



## Legislation Text

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**File #:** 2022-1186, **Version:** 1

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Haleigh Frye, Planner I (707) 565-2477

**Vote Requirement:** Majority

**Supervisorial District(s):** Second

**Title:**

**1:55 P.M.** - UPC17-0031 - LIG Remedies, Mixed-Light and Outdoor Cannabis Cultivation, 4233 Browns Lane, Petaluma.

**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 operation of 43,560 square feet of cannabis cultivation, comprised of 10,000 square feet of mixed-light cultivation, 33,560 square feet of outdoor cultivation; in addition to 9,000 square feet of propagation, and associated processing of site grown cannabis in a new 5,000 square foot structure. (Second District)

**Executive Summary:**

The project proposes commercial cannabis cultivation consisting of 43,560 square feet of cannabis cultivation, comprised of 10,000 square feet of mixed-light cultivation, 33,560 square feet of outdoor cultivation; in addition to 9,000 square feet of propagation, and a 5,000 square foot processing facility. The operation will occur on a 2.6 acre leased portion of a 100-acre parcel zoned Land Extensive Agriculture. The project is included in the list of cannabis applications over which the Board of Supervisors took original jurisdiction on December 17, 2019. The site had been operating a 28,000 square feet outdoor operation under the Penalty Relief Program since May 23, 2018, but was removed from the program effective October 2022 due to non-compliance code enforcement findings resulting from ordinance prescribed inspections.

Staff recommends approval of the project because it is consistent with the General Plan policies to support ongoing agricultural activities and would maintain a primary agricultural use. The project is an allowed conditional use in the Land Extensive Agriculture Zoning District. The project complies with all development criteria of the Sonoma County Cannabis Ordinance and will meet all operating standards as conditioned. 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 550 feet and 2,900 feet from adjacent residences, rolling hills, and adjacent vineyard surrounding the 2.6-acre project site screen the proposed use. The project would result in permanent removal of 26,984 square feet of agricultural land within the footprint of proposed structural development; however, all structures proposed could support future agricultural uses.

**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 29, 2017, the applicant submitted a Planning Application requesting a Use Permit for 10,000 square feet of mixed-light cultivation and 33,560 square feet of outdoor cannabis cultivation on a 100-acre parcel.

On October 20, 2020, the applicant submitted a revised proposal to clarify information requested by the planner. The application was deemed complete for processing on January 4, 2021.

On November 3, 2022 Permit Sonoma sent notification of the December 13, 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 November 3, 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 December 2, 2022, Permit Sonoma sent notification of the December 13, 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 project parcel is a rectangular 100-acre property in an unincorporated portion of Sonoma County, approximately 1 mile east of the City of Petaluma (See Attachment 4 Aerial Map and Attachment 8 Overall Site Plan). Access to the site is via Browns Lane (a public, paved roadway) that leads to a private and gated road (Periera Road) extending approximately 0.5 mile northeast to the cultivation site (see Attachment 3 Vicinity Map). The cultivation area is 100 feet from the northwest property line, more than 500 feet from all other property lines, and more than 2,000 feet from the nearest public right-of-way (Browns Lane). The site currently contains parking and turnaround access for emergency vehicles.

The project site is characterized by rolling hills generally sloping from north to south towards an unnamed riparian corridor at the southeast portion of the property. The parcel is predominately used for grazing by cattle and sheep. The parcel consists of an existing cannabis cultivation site on the western property border, a single-family residence served by an existing groundwater well, a ranch with pastureland for livestock grazing, and two man-made irrigation ponds which are fed by City of Petaluma reclaimed water. As shown on the aerial map (see Attachment 4 Aerial Map and Attachment 8 Overall Site Plan) all existing development is located east of the cannabis operation. Existing structures on the parcel include 2 single family residence, an agricultural barn, and various outbuildings. None are associated with the operation.

