



## Legislation Details (With Text)

**File #:** 2022-0724  
**Type:** Regular Calendar Item      **Status:** Passed  
**File created:** 6/21/2022      **In control:** Permit and Resource Management  
**On agenda:** 10/18/2022      **Final action:** 10/18/2022  
**Title:** 2:15 PM -Terra Luna Farms, LLC 1-acre cannabis outdoor cultivation at 12201 Highway 12, Glen Ellen. UPC17-0048  
**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. Summary Report.pdf, 2. Att 1 Board of Supervisors Resolution.docm, 3. Att 2 Exhibit A of the Resolution - Draft Conditions of Approval and Mitigation Monitoring Program.pdf, 4. Att 3 Vicinity Map.pdf, 5. Att 4 Aerial Maps.pdf, 6. Att 5 Land Use Map.pdf, 7. Att 6 Zoning Map.pdf, 8. Att 7 Proposal Statement and Operating Plan.pdf, 9. Att 8 Site Plan and Drawings.pdf, 10. Att 9 Revised Groundwater Availability Evaluation 06-28-2019; 10-17- 2019; 12-17- 2021.pdf, 11. Att 10 Sonoma Valley Citizens Advisory Commission Meeting Minutes 01-22-2020.pdf, 12. Att 11 Draft Mitigated Negative Declaration.pdf, 13. Att 12 Public comment received prior to 9-9-22.pdf, 14. Att 13 Staff Powerpoint BOS.pdf, 15. Att 14 Applicant Presentation.pdf

Date	Ver.	Action By	Action	Result
10/18/2022	1	Board of Supervisors	Approved as recommended	Pass

**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Permit Sonoma  
**Staff Name and Phone Number:** Ken Compton, Planner I (707) 565-2829  
**Vote Requirement:** Majority  
**Supervisory District(s):** First

**Title:**

**2:15 PM** -Terra Luna Farms, LLC 1-acre cannabis outdoor cultivation at 12201 Highway 12, Glen Ellen. UPC17-0048

**Recommended Action:**

Conduct a public hearing to exercise original jurisdiction over application and adopt a Resolution adopting a Mitigated Negative Declaration and approving a commercial cannabis use permit to allow 43,560 square feet of outdoor cultivation, 10,890 square feet of propagation. (First District)

**Executive Summary:**

The project proposes commercial cannabis cultivation consisting of 43,560 square feet of outdoor cultivation and 10,890 square feet of outdoor propagation. The operation would occur on a 2.2-acre leased portion of a 158.85-acre parcel zoned Land Intensive Agriculture. The project is included in the list of cannabis applications authorized for consideration under original jurisdiction following the Board's decision of December 17, 2019 and is also currently operating under the Penalty Relief Program.

Staff recommends approval of the project because it is consistent with the General Plan policies to support ongoing agricultural activities and would conserve the majority of the site for future agriculture use. The project is an allowed conditional use in the Land Intensive Agriculture Zoning District. The project as

conditioned complies with all development criteria of the Sonoma County Cannabis Ordinance and will meet all operating standards. The design, location, size, and operating characteristics of the proposed project are compatible with the agricultural zoning and surrounding land uses because the project is setback between 475 feet and 1,700 feet from adjacent residences, dense vegetation surrounding the 2.2-acre project site screens the proposed used, and there would be no new structures or increase in parcel density.

**Discussion:**

**BACKGROUND**

Regulations

In October 2015, the Governor signed three bills into law collectively known as the Medical Cannabis Regulations and Safety Act establishing the State's first licensing system for commercial medical cannabis activity.

In November 2016, California voters approved Proposition 64, legalizing the adult use and possession of cannabis.

On December 20, 2016, the Sonoma County Board of Supervisors adopted the Cannabis Ordinance (No. 6189) to establish a comprehensive local program to permit and regulate medical cannabis to align with State Regulations. The ordinance was intended to preserve environmental resources, protect the health and safety of communities, and ensure the industry contributes positively to the economic vitality of the County.

