



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPC17-0021

DATE: November 19, 2020 (Item continued from Board of Zoning Adjustments on November 12, 2020)

TIME: At or after 3:00 p.m.

STAFF: Sou S. Garner, Project Planner

SUMMARY

Property Owner: Diana Rodgers

Applicant: Matthew Lucas, Creek's Edge, Inc.

Address: 2425 Roberts Road, Penngrove, CA 94951

Supervisory District(s): 1

APN: 047-122-027

Description: Request for a five-year limited term Use Permit for a cannabis operation, including 5,000 square feet of specialty indoor cultivation within an existing barn and 5,000 square feet of specialty mixed-light cultivation within a new replacement hard-wall greenhouse on existing developed area on a 6.74-acre parcel

CEQA Review: Categorically Exempt under CEQA Sections 15301 Existing Facilities and 15303 New Construction or Conversion of Small Structures

General Plan Land Use: Diverse Agriculture (DA 20) 20-acre density

Specific/Area Plan Land Use: Sonoma Mountain Area Plan – Diverse Agriculture

Ordinance Reference: 26-08-020(t) – Diverse Agriculture District Uses Permitted with a Use Permit
26-88-250(a); 26-88-250(d); 26-88-250(f) – Commercial Cannabis Uses
26-88-254(f); 26-88-254(g) – Cannabis Cultivation-Commercial

Zoning: Diverse Agriculture (DA), 20 dwelling units per acre density/3-acre minimum (B6 20/3), Riparian Corridor (RC 50/25), Scenic Resources, Valley Oak Habitat (VOH)

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the request, with conditions, for a five-year limited term Conditional Use Permit for 5,000 square feet of specialty indoor cultivation and 5,000 total square feet of specialty mixed-light cultivation and associated processing.



EXECUTIVE SUMMARY

Creek's Edge, Inc. requests a five-year limited-term Use Permit for 5,000 square feet of specialty indoor cannabis cultivation and 5,000 square feet of specialty mixed-light cannabis cultivation and associated processing within an existing barn and a new replacement hard-wall greenhouse constructed on previously developed area. The proposed project includes a total of 10,000 square feet of cultivation canopy, including propagation, and associated trimming and drying as part of processing as described below:

- Cultivation Total: 10,000 Sq. Ft.
 - Specialty Indoor: 5,000 Sq. Ft. (including 2,060 Sq. Ft. of propagation)
 - Specialty Mixed-Light: 5,000 Sq. Ft.
- Processing: 462 Sq. Ft. (Includes drying and trimming within existing barn)

The applicant is currently cultivating 3,210 square feet of indoor cannabis under the Sonoma County Penalty Relief Program.

The project would co-operate with a flower cut business, Crane Creek Growers, with no net loss of flower garden beds and operation area. The applicant proposes all indoor operations to occur between the hours of 6:00 a.m. to 8:00 p.m., seven days a week. This may increase to 24 hours during harvest season. Deliveries and shipping would be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The operation would be supported by three full-time employees, and seven or eight additional part-time employees assisting during harvest season. The subject site generally does not front Roberts Road except for a small corner. The site can be accessed by a private driveway from Roberts Road and is screened from view by the fronting parcel and, when in season, rows of vineyard, making it difficult to see the cultivation use from the public right of way or neighboring residences. The operation would not be open to the public.

Staff recommends the approval of this permit for the following reasons:

