday through Friday. In the proposal statement, the first page says the project will operate from 8am to 5pm with longer days from 7am to 7pm during the harvest. The only reference to 24 hours is that management would be on-call 24 hours, 7-days a week. The staff report hours of operation is inconsistent and significantly greater than the proposal statement. 24 hours a day, 7 days a week, as needed, or is it 8 to 5 with 7am to 7pm during harvest? **Staff Frye** responded it would be as needed. Generally, we'll add that to projects in case of emergency at some point, so it wouldn't result in violation. **0h31m**

**Commissioner Koenigshofer** stated he has a little trouble with "as needed", it could be as broad or not as we want. Is there any standard as to what "as needed" is? Isn't the proposal statement supposed to be baseline referred to for questions about interpreting a use permit? **Staff Emi Theriault** responded whatever hours or limitations or latitude is not in the conditions of approval is what would be enforced. **Staff Acker** responded in agreement and added she found the condition, it's condition 14. It because the code allows cultivation to occur 24 hours a day, meaning there are certain activities, just like you harvest grapes at night sometimes, they are allowed to occur 24 hours, as needed. Most of the operations don't happen at night, meaning the trip generation is generally based on regular hours. It's condition 14 which does specify that indoor, mixed-light or processing activities can occur 24 hours per day, 7 days a week, as needed. Although, generally the use will occur during daylight hours. Shipping and deliveries are limited specifically from 8am to 5pm. **0h34m**

**Commissioner Koenigshofer** asked indoor and mixed-light cultivation takes place in separate structures from processing activities. He gets that the plants would be growing 24 hours a day, 7 days a week. Adding in that 24 hours a day, 7 days a week says to him that the processing component in its own building is allowed to operate 24 hours a day, 7 days a week. Is that the intention? **Staff Acker** responded that's correct, but the intention is only for as needed activities. **Commissioner Koenigshofer** responded which isn't defined. **Staff Frye** responded correct. **0h35m**

**Commissioner Koenigshofer** asked so if they start processing in addition to their own product grown off-site, and they have a deadline to deliver processed product, would that be as needed? **Staff Acker** responded she would say yes. [0h36m](#)

**Commissioner Koenigshofer** stated he has a question about whether or not that level of expansiveness is intended or desired. [0h37m](#)

**Iris Patton**  
**Dr. Allen Kipperman**  
**Peter Alexander**

**Public Hearing Closed, and Commission discussion Opened: 2:08 PM**

**Commissioner McCaffery** stated one thing he wants to address is we're not talking about charging for water in this meeting, that's not a part of this. [0h46m](#)

**Commissioner Koenigshofer** asked to direct him to the condition that talks about egress-ingress? **Staff Acker** responded 101 is the intersections or roads and driveways. There's more than one condition but that's where they start. [0h47m](#)

**Commissioner Koenigshofer** asked the language addressing those two driveways, is it clear that those are the only two points of ingress and egress allowed? **Staff Acker** responded she doesn't believe so. Public Works just gave this condition that whichever driveways they use they have to meet standards. **Commissioner Koenigshofer** responded that's more a Public Works and Engineering thing. **Staff Acker** responded yes. [0h47m](#)

**Commissioner Koenigshofer** stated since the applicant said they're only going to use those two in the planning category of conditions, he wonders if we might want to include a condition that limits it to those two. [0h48m](#)

**Commissioner Gilardi** stated she remembers talking to the applicant on the property about driveways being used for fire access etc., so which driveways are required, she asked the applicant. **Applicant** responded. [0h48m](#)

**Commissioner Gilardi** stated so the other driveways would only be used in the event of an emergency? [0h49m](#)

**Commissioner Koenigshofer** stated since there's so much else going on with the property, his thought is if this permit is allowed to use those two driveways, it doesn't implicate agricultural uses of any other ingress/egress from the property or emergency use, not specific to this project application/use permit. By saying the two that staff recommends are the only 2 allowed for this project, it doesn't constrain the general use of other ingress/egress points for the remainder of the property but it does clarify for the purposes of the neighbor, even though it might require a permit or even a modification, it's a level of modification he thinks even the

planning director could approve. If we want to limit it and make sure that limit is in place, if the question was ever raised about this other driveway across from the house that it would be clear that it was considered and disallowed as part of this. That condition would allow, as proposed, this use permit ingress/egress to be used as requested. **0h49m**