In June 2017, the Governor signed a bill creating a single regulatory scheme for both medical and adult use cannabis businesses.

On October 16, 2018, the Sonoma County Board of Supervisors adopted an amendment to the Cannabis Ordinance (No. 6245), extending the maximum term of cannabis use permit from one year to five years, authorizing adult use in addition to medical with a use permit, increasing minimum parcel size to 10 acres in agricultural and resource zones, allowing non-flowering propagation up to 25% of the permitted cultivation area with a use permit, and clarifying a number of additional items, such as setbacks and definitions.

On December 17, 2019, the Board approved the Cannabis Ad Hoc Committee's request for the Board of Supervisors to exercise original jurisdiction over nineteen permit applications, including the proposed project.

Application Processing

On March 5, 2015, the property owners submitted an application for a Lot Line Adjustment that adjusted the property lines of APN 053-130-009 (the parcel abutting Highway 12), APN 053-110-001 (adjacent parcel part of UPC19-0002), APN 053-100-015 (the parcel that absorbs the northern area of APN 053-130-009) and APN 053-040-008 (the northernmost parcel that absorbed the northeastern corner of APN 053-100-015). This was approved on November 19, 2015, but granted an extension due to the Nuns Canyon Fire. A record of survey was submitted to the County on March 27, 2019. The project site is now on new APN 053-100-016, which is 158.85 acres in size.

On August 24, 2017, the applicant submitted an application for 43,560 square feet of outdoor cannabis cultivation under the penalty relief program and remains in good standing.

On August 30, 2017, a Use Permit application was submitted to legalize 43,560 square feet of outdoor cultivation.

On May 22, 2018, the applicant submitted a revised application package to reflect proposal changes due to damages from the 2017 Nuns Canyon fire. The main change included the relocation of the outdoor cultivation site on the same parcel, roughly at the same distance from the front property line and about 200 feet to the north.

On September 14, 2018, Permit Sonoma staff performed an initial site inspection.

On November 12, 2018, the application was amended to request up to 10,890 square feet of outdoor propagation and vegetative area within temporary hoop house structures within the project's secured fenced area.

On December 17, 2021, the application was deemed complete for processing.

On June 20, 2022, the application was amended to establish Terra Luna Farms LLC as the project applicant and J. Erich Pearson as operator.

On September 9, 2022, Permit Sonoma sent notification of the October 18, 2022, hearing date and availability of the Mitigated Negative Declaration to neighboring properties within 1,000 feet of the parcel boundaries, and to all members of the public who had previously requested notice as an "interested party."

On September 9, 2022, a draft Initial Study/Mitigated Negative Declaration was published for public review and submitted to the State Clearinghouse for State Agency review. The public review period is 30 days from publication.

On October 10, 2022, Permit Sonoma sent notification of the October 18, 2022, hearing date to neighboring properties within 1,000 feet of the parcel boundaries, and to interested parties. Notification included information on how to connect to the meeting virtually.

## **PROJECT DESCRIPTION**

### Site Characteristics

The parcel is 158.85 acres and located in a rural agricultural area near Glen Ellen, approximately 1.4 miles northwest of downtown Glen Ellen (see Attachments 3 Vicinity Map and 4 Aerial Maps). Primary access to the project site is via a private road from Trinity Road, with a secondary emergency access from Weise Road (see Attachment 8 Site Plan and Drawings, Sheet C3.0).

Most of the site is composed of pastureland and is part of the former Gordenker Turkey Farm. Portions of the property have been leased for horse and cattle grazing in the past. This grazing is still ongoing, with cattle allowed to roam across the parcel. The parcel is not under a Land Conservation Act Contract (Williamson Act). Habitat types at the site consist of annual grassland, oak woodland, mixed forest, seasonal wetland, riparian woodland, and ephemeral drainages (tributary to Calabazas Creek). Site elevation ranges from approximately 350 to 530 feet above sea level. Lands to the east are the foothills of the southern portion of the Mayacamas Mountains.

