

# Board of Supervisors

September 30, 2019

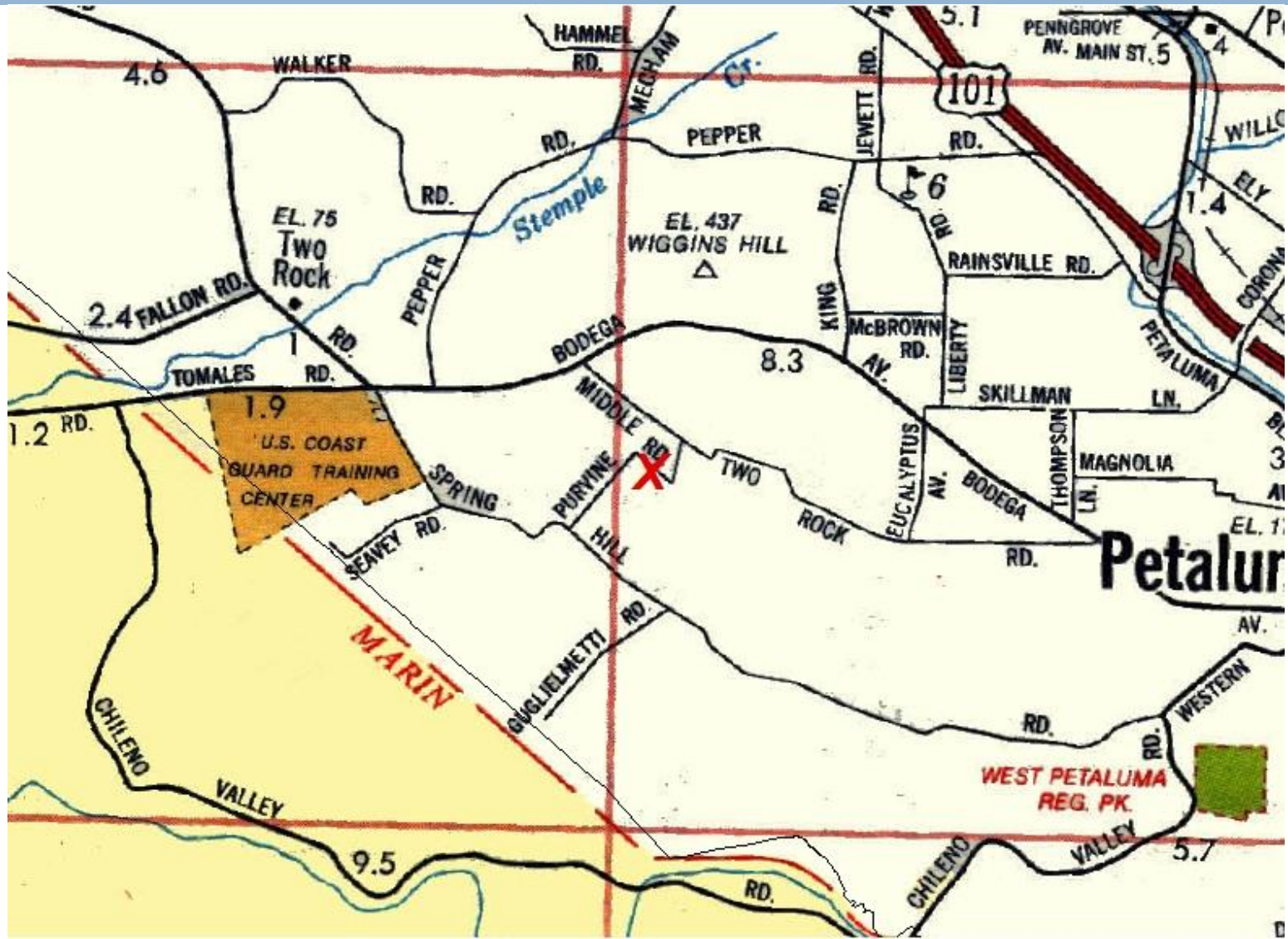
## Appeal of Cannabis Cultivation – Mixed Light, Indoor & Outdoor

