



## Legislation Details (With Text)

<b>File #:</b>	2021-0723	<b>Status:</b>	Agenda Ready
<b>Type:</b>	Regular Calendar Item	<b>In control:</b>	Permit and Resource Management
<b>File created:</b>	6/30/2021	<b>Final action:</b>	
<b>On agenda:</b>	8/31/2021		
<b>Title:</b>	2:45 P.M. -UPC17-0069 Freestone Ranch LLC Cannabis Cultivation and Processing at 1478 Valley Ford Freestone Road, Bodega		
<b>Sponsors:</b>	Permit and Resource Management		
<b>Indexes:</b>			
<b>Attachments:</b>	1. BOS Summary.pdf, 2. ATT 1 Project Proposal Statement and Site Plan.pdf, 3. ATT 2 Draft Conditions of Approval.pdf, 4. ATT 3 Vicinity Map.pdf, 5. ATT 4 Aerial Map.pdf, 6. ATT 5 General Plan Land Use Map.pdf, 7. ATT 6 Zoning Map.pdf, 8. ATT 7 Public Comments.pdf, 9. ATT 8 Letter from Department of Cannabis Control (DCC), July 20, 2021.pdf, 10. ATT 9 Response to Comments in DCC Letter.pdf, 11. ATT 10 Sheriff Crime Response.pdf, 12. ATT 11 Draft Board of Supervisors Resolution.pdf, 13. Staff PowerPoint Presentation 20210831.pdf		

Date	Ver.	Action By	Action	Result
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**To:** Sonoma County Board of Supervisors

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

**Staff Name and Phone Number:** Cecilia Jaroslowsky, Project Planner, (510) 845-7549

**Vote Requirement:** Majority

**Supervisory District(s):** Fifth

### Title:

**2:45 P.M. -UPC17-0069 Freestone Ranch LLC Cannabis Cultivation and Processing at 1478 Valley Ford Freestone Road, Bodega**

### Recommended Action:

Adopt a Resolution adopting a Mitigated Negative Declaration of Environmental Impact and approving a limited term conditional use permit for the commercial cannabis operation of 43,511 square feet of cannabis cultivation, including 39,861 square feet of outdoor cultivation, 3,150 square feet of outdoor cultivation and propagation, 500 square feet of indoor cultivation/nursery, and associated processing of site-grown cannabis. (Fifth District)

### Executive Summary:

The project proposes commercial cannabis cultivation consisting of 39,861 square feet of outdoor cultivation, 3,150 square feet of outdoor cultivation, 500 square feet of indoor cultivation/nursery and associated propagation, and processing of site-grown plants, including trimming, drying, and packaging. The operation would occur on a 10.72-acre parcel zoned Land Extensive Agriculture Combining District (LEA B6 160) subject to the Petaluma Dairy Belt Area Plan as follows:

- Cultivation Total: 43,511 Sq. Ft. operated by Freestone Ranch LLC;
  - Medium Outdoor: 39,861 square feet cultivation (Areas A1, A2 and A3);

- Outdoor: Temporary Hoop Houses (Areas B2 and B3): 3,150 square feet. New Construction. The third hoop house, (Area B1) would be used for 750 square feet of non-flowering. Hoop House B1 is not included in the cultivation total.
- Cottage: 500 square feet; includes sequential cultivation, clone propagation and nursery uses (Area D).
- Processing: 375 square feet; covered carport area (Area C).

Auxiliary structures including an ADA restroom, compost and waste enclosures, totaling 168 square feet. The Board voted to assume original jurisdiction over this project on December 17, 2019.

Staff recommends approval of the project because it is an allowed use in the Land Extensive Agriculture District subject to the issuance of a Use Permit. The project complies with all development criteria of the Sonoma County Cannabis Ordinance and will meet all operating standards as conditioned. Consistent with the General Plan, including policies to protect the natural resources of the area, the use would be compatible to an agricultural use and would conserve the majority of the site for future agriculture. The design, location, size, and operating characteristics of the outdoor aspects of the proposed project are considered compatible with agricultural zoning and surrounding land uses because all outdoor and indoor operations are screened and will not be visible from public view (Valley Ford Freestone Road). The cannabis cultivation sites meet the required setbacks from residential neighbors. The project site fronts along a private road and access to the site will be controlled utilizing a gated entry from Valley Ford Freestone Road, a gated, private road. The gated road is equipped with a Knox Box Lock which allows for universal access for emergency services.

