



Legislation Text

File #: 2020-0472, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Crystal Acker (707) 565-8357

Vote Requirement: Majority

Supervisory District(s): Second

Title:

2:00 PM - Cannabis Operation at 6095 Bodega Ave. UPC17-0018

Recommended Action:

Exercise original jurisdiction over application and adopt a Resolution adopting a Mitigated Negative Declaration and approving a commercial cannabis operation of 10,000 square feet mixed light cultivation, 2,500 square feet of indoor propagation, and associated processing of site-grown cannabis. (Second District)

Executive Summary:

The project proposes commercial cannabis cultivation in a new 14,000 square foot greenhouse with 10,000 square feet of mixed light cultivation, 2,500 square feet of indoor propagation, and on-site processing of site-grown plants, including trimming, drying, and packaging. The operation will occur on a 1-acre leased portion of a 7.6-acre parcel zoned Land Extensive Agriculture in the Petaluma Dairy Belt. The project is eligible for the "pipeline" provision that allows cannabis projects on sites under 10 acres to be considered, and is included in the list of cannabis applications authorized for consideration under original jurisdiction following the Board's decision of December 17, 2019

Staff recommends approval of the project because it is consistent with General Plan and Petaluma Dairy Belt Area Plan policies to support ongoing agricultural activities and preserve agricultural character of the area. The project complies with all development criteria of the Sonoma County Cannabis Ordinance (with pipeline provisions for parcels under 10 acres) and will meet all operating standards as conditioned. The design, location, size, and operating characteristics of the project are compatible with the agricultural zoning and surrounding land uses because the cannabis plants are contained within a greenhouse (which allows full odor control and site security) and the location of the greenhouse behind existing residential buildings is both screened from view and set back at least 300 feet from residential neighbors.

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. This ordinance amendment also included a pipeline provision to allow applications which were deemed complete prior to the effective date of the ordinance to continue to be processed under the development criteria and minimum lot size in effect at the time their applications were deemed complete.

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 August 15, 2017, a Use Permit application was submitted for 10,000 square feet of mixed light cultivation and associated processing. The applicant did not enroll in the penalty relief program; no commercial cannabis is currently grown on site.

On December 4, 2017, Permit Sonoma sent out notification of the proposed project to neighboring properties within 300 feet of the parcel boundaries.

On December 5, 2017, Permit Sonoma staff performed an initial site inspection, and the application was deemed complete for processing.

On December 3, 2018, the application was amended to request a 5-year permit term, adult use, and additional propagation area.

On September 20, 2019, an application for a Voluntary Merger was submitted to merge two parcels: APN: 022-200-002 (the parcel containing the proposed greenhouse) and APN: 022-200-042 (the parcel containing the private roadway). The merger was approved and recorded the same day (Document # 2019067380).

On February 14, 2020, Permit Sonoma sent notification of the March 16, 2020 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 February 18, 2020, a draft Initial Study/Mitigated Negative Declaration was published for public review and

submitted to the State Clearinghouse for State Agency review (SCH Number 2020029060). The public review period is 30 days from publication.

On February 20, 2020, Permit Sonoma sent notification of the revised hearing date and extended public review period through March 18, 2020 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 March 17, 2020, Permit Sonoma sent email notification to interested parties notifying of COVID-19 office closure and possible postponement of March 24 hearing date.

On March 20, 2020, the March 24, 2020 agenda was published with Item 29 (the proposed project) continued to a time and date certain, May 19, 2020 at 2:00 P.M.

On March 21, 2020, Permit Sonoma sent email notification to interested parties notifying of continued hearing date.

On May 8, 2020, Permit Sonoma sent notification of the May 19, 2020 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 7.59 acres and located in a rural agricultural area in the Petaluma Dairy Belt, approximately 6 miles northwest of downtown Petaluma (Attachment 3. Vicinity Map; Attachment 4. Aerial Map). Access to the project site is from Raven Road, a private road, via Bodega Avenue (Attachment 5. Project Work Area Map).

Existing development includes a residence, garage, landscaping, several storage containers, and other small outbuildings in the east-central portion of the parcel adjacent to Raven Road. There is an existing domestic septic system and two water wells. The rest of the site is composed of pastureland and a small ephemeral drainage channel. Portions of the property have been leased for horse and cattle grazing in the past. The current lease is for cattle grazing on approximately 4 acres. The parcel is not under a Land Conservation Act Contract (Williamson Act).