There are two existing domestic septic systems in the southern area and northwestern most area of the parcel. The existing domestic septic systems will not be used as part of this project.

An existing water well and pump house, located on-site, will provide water for the proposed project and two additional proposed projects on adjacent sites (UPC19-0002 at 101 Trinity Road, approved 2/1/2021: PLP17-0040 at 351 Trinity Road, still in process). An existing water line connects the water from the existing well to an existing 150,000-gallon water tank located on parcel APN 053-100-017 (101 Trinity Road).

The site is located in a Groundwater Availability Class 3 - Marginal Groundwater area and is not within Medium or High Priority basin defined under the Sustainable Groundwater Management Act (SGMA).

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in the State Responsibility Area. Portions of the northern and eastern limits of the parcel are designated as Very High Fire Hazard Severity Zone, while the remainder of the parcel, including the project site, is designated as a Moderate Fire Hazard Severity Zone. The project site was impacted by the 2017 Nuns Canyon Fire where several acres and existing buildings were destroyed.

#### General Plan Land Use and Zoning

The General Plan Land Use Designation on the parcel is Land Intensive Agriculture (LIA) with a density of 100 acres per dwelling unit. The site is not designated in an area or specific plan. The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class I bike path along the Highway 12 corridor. The 2016 Sonoma Valley Trail Feasibility Study identifies a preferred trail alignment along the frontage of the subject parcel. On December 11, 2018, Sonoma County clarified that the 1,000-foot setback requirement from park uses applies only to existing Class I Bikeways and not to those listed or mapped as proposed (ORD18-0009). Therefore, the 1,000-foot setback does not apply. The cultivation area would be located approximately 550 feet from the proposed trail and would be screened by natural vegetation thereby limiting visibility. Primary access for the project would be through the entrance on Trinity Road, with secondary, emergency access from Highway 12, and would create limited interference with pedestrian use of the future trails or bike lanes along the route.

The parcel is zoned LIA (Land Intensive Agriculture) (B6) with a 100-acre per dwelling unit density, Z (Accessory Dwelling Unit Exclusion Area), LG/MTN (Taylor, Sonoma, Mayacamas Mountains), Riparian Corridor (RC50/25 and RC50/50), and SR (Scenic Resources - Community Separator and Scenic Corridor).

#### Surrounding Land Use and Zoning

This area is largely rural. Surrounding parcels to the subject site are zoned Land Intensive Agriculture (LIA), Rural Residential (RR) parcels to the west across Highway 12, and Resources and Rural Development (RRD) parcels to the east in the Mayacamas Mountains. Surrounding land uses are composed primarily of rural single-family residential and small-scale agricultural uses. The proposed project abuts five properties within 550 feet of the outdoor cultivation site. Four of those are located on the opposite side of Highway 12, and the other is aforementioned cannabis cultivation site (UPC19-0002 at 101 Trinity Road). Nearby commercial agricultural operations include vineyards on properties adjacent to the west and east. There is currently a quarry undergoing reclamation on another cultivation site to the south (PLP17-0040 351 Trinity Road).

#### Current Operation (Penalty Relief Program)

The applicant/operation is currently participating in the Sonoma County Cannabis Penalty Relief Program and

is currently cultivating 43,560 square feet (one acre) of outdoor cannabis.

Project Description Summary

Terra Luna Farms, LLC request a limited-term Use Permit for a commercial cannabis cultivation operation. The project consists of:

- A) Cultivation Total: 43,560 square feet Outdoor;
- B) Propagation: 10,890 square feet of outdoor non-flowering propagation (25% of permitted cultivation area); and
- C) Transport-Only authorization to transport site-grown plants directly to licensed manufacturing or distribution premises.

