



County of Sonoma
Permit & Resource Management Department

Sonoma County Board of Zoning Adjustments

MINUTES

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: April 11, 2019
Meeting No.: 19-05

ROLL CALL

Greg Carr
Larry Reed
Paula Cook
Cameron Mauritson
Pam Davis, Chair

STAFF MEMBERS

Milan Nevajda
Brian Millar
Crystal Acker
Arielle Kohn, Secretary
Jennifer Klein, Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Correspondence

Planning Commission/Board of Supervisors Actions

Public Appearances - Matt Lage, Joel Trachtenberg, Bill Lurtz, Maude Trachtenberg and Gary Genmano spoke in opposition of the proposed Springs Specific Plan being presented at an upcoming Planning Commission meeting. They voiced concerns regarding zoning changes, roadways, safety, traffic and parking impacts, emergency services access, sidewalks and 3-story, high-density apartments and spoke about the preservation of rural residential.

Michelle Miller, Forestville and Rosanne Schneider, Sebastopol, voiced concerns regarding public comments made on items not on an Agenda and the Brown Act.

Items scheduled on the agenda

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.: 1
Time: 1:20 PM
File: UPE17-0053
Applicant: Starr Holdings, LLC
Owner: Same as Applicant
Cont. from: February 14, 2019

Staff: Brian Millar
Env. Doc: Mitigated Negative Declaration

Proposal: Request for a (1) four-year phased Use Permit for a winery with a maximum annual production of 40,000 cases, public tours and four tasting rooms, and includes a total of 20 event days, and (2) the use of an existing vacation rental in association with on-site event activities. Phase I (1-2 years) includes conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room located in the barrel storage area); barrel storage room, offices, conference room, commercial kitchen and related areas, along with construction of a 2,500 square foot agricultural storage building. The 20 event days per year would consist of 8 agricultural promotional events, 4 industry wide events, and 8 private events featuring Bricoleur Vineyards' wine and other agricultural products, with event days varying in size from 100 to 200 guests. Phase I also includes use of an existing vacation rental unit with events. Phase II (1-4 years) includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members), offices, restrooms, wine production areas and storage, wine education and tour area (related to proposed tours of the production facilities, vineyards and olive orchards to project site visitors). The 1,140 square foot wine tasting room in Phase I would close and be used for barrel storage once the new winery building at Phase II is completed Total building area devoted to winery use would be approximately 33,716 square feet.

Location: 7390 Starr Road, Windsor

APN: 066-220-019

District: 4

Zoning: Diverse Agriculture (DA) B6 40 acre density, with combining zones of Floodway District (F1); Floodplain District (F2); Riparian Corridor District (RC) 50/50; Riparian Corridor District (RC) 100/50; Valley Oak Habitat (VOH); Scenic Resource (SR)

Commissioner Disclosures

Commissioner Carr, Reed, Mauritson and Davis drove by the project site. **Commissioner Mauritson** spoke with a neighbor. **Commissioner Davis** had a conversation with **Commissioner Carr** about the project.

Brian Millar summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners

Commissioner Carr asked where the vacation rental is located on the property. **Staff Millar** stated it is the larger residence on the property along the frontage of Starr Road.

Commissioner Carr asked if Transportation and Public Works is ok with the site distance because the site distance from the site to the corner seems short. **Staff Millar** stated there are no issues.

Commissioner Carr asked if the truck traffic hours are from 7am to 10pm and **Staff Millar** confirmed those are the correct hours. **Commissioner Carr** inquired why the hours go to 10pm. **Staff Millar** said the applicant gave a range of hours when truck traffic might be expected for this kind of use during different parts of the season and the other reason is adherence to the County Noise Standards under the General Plan as well as the Conditions of Approval. **Staff Millar** mentioned that the applicant may give further clarification when they give their comments to the Commissioners.

Commissioner Reed asked if the parking will be built with Phase I and there would be some pathways thru the equestrian barn. **Staff Millar** said for events to occur there does need to be parking on site. The parking space construction would have to be completed and that there are other pathways, walkways and driveways that lead across the project site.

Commissioner Davis asked what other residences are on site and what the other uses are happening there. **Staff Millar**, besides the large residence being used as a vacation rental, there is a building towards the front of the street which the Applicant refers to as a milk barn. Above the milk barn there is an Accessory Dwelling Unit (ADU) which is the subject for a separate permit.