## **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.

At their hearing on May 18, 2021, the Board of Supervisors directed staff to complete a comprehensive update of the cannabis program, including updates to the County Code. They further directed staff to prepare an Environmental Impact Report (EIR) to evaluate the proposed Code amendments. The application under review (UPC17-0069) is being processed under the current code. As a project that is consistent with the existing County Code, staff believes that potential project impacts can be mitigated to a less than significant level and is recommending adoption of a Mitigated Negative Declaration in compliance with CEQA.

### Application Processing

On August 31, 2017, a Use Permit application was submitted for 43,560 square feet of outdoor, outdoor cultivation, indoor cultivation and associated propagation and processing. The following currently exists on site under the County's Penalty Relief Program:

- Medium Outdoor: 43,560 square feet cultivation (Areas A1, A2 and A3);
- Cottage: 500 square feet; includes sequential cultivation, clone propagation and nursery uses (Area D).
- Processing: 375 square feet; covered carport area (Area C).

On June 1, 2018, the application was deemed complete for processing and on July 29, 2019, staff performed an initial site inspection.

On June 26, 2020, Permit Sonoma sent notification of the proposed project to neighboring properties within 300 feet of the parcel boundaries. To date, one request was received for project information and status of technical reports.

On June 22, 2021, Permit Sonoma sent notification of the August 31, 2021 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 June 22, 2021, a draft Initial Study/Mitigated Negative Declaration was published for public review and submitted to the State Clearinghouse for State Agency review (SCH Number 2021060487). The public review period is 30 days from publication.

On August 18, 2021, Permit Sonoma sent notification of the August 31, 2021 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.

### Site Characteristics

The parcel is 10.72 acres and located in a rural agricultural area in the Petaluma Dairy Belt, approximately 22 miles northwest of downtown Petaluma (Attachment 4 - Vicinity Map; Attachment 5 - Aerial Map) and 16 miles west of Cotati. Access to the project site is from a private road, via 1478 Valley Ford Freestone Road. The parcel has one easement for a private road spanning completely across its southern limit. The easement

begins at Valley Ford Freestone Road and continues to the east, running along the southern property lines of Parcel Number 026-080-008 and the subject property, 026-080-009, culminating at the corner of the subject property and Parcel Number 026-080-010, which is the last parcel on this private road. The private road is access for a total of three parcels. The subject parcel is approximately 250 feet above sea level and level.

Existing development includes two, single-family structures, a 500-square foot structure with an attached, 375-square-foot carport, and a small shed, not utilized for cannabis uses. The site contains a small parking area and an existing septic system for the residences only and three 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 parcel is not under a Land Conservation Act Contract (Williamson Act).

Three vegetation communities, comprising two wildlife habitat types, occur within the entire parcel. The vegetation communities are non-native grasslands, pine tree windbreak, and remnant coastal scrub/oak woodland. The existing house and driveway are also landscaped with non-native ornamental species. Located approximately 1,280 feet to the west, is Ebabias Creek, a perennial Class II creek, as defined by the Regional Water Quality Control Board. A seasonal tributary is located 520 feet to the south of the parcel. No runoff from the proposed cultivation would affect these two drainages.

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).

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 and Tier 3 - Extreme, 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 District. The site is also within the Petaluma Dairy Belt Area. The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class II bikeway along Valley Ford Freestone Road in the project area.

Regional access to the site is from Highway 1, a major transportation corridor, approximately 6,700 feet to the south of the project site.

#### Surrounding Land Use and Zoning

The parcel is bounded by undeveloped pasture lands on the south, north, and east. Adjacent parcels are also zoned Land Extensive Agriculture. Parcels adjacent to the east and west are generally the same size as the subject property and contain single-family dwellings. Parcels adjacent to the north and south are substantially larger, over 100 acres each, and undeveloped.

There are two legal permitted cannabis operations on two adjacent properties to the west (one operation per parcel), each comprising of 10,000 square feet. The other nearest cannabis operation is approximately five miles to the east.

## **PROJECT DESCRIPTION**

### Project Description Summary

The applicant requests a five-year limited-term Use Permit for a commercial cannabis cultivation operation. The total cultivation area is 43,511 square feet in addition to propagation, on-site processing, and ancillary functions as outlined in the Executive Summary, above. Indoor cultivation area, including sequential cultivation, clone propagation and nursery uses, would require the approval of a Type 1 and 4 license by the State. Outdoor cultivation (Areas B2 and B3) would require a Type 1B license and outdoor cultivation (Areas A1, A2 and A3) would require a Type 3 license by the State. The proposed onsite processing (Area C) would be limited to drying and trimming and the propagation area (Area B1) would include 750 square feet of non-flowering propagation, which would be a total of .02% of the cultivation project.