The site is located in a Groundwater Availability Class 3 - Marginal Groundwater area, and is within the Petaluma Valley Groundwater Basin classified as a Medium Priority basin by 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 eastern limits of the parcel are designated as High Fire Hazard Severity Zone, while the remainder of the parcel, including the project site, is designated as a Moderate Fire Hazard Severity Zone.

### General Plan Land Use and Zoning

The General Plan Land Use Designation of the parcel is Land Extensive Agriculture (LEA) with a density of 60 acres per dwelling unit (see Attachment 5 General Plan Land Use Map). The project site is within the boundaries of the Sonoma Mountain Area Plan, which includes broad goals and policies related to encouraging growth that maintains the existing range of types of communities while also retaining large parcels for agricultural uses. The parcel is zoned LEA (Land Extensive Agriculture) (B6) with a 60-acre per dwelling unit density, Riparian Corridor (RC 50/50), and VOH (Valley Oak Habitat) (see Attachment 6 Zoning Map).

### Surrounding Land Uses and Zoning

This area is largely rural. Surrounding parcels to the subject parcel are zoned Land Extensive Agriculture (LEA), with Diverse Agriculture (DA) to the east approaching Highway 116. The project site is surrounded by large agricultural parcels that range in size from approximately 100 to 300 acres. Land uses are primarily agricultural

with interspersed rural residences. Agricultural uses include vineyards to the north and northwest, while the remaining parcels are primarily used for grazing. The nearest residence is a single-family residence to the north (550 feet away), the second nearest residence is a single-family residence to the east (2,900 feet away). All other residences in each direction are over 3,000 feet away from the project site.

#### Penalty Relief Program Operations

The applicant/operator (Joseph Riccardo of LIG Remedies) registered to cultivate 28,000 square feet of outdoor cannabis under the Penalty Relief Program on May 23, 2018. The operation was removed from the Penalty Relief Program effective October 2022, for violating county code and Program rules.

#### Proposed Project Description Summary

LIG Remedies, Inc., requests a 5-year limited-term Use Permit for a commercial cannabis cultivation operation.

The project consists of:

- A) Cultivation Total: 43,560 square feet of cultivation
  - 1. 10,000 square feet of mixed-light
  - 2. 33,560 square feet outdoor
- B) Propagation: 9,000 square feet of mixed-light propagation
- C) Processing: Onsite processing of site grown cannabis

The cannabis operation will be conducted within a 2.6-acre fenced premises located on the western portion of the 100-acre parcel (see Attachment 4 Aerial Map). All new structures will be used for the cannabis operation. However new structures will be constructed within existing graveled areas currently used for employee parking, mobile office space, and hoop houses (See Attachment 7 Proposed Premises Map). Mixed-light cultivation will occur in 8 new greenhouses (1,600 square feet each) and propagation will occur in 3 new greenhouses (1,000 square feet each). A 5,000 square foot prefabricated metal structure will be used for processing site grown cannabis, contain harvest storage, and house an ADA compliant restroom. On-site processing of site grown cannabis will consist of trimming, drying, curing, weighing, and packaging.

Proposed hours of operation for outdoor, mixed-light, and indoor processing activities are 24 hours per day, 7 days a week. However, primary operations will occur during daylight hours. During harvest, cultivation activities may extend into the night or begin before sunrise. These cultivation activities are considered typical and common for agricultural uses on agriculturally zoned land. Deliveries and shipping will be limited to 8:00 am-5:00 pm Monday through Friday. The operation will employ a maximum of 10 employees consisting of part time, full time, and contracted farm management consultants. Transportation and distribution will be conducted by a licensed third-party company. The operation will not be open to the public.

Cattle and sheep grazing will continue on the remainder of the parcel (91 acres) outside and independent of leased cannabis premises and operation.