- The project is consistent with the General Plan land use designation and policies related to the protection of agriculture and the rural character of the project environs.
- The project will not increase residential development, preserves the rural character of the area, is similar to and supportive of agricultural uses, and helps stabilize farm incomes by co-locating with the existing flower cut operation. Commercial cannabis cultivation is an allowed use with a Conditional Use Permit in the Diverse Agriculture District (DA) Zoning Classification.
- The project complies with the development standards and adheres to the operational requirements of the Zoning District within the Sonoma County Code. The project also meets all required setbacks, building height, ownership, and square footage limitations and is consistent with the combining districts as analyzed further in this report.
- Based upon the information contained in the permit application included in the project file, it has been determined the project is categorically exempt under CEQA Guidelines Section 15301 (Existing Facilities), and 15303 New Construction or Conversion of Small Structure because it would involve the interior alternations of the existing barn, the upgrade of the existing septic system to a mound septic system, the replacement of a damaged structure with a new greenhouse that is smaller than the previous existing structure, the expansion of the existing graveled driveway for better fire and emergency vehicle access to the agricultural barn and greenhouses, and the installation of security fencing as an additional safety and health protections to meet standards established by the Sonoma County Section 26-88-254(f)(21) on previously disturbed areas and continues to operate without

significantly impacting infrastructure and biologic resources. The Categorical Exemption has been applied in compliance with CEQA State and County guidelines, and the information therein has been reviewed and considered.

PROJECT SITE AND CONTEXT

Background

Area Context and Surrounding Land Uses

The project site is a generally rectangular 6.74-acre parcel, approximately 3 miles north of the center of the community of Penngrove. The subject site is setback approximately 50 feet from Roberts Road, and approximately 12 feet fronts the public right-of-way. The subject parcel is generally flat with a slope of 1.6% draining to the west and can be accessed from a private driveway off Roberts Road. A riparian corridor runs along the southern boundary of the property. The project site has been historically been used as a flower cut business and chicken farm. The property contains one permanent agricultural residence, two agricultural-exempt chicken barns, three outbuildings, two sheds and a single greenhouse that once extended the width of the property but was partially destroyed in a storm in 2015. Existing vegetation of shrubs, grass and trees encloses the site along the perimeter of the subject site. The project site is screened from view by the parcel to the east of the subject site, most of which fronts Roberts Road, and, when in season, rows of vineyard, making it difficult to see the existing partially-destroyed greenhouse from the public right of way or neighboring residences.

Magnolia Park is located approximately 5,000 feet west and Crane Creek Regional Park is located approximately 4,450 feet northeast of the subject site. Sonoma State University is located 2,640 feet northwest of the subject site and Monte Vista Elementary School is located approximately 6,000 feet west.

According to Permit Sonoma's Permit History Lookup, there are no current unresolved violations on the project site. The applicant is compliant on taxes for the Penalty Relief Program and has no prior convictions or arrests.

Direction	Land Uses
North	Rural Residential - Single family residences on lots that are between a half and a full acre
South	Diverse Agriculture—Single-family home on 4.7 acres
East	Diverse Agriculture—vineyards
West	Diverse Agriculture—Single family home on 20 acres

Access

The subject site is accessed by a short private driveway from Roberts Road that is solely used by the resident, Crane Creek Growers, the applicant, and employees. The driveway continues for access to the residence and existing greenhouse and splits north to an existing gravel area that would have parking sufficient for 12 standard size vehicles. Each of the three full-time employees would have a parking space. The applicant is proposing to transport the part-time employees hired for harvesting in a passenger van. A hammerhead turnaround is proposed at the terminus of the gravel drive and the main entrance of the proposed greenhouse and roll up garage doors. A proposed gravel driveway would extend west of the hammerhead and alongside the east side of the greenhouse to a second proposed entrance and roll-up garage doors.

Wildfire Risk

The site is located approximately 3 miles (7 minutes) away from the nearest fire station. Emergency services would have little to no difficulty accessing and leaving the site as the entrance point to the property is 12 to 20 feet wide, an existing looped driveway is on-site, and a hammerhead at the terminus of the gravel drive is proposed. The entire site is fully fenced; however, the applicant proposes to provide the fire department with access through the secured gate (e.g. Knox Box) at the entrance. The applicant is proposing to widen the existing graveled driveway that provides access to the agricultural barns and greenhouses (See ATT 7) an additional 20 feet to accommodate a fire truck and add a turnout on the northern portion of the property. There are also 10,000 gallons of water stored on site in two 5,000-gallon tanks. Furthermore, the project site is level with a modest slope of 1.6% to the west and is in a Class 1 Groundwater Availability Zone, a major groundwater basin with a plentiful supply of groundwater.