### Current Operation (Penalty Relief)

The applicant/operation is currently participating in the Sonoma County Cannabis Penalty Relief Program and is currently cultivating 43,560 square feet of outdoor cannabis cultivation and conducting processing activities in an existing 500 square foot facility under the program.

Outdoor cultivation would occur within three areas. Area A1 would be 15,600 square feet and contain 15 rows, each a maximum of 8 feet wide by 130 feet long. Area A2 would be 15,792 square feet and contain 14 rows, each a maximum of 6 feet wide by 188 feet long. Area A3 would be 8,469 square feet and contain 16 rows, all of which would be 6 feet wide by 90 feet long, except for one row that has been shortened to 24 feet long. Condition of Approval number 10 has been added to require an updated project description and site plan identifying one reduced row of cultivation within Area A3 be submitted.

Outdoor cultivation would also occur within two temporary hoop houses. Hoop house B2 is a non-permanent structure 18 feet wide by 75 feet long. Hoop house B3 is 18 feet wide by 100 feet long.

Propagation would occur within hoop house B1, 10-foot wide by 75 feet long. The temporary hoop-house cultivation does not include light deprivation, ventilation, artificial lighting, or any electrical components and the ends are left open and the material covering the structure is removable, therefore, this is classified as outdoor cultivation. "Outdoor" means cultivation of cannabis in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting.

Indoor cultivation would occur in the structure labeled Area D and would include sequential cultivation, clone propagation, nursery use, and processing. These three tasks substantially overlap in that from February to May, clone propagation and nursery use would occur. During November and December, this area is used for drying processed cannabis, and the remainder of the year, this area serves as a cultivation area. This structure would also contain three small metal containers for chemical storage.

Processing activities would also occur within the area labeled Area C, a carport structure which is adjacent to the Area D structure. Area C will house a de-leafing machine called "Trim Reaper" and a cannabis trimming machined call the "Trimminator."

No new construction is proposed except for the 10 foot by 20 foot ADA compliant restroom. The restroom would be located within the southeastern portion of the parcel. The project includes 24-hour daily operation 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. Although County Code Section 26-88-254(g)(5) permits cultivation and harvesting activities to be conducted 7 days a week, 24 hours a day, most cannabis processing (e.g., drying and trimming) would occur during the daytime. Deliveries and shipping will be limited to 8:00 am to 5:00 pm Monday through Friday. Hours of operation will also be from 8:00 am to 5:00 pm but during harvest season will be from 7:00 am to 5:00 pm. The cannabis operation will have a maximum of six employees, including two on-site employees who will reside in the existing residence. An employee parking area is located along the south property line and contains a minimum of six parking spaces. The operation will not be open to the public.

Two existing, single-family structures will remain. The site contains 13 existing water tanks, ranging from 1,000 gallons to 2,800 gallons for a total of 28,000 gallons (or 0.08 acre-feet), all of which will remain.

For a more detailed project description, see Attachment 3, Mitigated Negative Declaration, Project Overview and Description, pages 3 - 7, and Section 10, Hydrology and Water Quality.

#### Site Improvements:

All structures proposed for the project are existing except for the ADA restroom. The applicant would install air filtration systems, temperature and humidity control equipment and other necessary precautions in order to minimize the potential odor impact in the area.

The parcel has a fully fenced perimeter with an automatic security gates to secure the 10.72-acre site. The site contains large, mature trees centrally located within the lot running north/south that screen the facility from the public right-of-way and public view.

## DISCUSSION OF ISSUES

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

The Sonoma County 2020 General Plan classifies the project site as Land Extensive Agriculture (LEA 160). The Policy for Land Extensive Agriculture Areas of the General Plan, states *“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.”* This land use designation is intended to accommodate low density residential development and limited agricultural production/development of lands.

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation and processing

may be consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan and that cultivation and processing activities are an allowed use in an agricultural land use designation.

### Staff Analysis

In adopting Ordinance No. 6189, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Land Extensive Agriculture land use designation provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. Although cannabis is not defined as an agricultural crop under County Code, it is classified as an agricultural product, and cannabis cultivation is an allowed use in agricultural zoning with Use Permit or Zoning Permit approval. The project would be consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan because:

- Cultivation of cannabis would preserve 100% of the current site in its current state;
- The project would utilize existing structures thus, there would be no need to construct new structures for cannabis cultivation which could remove existing land from agricultural production;
- 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 does and will continue to look “agricultural” in nature, containing a primary residence, outbuildings, water tanks, planted crops and landscaping, and open and rural spaces;
- The land use designation allows for cultivation of cannabis with a Use Permit; and
- The project is located outside Riparian Corridors.