**Commissioner Gilardi** asked to clarify that by conditioning them just to use the two, that that other driveway would be allowed for access for emergency vehicles? **Commissioner Koenigshofer** responded yes he thinks so. **Commissioner Gilardi** responded she would be okay with that. **0h50m**

**Commissioner Koenigshofer** stated the neighbors who spoke raised questions about rural residential and in the staff report there's references about rural residential, which he thinks could be somewhat confusing because it wasn't a reference to rural residential zoning or land use category, it was a reference to residential units on agricultural properties that are rural by nature. You probably want to be careful to say it some other way so it doesn't make people think there's a rural residential zoning in the area because he doesn't believe there is. So it's residential structures on agricultural parcels. He stated relative to zoning on the property, building out this portion of the property with buildings that were for the purpose of agricultural use other than cannabis would not require a use permit. You could in the zoning for an allowed use build structures like this in that location and it wouldn't require a new building permit. That's correct? In terms of visual impact for the house on the hill, the use permit component relates more to what's going on in the buildings. Buildings like these could be built there if they were horse barns, etc., just speaking to the point of visual impact. Looking down the hill and seeing buildings could happen absent the cannabis permit. **0h51m**

**Commissioner Koenigshofer** stated he has experienced and understands that sounds does travel. That and diffused light, will there be any aspect of the lighting of the operation, any light source that would be on that could create a diffused light glow, especially in an area like this where there's often fog? **Staff Frye** responded no, per the requirements of the cannabis permits, there will be a mixed-light greenhouse. Primarily the intent of that is to shield light from plants and not to add light to it. Per the cannabis ordinance, light would not be allowed to escape from that structure. **0h53m**

**Commissioner Koenigshofer** asked in terms of sound, can you talk about how the emergency generator, it's either there's a power outage or they have to do some electrical work and shut off the main power? That doesn't concern him that much, although is the emergency generator treated at all in terms of structure to try to minimize the transfer of sound. In any of the structures where there's growing taking place, do they have roof fans that operate? We talk about HVAC, he figures that's different than this building. There's no fan element to it? Are there fans on the roof or any other kind of low level sound that would be present in normal operations of this application? **Staff Frye** responded we can have the applicant talk about internal structure. **Applicant** responded for the A/C Units and this also applies to the emergency generator, they're both going to be shielded with dampening measures, they're not on rooftops but behind the buildings which uses the building as a buffer. It's also part of the

equipment selection process, so when they source the A/C and HVAC units they'll ensure the decibels are under the limit as well. **0h54m**

**Commissioner Koenigshofer** stated some years ago he was familiar with a mushroom growing operation where there were exhaust fans on the roof of the building. They weren't really loud but they were a constant source of sound that some people found disturbing because it was kind of a low grade hum all the time. Is there anything like that put in you project structures?

**Applicant** responded on the interior there will be fans that circulate air but they're interior. **0h57m**

**Commissioner Koenigshofer** asked with the commission's agreement if staff could fashion that ingress/egress language, those are the only two points before we move approval. **Staff Acker** responded she drafted something. "The two project driveways, approved as part of this use permit and shown on the project plans are the only driveways authorized for non-emergency use by the project." **Staff Theriault** responded rather than driveways let's call it ingress/egress access points. **0h58m**

**Commissioner McCaffery** stated he'd like to revisit something that maybe there's a little confusion about, condition 14. We talked about it before, can we go over it one more time, the hours of operation. **Staff Acker** responded indoor and mixed light cultivation and processing activities, it does include both, cultivation and processing activities are allowed to occur 24 hours per day, 7 days a week, as needed. Although general use will occur during daylight hours. The second half of that, which she doesn't think anyone was concerned about is "all vendor deliveries and shipping activities shall be limited from 8am to 5pm, Monday through Friday. **0h59m**

**Commissioner Koenigshofer** stated to him this allowed processing activities 24 hours a day, 7 days a week and there's no county derived definition of what limit, if any, there is on that, other than as needed. He doesn't know how that can be interpreted, it's very broad and is the sort of thing that generally speaking he likes to avoid in conditions because it can turn into a problematic issue of enforcement if all of a sudden there's 3 shifts and they're working during harvest or whatever, it's just a question he poses to the group. **1h00m**

**Commissioner McCaffery** stated he was trying to think of other agricultural things that happen that may need 24 hour attention, such as when you harvest and process grapes, you're kind of at the mercy of nature and that transitions from fruit to wine and it doesn't matter what time of day it is, you have to address that. In this case, all of this is taking place indoors, it seems like limiting the things that are more impactful to the neighbors would be deliveries and things like that from 8 to 5. Obviously the plants are going to keep growing at night and there might be an emergency you have to take care of if there's an infestation or something like that.