334 Purvine Road, Petaluma

UPC17-0020, Use Permit

Crystal Acker





# Land Use Map



## General Plan Land Use

- Land Use by Area
- Land Extensive Agriculture

## Base Map Data

- Parcel
- Street
- Intermittent Stream

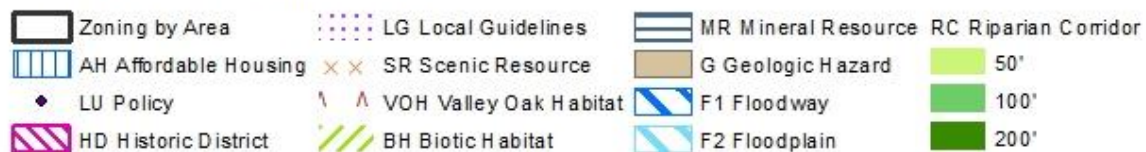


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# Zoning Map



## Zoning and Combining Districts



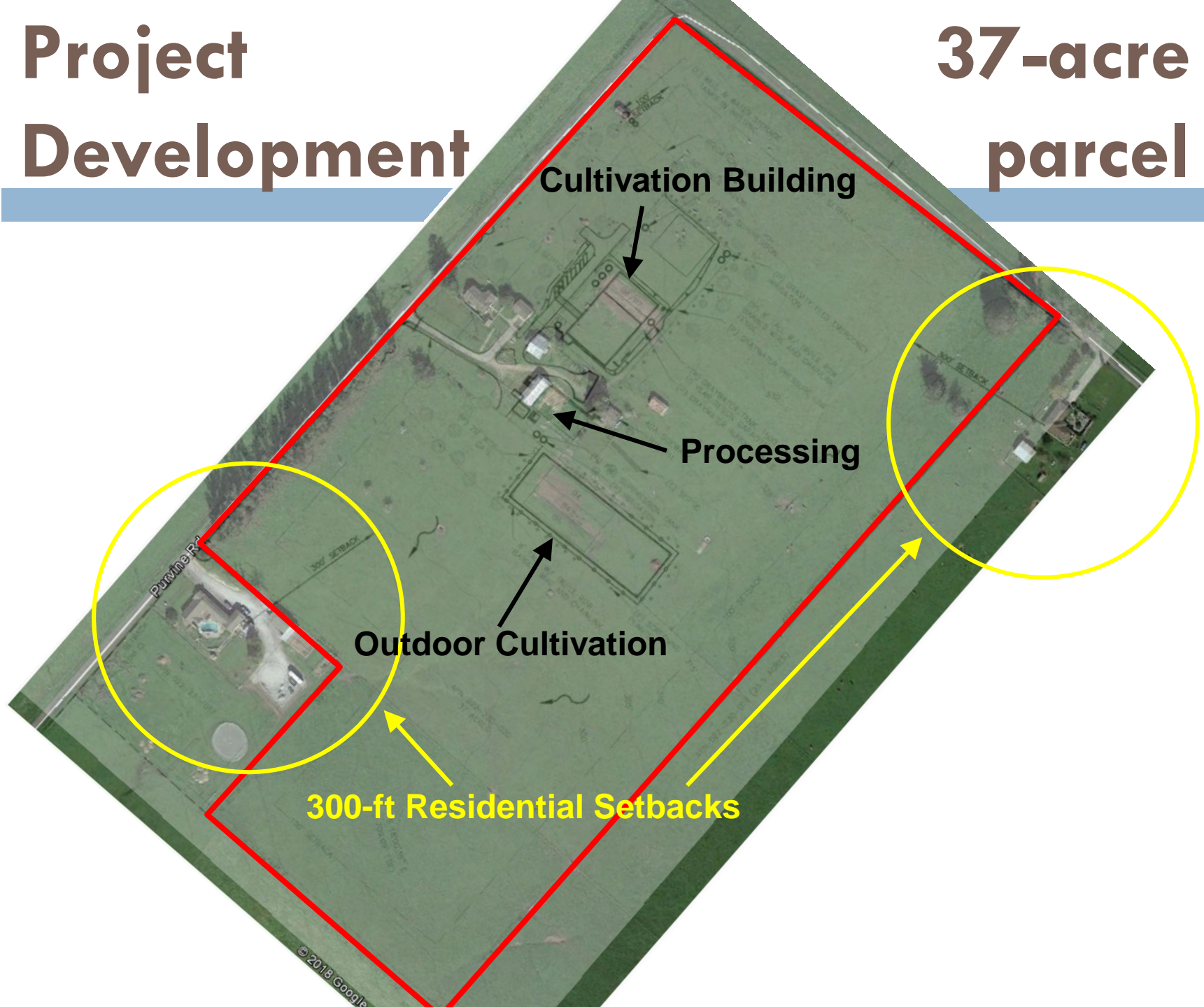


# Surrounding Land Uses



# Project Development

37-acre  
parcel





# Project Development



# Project Proposal

- Mixed Light Cultivation (8,096 sq ft)
- Indoor Cultivation (2,880 sq ft)
- Outdoor Cultivation (28,560 sq ft)
- Total Cultivation = 39,536 sq ft  
( $<43,560/1$  acre)
- Propagation (4,080 sq ft)
- On-Site Processing of Site-Grown Plants



# BZA Hearing – Action Taken

April 11, 2019

- Mitigated Negative Declaration Adopted
- Use Permit Approved 5-0-0 w' Conditions
  - ▣ 5 Conditions added to address public concerns
    - #12 No transient occupancy
    - #13 No temporary occupancy structures
    - #14 Require on-site manager/provide contact info
    - #15 No on-street parking
    - #17 Require two-year review of outdoor cultivation

# BZA Decision Appealed

April 19, 2019

- Consistency with General Plan
  - ▣ Policy AR-4a/Maintain a primary Ag use
- Neighborhood Compatibility
  - ▣ Alleged Violations/Personal Character
  - ▣ Odor associated with outdoor cultivation
  - ▣ Public Safety/Site Security Plan
  - ▣ Special Events/Public Access

