



Legislation Text

File #: 2023-0174, **Version:** 1

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

Title:

1:45 PM -Quarry Farms, LLC 1-acre cannabis outdoor cultivation at 585 Trinity Road, Glen Ellen. PLP17-0040

Recommended Action:

Adopt a Resolution adopting a Mitigated Negative Declaration and approving a commercial cannabis use permit to allow 43,560 square feet of outdoor cultivation, 10,890 square feet of propagation; and adopt an Ordinance approving a zone change to remove a MR (Mineral Resources) Combining District. (First District)

Executive Summary:

The project proposes a zone change to remove a MR (Mineral Resources) Combining District and a commercial cannabis cultivation operation consisting of 43,560 square feet of outdoor cultivation and 10,890 square feet of outdoor propagation. The operation would occur on a 4.66-acre leased portion of a 25.16-acre parcel zoned Land Intensive Agriculture located at 585 Trinity Road in Glen Ellen. The project was recommended for approval on December 15, 2022, by majority vote (4-0-1) of the Planning Commission and is currently operating under the Penalty Relief Program (PRP).

Staff recommends approval of the zone change because the former Trinity Quarry has ceased operation as of November 2018, and a reclamation plan has been submitted and approved. Reclamation is currently ongoing and is estimated to be complete by Spring 2024, in compliance with the most recently revised reclamation plan submitted in December 2020.

Staff further recommends approval of the cannabis cultivation Use Permit because it is consistent with the General Plan policies to support ongoing agricultural activities and would conserve the majority of the site for future agriculture use. The project is an allowed conditional use in the Land Intensive Agriculture Zoning District. The project as conditioned complies with all development criteria of the Sonoma County Cannabis Ordinance and will meet all operating standards. Emergency access and egress in the event of a wildfire is adequately addressed through roadway improvements and the addition of parking areas. 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 470 feet and 1,300 feet from adjacent residences, dense vegetation surrounding the 4.66-acre project site screens the proposed used, and there would be no new structures or increase in parcel density.

Discussion:

BACKGROUND

Regulations

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

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

On December 20, 2016, the Sonoma County Board of Supervisors adopted the Cannabis Land Use 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 Land Use 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.

On May 17, 2022, the Board approved an action to rescind original jurisdiction over the proposed project to allow for it to be first heard by the Planning Commission, with a recommended action to be presented to the Board of Supervisors at a future hearing.

Application Processing

On July 22, 2017, prior to submitting a Use Permit application, the applicant hosted a neighborhood meeting and guided tour for the proposed project.

On September 14, 2017, the applicant, formerly GDCF, LLC/Erich Pearson, submitted a Use Permit application to legalize 43,560 square feet of outdoor cultivation operating under the Penalty Relief Program.

On November 13, 2018, the applicant submitted a revised application package to reflect proposal changes due to damages from the 2017 Nuns Canyon Fire. The amended proposal removed onsite processing, as well as mixed light and nursery cultivation.

On November 14, 2018, Permit Sonoma staff reviewed the amended application and deemed it complete for processing.

On April 17, 2019, ownership for the application was transferred to Quarry Farm, LLC/Justin Morgan and

supporting documentation was submitted to Permit Sonoma.

On January 22, 2020, the Sonoma Valley Citizens Advisory Commission conducted a public hearing for the proposed project and recommended approval of the Use Permit.

On December 20, 2021, the project was deemed complete for CEQA review.

On September 28, 2022, an amendment to the project proposal was submitted to request the addition of 10,890 square feet of propagation in temporary structures and self-distribution transportation of site grown cannabis. This constituted the final amendment to the proposed project.

On November 4, 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 November 4, 2022, Permit Sonoma sent notification of the December 15, 2022, Planning Commission 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 December 15, 2022, the Planning Commission voted to approve a resolution recommending that the Board of Supervisors adopt the prepared Mitigated Negative Declaration, approve a zone change to remove a MR (Mineral Resources) Combining District, and approve the Use Permit with conditions.