**Commissioner Koenigshofer** responded he agrees but in the context of the grapes its during harvest and as you point out that's a predictable period of time. It may not be precise in terms of which day it starts and ends. His issue is not with the cultivation it's with the processing activity. The permit allows bringing in product for processing and if you got 19 employees

engaged in process and 3 shifts going, which this will allow, at shift change, you could have 19 vehicles leaving and coming at 3 in the morning, people talking, playing the radio. It's a really open-ended thing. It's the sort of thing that's a big difference from the cultivation aspect and maybe there's 1 or 2 people needed around when they have some emergency come up, but processing activities when you have a permit that includes processing materials grown off-site, that seems pretty open-ended. **1h01m**

**Commissioner Gilardi** asked the applicant's statement indicated it would be 7 to 7 during those harvest periods and if she heard staff, they said 24 hours so that they would not incur violations if something were to come up. If we were to limit to 7 to 7 and something goes awry and they need to bring someone in to do repairs or whatever at 9 or 10 at night. Would that incur a violation or are emergencies built in to hours of operation? **County Counsel Kuteira** responded the county always has discretion to enforce or not enforce but technically it would be a violation of the use permit if there were people operating on site. If somebody was there because there was an emergency, she wouldn't generally consider that a normal operation. If they were there processing, the example that Commissioner Koenigshofer brought up, that they had a lot of product come in and were trying to get through it, then that would certainly be a violation. Whether the county enforced it or issued a violation would be by discretion. **1h03m**

**Commissioner McCaffery** stated well if that's considered a violation, it allows, in terms of approval, it is allowed. Maybe we could change this by striking and processing? **1h05m**

**Commissioner Ocana** stated concern about setting a precedent and singling out cannabis processing when her understanding is the general plan allows ag activities to be operating on a 24/7 basis. She thinks we're overly analyzing a cultivation activity that is highly structured. They make receive an excess of product and if the neighbors call the county, that's when they consideration over a 5-year renewal needs to come up, if it's happened over and over, but she would not be inclined to consider singling out cannabis or just this project for that. Not allowing the applicant to actually perform in a way where they can come back and present their renewal, we have to allow them some space to operate. If we're constantly going at these projects and singling out the ability to perform within the rules we set, that's creating a lot of extra work for staff. **1h05m**

**Commissioner Gilardi** stated she agrees with Commissioner Ocana. **1h07m**

**Commissioner Freeman** stated speaking of precedents, we already have one in Glen Ellen, and he asked staff if we're putting an additional level of concern on this project versus that project? Because we've already done this with agreed upon operational procedures. Would there be a reason to put something more restrictive on this? He asked do we know, is there something in that applicant's file that is similarly restrictive? **Staff Frye** responded she's pulling up the conditions. **1h07m**

**Commissioner Koenigshofer** stated cannabis is called out, that's why it requires a use permit. It's not treated by the Board of Supervisors in the ordinance as a regular agricultural crop, so

we're not calling it out, it's called out. Secondly, his point is that the language that is in the conditions is far broader than the applicant asked for and with this as needed phrase, it's ill-defined, so you're building in problematic circumstance if you want to try to enforce something. The idea that we need to double the amount of time that processing can take place beyond that which was proposed in the applicant's project proposal statement, he doesn't see it. It has nothing to do with cultivation, it's processing. To him if there's an issue about the potential for precedent, which he thinks staff and counsel would remind us, the nature of a use permit is that they don't set precedents for other applications. The whole point is it's specific to the particular property and parameters proposed by the applicant and weighed by the staff against general plan and zoning and then considered by us for discretionary parameters that are in the conditions. It isn't about growing or processing their stuff there, and from what the applicants said in the application, during harvest periods is a different standard than as needed, and it is self-defining, more like grapes, period of time during with 7am to 7pm. But he's talking about 7pm until 7am. That's the issue, he doesn't think it's picking on this project nor is it contravening the ordinance. 1h08m