# GP Consistency - Agricultural Use

- General Plan Purpose and Definition for Land Extensive Agricultural Areas is to establish and maintain densities and parcel sizes that are conducive to continued agricultural production
- ✓ Existing development density (100-acre density) and parcel size (37 acres) will remain unchanged



# GP Consistency - Agricultural Use

- General Plan Policy AR-4a states that the primary parcel use in LEA shall be agricultural
- No definition for “Primary Ag Use”
- Requires evaluation and balancing of multiple factors:
  - ▣ Relative acreage
  - ▣ Income derived from all land uses
  - ▣ Compatibility w surrounding Ag uses

# GP Consistency - Agricultural Use Acreage

- The proposed cannabis operation totals ~2.7 acres:
  - ▣ 0.44 acre of new/replacement buildings
  - ▣ 0.07 acre of existing repurposed buildings
  - ▣ 0.66 acre of outdoor cultivation
  - ▣ 0.12 acre of new hardscape
  - ▣ 1.44 acres inside security fences
- Currently 25 acres leased for grazing & 1 acre leased to organic garden
- Existing agricultural uses total 26 acres (70%) of 37-acre parcel

# GP Consistency - Agricultural Use

## Income

- Livestock grazing on parcel 10+ years
- Income from cannabis will likely exceed income from agricultural uses on the property
- Common for Ag properties to derive income from multiple uses where such uses are compatible
  - ▣ Telecommunication towers
  - ▣ Non-agricultural home occupations
  - ▣ Visitor-serving uses such as vacation rentals & farmstays
- No requirement that agricultural uses generate majority income