PROJECT DESCRIPTION

Site Characteristics

The project site is located on a 25.16-acre parcel at 585 Trinity Road, in an unincorporated, agricultural area of Sonoma County, approximately 1 mile north of Glen Ellen and 2.6 miles south of Kenwood in the Sonoma Valley (see Attachment 3 Vicinity Map). Primary access to the project site is via a private road from Trinity Road, with a secondary emergency access from Weise Road (see Attachment 7 Site Plan and Drawings, Sheet C3.0).

The site was formerly utilized for mining and mineral extraction as the Trinity Quarry, which primarily produced construction materials and decorative rock. Portions of the property have been leased for horse and cattle grazing in the past. This grazing is still ongoing, with cattle allowed to roam across the parcel. The parcel is not under a Land Conservation Act Contract (Williamson Act). Habitat types at the site consist of annual grassland, oak woodland, mixed forest, riparian woodland, wetlands, and ephemeral drainages (tributary to Calabazas Creek).

Site elevation ranges from approximately 350 to 425 feet above sea level. Lands to the east are the foothills of the southern portion of the Mayacamas Mountains.

A surface water pond associated with the former quarry operations is located to the east of the project site and will be maintained under the current reclamation plan. The pond will not be utilized by the cultivation operation.

An existing water well and pump house, located on a nearby parcel (APN 053-100-016), will provide water for the proposed project and two additional proposed projects on adjacent sites (UPC19-0002 at 101 Trinity Road, approved 2/1/2021; UPC17-0048 at 12201 Highway 12, approved 10/18/2022). An existing water line connects the water from the existing well to an existing 150,000-gallon water tank located on parcel APN 053-100-017 (101 Trinity Road) and continues to a storage tank located within the cultivation fence line. Easements will be recorded to utilize the well and water line for the proposed project irrigation.

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

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

General Plan Land Use and Zoning

The General Plan Land Use Designation on the parcel is Land Intensive Agriculture (LIA) with a density of 100 acres per dwelling unit. The site is not designated in an area or specific plan. The General Plan and Countywide Bicycle and Pedestrian Master Plan identify a proposed Class III bike path along Trinity Road, starting at the intersection of Trinity Road and Highway 12 and extending east to the Sonoma-Napa County line. A Class III Bike path is defined as a “share the road” path where bicyclists and motorists would utilize the same travel lanes, with no proposed roadway modification such as establishing a separate bike lane that would necessitate dedicating additional right-of-way to the County.

The parcel is zoned LIA (Land Intensive Agriculture) (B6) with a 100-acre per dwelling unit density, LG/MTN (Taylor, Sonoma, Mayacamas Mountains), Mineral Resources (MR), Riparian Corridor (RC50/25), and SR (Scenic Resources - Community Separator). The MR zoning designation would be removed under the approval of this Use Permit and zone change request.

Surrounding Land Use and Zoning

The parcel is located in an area dominated by large, agricultural parcels on the east side of Highway 12, and is currently developed with an existing cannabis operation under the County’s Penalty Relief Program (PRP). Nearby parcels, including the project parcel, are zoned Land Intensive Agriculture (LIA) adjacent to the north, south, and east, with smaller parcels that include single-family dwellings to the west zoned Rural Residential (RR), and Resources and Rural Development (RRD) parcels to the east in the Mayacamas Mountains (see Attachment 6 Zoning Map). Surrounding land uses are composed primarily of rural single-family residential and small-scale agricultural uses. The proposed project parcel abuts five residential properties along Trinity Road. The closest residential dwelling is 470 feet west of the outdoor cultivation area on a parcel associated with a cannabis cultivation site (UPC19-0002 at 101 Trinity Road). Nearby commercial agricultural operations include cattle grazing and vineyards located on properties adjacent to the north, east, and south.

Current Operation (Penalty Relief Program)

The applicant/operation is currently participating in the Sonoma County Cannabis Penalty Relief Program and is currently cultivating 43,560 square feet (one acre) of outdoor cannabis in good standing.