The project would preserve the natural, visual, and scenic resources of the site, avoid urban development of the site, and would result in the use of existing property consistent with General Plan Objectives LU-9.1, -9.3, -9.4, -19.1, -19.2, -19.4, as well as the policies for the Land Extensive Agriculture Areas. Specifically, LU-9.3 states “Agricultural lands not currently used for farming, but which have soils or other characteristics that make them suitable for farming shall not be developed in a way that would preclude future agricultural use.” The project is within Grazing Land designation and not currently leased for grazing purposes, however, mentioned above, the project would continue to preserve 100% of the current existing grazing area in its current state and no grazing area would be removed.

### **Issue #2: Specific Plan Consistency**

The project site is located within the Petaluma Dairy Belt Area Plan located in south and southwestern Sonoma County along the Marin County/Sonoma County boundary, from the Petaluma River on the east to the boundary of the Local Coastal Plan near the towns of Bodega and Valley Ford on the west. This Plan Area consists of grass covered rolling hills with scattered eucalyptus tree stands. Residential development is generally associated with the agricultural uses of the land except in the west Cotati area, in the community of Bloomfield and in a few scattered clusters of rural residential, non-agricultural enclaves. The Petaluma River and marshes are significant features in this area as well and U.S. 101 is the major transportation route north

and south.

One of the goals of the Plan Area is to *“identify natural resources that are of significant long-term social, economic, and environmental importance and to establish a comprehensive resource management program in order that these resources are managed for human benefit so as to avoid needless and careless depletion of the resource; the replenishment of renewable resources is promoted; the harvesting and use activities of individuals so engaged are directed towards the most progressive and forward thinking methods in these activities; careless exploitation, and the need of future generations for the use of the land and other resources are a paramount, compelling, and continuing consideration; short term action will not irreparably limit future options; and developers are required to pay for the cost of resource extraction.”*

#### Staff Analysis

The proposed operation meets the goals and intentions of the Plan Area, specifically, G. Agriculture 1. (1) through (4) in that the project will not limit future options on this agricultural site. The goal of the Plan Area is to protect and maintain agricultural land for the value of its products, its economic impact on the county, its contribution to community life, and its environmental values. The project is located within the Grazing Land and Other Land zoning designation. The majority of the site is undeveloped pasture and mature pine forest which will not be altered or modified.

#### **Issue #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:

- The minimum parcel size cannot be less than 10 acres (except by pipeline provision);
- The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel;
- Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- Associated processing includes on-site drying, trimming and curing;
- The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner;
- The minimum property setbacks for outdoor uses must be:
  - 100 feet from property lines;
  - 300 feet from residences on surrounding properties; and
  - 1,000 feet from sensitive uses, such as schools, parks, and treatment facilities.

#### Staff Analysis:

The project complies with development standards as follows:

- Operation on a 10.72-acre parcel;
- 500 square feet of indoor cultivation (includes sequential cultivation, clone propagation and nursery



uses);

- 3,150 square feet of outdoor cannabis cultivation in temporary hoop houses;
- 39,861 square feet of outdoor cannabis cultivation;
- 750 square feet of non-flowering propagation, or .02% of the total cultivation area;
- Processing of only site-grown plants;
- Al Eaddy is the only managing member of Freestone Ranch LLC, previously ASG North Bay Inc., the cannabis business owner. Al Eaddy is also a permitted operator of Redwood Herbal Alliance, a cannabis dispensary located in the Santa Rosa; and
- Project structures and uses maintain adequate setbacks:
  - 100 to 500 feet from property boundaries;
  - 550 feet from the two closest off-site residences; and
  - 6+ miles from the nearest sensitive use, Tomales Elementary School and High School.

The proposed use shall be 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. 13. Operating standards include, but are not limited to: implementation of a Site Security Plan; installation and operation of odor control filtration systems; and utilization of renewable energy sources.

The establishment, maintenance, or operation of the proposed use, would not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the area of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area for the reasons detailed below.