Vegetation on the site mostly consists of non-native annual grassland. There are a few ornamental trees, live oak, and eucalyptus around the existing residence and farm buildings. Two drainage features also occur on the parcel, although neither is in the project area. An unnamed ephemeral drainage channel located about 50 feet to the southwest of the project footprint supports mostly grasses, but also scattered willow scrub vegetation, including willows, Himalayan blackberry, poison hemlock, and a few redwoods (which appear to be planted). A second unnamed blue-line stream channel is present adjacent to Bodega Avenue and bisects the access road through an underground culvert. This stream is a County-designated Riparian Corridor with a 50-foot Streamside Conservation Area setback. However, no vegetation is present within the project parcel and no project activities are proposed at or adjacent to this location. Both waterways are eventual tributaries to Stemple Creek.

Site elevation ranges from about 140 feet at the driveway entrance to 215 feet at the eastern property boundary; the project footprint is in the upper eastern portion of the property, ranging from about 185 feet to 210 feet.

The site is located in a Groundwater Availability Class 2 - Major Natural Recharge Area, and is not within a Medium or High Priority basin defined under the Sustainable Groundwater Management Act (SGMA). The nearest SGMA basin is Petaluma Valley, about 2 miles to the east.

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in the State Responsibility Area, and is designated as a Moderate Fire Hazard Severity Zone. The site is designated as Tier 2 - Elevated on the California Public Utilities Commission Fire Threat Map.

General Plan Land Use and Zoning

The General Plan Land Use Designation on the parcel is Land Extensive Agriculture 60-acre density (Attachment 6. Land Use Map). The site is also designated Land Extensive Agriculture by the Petaluma Dairy Belt Area Plan. The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway along Bodega Avenue in the project area.

Regional access to the project site is from Bodega Avenue, which is identified as a Rural Minor Arterial (later re-categorized to a Major Collector) and Scenic Corridor in the Sonoma County General Plan. Zoning on the parcel is Land Extensive Agriculture 60-acre density with an Accessory Dwelling Unit Exclusion combining district (Attachment 7. Zoning Map).

Surrounding Land Use and Zoning

Surrounding parcels to the east are generally large agricultural properties. Nearby commercial operations include McClelland's Dairy, Reichardt Duck Farm, Two Rock Dog Ranch, and the recently approved Petaluma Hills Farm cannabis operation. To the west, adjacent to Bodega Avenue, parcels are smaller (2-5 acres), and support primarily residential uses with accessory agricultural uses.

Project Description Summary

TRV Corp proposes a commercial cannabis cultivation operation within a 1-acre leased portion of the property. The total cultivation area is 10,000 square feet and includes propagation, on-site processing, and ancillary functions as follows:

- Total Cultivation: 10,000 square feet mixed light in a greenhouse (Type 2B state license)
- 2,500 square feet of mixed light non-flowering propagation (25% of total cultivation)
- On-site processing of site-grown plants: trimming, drying, curing, weighing, and packaging.

The applicant is not participating in the penalty relief program; no commercial cannabis is currently grown on the site.

Mixed light cultivation, propagation, and processing activities will be conducted in a new approximately 14,000 -square-foot greenhouse (Attachments 8 and 9. Site Plans). The building will also provide space for various employee support and security functions (Attachment 10. Floor Plan). No cannabis activities will occur in existing structures on the parcel. Site access via Raven Road will be controlled by a gate with a keypad entry system.

The project includes 24-hour operation in the greenhouse every day as needed, although typically employees would not work overnight. The operation does not include regular overnight duties, but occasionally employees may need to be present overnight for specific tasks, such as monitoring or testing irrigation and climate control equipment. Deliveries and shipping will be limited to 8:00 am to 5:00 pm Monday through Friday. The cannabis operation will have a maximum of six employees, including one on-site employee who will reside in the existing residence. The operation will not be open to the public.

The new greenhouse will be located behind the existing on-site residential development near the eastern corner of the parcel greater than 300 feet from residential neighbors. About half the site (approximately 4 acres) will remain as open pastureland to support cattle grazing. The existing residential development will remain.

For a more detailed project description, see Attachment 11 Mitigated Negative Declaration, Project Description, pages 1-4.