#### Site Improvements:

All new structures on concrete slab foundations will be used for the proposed operation. New structures include: 8 new greenhouses for cultivation, 3 new greenhouses for propagation, and a prefabricated metal processing building. The cultivation greenhouses will be 1,600 square feet each and the propagation greenhouses will be 3,000 square feet each (see Attachment 9 Proposed Site Plan). The prefabricated metal building will be 5,000 square feet and contain areas for drying and packaging, an ADA restroom, and harvest

storage. The total structural footprint of the project is 26,984 square feet. All new structures will contain odor control and ventilation systems.

An existing groundwater well is located on site to serve the existing residence and will also provide potable water to the project site for domestic uses (i.e., handwashing and drinking water). A new water line will connect the water from the existing well to a new 1,000-gallon potable water holding tank. The site currently utilizes and will continue to utilize Petaluma recycled water for cultivation irrigation.

A paved accessible parking space and a loading zone space will be adjacent to the processing building. An accessible ramp will also be installed to access the processing building. Existing turnouts on the private access road will be widened to 22 feet. Emergency vehicle turnarounds are existing.

Security and fencing improvements are also proposed. The entire 100-acre parcel and the current cannabis operation are fenced. Secondary fencing will be installed around the entire cultivation premises, and a 24-hour video surveillance system with cameras and motion sensing lighting will be installed.

Primary access to the site is provided via an existing 16-footwide private graveled access road, Periera Road, at the end of Browns Lane (a public road). Employees and authorized visitors will enter the site through two secured locked gates with an access code, one off Browns Lane, and one off of Periera Road. Both gates will be fitted with a [Knox Box <https://www.knoxbox.com/>](https://www.knoxbox.com/) to provide access to emergency vehicles. Secondary emergency egress for onsite employees is provided via an unnamed access road terminating at 601 Stage Gulch Road. There are four emergency vehicle turnarounds, and four turnouts (two need to be widened to 22 feet) along Periera Road. Additionally, a fire hose connection will be installed on the existing City of Petaluma Recycled Water hydrant. A total of 29,500 gallons of recycled water will be stored in holding tanks for irrigation and emergency fire suppression. These conditions have been determined to provide for the Same Practical Effect as the California Board of Forestry's Fire Safe Regulations toward providing defensible space, in accordance with 14 CCR §1270.06. This Exception for the Same Practical Effect was accepted by Sonoma County Fire Marshal and submitted to CalFire September 16, 2022.

## DISCUSSION OF ISSUES

### **Issue#1: General Plan and Sonoma Mountain Area Plan Consistency**

The subject property has a General Plan Land Use designation of Land Extensive Agriculture (LEA) and is located within the Sonoma Mountain Area Plan. This land use designation (LEA) is intended to ensure the stability and productivity of the County's agricultural lands and industries, specifically by enhancing and protecting lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. Section 2.6 of the General Plan Land Use element identifies the intended policy and permitted uses for Land Extensive Agriculture areas. This land use designation is intended to establish and maintain densities and parcel sizes that are conducive to continued agricultural production. The Sonoma Mountain Planning Area Plan includes broad goals and policies related to encouraging growth that maintains the existing range of types of communities in the Planning Area while also retaining large parcels for agricultural uses.

### Staff Analysis

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation may be permitted within the Land Extensive 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) Although proposed greenhouses and the processing building are intended for cannabis cultivation and processing, both are generally considered agricultural in nature, and would not be out of place in the LEA district. Additionally, these structures would not be visible from any public road or vantage point;
- C) The proposed greenhouses and processing building may also be used for future agricultural operations, and the outdoor cultivation would preserve soil for future agriculture production;
- D) The cannabis operation is situated in such an area that is not visible from public viewsheds or roadways;
- E) The project will continue the current cattle and sheep grazing operation on approximately 91 acres of the project parcel;
- 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, and open and rural spaces.