# GP Consistency - Agricultural Use

## Agricultural Character of Land

- 2.7-acre cannabis operation located in interior of parcel where existing development occurs
- Remainder of parcel maintained as open land
- Structures/equipment common to agriculture
  - ▣ Residence
  - ▣ Barns, outbuildings, greenhouse
  - ▣ Water tanks
  - ▣ Planted crops and landscaping
  - ▣ Tractors, irrigation systems
  - ▣ Could support future non-cannabis agricultural uses

# GP Consistency - Agricultural Use

## Conclusion

- Primary Agricultural use is maintained
  - ▣ Development density & parcel size unchanged
  - ▣ Cattle grazing (25 acres) and organic garden (1 acre) to continue (70% of 37-acre parcel)
  - ▣ Cannabis income supports ongoing agricultural uses
  - ▣ Land will continue to look “agricultural”
  - ▣ Greenhouse could support future non-cannabis Ag use
- Project does not conflict with existing or future agricultural uses on-site or in surrounding area

# Neighborhood Compatibility – Alleged Violations

- ❑ No Penalty Relief; no commercial cannabis being grown
- ❑ No open violations on the parcel
- ❑ No past violations for cannabis cultivation or events
- ❑ Building code violation for unpermitted framing and electrical work inside a barn- case closed



# Neighborhood Compatibility – Odor

- Ordinance requires indoor odor filtration/ventilation
  - ✓ Closed loop system in cultivation/processing buildings
- Ordinance addresses outdoor odor through minimum parcel size and setback requirements
  - ✓ 37-acre parcel ( 10 acres required)
  - ✓ Nearest dwelling to east ~850 feet (300 ft required)
  - ✓ Nearest dwelling to west ~620 feet (300 ft required)
- Additional controls proposed
  - ▣ Odor Control Plan – Monitoring (COA #24)
  - ▣ Windbreak planting
  - ▣ Two-Year Review (COA #17)

# Neighborhood Compatibility – Site Security/Public Safety

- Ordinance requires security fencing, cameras, lighting, and alarms as part of Site Security Plan
  - ✓ Plan meets ordinance requirements
- Includes additional measures:
  - ▣ Security gate check-in required for all persons entering site
  - ▣ 24-hour security personnel on-site
  - ▣ Specific key card security clearance by area
  - ▣ Training program
  - ▣ Supported by County Sheriff's Office

# Neighborhood Compatibility – Special Events/Public Access

- Ordinance prohibits public access, tasting & promotional events related to cannabis
  
- 4 Conditions added to address public concerns
  - #12 No transient occupancy
  - #13 No temporary occupancy structures
  - #15 No on-street parking



# Neighborhood Compatibility – Conclusion

- ❑ Residential setbacks exceed requirements
- ❑ Scale and design of the operation similar to existing & compatible w surrounding area
- ❑ Odor control & management exceeds requirements
- ❑ Security exceeds requirements; endorsed by County Sheriff
- ❑ Public access & special events prohibited
- ❑ Condition added to address public concerns
  - #14 Require on-site manager/provide contact info

# Environmental Determination

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- CEQA environmental review determined all potential impacts can be mitigated to LTS level
- Appeal did not raise any challenges to the CEQA determination or mitigation

# Staff Recommendation

- Recommend the BOS deny the appeal and uphold the BZA Use Permit approval
  
- OPTIONS:
  - ▣ Deny the appeal and uphold the BZA decision with revised conditions
  - ▣ Continue the project to a future hearing date with direction on additional information or project adjustments to be provided
  - ▣ Uphold the appeal and deny the project with justification for denial (staff to return w amended resolution for final action)