**Commissioner Ocana** stated it sounds like the concern here are shift changes and increases in traffic at hours that would be onerous to the neighbors, so rather than change language that in her understanding appears across ag in Sonoma County, perhaps we had something that inclusive or exclusive of excess traffic due to shift changes. She would be open to something very specific that says look, this is what you told us you're going to do and we expect you to abide by that and if you go outside of that then this is what those parameters are concerned about. So, mainly traffic coming through, noise issues with car stereos, thinks like that. She sees where that concern is but being inside a closed structure that has already established noise, odor and light restrictions, with people working inside of there in a respectful manner, she doesn't see an issue with that. 1h10m

**Commissioner Gilardi** asked about the condition on the other project. **Staff Acker** responded it's the same condition. **Commissioner Koenigshofer** asked for clarification. **Staff Acker** responded the hours of operation condition, she looked up the other centralized processing facility and it has the same hours of operation, "cultivation and processing operations are allowed 24 hours per day, 7 days per week, as needed. Deliveries and shipping operations are limited to the hours of 8am to 5pm, Monday through Friday." 1h12m

**Commissioner Freeman** stated the reason he wanted to know what those were is because he thinks from a location perspective, it's highly more impacted by local residences and so he wanted that reference point in order to say are we doing something different here with this applicant than we would do in a situation that occurred previously. 1h12m

**Commissioner Koenigshofer** stated to that point, he doesn't have any testimony on that other site. He has no idea where it is, what it is, what the discussions were, what any of the input was. He's talking about this application, this site and that the applicant asked, during harvest, for 7am to 7pm. He doesn't understand the pressing purpose of going beyond what the applicant asked for. Unless what the staff is telling us, that as a general application of operating hours in

processing facilities, the staff is prepared to say, county or department policy is, 24/7, as needed. Is that was the staff position is? **Staff Acker** responded she's not speaking for the county as a whole, just to make that clear, but as far as she can recall on any projects she's familiar with, generally we only apply operation hours for retail and visitor serving uses and employees and that kind of gets to all of what has been talking about here. This site isn't open to the public so all of that visitor-serving, retail stuff goes away. We're talking about employee shift changes and we have never defined what as needed means before but just never imposed hours of you can't work overnight. It's always just been about when are people coming and going. If the commissioners would like to add something here about shift changes needed to occur during certain hours, she's sure we could come up with something. **1h13m**

**Commissioner Koenigshofer** stated he thinks there are all kinds of examples where use permits limit hours of operation. **Staff Acker** responded they do, but generally for those three things, employees, not the work itself but when the employees come and of course, customers. **1h14m**

**Staff Theriault** brought the Commission's attention to condition number 95. This is a condition related to noise and noise limitations. This might address some of the concerns, as Commissioner Ocana mentioned, the primary concern is noise and periodic noise that would happen associated with shift changes, so rather than creating another condition of approval we might be able to see if this is adequate to address the concern. This condition of approval has limitations on noise levels in dBA for daytime hours from 10pm to 7am and another level for 10pm to 7am and that's actually lesser during the evening hours. Would this be adequate or do you feel there's an expansion on this condition or another condition needed? **1h15m**

**Commissioner McCaffery** stated for him the thing he worries about is the shift change and the number of cars coming through either way, which isn't really helped by this table because the road is outside the property line, so the sound isn't coming from the property it's coming from the traffic. We offered we could keep the cultivation and change the processing but it's really the shift change that he's concerned about. Maybe it's a thing were instead of as needed we change that to during working hours? That way it makes it a little more tight. **1h16m**

**Commissioner Ocana** stated she thinks the concern is though if you're bringing in products from other cultivators, it's going to be outside of harvest because they're also harvesting unless we're also asking their associates to harvest at the exact same time this project is harvesting.