Project Description Summary

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

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

Outdoor cultivation will be conducted within a 4.66-acre fenced premises located in the western edge of the parcel (see Attachment 7 Site Plan and Drawings). No existing residential or agricultural structures are currently utilized by the cannabis operation, and no new structures are proposed as part of this project. The applicant proposes to add a small number of temporary outbuildings to be used for storage (e.g., storage of hoop houses during off season, cultivation materials and equipment, pesticides). Temporary hoop houses are proposed for seasonal propagation on the northern side of the cultivation area.

As shown on the Existing Conditions Map (Attachment 7, Sheet C2.0), existing development on the site includes the man-made quarry pond and gravel roads. Several buildings to the west of the project site, including a residence and outbuildings, were destroyed in the 2017 Nuns Canyon Fire.

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

The primary access to the site is provided via an existing 1,700-foot-long gravel driveway from Trinity Road. The driveway is located on a neighboring parcel (APN 053-100-017) directly west of the proposed project, and extends north along the parcels western edge. An access easement will be recorded. Employees and authorized visitors will enter the site through a secured locked gate via entry code. Secondary access is provided from Highway 12 via Weise Road, but this will be gated off for general use and will only be accessible by emergency vehicles via a Knox Box.

Site Improvements:

No new permanent structures will be erected for the proposed operation.

The applicant proposes to upgrade and extend the existing circulation and parking infrastructure by installing firesafe turnouts and turnarounds, a 21-space gravel parking lot, and placing one accessible concrete parking space and portable accessible restroom within the cultivation fence line.

A garbage and refuse enclosure is proposed at the northern edge of a cultivation fence line for domestic waste, recyclables and cannabis scheduled for destruction.

The project proposes to share a common irrigation water source with two adjacent parcels, which also have approved cannabis cultivation and processing operations (UPC19-0002 at 101 Trinity Road and UPC17-0048 at 12201 Highway 12). The primary source of irrigation will be from an existing well on an adjacent parcel located west of the project parcel. Water storage for all three operations consists of an existing 150,000-gallon water tank located on APN 053-10-017 (UPC19-0002 at 101 Trinity Road). To supplement the use of the well, existing barns and proposed greenhouses at 101 Trinity Road (UPC19-0002) will have rainwater capture systems. To conserve water at the project site, the applicant proposes to use a high efficiency top drip irrigation method and use moisture meter-controlled irrigation valves.

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

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

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

Staff Analysis:

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

- A) The cultivation of cannabis products is similar to other farming activities, and therefore, it is classified as an "agricultural product";
- B) Proposed outdoor cultivation activities would preserve 100% of the existing agricultural soil for a future agricultural use;
- C) The project would not construct new permanent structures which could remove existing land from agricultural production (Policy LU-20gg);
- D) The project will continue the current cattle grazing operation on approximately 15 acres of the project

- parcel (Policy AR-4a);
- E) 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 outbuildings, water tanks, planted crops and landscaping, and open and rural spaces.

In accordance with Policy OSRC-8b, setbacks for Riparian Corridors have been addressed. The proposed project will meet and exceed setback requirements for development along 50-foot Riparian Corridor designations. The project will maintain a setback of at least 150-feet from the existing ephemeral drainage located on the north of the project parcel. The project is consistent with design standards for development in the Community Separator (Policy OSRC-1f) due to the use of natural vegetation and grasses to screen the project from the driveway entrance. The project proposes grading to improve the existing access road, however these measured cuts and fills will be limited to the expansion of gravel areas for firesafe turnouts, a 21-stall parking area, and minor road widening near the cultivation site entrance. Tree removal is not proposed under this project. Specific policies requiring traffic analysis for discretionary approvals (Policy CT-7nn) have also been addressed through a traffic study prepared by W-Trans, which found that the proposed project would not result in significant traffic impacts.