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

Commercial cannabis cultivation is an allowed use with a Use Permit in the Land Extensive Agricultural (LEA) zoning district pursuant to compliance with development standards from the 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) Indoor cannabis cultivation cannot exceed 5,000 square feet of cultivation area (Specialty Indoor) per parcel;
- C) Mixed-light cannabis cultivation cannot exceed 10,000 square feet of cultivation area (Small Mixed-light) per parcel;
- D) Outdoor cannabis cultivation cannot exceed 43,560 square feet (1 acre) of cultivation area (Medium Outdoor) per parcel;
- E) The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel;
- F) Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- G) Associated processing is limited to on-site cultivation only;
- H) The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner;
- I) The minimum property setbacks for outdoor and mixed-light 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 100 acres;
- B) No indoor cultivation is proposed;
- C) 10,000 square feet of mixed-light cultivation is proposed;

- D) 33,560 square feet of outdoor cultivation is proposed;
- E) The total cultivation proposed is 43,560 square feet;
- F) 9,000 square feet of non-flowering mixed-light propagation (the 25% limit = 10,890 square feet) located in 3 separate greenhouses;
- G) Processing of only site grown cannabis;
- H) The Operator Joseph Riccardo, of LIG Remedies Inc. does not hold permits for other commercial cannabis cultivation operations in the County;
- I) The project maintains adequate setbacks:
  - 1. 100 feet from the nearest property line to the northwest and (more than 500 feet from all other property lines);
  - 2. The closest residence to the project site is located approximately 550 feet to the north of the project site; and
  - 3. The nearest school (Harvest Christian School) is 1.2 miles to the west; the nearest park (Tolay Regional Park) is 1.2 miles to the east; and the nearest rehabilitation treatment center (Hillcrest Post-Acute treatment center) is 5.8 miles to the southwest.

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

No public comments were received from neighbors. All public comments received were generally related to the cannabis ordinance. Staff included an analysis of potential neighborhood concerns including odor, water use, noise, security, wildfire risk, and traffic. Each topic is discussed below.

#### Odor

In adopting the Cannabis Ordinance, the Board of Supervisors found that air quality and odor issues could be addressed through compliance with development and operating standards requiring minimum setbacks for cultivation uses and implementation of odor control filtration systems for cultivation and processing structures.

#### Staff Analysis:

##### Outdoor Cultivation Odors:

No odor complaints were received related to the Penalty Relief Operation. 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 address odor issues from cultivation, the Zoning Ordinance Development Standards establish minimum setbacks to enable odor dissipation, as described in Issue #2(i) above. The closest residence to the project site is located approximately 540 feet north of the project site. The parcels downwind from the project site are primarily large agricultural parcels, with residences over 2,000 feet away from the project site.

##### Mixed-light Cultivation and Indoor Processing Odors:

In addition to minimum setbacks, cultivation and processing structures must be equipped with odor control filtration and ventilation systems, in compliance with section 26-88-254(g)(2). The applicant is proposing to have all indoor cultivation and processing structures include self-contained, closed-loop climate control systems, including carbon filtration to clean the air and control odor, which complies with the Zoning Code Operating Standard. Daily inspections and annual reporting would be required by Condition of Approval 24 to ensure that the system is working adequately to control off-site odors and inspections to verify that all filtration equipment is functioning properly.

### Water Use

The project site is located in a Groundwater Availability Class 3 - Marginal Groundwater area and is within a Medium Priority SGMA basin. However, no groundwater use is proposed for irrigation purposes. Since the project will utilize recycled water from the City of Petaluma for irrigation, a groundwater study was not required. Groundwater will be used for employee potable water supply and a Potable Water Assessment indicated project groundwater use would be minimal. The project is subject to Conditions of Approval which require monitoring and annual reporting of well water use (Condition 76) and recycled water use data (Condition 72), and limit groundwater use to 0.5 acre-feet per year (Condition 78).

### Noise

Cannabis operations are subject to operational noise standards of the Sonoma County General Plan 2020 Noise Element. Generally, cannabis cultivation is not a noise generating land use; typical noise would be associated with agricultural equipment (e.g., tractors) and heating, ventilation, and air conditioning (HVAC) systems.

