



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPC18-0050
DATE: December 10, 2020
TIME: At or after 1:10 PM
STAFF: Lauren Scott, Project Planner

SUMMARY

Property Owner: Peter Buffington
Applicant: Peter Buffington
Address: 41707 Sleepy Hollow Road, Annapolis
Supervisory District(s): 5
APN: 121-280-006
Description: Request for a five-year limited-term Use Permit for a cannabis operation, including 10,000 square feet of mixed-light cannabis cultivation, 25,000 square feet of outdoor cannabis cultivation, limited processing of site-grown cannabis, and the clearing of 2.73 acres of vegetation primarily for the construction of a 1.7-million gallon water storage pond on a 40.11-acre parcel.
CEQA Review: Mitigated Negative Declaration
General Plan Land Use: Resources and Rural Development (RRD) 40-acre density
Specific/Area Plan Land Use: Sonoma Coast/Gualala Basin Planning Area – RRD
Ordinance Reference: 26-10-020(tt) – Resources and Rural Development Uses Permitted with a Use Permit
26-88-250 – Commercial Cannabis Uses
26-88-254 – Cannabis Cultivation - Commercial
26-880140d – Minor Timberland Conversion
Zoning: Resources and Rural Development (RRD), 40-acre density (B6 40), NONE



RECOMMENDATION

The Permit and Resource Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request, with conditions, for five-year limited-term Conditional use Permit for 10,000 square feet of mixed-light cannabis cultivation, 25,000 square feet of outdoor cannabis cultivation, limited processing of site-grown cannabis, the clearing of 2.73 acres of vegetation, and construction of a 1.7 million gallon water storage pond on the subject property, along with specified conditions of approval, for the property at 41707 Sleepy Hollow Road in Annapolis.

EXECUTIVE SUMMARY

Peter Buffington requests a limited-term Use Permit for a commercial cannabis cultivation operation, including 10,000 square feet of mixed-light cannabis cultivation, 25,000 square feet of outdoor cannabis cultivation, limited processing of site-grown cannabis, the clearing of 2.73 acres of timberland and vegetation, including the removal of 950 trees, and construction of a 1.7 million gallon water storage pond, as described below:

The clearing of 2.73 acres of timberland is necessary to construct the water storage pond and outdoor and mixed-light cultivation area. The timberland removal requires a Minor Timberland Conversion Permit issued by Sonoma County.

The project proposes to split the overall construction and operation into two phases. Phase One consists of using hand tools to develop a temporary mixed-light cultivation area in an existing clearing near the residence while spotted owl surveys are conducted as required for the Minor Timberland Conversion Permit.

Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed although the project description estimates general hours of operation from 8:00 AM to 5:00 PM. Deliveries and shipping would be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday. The cannabis operation would employ up to eight part-time seasonal staff, in addition to three full-time staff. The use would be closed to the public and would not contain any retail components.

The applicant is not requesting a distribution and transportation permit. Therefore, transportation and distribution would be conducted by a state-licensed third-party company.

Staff recommends approval of this permit for the following reasons:

- The proposed project is consistent with the General Plan land use designation and policies related to the protection of lands from increased residential density and protection against intensive growth where lands are environmentally constrained or have poor access. The project does not increase residential development, preserves the overall character of the area, has adequate access and provides an emergency water supply, and would not require the extension or construction of additional public infrastructure or services.
- Commercial cannabis cultivation is an allowed use with a Conditional Use Permit in the Resources and Rural Development (RRD) Zoning District, and timberland removal is allowed with a Minor Timberland Removal Permit in the Resources and Rural Development (RRD) Zoning District. The project complies with the development standards and operational requirements of the Zoning District within the Sonoma County Code.