DISCUSSION

1. General Plan Consistency

The subject property has a General Plan Land Use designation of Land Extensive Agriculture. The General Plan Purpose and Definition for Land Extensive Agricultural Areas is:

“This category shall enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. Soil and climate conditions typically result in relatively low production per acre of land. The objective in land extensive agricultural areas shall be to establish and maintain densities and parcel sizes that are conducive to continued agricultural production.”

General Plan Policy AR-4a describes the primary uses in the Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA) and Diverse Agriculture (DA) land use designations:

“The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”

In adopting the Cannabis Ordinance, the Sonoma County Board of Supervisors determined that cannabis uses (including cultivation and processing) are consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan pursuant to Ordinance No. 6189 Section I. Findings. U. By requiring a conditional use permit for cannabis cultivation in the Land Extensive Agriculture zone, the goals

of protecting agricultural production can be examined on a case-by-case basis.

Staff Analysis

The development density (60-acre density) and the parcel size (7.59 acres) will remain unchanged under the project proposal to comply with the Land Extensive Agriculture (LEA) Zoning District, which seeks to maintain large parcels for agricultural production. The LEA district achieves this purpose by requiring that a primary agricultural use is established or maintained on LEA parcels. Neither the General Plan nor the Zoning Code includes a clear definition for “primary agricultural use.” To assess whether agriculture is primary on the parcel, staff evaluates multiple factors, including:

- acreage of land dedicated to agricultural vs. non-agricultural uses,
- income derived from all land uses on the parcel, and
- compatibility of non-agricultural land uses with agricultural uses, both on the project parcel and surrounding agricultural parcels.

Agricultural Acreage. The cannabis operation will encumber a small portion of the property (0.5 acre) within the footprint of the cultivation building, parking area, and access improvements, which equates to about 6 percent of the total land acreage.

Although the parcel is small (7.59 acres), livestock grazing occurs and will continue on approximately 4 acres of land, about 53 percent of the total land acreage. Condition of Approval No. 18 requires that the grazing use (or other recognized agricultural use) continues on the property as long as the permit is active.

Income Derived from Property Uses. While specific figures are not available, it is probable that the income from cannabis will exceed income from agricultural uses on the property. However, agricultural property owners commonly derive income from multiple activities in addition to agriculture when non-agricultural uses are compatible with the agricultural use or otherwise allowed under the law. For example, telecommunication towers, non-agricultural home occupations, and visitor-serving uses such as agricultural farmstays are typical and complementary uses that help sustain agricultural operations by supplementing and stabilizing farming incomes. Neither the General Plan nor the Zoning Code requires that the agricultural use generate more income than other allowed uses. Recently, the Board of Supervisors revised the Agricultural Farmstay Zoning Code regulations under Section 26-88-085 (Ordinance 6255, adopted January 8, 2019), deleting the requirement for on-site agricultural products to be the primary source of income, largely to preserve and promote agricultural operations that may otherwise be financially insolvent without the complementary source of income. The critical question is whether the non-agricultural activity erodes the financial feasibility of the agricultural operation. Here the cannabis cultivation, which is not an agricultural activity, will contribute supplemental income that helps support ongoing agricultural use on the majority of the parcel. In other words, cannabis income will be available to subsidize and support the primary agricultural use of the property, if needed, to ensure the agricultural use is sustainable. For these reasons, the non-agricultural use does not erode the financial feasibility of the primary agricultural operation.

Character of the Land Remains Agricultural. The project site is set back from Bodega Avenue by approximately 900 feet, and would be substantially screened by existing trees, single-family homes, and accessory agricultural structures (e.g. barn, sheds). The proposed greenhouse would be made of

polycarbonate materials similar to other agricultural structures, and would be 24 feet in height, which is comparable to a 2-story house and well within the allowable height limit for agricultural buildings (50 feet). The greenhouse would be constructed among existing accessory agricultural structures located on the parcel, such as barns, sheds, and a chicken coop. Installation of the cultivation facility would be compatible with the existing agricultural character of the site.

About half the site (approximately 4 acres) will remain as open pastureland to support cattle grazing. The land does and will continue to look 'agricultural' in nature, containing a primary residence, barns, outbuildings, a greenhouse, water tanks, landscaping, farm animals, and open and rural spaces.

Cannabis is not defined as an agricultural crop under County Code due to its classification and regulation as a Schedule 1 controlled substance. However, the cultivation and processing of cannabis products is similar to other farming activities, and therefore, it is classified as an "agricultural product". Farming equipment and infrastructure (e.g., water tanks, barns, greenhouse) proposed for the cannabis operation are compatible with surrounding agricultural development, and could also support future non-cannabis agricultural uses.