# End of Presentation: Extra Reference Slides



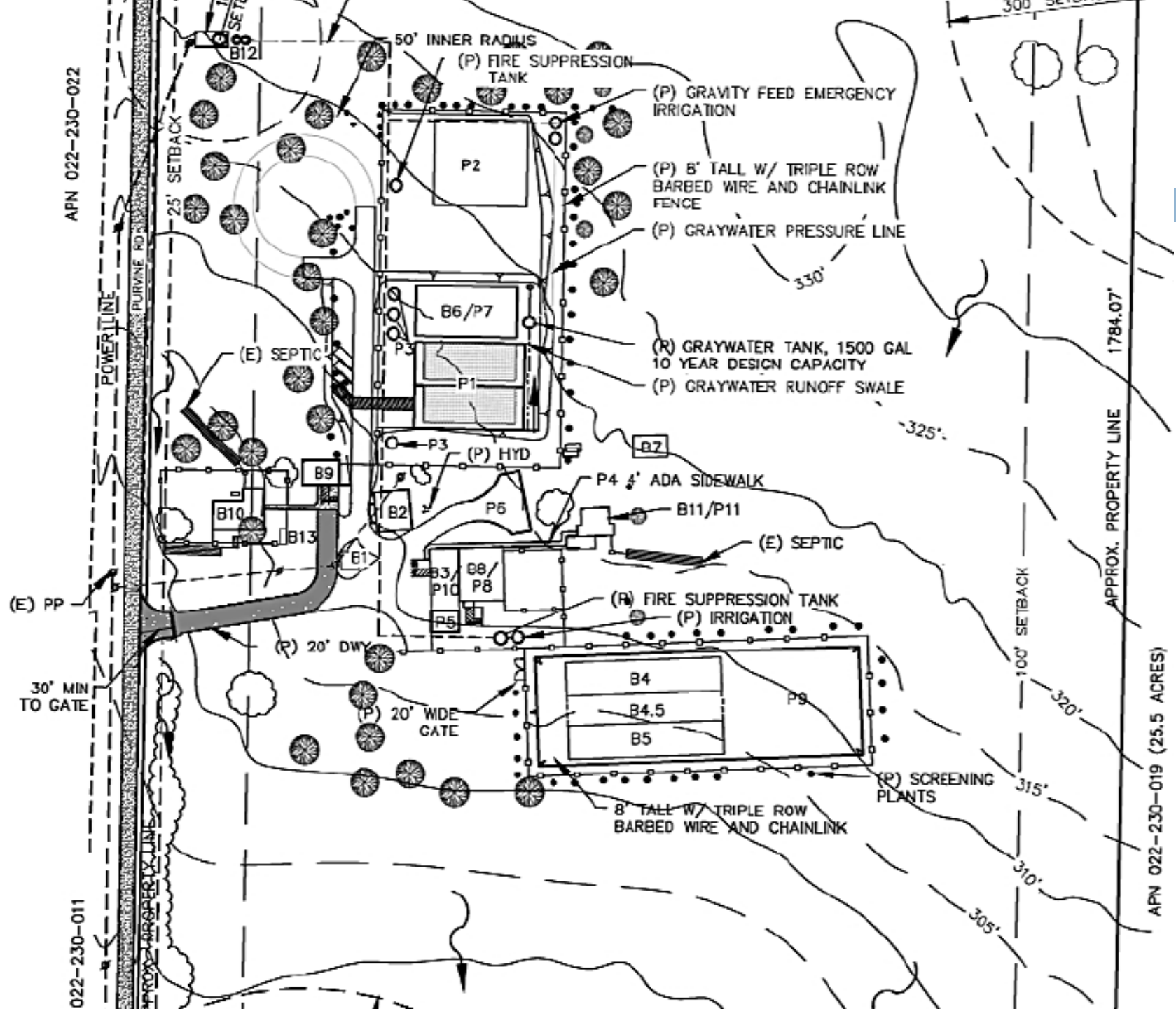


(P) GRAVITY FEED EMERGENCY



APN 022-230-022

022-230-011



APN 022-230-019 (25.5 ACRES)



# Existing Development





# Existing Development