- The project will include the clearing of 2.73 acres of vegetation and trees, which amounts to 6.8% of the parcel's 40.11 acres. The removal of approximately 950 trees will allow for construction of a reservoir and a portion of the outdoor cultivation have been analyzed under the Mitigated Negative Declaration and found to have a less than significant impact with mitigation incorporated.
- The project will install a new water source and will be in an area with several suitable access roads for emergency responders and residents. The project is required to comply with adopted fire safety standards including requirements related to emergency access, emergency water supply, fuel modification and defensible space, and road naming and addressing.
- The large parcel size of the site (40.11 acres) and the distance between the cultivation area and surrounding parcels will not result in a detriment to the neighboring area. The proposed cultivation and processing area will cover approximately 42,000 square feet of land which amounts to less than one percent of the 40.11-acre parcel.
- Based upon the information contained in the Mitigated Negative Declaration, it has been determined that there will be no significant environmental impacts resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval.

PROJECT SITE AND CONTEXT

Area Context and Surrounding Land Uses

The area is largely rural and forested, located in the hills north of Annapolis. The project site is a 40.11-acre parcel located north of Annapolis Road and east of Brushy Ridge Loop. The surrounding area is largely rural and agricultural, located in unincorporated Sonoma County. Parcels immediately surrounding the site are zoned Resources and Rural Development (RRD). West of the site is a forested parcel with residence, south is an undeveloped parcel with a residence and a vineyard, east is a residence and ranch, and to the north is a vineyard and undeveloped parcel. Little Creek is approximately 1,500 feet to the south of the project site. Buckeye Creek is approximately 2,500 feet to the north of the project site. The nearest residence is approximately 1,200 feet from the project site. The project site is well over 1,000 feet from all schools a public park, childcare centers, or an alcohol or drug treatment facility. The nearest school is Horicon Elementary School and is approximately 1 mile (5,280 feet) from the project parcel. The nearest public park, Soda Springs Reserve, is approximately 1.6 miles (8,448 feet) from the project parcel.

Most of the property is undeveloped, however, the site contains an existing residence, garage, studio, a 60,000-gallon water storage reservoir located to the north of the existing residence and south of Sleepy Hollow Road. An additional 15,000 gallons of water storage is provided from four existing tanks north of the residence.

The parcel is 40.11 acres and is located in the unincorporated, rural community of Annapolis. Most of the property is undeveloped, however, the site contains an existing studio, a 60,000-gallon water storage reservoir located to the north of the existing residence and south of Sleepy Hollow Road. An additional 15,000 gallons of water storage is provided from four existing tanks north of the residence.

The project parcel has slopes ranging from 5% to 20%. The project site drains to the east and west from the center of the parcel. There are two unnamed drainages on the project site: one on the southeast



corner and one on the northwest corner. Both drainages connect to Little Creek, which is approximately 1,500 feet from the southern property line. Buckeye Creek is approximately 2,500 feet to the north of the project site.

The majority of the parcel consists of non-native grassland and mixed coast forest characterized as redwood douglas fir. A 2.73-acre timberland conversion, removing approximately 950 trees, is required to clear space for the proposed reservoir, outdoor cultivation area, and mixed light greenhouses. A small area around the existing residence and garage has been cleared and contains non-native grassland.

The application requests a use permit for 10,000 square feet of mixed-light cannabis cultivation, 25,000 square feet of outdoor cannabis cultivation, limited processing of site-grown cannabis, the clearing of 2.73 acres of trees and vegetation, and construction of a 1.7 million gallon water storage pond on a 40.11-acre parcel zoned Resources and Rural Development (RRD). The reservoir, outdoor, mixed-light cultivation sites are proposed in an area of the project parcel with 0-9% slopes.

The applicant is not currently operating under the Penalty Relief Program. There have been no Code Enforcement complaints issued on the property.

Direction	Land Uses
North	Sleepy Hollow Road Resources and Rural Development: Vineyard and residence on 40.01 acres and 40.05-acre undeveloped parcel
South	Resources and Rural Development: Vineyard on 40 acres and residence on 40 acres
East	Resources and Rural Development: Residence and Ranch on 160 acres
West	Resources and Rural Development: Residence on 41.41 acres

Significant Applications Nearby

Four other applicants have submitted cannabis cultivation applications within a five-mile radius of the project site, ranging from 2,500 to 9,000 square feet. One project has been approved, and the other three projects are in process with Permit Sonoma. Two of the four projects are operating under Penalty Relief. No other proposed discretionary projects were identified within the project vicinity.