Commissioner Davis referred to the Staff Report which mentions a retail store and for additional information regarding the store. **Staff Millar** clarified that there is potential for selling small amounts of prepackaged foods and olive oil, but they won't be any retail sales.

Commissioner Carr asked why the farm family Use Permit is being handled separately and not together. **Traci Tesconi, Project Review Division Manager**, said that an agricultural employee unit is related and reviewed in conjunction with the onsite vineyard. The onsite vineyard is a permitted use, the agricultural employee unit is a permitted use and not in association with the winery project and can be processed separately than under the winery application. The applications were submitted at different times.

Commissioner Davis asked if the adjacent parcel also owned by the Applicant is part of the project and **Staff Millar** clarified that the adjacent parcel is not part of the project.

Mark Hanson, Applicant, gave an overview of the project and spoke of the various upgrades made to the vineyard with the goal of adding more sustainability over time with a focus on energy efficiency to improve their carbon footprint. The Applicant planted 200 olive trees and 20-30 other trees, vegetable and flower gardens and have honeybees. They have a solar permit to help make their property as close to self-sufficient as possible. They use recycled water and no ground water is used. He pointed out where his neighbors live and talked about the future events to be held on the property to address any noise related issues.

Public Hearing Opened: 2:12 p.m.

Chris Landwehr, Windsor, stated he is a direct neighbor of the property and showed the Commissioners on a map where he lives. He is not opposed to the winery project but is concerned about the proposed 20 events a year.

Philip Nereo, Windsor, said the condition of Starr Road is terrible and that he is concerned about increased traffic and safety. He said it is a large project and would like to see the phases spaced out more over time to see any impacts the project may have. He mentioned four dwelling units on the property: The mansion, two residences for farm workers and the milk barn which was remodeled into a very nice-looking apartment-type structure with a deck that overlooks the vineyard which he thinks will be used during weddings for guests.

Whitney Hopkins, Healdsburg, is not opposed to the winery but noted the increased traffic and impacts to the road. She voiced concern about the number of events proposed and that they should be of a smaller scale, referring to the number of attendees. She said agricultural events, not events, should be the primary focus regarding events held at the winery.

Stephanie McConnell, Windsor, said the project is a terrible business plan especially when building in an area that is already impacted and that there is insufficient infrastructure on Starr Road and in the surrounding points of entry to provide stable access to the proposed permit's location. Industry investment is not a reliable source of compensation and the business in question could not feasibly make all the repairs and augmentations necessary on the road let alone maintain them. Rural road capacity is significantly lower than the proposed events schedule figure implies can be accommodated. We need sustainable infrastructure and safety for the residents.

Wendy Quinn, Windsor, decided to speak in support of the project or move to Costa Rica.

Randy Merian, Windsor, loves the area and stated that as a community, they need change to grow. He took a tour of the winery and was very impressed and thinks it would benefit the community. He said the community is going to lose good people if the project isn't approved. Mr. Merian encouraged others to accept change. He said it is a beautiful area and they should share it.

Mr. Hanson thanked the public for voicing their concerns and points of view. He acknowledged the terrible condition of Starr Road. He too would like to see improvements to the road and has asked the County and City what could be done as he is also a tax paying citizen. He understands the traffic concerns but does not think the incoming grapes will be an issue with trucking because there is little to no traffic on Starr Road at 7am on the weekdays. Mr. Hanson made mention of events and drinking. They encourage people to shuttle in to group events which will reduce their liability.

Public Hearing Closed: 2:30 p.m.

Changes to Draft Conditions

Project Description modified to indicate the Use Permit was approved for 16 event days per year instead of 20 (with the 16 event days consisting of 8 agricultural promotional event days (4 with a maximum of 150 guests, and 4 with a maximum of 200 guests), and indicate 8 industry wide event days instead of 4 (with a maximum of 100 guests on the site at any one time); and delete the last sentence of the Project Description that on days when events are held at the site, the vacation rental could only be rented to wine club members or event guests.

Modifications to Condition 67: Changed the Project Description on pg 1 of the Conditions to indicate the Use Permit was approved for 16 event days per year instead of 20 (with the 16 event days consisting of 8 agricultural promotional event days (4 with a maximum of 150 guests, and 4 with a maximum of 200 guests), and indicate 8 industry wide event days instead of 4 (with a maximum of 100 guests on the site at any one time); clarify no rental of the facility to third parties is permitted; and clarify the sentence at the end that on days when events are held at the site, the existing vacation rental unit approved under ZPE15-0806 may not be rented.