Water/Wastewater/Utilities

The subject site is in Groundwater Availability Zone 1 and is served by a single well located outside of the indoor cultivation facility. The well supplies water to three mechanically pressurized tanks. In addition to the existing well, the applicant proposes a rainwater catchment system designed and installed on the proposed greenhouse facility. The applicant also proposes to capture water from a high-efficiency temperature and humidity control system, dehumidifiers, and a heat exchange cooling and moisture recovery system in the greenhouse that has the potential to recovery between 70--90% of water lost through transpiration and evaporation in the cultivation facilities. Each facility is estimated to use an estimated 10,000 gallons per month. The applicant proposes to hand-water all cannabis plants as part of this proposal. Runoff from hand watering would be recycled and used by the flower beds of Crane Creek Growers.

The site is served by an on-site septic system for the flower cut business and cannabis operation. The current system would be upgraded to a mound-type septic system along the western property boundary, set back 25 feet from the property line starting at the northwest corner and draining south parallel to the property line. The residential home is served by a separate septic system with a leach field and is not proposed to be modified as part of the proposal.

Natural gas is currently provided by PG&E. As required by the County and in Condition of Approval 25, the applicant would purchase 100% renewable energy by transferring service to Sonoma Clean Power and enroll in the EverGreen option.

Grid power is currently provided, and would continue to be served, by PG&E. The indoor operation currently uses between 1,400 – 2,400 kWh/day. At build out, this is projected to increase to 1,750-3,000 kWh/day. The greenhouse facility would initially operate using only natural light for cultivation. Following approval, a second phase of the project would convert the greenhouse to a mixed-light facility. In summer months, the average daily use is projected to be between 0-500 kWh and up to 1,400 kWh during the winter months. The applicant is proposing to stagger lighting to reduce peak draws.

The applicant proposes to apply sustainable practices and take steps to become zero-waste by 2020. The planting media would be re-used for landscaping on the farm. Green waste that cannot be composted would be stored in heavy-duty 55-gallon trash containers with tight fitting lids prior to being disposed of by C&D Global. Green refuse that can be composted would be done so in compliance with county restrictions and used as high-quality amendments by Crane Creek Growers in their flower beds. Material waste would be separated into recyclable and non-recyclable materials using 55-gallon trash containers with tight fitting lids and heavy-duty garbage bags. All garbage and refuse would be properly disposed of a minimum of every seven days. While

awaiting disposal, garbage and refuse would be stored in controlled access spaces in doors or in a proposed secure composting facility located onsite.

Agricultural Conditions/Land Encumbrances/Contracts

The project site is not under a Williamson Act Contract. There are two farmland categories located on site. The northern portion is considered Farmland of Statewide Importance and the southern portion is considered Other Land. The proposed use would not adversely impact the existing flower cut business and because the specialty mixed-light cultivation would occur in the footprint of a previously established greenhouse, the remaining outdoor area could be converted to additional flower beds.

Other Environmental Conditions

There are no other significant environmental conditions.

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit for a 10,000 square feet total cannabis canopy area in two enclosed structures located interior to the site and set back from the property lines. 5,000 square feet, including propagation, is proposed in an existing barn, and an additional 5,000 square feet is proposed in a greenhouse. The proposed project facility would have a security system installed, including security lighting, cameras, locking doors and alarm system protection.

Water for the project would be mostly supplied by a new rainwater catchment system and water recaptured from a high-efficiency temperature and humidity control system and humidifiers. Well water with ample subsurface water availability would be used to supplement the water usage. The applicant is not requesting a distribution and transportation permit. Therefore, transportation and distribution would need to be conducted by a state licensed third party company. The operation would not be open to the public. The non-cannabis tenants of the property have been given an agreement with required signature that explains the cultivation facility access standards that limits access to the cannabis facilities to cannabis employees.