Issue #2: Zoning Consistency

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

- A) The minimum parcel size cannot be less than 10 acres;
- B) The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (one acre) per parcel;
- C) Propagation area cannot exceed 25 percent of the permitted cultivation area and must be located in a separate area from flowering plants;
- D) Associated processing is limited to on-site cultivation only;
- E) The total combined cultivation area within the County cannot exceed 43,560 square feet (1 acre) for any cannabis business owner;
- F) The minimum property setbacks for outdoor cultivation must be:
- 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:

- A) The parcel is 25.16 acres;
- B) The proposed outdoor cannabis operation is 43,560 square feet (one acre);
- C) Proposed propagation area of 10,890 square feet (approximately 25% of total cultivation area) and will be located in a separate area from flowering plants inside the security fence;
- D) The operation does not propose on-site processing;
- E) The operator Justin Morgan, of Quarry Farms, LLC meets the definition of a cannabis business owner and does not own other commercial cannabis cultivation operations in the County;

- F) The project maintains adequate setbacks:
- I. 100 feet from nearest property line;
 - II. The closest residence to the project site is located approximately 470 feet west from the project site; and
 - III. Approximately 2,850 feet from the nearest existing sensitive use, Dunbar Elementary on 11700 Dunbar Road, Glen Ellen. Sonoma Valley Regional Park is approximately 1.3 miles south of the project parcel. There are no treatment facilities within the project vicinity.

The proposed use must be constructed, maintained, and operated in conformance with all applicable county and state statutes, ordinances, rules, and regulations, including the above development standards and all operating standards from Sonoma County Code Sections 26-88-250 through 26-88-254, as required by Condition of Approval No. 16. Operating standards include but are not limited to: dark-sky compliant lighting, implementation of a Site Security Plan, utilization of renewable energy sources, and groundwater monitoring.

Zone Change

As summarized above, all zoning setbacks and development criteria are met by the proposed project, with the exception of MR (Mineral Resources). The intent of the MR Combining District is to identify and preserve parcels that are of County and/or Statewide importance for future mineral resources. These parcels align with the County Aggregate Resources Management (ARM) Plan and include surface mining operations such as hardrock quarries, river terraces, and instream operations that collect high quality commodities necessary for construction and other uses. The MR Combining District is a permissive overlay that supersedes the base zoning of a parcel, and while cannabis cultivation is an allowed use with an approved Use Permit for parcels zoned LIA, the MR zoning designation does not identify cannabis as an allowable use. As such, a zone change to remove the MR Combining District is required to approve this Use Permit application.

The project parcel was formerly utilized as a hardrock quarry known as the Trinity Quarry, which ceased operation in 2018. The Trinity Quarry was not identified under the current County ARM Plan. The site is currently undergoing reclamation, which is a multi-phased process that is presently in the second of two phases. As part of the second phase, the site is being recontoured and reseeded with native grasses and forbs that are suitable for grazing, as well as planted with native trees to replace invasive trees that have been removed and trees lost as a result of the 2017 Nuns Canyon Fire. The process includes grading and redistribution of soils, as needed, to maintain slope integrity and minimize runoff. The Reclamation Plan has been reviewed and approved by Permit Sonoma staff with an expected completion date of Spring of 2024.

The removal of the MR Combining District is appropriate given that the former surface mining operation ceased activities and is currently approaching year 4 of its 5-year Reclamation Plan. Further, the resulting removal of the MR Combining District would not result in notable impacts to development intensity or allowable uses on the project parcel, as the base zoning of Land Intensive Agriculture (LIA) will not be modified. No increases in residential density would occur and the removal would not result in conflicts with the remaining Combining Districts (LG/MTN, SR, and RC50/25) or result in changes to the character of the land and surrounding area.

Issue #3: Neighborhood Compatibility

Public comments have been received on the project, which were considered during evaluation of the project

and have been used to determine areas of potential neighborhood incompatibility. Concerns raised included odor, water use, traffic, energy use, noise associated with emergency generator use, water quality from agricultural chemical use, and night lighting, which are further outlined below. These topics were discussed among staff and agencies, and the analysis is included in the Mitigated Negative Declaration.