Outdoor cultivation will be conducted within a 2.2-acre fenced premises located in the southwestern corner of the parcel (Attachment 8 Site Plan and Drawings). An existing 3,100-square-foot pole barn located west of the cultivation area has been used and will continue to be used as a staging area for cannabis cultivation (e.g., storage of hoop houses during off season) and storing cultivation materials and equipment. The proposed project does not include any new permanent structures. Temporary hoop houses are proposed for seasonal propagation on the west side of the existing barn.

As shown on the Existing Conditions Map (Attachment 8, Sheet C2.0) existing development not associated with the cultivation operation on the parcel includes a 3,000-square-foot agricultural barn and a partially destroyed 1,800-square-foot brick building near the proposed parking lot. Several buildings on site were destroyed in the 2017 Nuns Fire.

Outdoor cannabis cultivation and associated harvesting are seasonal operations, but would occur seven days a week, 24 hours a day, as needed, during the growing season. Operations will primarily occur during daylight hours. During harvest, cultivation activities can extend into the night and include the use of lights and minor farm equipment. These cultivation activities are considered typical and common for agricultural uses on agriculturally zoned land. The cannabis plants will be planted both directly in the ground and in raised containers, in rows with access aisles between the cannabis plants. The applicant proposes to implement sustainable agriculture practices such as using botanical species diversity, predator habitat, balanced crop nutrition to control disease and insects, using manure from the existing livestock grazing the parcel to supplement planting materials, and using cover crops, green manures, and intercropping during the off-season. The cannabis operation will have a maximum of 15 employees (ten year-round and five seasonal during harvest). The operation will not be open to the public. Deliveries and shipping will be limited to 5:00 am to 8:00 pm Monday through Friday.

The primary access to the site is provided via an existing 1,700-foot-long gravel driveway from Trinity Road off of Highway 12. The driveway entrance is located approximately 700 feet east of the intersection of Trinity Road and Highway 12 and crosses another parcel (APN 053-100-017; address). Employees and authorized visitors will enter the site through a secured locked gate via entry code. A secondary access is provided from Highway 12 via Weise Road, but this will be gated off for general use and will only be accessible by emergency vehicles via a Knox Box.

Site Improvements:

No new structures will be erected for the proposed operation.

The applicant proposes to upgrade and extend the existing circulation and parking infrastructure, install firesafe turnouts and turnarounds, add a 20-space parking lot including one accessible concrete parking space, and a portable accessible restroom.

A garbage and refuse enclosure is proposed at the east end of an existing concrete pad for domestic waste, recyclables and cannabis scheduled for destruction.

The project proposes to share a common irrigation water source with two adjacent parcels, which also have proposed cannabis cultivation and processing operations (UPC19-0002 at 101 Trinity Road and PLP17-0040 at 351 Trinity Road). The primary source of irrigation will be from an existing well on the project parcel located west of the cannabis cultivation area. Water storage for all three operations consists of an existing 150,000-gallon water tank located on APN 053-10-017 (UPC19-0002 at 101 Trinity Road). To supplement the use of the well, existing barns and proposed greenhouses at 101 Trinity Road (UPC19-0002) will have rainwater capture systems. To conserve water at the project site, the applicant proposes to use a high efficiency top drip irrigation method and use moisture meter-controlled irrigation valves.

The cultivation area's perimeter will be fenced and a 24-hour surveillance system with cameras that record activity will be used on the project site. Access will be restricted to authorized personnel and will not be open to the public. Entry gates will be controlled using access codes and locks. All fencing locks will have Knox Boxes for emergency services access.

## DISCUSSION OF ISSUES

### **Issue #1: General Plan Consistency**

The Sonoma County 2020 General Plan classifies the project site as Land Intensive Agriculture (LIA). The purpose and definition of LIA designations are to *"... enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. The soil type and climate support relatively high production per acre of land. The objective in land intensive agricultural areas shall be to establish densities and parcel sizes that are conducive to continued agricultural production."* LIA lands are intended to accommodate low-density residential development.