The indoor cultivation operation is proposed in an existing chicken barn that is approximately 7,814 square feet, where the allowed grow of 3,210 square feet under the Penalty Relief Program is permitted and would be legalized with this permit. The barn is separated into nine areas, with three rooms used for the allowed cannabis grown. The current canopy area of 2,754 square feet of adult canopy area and 1,108.5 square feet of immature plant canopy for a total of 3,862.5 square feet. The applicant proposes the existing barn to be upgraded to allow for an additional 1,137.5 square feet of canopy area in a second propagation room for a total canopy area of 5,000 square feet. A section of the existing barn would also be upgraded to function as a processing area for trimming and drying of the cultivated product.

The dimensions of the existing and proposed rooms are defined below:

- Existing Rooms:
 - General Storage and Employee Lounge (including bathrooms): 1,134 square feet
 - Trimming Room: 319 square feet
 - Drying Room: 143 square feet
 - Existing Propagation Room: 1,099 square feet
 - Existing Cultivation Room #1: 1,365 square feet

- Cultivation Room #2: 1,365 square feet
- Mechanical Room 1, 2, 3: Remaining square footage
- Proposed Rooms:
 - Proposed Propagation Room: 961.4 square feet
 - Proposed second entrance: 324 square feet

The proposed greenhouse facility would be rebuilt on the footprint of the pre-existing greenhouse structure destroyed by a severe storm in 2015. The original greenhouse measured 41,000 square feet as part of a 2008 permitted agricultural-exempt structure for cut flower cultivation. Following the severe storm, only 21,000 square feet of the structure remained. The applicant is proposing to rebuild 7,200 square feet greenhouse for cannabis cultivation on a portion of the existing footprint. Of this area, 5,000 square feet would be devoted to production while the remaining 2,200 square feet of space would be dedicated to storage of supplies, equipment, and water.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
08/21/2017	Application
09/12/2017	Early Neighborhood Notification
06/01/2018	Completeness
09/13/2017	Referral to prominent agencies
09/13/2017	Cultural/Historical Consultation Requests and response
10/29/2020	Notice

The applicant applied for a five-year limited term Specialty Indoor cannabis cultivation and Specialty Mixed Light cannabis cultivation on August 21, 2017, including a Penalty Relief application, indicating the business has been in operation since October 2015.

Pursuant to the updated Cannabis Ordinance No. 6245, the applicant submitted an updated project proposal to include the following requests: 1) Increasing the use permit term from 1 year to 5 years; and 2) allowing cultivation of both medical and adult use cannabis. The application is currently operating under the pipeline provision in that the project was deemed complete for processing prior to the December 3rd date of the new ordinance and the project resides on a Diverse Agricultural zoning designated parcel under the 10-acre minimum.

Because the application is on a parcel zoned for Diverse Agriculture that is less than 10-acres and was deemed complete prior to November 15, 2018, it is being processed as a “pipeline” project as described above. If the project were to be approved, it would thereafter be considered a legal non-conforming use.

Prior Review

There were no prior reviews of the application.

General Plan and Area Plans

The following General Plan and Area Plan policies are applicable to the project:

General Plan Policy/Objective	
LU-5b	Avoid commercial and industrial land uses in Community Separators. Allow the full range of uses allowed in the agricultural and resources categories.
LU-8.3	Increase the role of water conservation and re-use in meeting the water supply needs of both urban and rural users.
LU-8.4	Participate in the review of new proposals for surface and groundwater imports and exports in order to provide consistency with Sonoma County's ability to sustain an adequate water supply for its water users and natural environment.
LU-11g	Encourage development and land uses that reduce the use of water. Where appropriate, use recycled water on site, and employ innovative wastewater treatment that minimizes or eliminates the use of harmful chemicals and/or toxics.
LU-9.1	Avoid conversion of lands currently used for agricultural production to non agricultural use.
LU-9.3	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.
LU-9.4	Discourage uses in agricultural areas that are not compatible with long term agricultural production.
OSRC-1.2	Retain a rural character and promote low intensities of development in Community Separators. Avoid their inclusion in City Urban Growth Boundaries or Spheres of Influence. Avoid their inclusion within Urbans Service Areas for unincorporated communities.
OSRC-4.1	Maintain night time lighting levels at the minimum necessary to provide for security and safety of the use and users to preserve night time skies and the night time character of urban, rural and natural areas.
OSRC-4.2	Ensure that night time lighting levels for new development are designed to minimize light spillage offsite or upward into the sky.
Sonoma Mountain Area Plan Land Use Policies	Diverse Agriculture: This category is intended to enhance and protect those land areas where soil, climate and water conditions support farming, but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principle occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further rural residential intrusion consistent with the policies of the General Plan's Agricultural Resources Element.

Other Development Regulations or Guidelines

Riparian Corridor Combining Zone Designation

Pursuant to Article 65 of the Municipal Code, development is restricted to protect riparian habitat and vegetation. The 50/25 zone requires a minimum 50-foot setback for development and minimum 25-foot setback for agriculture from the centerline of the riparian corridor. Section 26-65-030 generally prohibits any grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots absent a zoning or use permit.

The specialty mixed-light facility would be located approximately 300 feet from the 50-foot required setback. The southern part of the existing indoor cultivation facility is located within 50 feet of the Riparian Corridor Designation for Crane Creek. However, Section 26-65-030(A)(3) states that an exception to the general prohibition against structures may be approved by the director for a use that "...involves only the maintenance, restoration, or reconstruction of an existing legally established structure or use in conformance with Article 94." As there would be no further ground disturbance or alteration to the exterior of the barn, no vegetation would be removed and the barn would remain in conformance with the nonconforming use provisions of Article 94, staff finds that the proposal would be in compliance with this regulation, and therefore, the director may approve this use with a zoning permit. This use permit allows staff to address the riparian encroachment and grant this exception, as it has been determined there are no significant impacts to the riparian corridor from this proposal.

Scenic Resources Combining Zone Designation

The Scenic Resources Combining Zone designation is intended to "to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element." The subject site is further assigned a Community Separator unit, which requires that all structures located within the Community Separator unit must:

1. Structures shall be sited below exposed ridgelines;
2. Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required;
3. Cuts and fills are discouraged, and where practical, driveways are screened from public view;
4. Utilities are placed underground where economically practical;

The project site is not located on any exposed ridgeline. The site does not front a public right-of-way and is screened from the road by the parcel to the south and east of the site. There is no proposed grading as the applicant proposes to upgrade the existing barn, and the proposed greenhouse is located on the footprint of a previously-existing greenhouse which was destroyed by storm.

Valley Oak Habitat Combining Zone Designation

The proposal does not include the removal of any existing Valley Oaks or include any new development.

ANALYSIS

General Plan Consistency

Sonoma County previously determined that cannabis uses (including cultivation) are consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. In adopting the Cannabis Ordinances No. 6189 and No. 6245, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Diverse Agriculture, an agricultural and resource land category, land use designation subject to securing a Use Permit, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan.

As proposed, and with the recommended conditions of approval, the proposed project does not conflict with the cannabis ordinance's stated purposes and definition, including the overall goals, objectives, policies, and programs of the Sonoma County General Plan.

The project would involve limited development of land and allow the existing flower cut business to continue to operate. The total operations with this approval would occupy a combined square footage of 15,014.5 square feet, or approximately 5.1% of the 6.74-acre property. The cut flower farm and the cannabis cultivation operation would continue to co-occupy the property and no net loss of agricultural land devoted to cut flowers would occur. Additionally, the proposed cannabis greenhouse would be 12,800 square feet less than the original portion of the greenhouse that was blown down and unused areas may be converted to space for Crane Creek Growers operations. The proposed site improvements would also jointly benefit Crane Creek Growers and the existing flower cut business. The project is consistent with the Sonoma County General Plan Diverse Agriculture Land Use designation. (Policies LU-9.1, LU-9.3 and LU – 9.4)