Although the proposed greenhouse is intended for cannabis cultivation, greenhouses are generally agricultural in nature, and could be utilized for and be compatible with a future traditional agricultural use on the parcel.

The project does not expand utility services that could facilitate more intensive future development or additional residential development that might create a conflict with existing agricultural uses due to agricultural nuisances (e.g. flies, noise, odors, or spray chemicals).

Based on these circumstances, the proposed cannabis operation is compliant with General Plan Land Use and Agricultural Resource Element policies for agricultural land.

2. Petaluma Dairy Belt Area Plan Consistency

The site's Petaluma Dairy Belt Area Plan land use designation is Land Extensive Agriculture. This includes lands characterized predominantly by dairies, sheep and cattle ranches, grazing, silage, and related activities. Residences are mostly related to the agricultural economy and include single family homes, mobile homes, and farm labor housing. A density range of one dwelling per 60-160 acres is used for this category to reflect the existing parcel pattern, discourage incompatible higher density residential use, and maintain large areas for extensive agricultural operations. The primary emphasis of the Land Extensive Agriculture designation is to promote, protect, and preserve agricultural land uses.

Petaluma Dairy Belt Area Plan (PDBAP) priorities include: to preserve and enhance the agricultural resources and protect the agricultural industry; to preserve the area's scenic beauty; to accommodate a variety of rural lifestyles; and to encourage the development of an adequate transportation network which will accommodate proposed development and projected travel needs, and which will facilitate movement of agricultural products to the market place. Major policies of the Petaluma Dairy Belt Area Plan involve mitigating for increased residential densities and limiting conflicts with agricultural activities.

Staff Analysis

As detailed above regarding preserving the agricultural character of the land, the project is consistent with the PDBAP's agricultural priorities. Furthermore, there will be no increase in residential density; the existing residential development will remain, but will not be expanded.

3. Zoning Consistency

Commercial cannabis cultivation is an allowed use with a use permit in the Land Extensive 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 (except by pipeline provision);
- b) Mixed light cannabis cultivation cannot exceed 10,000 square feet of cultivation area (Small Mixed Light) per parcel;
- c) The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel;
- d) Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- e) Associated processing is limited to on-site cultivation only;
- f) The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner;
- g) The minimum property setbacks for mixed light structures must be:
 - i. 100 feet from property lines;
 - ii. 300 feet from residences on surrounding properties; and
 - iii. 1,000 feet from sensitive uses, such as schools, parks, and treatment facilities.

Staff Analysis

The project complies with development standards as follows:

- a) Operation on a 7.59-acre parcel where the application benefits from the pipeline provision allowing for cannabis permits on parcels of at least 5 acres;
- b) 10,000 square feet of mixed light cannabis cultivation;
- c) 2,500 square feet of non-flowering propagation, or 25% of the total cultivation area;
- d) Processing of only site-grown plants;
- e) Michael Wright is the only managing member of TRV Corp, the cannabis business owner. He does not hold and has not applied for permits for other commercial cannabis operations in the County; and
- f) Project greenhouse maintains adequate setbacks:
 - i. 100 to 500 feet from property boundaries;
 - ii. 310 feet and 380 feet from the two closest off-site residences. There are 7 residences within 1,000 feet; and
 - iii. 1.8 miles from the nearest sensitive use, Two Rock Elementary.

The proposed use shall 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. 27. Operating standards include, but are not limited to: fully contained exterior and greenhouse lighting; implementation of a Site Security Plan; installation and operation of odor control filtration systems; utilization of renewable energy sources; and groundwater monitoring.

The proposed greenhouse includes retractable curtain systems designed to fully contain the interior lights. Proposed security lighting at all locations is fully shielded, downward casting, and motion sensor-controlled to remain off unless needed. An odor control filtration system is proposed for the greenhouse where cannabis cultivation and processing will occur, and the project description indicates that odor will not be detectable at a nuisance level at the property line. The project has a Site Security Plan, which meets requirements (see Neighborhood Compatibility below for additional discussion on site security).

4. Neighborhood Compatibility

A neighborhood notification was distributed to residents within 300 feet of the subject property line on December 4, 2017. Public comments were received in response to the notification, in addition to more recent comments from interested parties. The comments were considered during evaluation of the project and have been used to determine areas of potential neighborhood incompatibility. Items raised as areas of potential environmental concern were primarily groundwater-related, but also included: odor, safety, traffic, and preservation of rural agricultural character and structures. Each of these topics is discussed below.