#### Staff Analysis:

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation may be permitted within the Land Intensive Agriculture land use designation with Use Permit approval, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. Staff has concluded that the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan because:

- A) The cultivation of cannabis products is similar to other farming activities, and therefore, it is classified as an "agricultural product";
- B) Proposed outdoor cultivation activities would preserve 100% of the existing agricultural soil for a future agricultural use;
- C) The project would not construct new permanent structures which could remove existing land from agricultural production;
- D) The project will continue the current cattle grazing operation on approximately 60 acres of the project parcel;

- E) The vineyard located on the project parcel and managed by the Gordenker family will continue to cultivate cabernet grapes, to be sold and processed off site; and
- F) The character of the land will remain agricultural in that the overall level of structural development will be similar to the existing condition. The land currently does and will continue to look “agricultural” in nature, containing a primary residence, barns, outbuildings, water tanks, planted crops and landscaping, and open and rural spaces.

General Plan Policy CT-3bb requires dedication or purchase of right of way for Class I bikeways when there is a nexus between the proposed development and the need for bikeways. For this project, conditions of approval do not require dedication or purchase of right of way because there is an insufficient nexus due to the permit’s limited term, the nature of the project, and the project’s low traffic generation.

### **Issue #2: Zoning Consistency**

Commercial cannabis cultivation is an allowed use with a use permit in the Land Intensive Agriculture zoning district pursuant to compliance with development standards from Sonoma County Code Sections 26-88-250 through 26-88-254, including but not limited to:

- A) The minimum parcel size cannot be less than 10 acres;
- B) The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel;
- C) Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- D) Associated processing is limited to on-site cultivation only;
- E) The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner;
- F) The minimum property setbacks for outdoor cultivation must be:
  - 1. 100 feet from property lines;
  - 2. 300 feet from residences on surrounding properties; and
  - 3. 1,000 feet from sensitive uses, such as schools, parks, and treatment facilities.

### Staff Analysis:

- A) The parcel is 158.85 acres;
- B) The proposed outdoor cannabis operation is 43,560 square feet (one acre);
- C) Proposed propagation area of 10,890 square feet (approximately 25% of total cultivation area) and will be located in a separate area from flowering plants inside the security fence;
- D) The operation does not propose on-site processing;
- E) The operator J. Erich Pearson, of Terra Luna Farms LLC does hold a permit for centralized processing but is not a cannabis business owner of other commercial cannabis cultivation operations in the County;
- F) The project maintains adequate setbacks:
  - 1. 255 feet from nearest property line;
  - 2. The closest residence to the project site is located approximately 475 feet north from the project site; and
  - 3. Approximately 2,600 feet from the nearest existing sensitive use, Dunbar Elementary on 11700 Dunbar Road, Glen Ellen. Sonoma Valley Regional Park is approximately 1.3 miles south of the

project parcel. There are no treatment facilities within project vicinity.

The proposed use must be constructed, maintained, and operated in conformance with all applicable county and state statutes, ordinances, rules, and regulations, including the above development standards and all operating standards from Sonoma County Code Sections 26-88-250 through 26-88-254, as required by Condition of Approval No. 7. Operating standards include but are not limited to: dark-sky compliant lighting; implementation of a Site Security Plan; utilization of renewable energy sources; and groundwater monitoring.

### **Issue #3: Neighborhood Compatibility**

Public comments have been received on the project, which were considered during evaluation of the project and have been used to determine areas of potential neighborhood incompatibility. Concerns raised included odor, water use, and traffic. These topics were discussed among staff and agencies, and the analysis is included in the Mitigated Negative Declaration.