A Noise Impact Analysis was prepared by LSA April 2022, to determine potential noise impacts associated with the project. The closest sensitive receptor to the project site, measured from the property line, is a single-family residence 310 feet to the north of the nearest property line (570 feet from the cannabis operation). Two long term (96-hour) and two short term (15 minute) measurements were gathered to establish the current ambient noise environment. Typical daily noise from the proposed project operation was calculated and determined to be compliant with the County's General Plan Noise Standards, as described below.

Assuming all equipment used in average daily operations would run simultaneously for 30 minutes or more in a given hour, the noise study determined the project noise level contribution to the nearest residence would be 31.5 dBA, much lower than County standards (i.e., 50 dBA during daytime hours and 45 dBA during nighttime hours). In addition to typical daily noise sources, the project may occasionally use a skid steer, or an emergency backup generator in the event the power grid is down. With the assumption all equipment is running simultaneously for a period of 30 minutes or more in a given hour, the project noise level contribution to the nearest residence would be 40.2 dBA, which again is lower than County standards for both daytime and nighttime operation noise. In conclusion, the study found that operation of the proposed project, including the loudest, infrequent noise-generating events, would not result in a perceptible noise increase at any surrounding receptor.

The project would result in a temporary noise increase during construction, mostly related to engine noise and back-up beepers associated with operation of construction equipment and transport of construction materials. This impact would cease when construction of the project is completed. However, the study determined construction activities could result in a significant temporary noise impact. Mitigation measures have been imposed to require standard construction noise reduction best management practices (such as limiting construction hours) and requiring installation of a construction noise barrier (Conditions of Approval 47, 48, and 94, and Mitigation Measure NOISE-1 and 2).

### Security

In adopting the Cannabis Ordinance, the Board of Supervisors found that security issues could be addressed through compliance with security and fencing requirements and with compliance with section 26-88-254(f)



(21).

#### Staff Analysis

A Site Security Plan must meet all the minimum requirements of the ordinance, tailored to address site specific project activities and site constraints. A Site Security Plan was reviewed by County staff and found to meet ordinance requirements, including security fencing and screening, cameras, lighting, and alarms. To maintain effectiveness of the security measures, part of the security protocol requires security plans to be held in a confidential file, although a generalized description of the plan can be provided to the public and decision-makers.

Additional non-required security measures have been proposed by the applicant which includes dedicated security personnel. The operation shall maintain all aspects of the approved site security plan including security cameras, lighting, and alarms. The site is screened from public view due to the topography and setbacks from public view and adjacent properties. The entire property perimeter is fenced, and locked gates prohibit unauthorized vehicular/pedestrian access. All lighting would either be fully contained within existing structures or will be downward-casting and would not project on to neighboring properties or the night sky. All structures used for the cannabis operation would have locking doors for security. The intent of the security plan requirement is to facilitate public safety of the surrounding neighborhood by limiting potential for opportunistic crime at the site (e.g., controlling site access with a locked gate, implementing alarms and security cameras to discourage break-ins, having on-site security personal). With implementation of the Site Security Plan, the project is not anticipated to attract opportunistic crime or result in any undue impacts to public safety, and therefore, is determined to be compatible with the surrounding neighborhood.

#### Fire Risk and Access:

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 majority of the subject parcel, including the project area, is designated as Moderate, while the southern portion of the parcel, opposite the project area, is designated as a High Fire Severity Zone.

On June 3, 2022, a Fire Access Review was conducted by the Sonoma County Fire Marshal. Based on this evaluation, the project is conditioned to address fuel reduction and maintaining of the private access road and turnouts. Project Conditions of Approval require all new structures to be built in compliance with applicable County Fire Code and the California Board of Forestry Fire Safe Regulations (14 CCR § 1270.00 et seq.).

The State Fire Safe Regulations require developments within the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. In general, this includes requiring that two-lane roads have two 10-foot traffic lanes and that one-lane roads have one 12-foot traffic lane. The State regulations allow for exceptions to these standards due to environmental conditions and physical site limitations when the alternative provides the same practical effect towards defensible space (14 CCR § 1270.06(a) and § 1271.00).