- The design, location, size, and operating characteristics of the outdoor aspects of the proposed project are considered compatible with agricultural zoning and surrounding land uses because all outdoor and indoor operations are screened and will not be visible from public view (Valley Ford Freestone Road). The indoor areas would include carbon filters installed onto its ventilation system and the processing area would meet the minimum property setbacks for outdoor and indoor structures, in that all structures would be a minimum of 100 feet from property lines and 300 feet from residences on surrounding properties. Existing large and mature trees on the property along the eastern and western limits of the project area would screen the uses.

Proposed lighting meets all requirements of the Zoning Code. All indoor operations are required to be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The project is not visible from any public vantage point.

#### **Issue: #4 Hydrology and Water Usage**

The project site is located in a Class 2 groundwater area as defined by the California Department of Water Resources. Ebabias Creek, a tributary to the Estero Americana, occurs approximately 1,280 feet to the west of the parcel. A seasonal tributary, located 520 feet to the south, flows west into Ebabias Creek. This project is in a Class 2 groundwater area and outside any priority basin, therefore the Natural Resources Geologist at Permit Sonoma determined that a groundwater study was not required, and standard groundwater monitoring conditions would apply. The project will avoid impacts to any drainages and associated wetland vegetation by maintaining a 100-foot no-touch buffer zone or setback in accordance with the County's rules and regulations

and based upon the submitted habitat assessment by Wildlife Research Associates, dated August 24, 2017, no runoff from the proposed grow area will occur to affect drainage areas.

Staff Analysis:

The project has 13, on-site water tanks that hold up to 28,000 gallons (or 0.08 acre-feet). The cultivation and processing area would use 1,102,000 gallons (3.38 acre-feet) during each growing cycle. The project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time and domestic water uses from the existing wells would be negligible. See Section 10 of the Mitigated Negative Declaration for additional details.

The Natural Resources Geologist concluded that the project will ensure zero net use increase in groundwater use and is unlikely to have any significant impacts on groundwater resources or interconnected surface waters and standard conditions of approval would apply.

Recommended conditions of approval require well monitoring on a monthly basis to verify performance. In the event that average water use over a 3-year period exceeds the estimated water use of the approved Water Conservation Plan by more than 10%, Permit Sonoma will review the project to identify additional measures to reduce groundwater use.

After two years with very little rainfall, Sonoma County is experiencing below average water supply. The project site is located in Groundwater Availability Class 2 (areas with major natural recharge). The project is not located in a Priority Groundwater Basin. Because the site is located in an area with typically ample groundwater and outside of groundwater basins that experience shortages, the project was not required to prepare a Hydrogeologic assessment. Permit Sonoma is, however, requiring the applicant to submit annual groundwater monitoring reports, limiting groundwater use to less than 2.08 acre-feet per year, and requiring the applicant to dedicate an easement allowing County groundwater inspection and monitoring.

**Issue #5: Odor**

In adopting the Cannabis Ordinance, the Board of Supervisors found that air quality and odor issues could be addressed through compliance with the operating standards described in Section 26-88-254(g)(2):

- (1) *Air Quality and Odor. All indoor and outdoor cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.*

Generally, odor can be reduced by implementing required setbacks. The cannabis ordinance states that outdoor cannabis operations must be 300 feet from residences and businesses and 1,000 feet from schools, parks, and other sensitive uses. The Board of Supervisors found that indoor operations with odor control ventilation systems meeting the setbacks for the base zone and any applicable combining zone are sufficient in controlling odor.

According to U.S. Department of Agriculture studies, surrounding an odor-generating land use with a natural buffer or windbreak has been a successful strategy to reduce odor impacts. The buffer/windbreak strategy is most effective when parcels are large (at least 10 acres) and land uses are far apart, maximizing odor dissipation with distance between uses. Odor plumes generally travel along the ground in the direction of the

prevailing winds. However, tree and shrub buffers have been found to deflect the odor plume above the vegetation layer where it is diffused into the atmosphere.

Staff Analysis:

The proposed project would comply with section 26-88-254(g)(2). The proposed processing area will be conducted indoors and will include carbon filters installed onto its ventilation system. The structure containing the proposed processing area would meet the minimum property setbacks for the zoning district in that the structure would have a minimum front setback of 30 feet, side setback of 10 feet and rear setback of 20 feet. Mentioned above, the processing area would be meet the minimum property setbacks for outdoor, indoor and outdoor structures, in that all structure would be a minimum of 100 feet from property lines and 300 feet from residences on surrounding properties. The project site also contains mature, large trees along the east and west around the project area within the project site.