#### Odor

Offsite odor impacts from outdoor cultivation are anticipated to be limited. Strong odor associated with cannabis is typically caused by the flower of the plants during the final months prior to harvest, typically between July and October. To mitigate this, the Zoning Ordinance Operating Standards establish minimum setbacks to enable odor dissipation. The closest residence to the project site is located approximately 475 feet north of the project site. The largest density residential area is located west of Highway 12, opposite of the prevailing wind and over 600 feet from the cultivation area. The parcels downwind from the project site are larger agricultural and forested parcels, with substantial vegetation that serves to help break up concentrated odor plumes. Vehicle traffic along Highway 12 also produces air currents that can disburse said odor plumes, and odors caused by vehicle emissions can also intermix with strong cannabis odors, thereby creating an overall effect of dissipating and reducing concentrated odors. The relatively low elevation and gentle sloping of the project site also prevents cannabis odors from congregating in a single, concentrated area where natural airflows and prevailing winds cannot contribute to air circulation.

#### Water Use

The site is located in a Groundwater Availability Class 3 - Marginal Groundwater area. Subject to requirements of General Plan Policy WR-2e, a groundwater study was required to demonstrate adequate groundwater supply. A hydrogeologic report (October 27, 2017) and two supplemental groundwater availability evaluations (October 17, 2019 and December 17, 2021) were prepared by PJC & Associates Inc. Water for the outdoor cultivation operation will be provided from the existing on site well, which serves the other cultivation operations on the adjacent parcels to the south through a private water line easement.

The hydrogeologic studies concluded that the groundwater demand would be less than the rate of groundwater recharge and storage. The estimated demand from the three cultivation parcels, as well as other parcels within 1500 feet, represent the cumulative impact area (CIA). The total estimated annual water use for cannabis cultivation in the CIA supported by the well is 4,138,307 gallons, which is approximately 12.7 acre-feet of water per year; the water use estimate for the proposed project site is 1,466,328 gallons (4.49 acre-feet). Irrigation will be done using a high efficiency drip system early in the morning to reduce evaporation, and irrigation valves will be moisture meter-controlled to limit irrigation to what the plants need. Each plant is estimated to use between 0.22 and 0.67 gallons of water per day. This variation in water need is caused by the seasonal change in the plant's vegetative growth. The water use estimated in the CIA for cannabis



cultivation, domestic water use, vineyard irrigation, and livestock is 122.0 acre-feet per year. Groundwater recharge was estimated at 233 acre-feet per year with a total groundwater storage of 3,240 acre-feet, indicating that under a scenario of maximum development within the CIA, approximately 52% of the groundwater recharge and less than 4% of the groundwater storage would be used.

The 2021 Supplemental Report provided an analysis of estimated streamflow depletion for nearby Calabaza Creek. The revised values of streamflow depletion were less than estimates previously reported because of updated estimates of aquifer storativity. The Supplemental Report reviewed available data from the Sonoma Ecology Center for the dry season of 2017, 2018, 2020, and 2021 and modeled the reduction streamflow to be roughly 6.7% after six months of project pumping. The Supplemental Report concluded that this level of streamflow depletion is negligible, and unlikely to occur given the vertical and horizontal separation of the Project Well from Calabazas Creek.

The County geologist deemed the study and subsequent supplemental reports to be adequate, and to show no adverse impacts to the groundwater supply. Further, the project is subject to recommended conditions that are included in the Conditions of Approval (Attachment 2), which require monitoring and annual submittal of well water use data (Condition #42), limit project water use to 4.5 acre-feet per year (Condition #44), and require implementation of measures from the applicant's Water Conservation Plan (Condition #14), including: use of high-efficiency drip irrigation systems to conserve resources and reduce runoff; scheduling irrigation for early morning hours to reduce evaporation loss; and utilizing non-flushable, ADA portable restrooms at the cultivation site.

#### Wildfire

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in the State Responsibility Area. The more elevated, forested northern and eastern limits of the parcel are designated as Very High Hazard, while the remainder of lower elevation parcel and project site is designated as a Moderate Fire Hazard Severity Zone. The project site was impacted by the 2017 Nuns Canyon Fire where several acres and existing buildings were destroyed.