The applicant's request for an Exception to Standards providing the Same Practical Effect (14 CCR § 1270.06) was evaluated and accepted by Sonoma County Fire Marshal September 16, 2022, and submitted to CalFire. The Fire Marshal has required the applicant maintain 29,500 gallons of recycled water in holding tanks onsite, install a fire hose connection on the existing recycled water hydrant, replace the existing 16 foot entrance gate

with 20 foot wide entrance gate, expand two of the four existing turnouts that do not meet the width minimum to at least 22 feet wide, maintain the existing four emergency vehicle turnarounds, and install a Knox Box at each locked gate to ensure safe access for emergency fire apparatus and civilian evacuation concurrently. Additionally, as required by, Section 26-88-254(f)(16) the Cannabis Ordinance No. 6245, further enforced by Project Condition of Approval 80 to 86, the applicant has submitted additional detail to their Fire Protection Plan that further documents fire access road, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management. These conditions have been determined to provide for the Same Practical Effect (14 CCR § 1270.06).

### Traffic

The project would utilize up to 10 employees for commercial cannabis activities and would conservatively generate a maximum of 21 average daily trips during peak activity periods (e.g., harvest), including 5 or fewer trips during the morning and evening peak commute hours. Truck deliveries comprise less than one average daily trip. This minimal number of peak hour and total daily trips would not result in a significant change in existing circulation patterns or emergency response times, and therefore, would not have a significant effect on local traffic conditions.

### **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 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); and Noise (construction operation limitations). With incorporation of these mitigation measures, the project is expected to have a less than significant impact.

### Neighborhood/Public Comments

On January 4, 2020, a neighborhood notification was sent to neighboring properties within 300 feet of parcel boundaries. To date, staff has received 3 responses of concern and 4 responses of support for the project. Comments were received expressing concerns regarding compliance with the General Plan Zoning consistency, water use, security, traffic, and fire risk and access. Comments expressing concern over the project were not submitted by neighboring properties, included various inaccuracies (e.g., no school or park is within 1,000 feet of site; site does not have split zoning and is not within the Petaluma Dairy Belt Area Plan), and stated more general concerns with cannabis permitting overall, rather than project-specific concerns. These correspondences are attached to the Staff Report for reference (Attachment 11).

### Staff Recommendation

Staff recommends the Board of Supervisors adopt the Mitigated Negative Declaration and approve the Use Permit for 43,560 square feet of commercial cannabis cultivation comprised of 10,000 square feet of mixed-light cannabis cultivation and 33,560 square feet of outdoor cultivation; in addition to, with 9,000 square feet of mixed-light propagation and associated processing, subject to the attached Conditions of Approval.

**Strategic Plan:**

Not Applicable

**Prior Board Actions:**

December 17, 2019, Board of Supervisors action approving request for original jurisdiction over multiple applications, including UPC17-0031.

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

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

Not Applicable

**Attachments:**

- Att 1 UPC17-0031 Board of Supervisors Resolution
- Att 2 UPC17-0031 Exhibit A of the Resolution - Draft Conditions of Approval and Mitigation Monitoring Program
- Att 3 UPC17-0031 Vicinity Map
- Att 4 UPC17-0031 Aerial Map
- Att 5 UPC17-0031 General Plan Land Use Map
- Att 6 UPC17-0031 Zoning Map
- Att 7 UPC17-0031 Project Proposal Statement and Operating Plan
- Att 8 UPC17-0031 Overall Site Plan
- Att 9 UPC17-0031 Proposed Site Plan
- Att 10 UPC17-0031 Draft Initial Study and Mitigated Negative Declaration
- Att 11 UPC17-0031 Public Comments received prior to November 30, 2022
- Att 12 UPC17-0031 Staff PowerPoint

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

N/A