Odor

Offsite odor impacts from outdoor cultivation are anticipated to be limited. Strong odor associated with cannabis is typically caused by the flower of the plants during late summer and early autumn prior to harvest. To mitigate this, the Zoning Ordinance Operating Standards establish minimum setbacks to enable odor dissipation with distance from the source. The closest residence to the project site is located approximately 470 feet west of the project site. The highest concentration of residential structures is located west of Highway 12, opposite of the prevailing wind and over 1,000 feet from the cultivation area. The project is located in an area that is dominated by large parcel sizes, existing agricultural uses (vineyard and livestock), and near a major roadway (Highway 12). Large parcel sizes have the potential to reduce odors through the size and scale of properties, while nearby agricultural uses and vehicle emissions can generate odors seasonally and year-round that intermix and further create an overall effect of dissipating and reducing concentrated odors. The relatively low elevation and gentle sloping of the project site also prevents cannabis odors from congregating in a single, concentrated area where natural airflows and prevailing winds cannot contribute to air circulation.

Water Use

The site is located in a Groundwater Availability Class 3 - Marginal Groundwater area. Subject to requirements of General Plan Policy WR-2e, a groundwater study was required to demonstrate adequate groundwater supply. A hydrogeologic report (October 27, 2017) and two supplemental groundwater availability evaluations (October 17, 2019 and December 17, 2021) were prepared by PJC & Associates Inc. Water for the outdoor cultivation operation will be provided from an existing well located on an adjacent parcel (APN 053-100-016), which serves two other cultivation operations to the north and west through a private water line easement.

The hydrogeologic studies concluded that the groundwater demand would be less than the rate of groundwater recharge and storage. The estimated demand from the three cultivation parcels, as well as other parcels within 1,500 feet, represent the cumulative impact area (CIA). The total estimated annual water use for cannabis cultivation in the CIA supported by the well is 4,138,307 gallons, which is approximately 12.7 acre-feet of water per year; the water use estimate for the proposed project site is 1,466,328 gallons (4.49 acre-feet). Irrigation will be done using a high efficiency drip system early in the morning to reduce evaporation, and irrigation valves will be moisture meter-controlled to limit irrigation to what the plants need. Each plant is estimated to use between 0.22 and 0.67 gallons of water per day. This variation in water need is caused by the seasonal change in the plant's vegetative growth. The water use estimated in the CIA for cannabis cultivation, domestic water use, vineyard irrigation, and livestock is 122.0 acre-feet per year. Groundwater recharge was estimated at 233 acre-feet per year with a total groundwater storage of 3,240 acre-feet, indicating that under a scenario of maximum development within the CIA, approximately 52% of the groundwater recharge and less than 4% of the groundwater storage would be used.

The 2021 Supplemental Report provided an analysis of estimated streamflow depletion for nearby Calabaza Creek. The revised values of streamflow depletion were less than estimates previously reported because of updated estimates of aquifer storativity. The Supplemental Report reviewed available data from the Sonoma Ecology Center for the dry season of 2017, 2018, 2020, and 2021 and modeled the reduction streamflow to be

roughly 6.7% after six months of project pumping. The Supplemental Report concluded that this level of streamflow depletion is negligible, and unlikely to occur given the vertical and horizontal separation of the Project Well from Calabazas Creek.

The County geologist deemed the study and subsequent supplemental reports to be adequate, and to show no adverse impacts to the groundwater supply. Further, the project is subject to recommended conditions that are included in the Conditions of Approval (Attachment 2), which require monitoring and annual submittal of well water use data (Condition #52), limit project water use to 4.5 acre-feet per year (Condition #54), and require implementation of measures from the applicant's Water Conservation Plan (Condition #23), including: use of high-efficiency drip irrigation systems to conserve resources and reduce runoff; scheduling irrigation for early morning hours to reduce evaporation loss; and utilizing non-flushable, ADA portable restrooms at the cultivation site.