Modifications to Condition 75: Added a sentence at the end of the condition, "If determined by the County and property owner to be a legal option and if agreeable to the property owner, any future sale of the project site should include joint sale of the adjoining property under the same ownership (APN 066-220-019)."

Modify Condition 87 (Food Service Condition) to clarify in item d.i that the food sales area is limited in area to no more than 200 square feet.

Condition 88 added to specify that the days and hours for agricultural promotional events and industry wide events shall be subject to review and approval by an Events Coordinator or similar program established by the County or at the County's direction.

Action: **Commissioner Mauritson** motioned to approve the project as recommended with modified conditions. Seconded by **Commissioner Reed** and passed with a 3-2-0 vote.

Appeal Deadline: 10 calendar days

Resolution No.: 19-008

Vote:

| | |
|------------------------|-----|
| Commissioner Carr | No |
| Commissioner Reed | Aye |
| Commissioner Cook | Aye |
| Commissioner Mauritson | Aye |
| Commissioner Davis | No |

Ayes: 3
Noes: 2
Absent: 0
Abstain: 0

Item No.: 2

Time: 2:20 PM

File: UPC17-0020

Applicant: Petaluma Hills Farm, LLC, Samuel Magruder

Owner: Sonoma Hills Farm

Cont. from: N/A
Staff: Crystal Acker
Env. Doc: Proposed Mitigated Negative Declaration

Proposal: Request for a Use Permit for a commercial cannabis operation, including 8,096 square feet of mixed light cultivation, 2,880 square feet of indoor cultivation, and 28,560 square feet of outdoor cultivation, for a total proposed cultivation canopy area of 39, 536 square feet (less than 1 acre/43,560 square feet). Accessory operations requested include 4,080 square feet of indoor propagation (less than 25% of cultivation canopy area), and processing of site-grown cannabis, consisting of trimming, drying, curing, weighing, and packaging. Project operations are proposed in new and repurposed structures in the same portion of the 37.02-acre parcel where farm development currently exists.

Location: 334 Purvine Road, Petaluma

APN: 022-230-020

District: 2

Zoning: Land Extensive Agriculture 100-acre density (LEA B6 100), Accessory Dwelling Unit Exclusion (Z)

Crystal Acker summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners

Commissioner Carr asked for clarification on the map on the wall he saw during this tour showing a different organic gardening location than what was on Figure 2 on the Staff Report exhibit. It showed a different configuration. **Staff Acker** indicated that it changes slightly in size but should be in general area and that the applicant can address in more detail.

Commissioner Carr asked about the organic garden and whether it's allowed agricultural use on the property conferred rights to property owner to conduct events or tours of that organic garden. **Staff Acker** explained that before a cultivation permit is issued an applicant can apply for a special event permit on agricultural properties; however, while a garden could have special events, it would not be allowed once there is also a commercial cannabis operation on the site. **Commissioner Carr** asked whether that would be controlled by the Cannabis ordinance itself or if that was something that the cannabis permit approval would not grant the garden its own tours. **Staff Acker** clarified that the cannabis ordinance specifically prohibits public access and events associated with cannabis so they would basically lose that option by having a cannabis operation.

Commissioner Carr also asked for clarification about the state's requirement to have the green waste area enclosed and whether the green waste area would smell. **Chair Davis** asked for clarification as to whether the reference to "green waste" is compost. **Commissioner Carr** clarified that he was referring to anything that was not processed into the product. **Staff Acker** stated that the flowers (the terpene production) are the smelly part of the plant and that the flowers are not part of the green waste and that the odor is similar to regular compost. **Staff Acker** pointed out the compost area on the diagram and that it would be outdoors but inside the fenced area on the diagram.

Commissioner Carr asked about the status of the cattle operation. **Staff Acker** confirmed that it is a grazing contract with property owner and off-site cattle rancher and pointed out that there is a condition of approval that a primary ag use must be maintained though it does not necessary have to be a grazing contract.