**Commissioner McCaffery** responded he thinks if you brought in the product for processing it's been harvested. **Commissioner Ocana** asked but when does that end if the harvest goes every quarter, for example, so maybe the 5<sup>th</sup> day of the quarter, are we saying they have to limit processing of any other product that's brought in to that 5<sup>th</sup> day? That's quite onerous as far as enforcement in order to determine when product is brought in and when it's supposed to be used. She understands the applicant asked for a 12 hour period and we have to allow the applicant to perform within that 12 hour period and if it becomes an issue then it needs to be enforced by the county and we have the structure to do that. **1h18m**

**Commissioner McCaffery** stated but according to the conditions of approval, it's not a violation to operate outside of it. **1h19m**

**Commissioner Gilardi** asked the applicant if he would be okay with sticking with the proposal statement and removing that 24 hours? If it's not a violation for an emergency, there's discretion and the applicant didn't ask for, maybe we could find out if they're okay with removing the 24 hours. **Applicant** responded. **1h19m**

**Commissioner Koenigshofer** stated he would support a condition that allowed the operation from 7am to 7pm year-round. **1h22m**

**Commissioner Gilardi** stated based on what was just described, she doesn't know she would agree with that. **Commissioner Koenigshofer** responded it's the processing part. This is a very rural area and nothing takes place there late at night, so it's a significant introduction to a level of activity that does not exist and it doesn't exist on any other agricultural elements in that area, except maybe milking cows but it's not a place where there are wineries. To him its regrettable that the two got merged into interpretation of impacts and implications. Cultivation clearly doesn't have any overnight impacts. Processing, he doesn't think it's probably likely that if they're processing something from another area, that they're going to be bringing stuff in in the middle of the night, you said they're not. He doesn't know what we're arguing about. 7am to 7pm gives them more operating time than 8 to 5 by 3 hours a day, under normal circumstances as proposed. He'll let it go but he won't support this with the condition the way it is, it may not be a concern for everybody else, but the distinction between this site and other sites, and he doesn't have any testimony about what site we're comparing this to, to him is an irrelevancy. Secondly, processing is the more intense element of the operation in his judgement, so you change that condition from 7am to 7pm operating hours and non of this includes an emergency. An emergency doesn't end up triggering a violation. It never does under any circumstances, show him once that code enforcement received a complaint that a fire truck came or that a pipe broke and they had a maintenance guy, it just doesn't happen. His concern is introducing processing activity, clearly based on what we're told, with the intent to grow on-site and be processed within 7am to 7pm. **1h22m**

**Commissioner Ocana** stated she's understanding where Commissioner Koenigshofer is coming from and thinks she understands the other commissioners. She made a motion to pass pursuant to the staff recommendation, inclusive of the ingress/egress language. **Commissioner Gilardi** seconded. **1h22m**

**Commissioner Gilardi** asked if we had limited 7 to 7 and in the scenario of what ifs, the applicant determines they may need once a year to have people coming in 24 hours, would they have to go through the whole us permit over again? **Staff Frye** responded yes, that would require a use permit modification. **1h26m**

**County Counsel Kuteira** stated if the person making a motion could clarify condition 15 has the wrong number of employees written but the right number, probably a change we could make administratively, but just for clarity and to make sure there isn't any discrepancy. **1h26m**

**Commissioner Ocana** revised her motion that we accept staff recommendation with modification to number 15, the typo 7 versus 19 that it should be allowed 19 employees per day, and that the additional language regarding the egress be added to the conditions. Seconded by **Commissioner Gilardi**. **1h27m**

**Modified Conditions of Approval**

Condition 15 -This use permit allows for a maximum of seven nineteen(19) employees onsite per day.

Condition 29 - The two project ingress/egress access points approved as part of this Use Permit and shown on project plans are the only driveways authorized for non-emergency use by the project.

**Action:** **Commissioner Ocaña** motioned to approve the project as recommended with modification to condition 15, that the number of employees be corrected to 19 total onsite per day, and that a new condition (condition 29) be added to clarify that the two ingress/egress access points proposed for the project are the only driveways authorized for non-emergency use. Seconded by **Commissioner Gilardi** and approved with a 4-1-0-0 vote. **1h26m**

Appeal Deadline: 10 days

Resolution No.: 24-0

**Vote:**

Commissioner Freeman	Aye
Commissioner Gilardi	Aye
Commissioner Ocana	Aye
Commissioner Koenigshofer	No
Commissioner McCaffery	Aye

Ayes: 4

Noes: 1

Absent: 0

Abstain: 0

**Hearing Closed: 2:48 PM**