Wildfire

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in the State Responsibility Area. The entirety of the subject parcel and project site is designated as a Moderate Fire Hazard Severity Zone. The project site was impacted by the 2017 Nuns Canyon Fire where several acres and existing buildings were destroyed.

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

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

Permit Sonoma Fire Prevention staff reviewed the project as recently as October 14, 2022 and did not note any environmental concerns. Though the project does not propose new building construction it was reviewed for compliance with State Fire Safe Regulations (14 CCR 1270.00 et seq.), which establish minimum wildfire protection standards for the SRA and moderate fire hazard severity zones. With standard conditions of approval (see Attachment 2), the project would comply with Fire Safe Regulations. Both the private access road and Weise Road, which would serve as the emergency access routes, would be at least 20 feet in width. The improved parking lot is located along the private access road, thereby providing concurrent civilian evacuation and access for emergency wildfire equipment. Conditions of approval further require firesafe turnouts and turnarounds along roads as narrow as 12 feet, creation and submittal of a Fire Protection plan, and the availability of emergency water in the event of a fire.

Energy Use

Sonoma County Code includes operating standards for commercial cannabis operations, including energy use.

Outdoor cannabis cultivation utilizes energy for limited operational needs including the powering of irrigation equipment, as well as security features such as cameras and lights. Newly permitted indoor and mixed light cannabis cultivation projects are required to source their power from completely renewable energy, such as (1) onsite net zero renewable energy source, (2) on-grid power from 100% renewable energy source, or (3) through the purchase of carbon offsets for any portion of power not provided by a renewable energy source. Discretionary projects, such as Cannabis Use Permits, are further conditioned regarding their energy source, and location and placement of supporting structures. Currently, the applicant proposes to utilize Sonoma Clean Power EverGreen's 100% renewable energy program to provide power for the operation. Utilities for the project are serviced by PG&E, and subject to outages or power fluctuations from their grid services, as is the case for all of Sonoma County. The use of generators as a power source for mixed-light and indoor cultivation operations is prohibited by County Code, except for temporary emergency use. This prohibition does not apply to outdoor cultivation; however, the applicant does not propose to install an emergency generator. Conditions of Approval state that any future installation of a generator would require a building permit and would be subject to all applicable Building Code, Fire Prevention, air quality, and noise requirements and standards, including, but not limited to, location away from overhanging vegetation, 30-foot non-combustible space around the generator site, and General Plan noise standards.

Noise

The proposed project would cultivate up to 1-acre of outdoor cannabis on the subject parcel. Similar to other outdoor agricultural operations, the project may include the occasional use of noise generating equipment, which would generally consist of machinery considered typical of agriculturally zoned parcels, such as lawnmowers and tractors. In addition, deliveries to and from the project site have the potential to generate noise from running engines and backup alarm signals. The aforementioned sources of noise generation have the potential to generate noise that is objectionable to nearby sensitive receptors. However, similar to odor, noise impacts decrease with distance from the source and can be further reduced by barriers such as vegetation or structures. The subject project is located on and among parcels characterized by their relatively large size, with the project parcel being approximately 25 acres. The cultivation site is located entirely within a fenced perimeter and setback 100 feet from the nearest property line and 470 feet from the nearest offsite residence, which aids in the dissipation of project generated noise. In addition, offsite ambient noise is generated by vehicle traffic along Highway 12, located approximately 850 feet west of the project parcel, which can mask intermittent noise from farm equipment. Though the applicant proposes deliveries between 5:00am to 8:00pm, Monday through Friday, this would not result in a considerable change to the existing character of the nearby community given the relatively large parcel sizes which separate project activities from residential receptors, high level of existing ambient traffic noise during daytime hours, and the infrequent occurrence of delivery noise (estimated at approximately 1 ADT).