Commissioner Carr stated that he did not get a chance to read the State Department of Agriculture letter ahead of time but it sounded from reading the letter from Fish & Wildlife that the intention suggested to him that the state is going to be using these environmental documents for their own permits and whether staff thought that to be the case. **Staff Acker** asked to defer the question to county counsel who had been more in communication with the state agencies. **County Counsel Kuteira** stated that the Department of Food & Agriculture will be issuing its own license which is a discretionary action so there will be a responsible agency relying on the MND which is why they are concerned about format and that it has particulars in there that do not change the substance of the analysis.

Commissioner Cook asked for clarification that this is a new application and not grandfathering any previous activities related to cultivation on this site. **Staff Acker** confirmed that this is a new application – not in penalty relief and not a current operation.

Commissioner Davis asked about events and activities with reference to the family residence on site and what happens in the instance of a family party. **Staff Acker** stated that the ordinance states that the event cannot be associated with the cannabis operation. **Commissioner Davis** asked about whether the residence was excluded from fencing. **Staff Acker** stated that the residence is not fenced in but that all the cannabis buildings are either alarmed or in fences. **Commissioner Mauritsen** asked whether the residence and garden could make part of the use permit so that we can avoid a loophole of having a party at the residence and have it be a marketing opportunity so that we can set some clear boundaries. **Staff Tesconi** clarified that both the residence and the organic farm are permitted uses under the current ag zoning so to tie them into this use permit provision would be inconsistent with general plan and zoning. It would be more appropriate to physically separate the residence and the organic farm by fencing and signage. **Commissioner Carr** stated that there was some indication in the staff materials of combining vegetables and CBD in various boxes and the relationship of these two products was the concern. **Staff Acker** confirmed that was a public comment that was submitted and not part of the application proposal and that she did not have any more information.

Public Comments

Paula Blaydes, Applicant's Representative. The project is compliant and consistent with general plan and that the 37 acre parcel is 3 times what is required in the ordinance. It is not in scenic corridor and the outdoor cannabis is double the setback that is required in the ordinances. Applicants have initiated neighbors early on and they are open to show and tell with the neighbors. Regarding security, there will be no guns or cash on site. It is closed to the public with authorized personal only and no guard tower. Outdoor lighting is by motion detector. Applicants have been meeting with sheriff to be proactive in planning security (read portion of Sheriff's letter dated March 28, 2019). Discussed water supply and had a full hydrogeological study done and the author of the study is available to answer questions. The odor control/management - Indoor close loop system. Daily inspections with a log kept and annual report submitted. If complaints are received, Permit Sonoma staff may bring this back to BZA for review for additional measures including use of engineered systems. Traffic – consultant report expects impacts to be minimal as there would only be 10 employees. Project meets or exceeds ordinances and project now has 112 conditions which is significant.

Sam Magruder, Applicant, Summarized the project and the various reports that have been conducted on the site. Water conservation is important and they have taken steps to mitigate. Introduced Lee Harvetz to summarize the environmental review of the well.

Lee Harvetz, Harvetz Environmental Services, Certified hydrogeologist, conducted hydrogeological assessment of the property and the project performed in accordance with WR2E of the Sonoma County General Plan and in accordance with Permit Sonoma procedures for groundwater analysis and hydrogeological reports and concluded that the amount of groundwater demand proposed for this site is sustainable based on the current and foreseeable future development within the cumulative impact area per May 1, 2018 Hydrological Assessment Report submitted to Permit Sonoma and other agencies and available for public review.

Sam Magruder, Applicant, reached out to neighbors in different capacities and welcome neighbors. Summarized how the garden has been used and that it was to be organic and sustainable and how the buildings would be re-purposed. Sustainability forward in project. Safety is important for neighbors and employees. There is no public access. No cash on site. No employee has unlimited access and must be pre-registered, including guests. Surpassed ordinance – guard on site. There will be 24-hour monitoring and fencing (3 layer approach). Discussed traffic and specific planning. Discussed opposition and distance from the project.

Gian-Paolo, Applicant, mentioned opened door policy with neighbors. Mentioned that at least 40 supporters present but have asked the speakers to limit it to five. Goal was to be a beacon for cultivation in Sonoma County. Reviewed the various professionals that have worked on the project and why he is passionate about the industry and how cannabis has helped family and friends through difficult illness. Looking to do the right project and feel this is extremely consistent with the ordinance.

Public Hearing Opened: 5:00 p.m.

Deborah Eppstein, Santa Rosa, in opposition. Referenced the Cannabis Ordinance and Zoning Ordinance as it pertains to setbacks and public nuisance. Cannabis does not belong where people live or in remote rural areas. There is no way to mitigate outdoor odor, traffic, crime.