**Issue #6: Traffic**

The project would utilize up to six employees for commercial cannabis activities. The Cannabis Trip Generation Form lists that the project will have maximum of 18 average daily trips associated with the project.

Staff Analysis:

Freestone Valley Ford Road is a County Road. The nearest County maintained road is Freestone Valley Ford Road which does not contain paved shoulders. Given the minimal traffic associated with the project, the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes. See Section 17 of the Mitigated Negative Declaration for additional details.

**Issue #7: 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. The submitted Site Security Plan has been reviewed by staff as part of the project. Security measures have been adequately outlined through the Cannabis operation plan which is required to comply with the above excerpt from the Cannabis Ordinance. Security measures include, but are not limited to, the installation of a comprehensive surveillance monitoring system which covers all of the cultivation areas and important access points as well as controlled access points. Security measures have been adequately outlined through the Cannabis operation plan which is required to generally comply. The operation must maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). The proposed use would have no external evidence of cannabis operations. Public access is limited with a gate that visitors or employees would need a code to access. The site is fully screened from public view due to mature vegetation along the western portion of the lot and the project is located internal to the lot. All structures would have locking doors for security. All exterior lighting would be downward casting and not project on to neighboring properties or the night sky. Security surveillance cameras would be installed and

maintained to provide coverage on a twenty-four basis of all exterior and internal areas. 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.

### **Issue #8: Public Comments**

A Notice of Intent to adopt the Proposed Initial Study and Mitigated Negative Declaration (ISMND) was posted and sent out to neighbors on June 22, 2021. To date, Staff has received one comment on the ISMND from the Department of Cannabis Control (DCC), dated July 20, 2021; this correspondence is located in Attachment 8. Staff has prepared a Response to Comments on the DCC letter and is Attachment 9.

On August 18, 2021, the hearing notification was posted, mailed to residents within 1,000 feet of the subject property line.

During the project analysis, staff evaluated the potential risk to neighborhood health, safety and access. After review of the proposed project, the cannabis ordinance, the Sonoma County Community Development Code and the General Plan, staff determined that the proposed project would not be detrimental to the health and safety and would not impose unnecessary hardship on the residents.

#### Staff Analysis:

To date, staff has received public communications, from two residents, requesting additional information on the project and a copy of the ISMND. Additional comments from the two residents included concerns regarding the status of the Penalty Relief Program, public noticing of the site, noise, water use and crime. These communications are included in Attachment 7.

The concerned residents were informed regarding the projects' status of the Penalty Relief Program, the public noticing process and timeline for this project, the location of proposed fans, detailed information regarding on-site ground water, water usage and determination from the Natural Resources. Pursuant to PRMD County records the project was issued one violation in 1996 and was resolved.

### **Environmental Determination**

Staff prepared an Initial Study 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, the Initial Study and Mitigated Negative Declaration concluded potential environmental impacts can be mitigated to a less than significant level by incorporating mitigation measures into the proposed project. Mitigation measures for these impacts are detailed in the Mitigated Negative Declaration and have been incorporated into the conditions of approval (Refer to Exhibit A for more detail). The environmental factors that would be potentially affected by this project and have been determined to be "Less than Significant with Mitigation" are as follows:

- Section 4, Biological Resources: pages 19 - 30.

Mitigations include onsite monitoring of special status plants, preventing the taking of Red-Legged frogs, avoidance of disturbing nesting birds, and improving onsite habitat of the Western Bumble Bee.

## **Staff Recommendation**

Staff recommends the Board of Supervisors adopt a Resolution adopting a Mitigated Negative Declaration and approving a Use Permit for 43,511 square feet of cannabis cultivation, including 39,861 square feet of outdoor cultivation, 3,150 square feet of outdoor cultivation within temporary hoop houses, 500 square feet of indoor cultivation/nursery, and associated processing of site-grown cannabis, 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 UPC17-0069.

## **FISCAL SUMMARY**

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

N/A

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

N/A

### **Attachments:**

- ATT 1: Project Proposal Statement and Site Plan
- ATT 2: Draft Conditions of Approval
- ATT 3: Vicinity Map
- ATT 4: Aerial Map
- ATT 5: General Plan Land Use Map
- ATT 6: Zoning Map
- ATT 7: Public Comments
- ATT 8: Letter from Department of Cannabis Control (DCC), July 20, 2021
- ATT 9: Response to Comments in DCC letter
- ATT 10: Sheriff Crime Response
- ATT 11: Draft Board of Supervisors Resolution

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

Proposed Initial Study Mitigated Negative Declaration (ISMND)