The applicant proposes to use a combination of recycled water from high – efficiency heating and cooling systems and dehumidifiers from the greenhouse and the barn, rainwater capture from the greenhouse and water storage from the existing well to irrigate the cultivation sites. The proposed use is not expected to adversely impact the water supply for the surrounding area. (Policies LU-8.3, LU-8.4 and LU-11g)

The proposed project is not considered to be a high intensity development that would be incompatible with the rural characteristics of the area and would occur in enclosed structures and, as detailed in the Project Site and Context and Project Description sections, would operate independent of public facilities and infrastructure that is managed by the County. All proposed lighting would comply with Section 26-88-254 (f)(19). (Policies OSRC-1.2, OSRC-4.1 and OSRC-4.2)

The proposed project would result in negligible wildfire risk based on a review of the proposed use, the water supply, access, fire response and the presence of hazard materials. An existing 12-foot gravel drive would be expanded to 32 feet to accommodate a fire truck and single accessible parking space adjacent to the entrance of the indoor cultivation barn.

Due to the scope of the operation and anticipated number of trips generated, the project is not anticipated to be detrimental to public roads or traffic. The project proposes to use three full-time employees to support year-round indoor cannabis cultivation and processing operations as well as seven or eight additional part-time employees assisting during harvest season. There would be adequate parking available to employees on site, including an ADA parking space next to the indoor facility. The project would not significantly increase the use, or degrade the condition, of Roberts Road.

Sonoma Mountain Area Plan Consistency

The Sonoma Mountain Area Plan is intended to provide an intermediate level of detail between the General Plan and site development plans submitted to the County for approval. The Land Use Goal and policies centers



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on accommodating both urban and rural lifestyles, and land use policies are discussed by land use category. The subject site is considered Diverse Agriculture (DA) in the area plan. The proposal would co-occupy the project site with the existing flower cut business and would not result in a net loss of land used for flower beds. As shown on the site plan (ATT 7), areas have been identified that can be converted to non-cannabis agricultural uses, if needed in the future. Therefore, the proposed project would be consistent with the Sonoma Mountain Area Plan.

Zoning Consistency

1. Base Zoning Regulations: Article 08, DA Diverse Agriculture District

The proposed operation meets the development criteria under the base zoning set forth in Article 08. Commercial cannabis is allowed with a use permit in compliance with Section 26-88-250 through 26-88-256. The project would meet all required setbacks as well as building height, and square footage limitations per the DA Base Zoning regulations, 26-08-030.

The total lot coverage with the ag-exempt barn and proposed 7,200 square feet greenhouse is 49,607.5 square feet or 17%. However, Section 26-08-030 of the Sonoma County Development Code allows exceptions for commercial greenhouses. Applying this, the total lot coverage is 21,287.5 square feet or 7% of coverage and under the maximum lot coverage. Therefore, staff finds the proposed proposal to comply.

2. Cannabis Regulations, Cannabis Ordinance NO. 6245-

Pursuant to the development standards for the DA zone and permit requirements for cannabis uses within Sonoma County Code 26-88-254, the following requirements apply to cannabis cultivation:

- 1) Specialty Indoor and Specialty Mixed-Light cannabis cultivation cannot exceed 5,000 square feet of cultivation area;
- 2) The minimum parcel size for Specialty Indoor and Specialty Mixed-Light cultivation in the DA zone is 10 acres; and
- 3) A single person or entity (as defined within the Zoning Code) can cultivate a combined cultivation area of one (1) acre within the County.