Rachel Zierdt, Sebastopol, stated that neighborhood compatibility is non-existent, the behavior by the applicant has shown disregard for law, cannabis is not an agricultural product, Purvine Road is narrow not meant for traffic. Cannabis industry is not compatible with Ag industry.

Colleen Mahoney, Petaluma, voiced concerns about water. Concerned about cannabis industry impact on our security and children and their well-being.

Sharlene Stone, Santa Rosa, referred to a letter from a Purvine neighbor and compelling arguments about applicant's character. There was a large event with busloads of people at the site that that was on television. Concerned that applicant has a record of untruths.

Britt Jensen, Petaluma, is not against cannabis but feels that family and neighbors are county's experiment. Cannabis and crime go together. Security plan protects cannabis not the neighbors and questions whether this project will enhance the neighbors.

Autumn Garvisch, Petaluma, stated that her parents live on Purvine Road and that project will impact quality of our lives and neighbors. Concerned about the project being within 600 feet within a residence and that it will take 20 minutes to respond to emergency call per Sonoma County Sheriff (letter submitted to Commissioners). Would prefer an applicant that has fewer character flaws.

Ayn Garvisch, Petaluma, distributed materials to the commissioners and stated that Purvine Road is about families with children. Concerned about traffic and the condition of the road. Concerned about the applicant's character and the violations of ordinance. Concerned about the events that have taken place.

Forrest Condit, Petaluma, voiced concerns about security and 20 minute response time. There has been 8 marijuana related homicides and home invasions in the past four years. Concerned about neighborhood and concerned about a case of mistaken identity.

Kevin Block, Napa, Attorney for No Pot on Purvine, stated that cannabis is not just another land use. Odor and crime is a problem and will be a problem. The neighbors will be less safe with this project than they are without it. We don't know who will be victimized but statistically there will be victims. I have not seen the security plan or the security best practices because it is kept secret.

Sangay Bagai, Petaluma (cede time to Kevin Block) Went on to state that the importance of the lawsuit is that the judge found a public nuisance and that the applicants were not just violating some law but they were violating the cannabis ordinance and the state cannabis law. There is a misconception on the part of the county with the neighborhood compatibility test.

Kristen Decker, does not live in Purvine but spoke about experience with a mixed grow near her house and has concerns about the smell that is not addressed in ordinance. Fog and wind make it more unbearable and Petaluma is full of fog and wind. Concerned about 24/7 operation - no way to know if it is an employee or home invader. Concerned about applicant's character. Concerned about security - the cameras protect the growers not the neighbors.

Shivawn Brady, Guerneville, stated that this is the most heavily regulated crop and subject to inspection at any time. No record of any crime at any licensed facility. This is a proposal for less than one acre of farming and urge approval.

Anna Ransome, Graton, voiced concerned about violations, illegal development and bad behavior of applicant. Concerned that the way this permit is approved will set precedent for future permits. Troubled that public comment is how neighborhood compatibility is determined. Has placed burden of impact on public of a new and untested process.

Sherry Madrone, Cazadero, concerned about security. Has experienced two home invasions. Does not feel safe. Does not understand the temporary nature of the permits.

Michael Brook, Petaluma, spoke on behalf of George McClelland and McClelland's Dairy. Refers to George McClelland's letter that addresses water issue that has been going on for some time. Concerned about disconnect with the hydrogeological work that is being done and the historical evidence about lack of water.

Debra Tsouprake, Santa Rosa, stated that she is in full support of the project and am here to read for Walter Collins, the neighbor who shares property line on the property with the project site, in support of the project.

Bill Krawetz, Sebastopol, concerned about what the applicant is doing will impact other neighbors outside of their property line. This operation and the number of employees with 24/7 operation that is going to have a negative impact on the neighbors.

Alexa Wall, stated that applicant has been engaged in community and waiting a long time for this permit. Further stated that we need to remember why we regulated cannabis in the first place and look at our roots in agricultural. Make decisions based on facts not fear.

Helena Westlake, Petaluma, lives at end of Purvine in a home that husband's family has owned since 1858. Has listened to our neighbors and then went to meet with the applicants and learned more. Project looks logical. Is more worried about illegal operations. As far as the odor complaints, we have had a duck farm and a dairy farm on Purvine Road for years.