Staff Analysis

Water Use. The estimated annual water use for the entire cultivation project is 514,860 gallons, which is approximately 1.58 acre-feet of water per year, consisting of:

- **Cultivation Water Use (1.22 acre-feet):** The drip irrigation system for the greenhouse cultivation operation would use approximately 0.363 gallons of water per plant per day, and would house approximately 3,000 plants, so daily water use would be approximately 1,089 gallons per day. This water use estimate is based on usage from previous projects with a 10% volume added for conservative purposes. The annual greenhouse water use is calculated as 1,089 gallons per day x 365 days per year = 397,485 gallons per year. This water use is equivalent to 1.22 acre-feet per year.
- **Evaporative Cooling Water Use (0.28 acre-feet):** Evaporative cooling would use approximately 250 gallons of water per hour for 4 hours per day for 3 months out of the year. Therefore, the annual evaporative cooling water use is calculated as 250 gallons per hour x 4 hours per day x 90 days per year = 90,000 gallons per year. This water use is equivalent to 0.28 acre-feet per year.
- **On-Site Water Use (0.08 acre-feet):** The annual on-site worker water use is estimated to include 15 gallons of water utilized per day per cultivation worker on-site. Therefore, the annual on-site worker water use is calculated as 5 (average number of daily employees) x 15 gallons per day x 365 days per year = 27,375 gallons/year. This water use is equivalent to 0.08 acre-feet per year.

To off-set some of the projected groundwater use, a rainwater harvesting system is proposed to capture and store up to 20,000 gallons from the greenhouse roof. The rainwater capture offset was calculated at

0.8 acre-feet per year.

A hydrogeologic assessment evaluated potential cumulative impacts based on the known geologic, hydrologic, and groundwater characteristics in the area, and determined that the relevant aquifer for the project is not in a state of overdraft, and that groundwater pumping for the project is unlikely to result in significant declines to groundwater resources over time.

For more details on the groundwater analysis, please see Attachment 11. Mitigated Negative Declaration, Section 10. Hydrology and Water Quality, pages 44-46 and the Hydrogeologic Assessment Report (Attachment 12).

Odor. The project does not include outdoor cultivation; all cannabis will be contained within the proposed greenhouse. The greenhouse plans include installation of an odor control filtration system, in compliance with operating standards. When properly functioning within a sealed structure, the proposed odor control system would contain all cannabis odors inside the greenhouse and ensure that no odor is detectible at any property boundary. Condition of Approval No. 16 requires ongoing monitoring and maintenance of the system, including daily inspections. Condition of Approval No. 17 requires annual reporting of monitoring results. With implementation of maintenance and monitoring conditions, the greenhouse operation is not likely to generate odors to surrounding properties.

Safety/Site Security. In adopting the cannabis ordinance, the Board of Supervisors found that security issues could be addressed through compliance with the Zoning Code Security and Fencing requirements as set forth in Section 26-88-254(f)(21).

A Site Security Plan must meet all the minimum requirements of the ordinance, tailored to address site-specific project activities and site constraints. The project Site Security Plan was reviewed by County staff and found to meet ordinance requirements.

The greenhouse facility will be bordered with no-climb security fencing and screened with vegetation; the facility itself is made of high-strength polycarbonate. A security gate with a keypad and card entry system will be installed at the project site entrance at the end of Raven Road. A third-party security/alarm company will continuously (24 hours a day) monitor all surveillance and alarms. Critical doors will require two levels of security verification (keypad and card), and employees will have different security clearances that will control what rooms they are allowed access to. A security camera system will be implemented that will use standard industry format to record footage 24 hours per day that will be kept for at least thirty (30) days in a secured location. Security cameras will be set up in a fashion as to not be noticeable from/directed to surrounding neighbors. Additional security measures include: panic/duress buttons for employees (both fixed and carried), exterior motion sensor security lighting, intrusion detection system, electronic security log, audible alarms, an onsite security room with monitors, a backup generator to support the security system, and motion-sensors.

Condition of Approval No. 15 limits the cash retained on-site to the minimum needed for daily operations and requires that all cash be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism). Condition of Approval No. 15 also requires that a log of security incidents is submitted to Permit Sonoma annually.