The proposed use complies with ordinance requirements listed above in that it involves:

- 1) Two commercial cannabis facility that would support a total of 10,000 square foot cultivation canopy area;
- 2) Because the application is on a parcel zoned for Diverse Agriculture that is less than 10-acres, was submitted prior to the adoption of Ordinance No. 6245 and was deemed complete prior to November 15, 2018, it has been processed pursuant to the “pipeline” provision that was voted and approved by the Sonoma County Board of Supervisors on October 16, 2018. This provision allows cannabis applications on agriculturally zoned lots less than 10-acres large to be considered for approval if they were deemed complete for processing prior to November 15, 2018; and
- 3) It involves a single person or entity proposing to cultivate less than one (1) acre of cannabis in the County. The primary owner/applicant is Matthew Lucas, who holds no other lands or open cannabis

permit applications tied to cannabis cultivation in the County and is therefore not cultivating more than one acre.

3. Cannabis Setbacks-

Cannabis cultivation operations must be compliant with the development criteria and operating and standards within Section 26-88-254 (Cannabis Cultivation – Commercial) of the Zoning code.

Included within the above referenced development criteria are the following property setback standards for indoor and mixed light cultivation areas:

Property Setbacks – Indoor. *All structures used for indoor cultivation shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure.*

Property Setbacks – Mixed Light. *Mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties in agricultural and resource zones.*

As described in the staff analysis above, setback distances associated with cannabis cultivation are set back at least 100 feet from the property lines, and are, therefore, compliant with the base zoning (DA) regulations. The indoor cannabis cultivation facility is not sited in the front yard setback area and would be screened from the public right of way, Roberts Road, by intervening existing vegetation and the southern part of the neighboring parcel. There would be no evidence of cannabis cultivation from the exterior of building because the barn would have no windows.

The proposed greenhouse is setback 100 feet from all property lines and is located approximately 320 and 340 feet from the nearest single family residence measured from the northern extent of the greenhouse, the closest part of the building.

4. Net Impervious Surface for Cannabis Projects in Diverse Agriculture Zoning District

Cannabis cultivation operations must be compliant with the standards contained in Table 1A of Section 26-88-250 of the County Code.

Included within the above-referenced standards is the following Note that applies to Cannabis Cultivation in the Diverse Agriculture District:

Within existing previously developed areas, including hardscape, or legally established structures built (finaled) prior to January 1, 2016. No net increase in impervious surface.

The proposed project would decrease the amount of impervious surfaces on the site by 12,800 square feet. The area proposed for the cannabis operation would take place within the footprint of the greenhouse that was destroyed by a severe storm. The indoor cultivation operation is occurring within a 7,814.5-square foot legal agricultural-exempt existing building with improvements to the infrastructure and utilities but none to the barn façade or exterior of the barn. The applicant is proposing to rebuild a 7,200 square feet greenhouse for cultivation, creating a net decrease of impervious surfaces on the site.

Therefore, staff finds the proposal in compliance.

5. Security

In adopting the Cannabis Ordinance, the Board of Supervisors found that security issues could be addressed through compliance with security and fencing requirements. In order to make it difficult to defeat, part of the security protocol requires security plans to remain confidential:

(16) Security and Fencing. *A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to ensure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.*

Security measures have been adequately outlined through the Cannabis operation plan which is required to generally comply with the above excerpt from the Cannabis Ordinance. The operation must maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). The proposed use would be compatible with the surrounding neighborhood/community. There would be no external evidence of cannabis operations as the indoor cultivation facility would have no windows and the proposed greenhouse would be designed similarly to other non-cannabis greenhouses. Additionally, public access is limited with a gate that visitors or employees would need a code to access. Guests would be required to sign into the facility and provide valid identification and be escorted by authorized personnel. Employees given access to the cultivation sites would have fobs that can be tracked with the alarm system. The site is fully screened from public view due to the facilities being located internal to the lot and mature perimeter vegetation on the site. The entire property perimeter is fenced with a combination of wooden slat and metal wire fencing. Furthermore, all cultivation and propagation lighting would be fully contained within both structures. 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.