Julie Mercer Ingram, Petaluma stated that the project meets and exceeds the requirements. State law covers many of the concerns addressed. This is about land use and feasibility and the smear tactics against the applicant is unfortunate. The state reviews background checks very carefully and will not license an operator that is not qualified because of criminal background.

Craig Harrison, Santa Rosa, concerned about the detrimental impact that the project will have on the neighborhood. It is lamentable that there was no analysis of the lawsuit in the report. Concerned about PRMD's ability to enforce the ordinance based on past experience.

Drew Buechley, Petaluma, has lived in Two Rock Valley for 11 years with family. Voted for Prop 64 and has friends that smoke and grow. This ordinance has been a wedge and a dividing factor in community. Concern about safety and water. The SIGMA list where Wilson Grove is and where this site is just got moved to medium. Moving an industrial looking complex building is a concern. Lives where he does for the peace and quiet and this will have a significant impact.

Joanna Cedar, Sebastopol, has been a West County resident for 30 years. Applicants have gone above and beyond to meet the requirements of an extraordinary restrictive cultivation ordinance in Sonoma County and are prepared to meet the requirements of the 17 state agencies that have authority over cultivation in California. Those opposed to this project have resorted to personal attacks on applicant. This is a breach of public decorum and now how we treat our neighbors.

Erich Pearson, San Francisco, owns a cannabis company in Sonoma County. Visited the property. It is a small project compared to many jurisdictions in California that are permitting 40 acres of cannabis cultivation at a time. The applicant has exceeded requirements to address the four points of concern (water, odor, security, traffic) and I support this project as proposed.

Edward Breslin, stated that as a co-chair of a cannabis apprenticeship program, sees the potential to organize over 400,000 workers over the next 10 years. As a Latino it is important that we see the diversity in this industry. He supports the permit.

David Drips, Petaluma, is a neighbor on Purvine. Stated that most neighbors have large acreage and that lot sizes and setbacks provides plenty of security. Home invasions are not a concern due to distance between the site and the neighboring houses.

Stacy DeShazo, Santa Rosa, stated that her company prepared the cultural resource study for the applicant's proposal. Has worked on over 500 projects in Sonoma County and have worked with various entities and the applicant has been very supportive and open to mitigations. Sam has allowed additional steps that are above and beyond to capture the history of the land.

Phoebe Lang, Petaluma, lives just down the road. Reviewed a visual of surrounding parcels that object to project. Not opposed to cannabis and understand that County of Sonoma wants it as a local economy and that there is a struggle to find proper locations to house cannabis. If the project is approved, suggests incorporating the conditions of approval that have been submitted to all the planning commissioners.

Jeff Levenstan, Petaluma, lives on Purvine. Not against cannabis but against the location and concerned about impact on location. This project would diminish life on Purvine Road. Suggest finding a more suitable location that is less residential.

Paul Decker, Petaluma, lives on Lakeville Highway. Shared experience living near cannabis operation. There was an orchid farm near house that was turned into a cannabis operation. Lived in neighborhood for 30 years and had to resort to guns because of safety issues that required calls to sheriff and PRMD to eventually shut down the project because of violations.

Sam Magruder, Applicant, thanked everyone for the public comments and appreciates the respectful dialogue. Stated that the project meets or exceeds the ordinance and asked for approval.

Additional Public Comment via email:

Deputy Director Nevajda read one email that was received from **Drew Buechley**, clarifying earlier comment made during the hearing regarding the site and the SGMA (Sustainable Groundwater Management Area) scale for water, clarifying that he believes that 334 Purvine is in Wilson Grove and Wilson Grove just moved to medium which puts it on the map for the county and the board.

Public Hearing Closed: 7:02 p.m.

Commissioner Reed stated that this the first outdoor grow in the rural areas. Has reviewed all the documentation, Mitigated Negative Declaration, etc., and generally supports the project. Struggle has been with adding non-ag product into Ag zone. Would like to see more robust visual analysis and some resolution how we mitigate those visual impacts, including reduce amount of fencing. Would also like to see a plan on a more robust analysis of the odor.

Commissioner Davis asked for clarification on timing of robust analysis regarding fencing and odor.

Commissioner Reed stated that his understanding of ordinance is that this will go to Design Review and the applicant could provide more of a plan to submit to Design Review than what has been presented. With regard to the odor, the neighbors have a reasonable expectation of what is being done to mitigate odors.