The security plan facilitates public safety in the neighborhood by limiting the potential for opportunistic crime at the site (e.g., controlling site access, implementing alarms and cameras to discourage break-ins, limiting cash on hand to discourage theft). With implementation of the Site Security Plan, the project does not present a meaningful public safety risk, and therefore, is compatible with the surrounding neighborhood.

Traffic. The project proposes up to 6 full time employees; one will live in the on-site residence. The project would conservatively generate approximately 20 daily vehicle trips, consisting of 16 trips for employees and four trips for deliveries, including 7 or fewer trips during peak hour. This minimal number of peak hour and total daily trips does not have a significant effect on local traffic conditions. A more detailed traffic analysis is available in Attachment 11. Mitigated Negative Declaration, Section 17, *Transportation*, pages 58-59 and the Focused Traffic Study (Attachment 13).

Agricultural Character. The cultivation facility would be compatible with the existing agricultural character of the site as discussed previously in item 1. General Plan Consistency.

Neighborhood Compatibility Findings. In addition to the findings related to odor and setbacks, safety, water use, traffic, and agricultural character discussed above, neighborhood compatibility is supported:

- The mixed light/indoor cultivation area will be contained within a non-distinct, polycarbonate greenhouse, similar to other agriculture structures in the area. The building will be mostly screened by existing residential development and vegetation, and additional proposed landscaping will add additional layers of screening. Therefore, project development will be similar to the existing condition and compatible with surrounding agricultural development.
- Proposed lighting meets all requirements of the Zoning Code. The proposed greenhouse includes retractable curtain systems designed to fully contain the interior lights. Proposed security lighting at all locations is fully shielded, downward casting, and motion sensor-controlled to remain off unless needed.

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 which have been incorporated into the conditions of approval. Mitigation measures were included to address: Air Quality (construction emissions, odor control and monitoring); Biological Resources (pre-construction surveys, construction worker training, construction exclusion fencing, biological monitor); Cultural Resources (archaeological monitor); and Noise (construction operation limitations). The draft Mitigated Negative Declaration was circulated through the State Clearinghouse for public and agency review and comments from February 14, 2020 through March 18, 2020.

Following public review, the County received comments from the California Department of Fish and Wildlife (“CDFW”). In response, staff made the following proposed revisions to the MND. No recirculation of the MND was required pursuant CEQA Guidelines Sections 15073.5 and 15074.1 because the proposed changes include new information to clarify and amplify the MND and substituted mitigation measures that are equivalent or more effective at avoiding or reducing potentially significant effects:

- a. Revised Mitigation Measure BIO-3 to clarify that: 1) ground disturbing activities requiring on site presence of a qualified biological monitor include removal of storage containers and stream restoration work; 2) inspections conducted by the biological monitor within work areas and within 30 feet of work areas shall include hand excavation of any burrows observed to ensure absence of protected species within work areas; and 3) discovery of a protected species within a work area shall result in a halt of all work in the area until appropriate permits are obtained.
- b. Revised Mitigation Measure BIO-5 to clarify that pre-construction nesting bird surveys shall include biological monitoring of bird behavior within any no-disturbance nesting buffers to verify adequacy of the buffer distance.

STAFF RECOMMENDATION

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

Prior Board Actions:

December 17, 2019, Board of Supervisors action approving request for original jurisdiction over multiple applications, including UPC17-0018.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Attachment 1: Draft Board of Supervisors Resolution
- Attachment 2: Exhibit A Draft Conditions of Approval of the Resolution and Mitigation Monitoring Program
- Attachment 3: Vicinity Map
- Attachment 4: Aerial Map
- Attachment 5: Project Work Areas Aerial Map
- Attachment 6: Land Use Map
- Attachment 7: Zoning Map
- Attachment 8: Site Plan - Overview
- Attachment 9: Site Plan - Enlarged
- Attachment 10: Floor Plan

- Attachment 11: Mitigated Negative Declaration Draft
- Attachment 12: Hydrogeologic Assessment Report
- Attachment 13: Focused Traffic Study
- Attachment 14: Biological Resources Report
- Attachment 15: Geotechnical Report
- Attachment 16: Noise Study
- Attachment 17: Public Comments received prior to February 14, 2020
- Attachment 18: Public Comments received after February 14, 2020
- Attachment 19: Agency comments received after February 14, 2020
- Attachment 20: Staff PowerPoint

Related Items “On File” with the Clerk of the Board:

None