Agricultural Chemical Use

The commercial cultivation of traditional agricultural plants often makes use of pesticides and herbicides to prevent infestation and diseases from impacting commodity crops. However, cannabis operations are subject to stringent lab testing regulations from the Department of Cannabis Control, and typically use fewer and lower quantities of agricultural chemicals than other crops. The applicant has submitted a Hazardous Material Plan that outlines compliance with State regulations and County BMPs. All chemicals utilized would be stored securely onsite, applied at label rates by individuals that have registered for an Operator Identification Number from the Sonoma County Department of Agriculture/Weights and Measures Department (AWM), and utilized outside of sensitive habitat, such as Riparian corridors. In addition, the project is subject to annual

inspection by AWM to ensure compliance with all BMPs and regulations.

Lighting

The outdoor cultivation operation would utilize lighting for both nighttime site safety for employees and as a security feature to protect the crop. Cultivation activities can occur 24/7, year-round, however the concentration of activity generally occurs during the harvest season, as opposed to mixed light cultivation, which can utilize light year-round for cultivation in structures. The use of light sources, particularly at night, can result in neighborhood impacts through glare and spill over onto other adjacent properties. The Department of Cannabis Control and County Code require operators comply with lighting designs that are motion-sensor activated to only turn on when needed, fully shielded, downward casting, and designed to prevent spill over onto neighboring structures or the night sky, thereby excluding high intensity light generators such as flood lights for use during cultivation. Therefore, visual impacts from lighting would be unlikely to impact a significant number of nearby residents.

Environmental Determination

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

Sonoma Valley Citizens Advisory Commission

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

Ultimately, all three projects, including PLP17-0040, were recommended for approval by a 10:0 vote. Meeting minutes are provided in Attachment 11.

Planning Commission

The project was duly noticed and presented to the Sonoma County Planning Commission at their December 15, 2022 meeting. A presentation was conducted by both staff and by consultants on behalf of the applicant. An opportunity for public comment was provided during the hearing but none were received at that time. The Planning Commission raised clarifying questions regarding language in the Conditions of Approval, however no modification was deemed necessary. Ultimately, the Commission voted 4-0-1 to approve a resolution recommending the Board of Supervisors approve the Zone Change and Use Permit, with conditions provided.

Staff Recommendation:

Staff recommends adoption of the Mitigated Negative Declaration, approval of the Zone Change request to remove an MR Combining District, and approval of the request, with conditions, for a five-year limited term Use Permit.

Strategic Plan:

N/A

Prior Board Actions:

On May 17, 2022, the Board approved an action to rescind original jurisdiction over the proposed project to allow for it to be first heard by the Planning Commission, with a recommended action to be presented to the Board of Supervisors at a future hearing.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Att 1 PLP17-0040 Board of Supervisors Resolution
- Att 2 PLP17-0040 Exhibit A of the Resolution - Draft Conditions of Approval and Mitigation Monitoring Program
- Att 3 PLP17-0040 Ordinance
- Att 4 PLP17-0040 Vicinity Map
- Att 5 PLP17-0040 Aerial Maps
- Att 6 PLP17-0040 General Plan Land Use Map
- Att 7 PLP17-0040 Zoning Map
- Att 8 PLP17-0040 Site Plan and Drawings
- Att 9 PLP17-0040 Project Proposal Statement
- Att 10 PLP17-0040 Revised Groundwater Evaluations dated 06-28-19, 10-17-19, 12-17-21 and SEC Report
- Att 11 PLP17-0040 Surface Mining and Reclamation Plan Revised 11-2-18
- Att 12 PLP17-0040 Sonoma Valley Citizens Advisory Commission Meeting Minutes - Item 7, January 22, 2020
- Att 13 PLP17-0040 Draft Initial Study Mitigated Negative Declaration
- Att 14 PLP17-0040 Public Comment Received Prior to March 21, 2023
- Att 15 PLP17-0040 Staff Presentation
- Att 16 PLP17-0040 Applicant Presentation

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

N/A