While the project is located in an area that has historically experienced wildfires, this project is not expected to significantly increase wildfire risks or impair evacuations because:

- A) There are no proposed structures for the project, only the use of an existing 3,100 square foot pole barn;
- B) Ingress and egress are provided through two different routes from either Weise Road to Trinity Road or to Highway 12, a major roadway, providing ample emergency evacuation and access;
- C) The topography of the project site is mostly flat, with an average slope of 2 degrees, which lends itself to fire safety as fire is most dangerous in elevated, densely vegetated areas; and
- D) Employees on site would be limited to a maximum of 15, thereby restricting the number of individuals that would need to be evacuated or require assistance in an emergency, thereby reducing potential harm.

Permit Sonoma Fire Prevention staff reviewed the project and conducted a site inspection as recently as July 12, 2022 and did not note any environmental concerns. Though the project does not propose new building construction it was still reviewed for compliance with State Fire Safe Regulations (14 CCR 1270.00 et seq.), which establish minimum wildfire protection standards for the SRA and very high fire hazard severity zones.

With standard conditions of approval (see Attachment 2), the project would comply with Fire Safe Regulations. Weise Road, which would serve as the emergency access route, would be at least 20 feet in width. The improved parking lot is located directly off Weise Road thereby providing concurrent civilian evacuation and access for emergency wildfire equipment. Conditions of approval further require firesafe turnouts and turnarounds along roads as narrow as 12 feet, creation and submittal of a Fire Protection plan, and the availability of emergency water in the event of a fire.

### **Environmental Determination**

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed, which determined that project impacts could be mitigated to a less than significant level. Therefore, a Mitigated Negative Declaration was drafted for the project. This document identifies mitigation measures and a monitoring program for the proposed project. Mitigation measures for pre-construction surveys for nesting birds have been incorporated into the project conditions of approval. With incorporation of these mitigation measures, the project is expected to have a less than significant impact.

### **Sonoma Valley Citizens Advisory Commission**

The project was presented to the Advisory Commission at their January 22, 2020, meeting. The combined projects of PLP17-0040, UPC19-0002, and UPC17-0048 were presented by J. Erich Pearson. The commission raised questions regarding site access on Trinity Road, water use for the combined projects, and security installations such as lights, fencing and alarms. The commissioners and a member of the public also expressed confusion regarding the delineation of ownership and uses on each parcel, which was clarified by the applicant and project consultants.

Ultimately, all three projects, including UPC17-0048, were unanimously recommended for approval by an 11:0 vote. Meeting minutes are provided in Attachment 10.

### **Staff Recommendation:**

Staff recommends adoption of the Mitigated Negative Declaration and approval of the Use Permit, subject to the attached Conditions of Approval.

### **Strategic Plan:**

N/A

### **Prior Board Actions:**

December 17, 2019: Board of Supervisors action approving request for original jurisdiction over multiple applications, including UPC17-0048.

### **FISCAL SUMMARY**

#### **Narrative Explanation of Fiscal Impacts:**

N/A

#### **Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

- Att 1 Resolution
- Att 2 Resolution Exhibit A - Draft Conditions of Approval and Mitigation Monitoring Program
- Att 3 Vicinity Map
- Att 4 Aerial Maps
- Att 5 General Plan Land Use Map
- Att 6 Zoning Map
- Att 7 Project Proposal Statement and Operating Plan
- Att 8 Site Plan and Drawings
- Att 9 Revised Groundwater Availability Evaluation 05-28-2019; 10-17-2019; 12-17- 2021
- Att 10 Sonoma Valley Citizens Advisory Commission Meeting Minutes - 01-22-2020
- Att 11 Draft Mitigated Negative Declaration
- Att 12 Public comment received prior to 09-09-22
- Att 13 Staff PowerPoint
- Att 14 Applicant Presentation

**Related Items "On File" with the Clerk of the Board:**

N/A