6. Odor

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

(2) Air Quality and Odor. *All indoor and mixed light 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.*

The project would implement odor control systems and be conditioned to ensure that off-site odor, originating from the operation, would not be detectable from the barn or greenhouse. Odor control and management

measures would meet all requirements outlined in Section 26-88-254(g)(2) of the Cannabis Ordinance. Carbon filters work by pulling odor out of the air and neutralizing the odor as it passes through each room in the barn and the greenhouse. These would be replaced annually to ensure maximum effectiveness. Because cultivation is fully contained and the cannabis cultivation has been occurring without any odor complaints, and setback requirements are met, odor is not anticipated to be an issue with the expansion of cultivation within the existing barn and the reconstruction of the mixed-light greenhouse. The current total air movement is 1 cubic foot per minute for every 1 square foot of canopy space. The applicant would upgrade the existing system to ensure the same measures are met with the additional 1,137.5 square feet of canopy area in a second propagation room in the existing barn and inside of the reconstructed greenhouse. The project would also be subject to odor inspections through conditions of approval.

Environmental Analysis

The initial Cannabis Ordinance (Ordinance No. 6189) was subjected to environmental review and a Mitigated Negative Declaration was adopted that incorporated development standards into the code to address potential environmental concerns. Compliance with these development standards helps to limit the potential environmental impacts identified in that analysis.

The proposed project is categorically exempt from the provisions of the CEQA Guidelines pursuant to the following Provisions of Title 14 of the California Administrative Code: 1) Section 15301 (Existing Facilities) in that the project involves the operation, repair, permitting, and minor alteration of existing private structures and facilities. These include the interior alternations of the existing barn, the upgrade of the existing septic system to a mound septic system, the replacement of a damaged 41,000 square foot structure with a new 7,200 square foot greenhouse, the expansion of the existing graveled driveway for better fire and emergency vehicle access to the agricultural barn and greenhouses, and the installation of security fencing as an additional safety and health protections to meet standards established by the Sonoma County Section 26-88-254(f)(21); and 2) 15303 (New Construction or Conversion of Small Structures) for the construction of a small greenhouse to replace the partially standing damaged structure, the conversion of the existing barn to a cannabis cultivation facility with no modifications to the exterior of the building, and the upgrading and extension of infrastructure and utilities to serve the structures. Water for the project would be mostly supplied by a new rainwater catchment system and water recaptured from a high-efficiency temperature and humidity control system and humidifiers. Well water with ample subsurface water availability would be used to supplement the water usage. The proposed structure is adequately setback approximately 300 feet from the nearest riparian corridor. The applicant has submitted a biological report from Pinecrest Environmental Consulting, dated June 1, 2017, which indicates that the project would not have a significant impact on biological resources. Because the proposed reconstruction area is already disturbed there would be no significant grading. Furthermore, the project would result in an overall decrease in impervious surface on site. The project would not involve any tree removal and the use would be authorized on a limited-term basis.

NEIGHBORHOOD/PUBLIC COMMENTS

On September 12, 2017, a neighborhood notification was sent to neighboring properties within 300 feet of parcel boundaries. To date, Staff has received four responses in opposition to the project. Comments were received expressing concerns about property values, security, traffic, odor, road access, emergency response and access, water use, and impact on residential character of the area. To date, Staff has received 44 public comments that express support for the project and the business and environmental practices of the operator. This correspondence is attached to the Staff Report for reference (ATT 9).

RECOMMENDATIONS

Staff Recommendation

Staff recommends the Board of Zoning Adjustments approve the Use Permit for a Limited Term 5,000 square feet of Specialty Indoor and 5,000 square feet of Specialty Mixed-Light Cannabis Cultivation subject to the attached Conditions of Approval.

ATTACHMENTS

- ATT 1: Draft Conditions of Approval
- ATT 2: Vicinity Map
- ATT 3: Aerial Map
- ATT 4: General Plan Land Use Map
- ATT 5: Zoning Map
- ATT 6: Project Proposal Statement and Operating Plan
- ATT 7: Site Plan
- ATT 8: Floor Plans
- ATT 9: Public Comments
- ATT 10: Draft Resolution