Commissioner Mauritson stated that he would like to see some of the conditions of approval that the neighbors submitted (particularly Condition 5 and 9) be considered. Does not see a way to mitigate odor outside due to prevailing winds and pressure variables.

Commissioner Cook stated that commissioners look at applications and have an understanding of the rules, regulations, and the ordinance and then make best efforts to work within framework given. Stated that she had not been lobbied for this project. Questioned the importance of the chicken coop footprint and whether the project could have been located in the middle of the property and considered the neighborhood impacts more creatively. Understands that many decisions are made prior to being submitted. What has not been underscored is that having a business operation use means other compliance and oversight requirements such as state regulations. This gives the project more teeth and that is critical piece in decision making process. Short of modifications, ready to support this application.

Commissioner Carr stated that the ordinance did not go far enough to address compatibility. Odor is a bugaboo but wants to see cannabis operations succeed. Possibly consider doing a 5 year permit on the indoor

and do a shorter permit on the outdoor. Would like to see cut back on hours of operation. Wants clarity that organic garden is devoid of tours. Would like to see annual well monitoring. Would like to consider some of the conditions that the neighbors have proposed and acknowledges that some of those may be covered by the state. The current odor control plan does not address outdoor odor. Suggested research on methods to look at odor as permits come forward.

Commissioner Cook commented that she would be supportive of a one-year review.

Commissioner Davis stated that a one or two year period on the outdoor grow would be a reasonable solution. Would like to address that there be no parking on the roadway and an understanding by the applicant that the fence be maintained so that it is not a nuisance and visual blight with the neighbors. Would like clarity about what an agricultural use in the event that the cattle grazing is replaced so that the applicant is able to stay in compliance. Supports the well-monitoring. Flexible about the reporting requirement as long as it is clear. Neighbors need a 24-hour contact and the neighbors should be respectful. This covers items 5, 8, 9, 17 on the No Pot On Purvine list provided by neighbors.

Commissioner Carr commented that the neighbors did not like the fence.

Commissioner Reed stated that his comment was suggesting a mitigation plan.

Commissioner Davis suggested that neighbors get together and agree on the fence rather than take it to Design Review.

Commissioner Reed stated that his comment on Design Review is that the plan is not clear and if there could be some clarity and they should be looking into introducing landscape to mitigate the view.

Commissioner Davis asked for confirmation that whether the reference is as fence line or outdoor grow.

Commissioner Reed confirmed that he is speaking to both - fence line and outdoor grow.

Sam Magruder, Applicant stated that he would work with neighbors and put a different type of fence row or hedge row and also requested a 2-year permit allow time to gather data on odor.

Commissioner Mauritson stated that the ordinance is in place and that he does not support shortening the time on the outdoor and that odor is always going to be in an issue in the rural parts of the county.

Deputy Director Nevajda presented revised text to the draft resolution and read the text aloud to the commissioners and summarized that the revision was bolstering mitigation measures based on comments to expand that an additional survey be conducted during construction.

A motion to approve, was made by **Commissioner Reed** and seconded by **Commissioner Cook**, after discussion, as follows:

Board accepted changes from staff's memo presented by staff at hearing.

Board adopted the Mitigated Negative Declaration, as revised.

Modification to Draft Conditions:

Add condition to limit out door permit to two years (#3, No Pot on Purvine)

Add condition that parking is prohibited on Purvine Road (#5, No Pot on Purvine)

Add condition that no farmstays or vacation rentals are allowed (#8, No Pot on Purvine)

Add condition that no tents, yurts or temporary structures are allowed (#9, No Pot on Purvine)

Add condition that requires on-site manager (#17, No Pot on Purvine)

Action: **Commissioner Reed** motioned to approve the project as recommended with modified conditions. Seconded by **Commissioner Cook** and passed with a 5-0-0 vote.

Appeal Deadline: 10 calendar days

Resolution No.: 19-009

Sonoma County Board of Zoning Adjustments Minutes

Date: April 11, 2019

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Vote:

| | |
|------------------------|-----|
| Commissioner Carr | Aye |
| Commissioner Reed | Aye |
| Commissioner Cook | Aye |
| Commissioner Mauritson | Aye |
| Commissioner Davis | Aye |

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Meeting opened for public appearances for items not on the agenda. No speakers present.

Public Hearing Closed: 8:19 p.m.