Access

The parcel is accessed by Sleepy Hollow Road, a privately maintained and owned gravel and dirt road. Driveway access onsite is controlled by a locked gate. Onsite circulation is via an existing mixed gravel and dirt driveway. The driveway currently provides access to all existing structures and the existing irrigation reservoir and water storage tanks. The existing driveway is approximately 15 feet wide. A 12-foot-wide gravel road would be constructed to connect the proposed reservoir to the existing onsite driveway. The property maintains three routes to the site from the main public road (Annapolis Road), via Sleepy Hollow Road, Buckeye Creek Road, and Little Creek Road.

Wildfire Risk

The proposed project is located within a Cal Fire State Responsibility Area and is mapped as being within a High Fire Hazard Severity Zone.

The nearest fire station to the property is the Annapolis Fire Station, approximately 1.8 miles from the project site.

Emergency access to and from the site would be controlled through a locked gate and would be accessible via three different roads, as follows:

1. Little Creek Road is approximately 2 miles long, starting with a connection to Flournoy Road, and then Sleepy Hollow Road. This road is a gravel road which is maintained annually by the property owners on Brushy Ridge Loop. Finely compacted shale and other rock types are spread evenly across the road to provide a smooth path along much of the road and where some portions have been recently graded, the surface is largely smooth, hard dirt. The width of the road varies between 16 and 22 feet, with the single lane steel bridge at Little Creek the exception, being 12 feet guardrail to guardrail. The road has turnouts and is wide enough for two cars to pass in opposing directions in most locations. This road has rolling dips that drain water from the road.
2. Buckeye Creek Road (Stibi Road) has been recently graded and provides the quickest route from the property to Annapolis Road. The grading provides widths from 14-17 feet, with multiple turnouts along the roadside. This road crosses Sleepy Hollow Road close to the large clearing to the east of Sleepy Hollow Road, while Buckeye Creek Road travels near the center of this clearing. Sleepy Hollow is the route followed by most drivers beyond the intersection of these two roads. This road also uses rolling dips for drainage.
3. Sleepy Hollow Road is a privately owned and maintained road which connects the property to Annapolis road at the most eastern point. This access road varies in width between 14-22 feet, with multiple turnouts. The road uses fine gravel and compacted red dirt common in the project area.

Water/Wastewater/Utilities

The proposed project site is located in a Zone 4 Groundwater Availability area, defined by Sonoma County to be an area with "Low Groundwater Availability." An existing domestic water well and an existing domestic septic system serve the residence. The project site contains four existing water storage tanks that contain 15,000 gallons of water. The project site also contains an existing 60,000-gallon water storage reservoir located to the north of the existing residence and south of Sleepy Hollow Road. This existing reservoir would provide water for the interim mixed-light cultivation area (Phase One). The project proposes an additional 5.3-acre-feet (approximately 1.7 million-gallons) water storage reservoir to provide water for the cultivation operation (built as part of Phase Two). The proposed reservoir would be located to the east of the outdoor and mixed-light cultivation area. Two wharf hydrants, one existing and one proposed, would connect to the two reservoirs.

All energy used for the operation would come from 100% renewable energy sources.

Waste Management Plan Description: 1) The project proposal indicates that the applicant/operator will comply with Sonoma County AWM Best Management Practices and applicable Sonoma County waste disposal standards. 2) The project proposal indicates that all garbage, refuse, and recyclable items would be stored in containers with lids with locking mechanisms to ensure no tampering. The operation will recycle or properly dispose of all waste. All non-cannabis waste and recycling shall be stored in a secure area and will self-haul waste to the Sonoma County Solid Waste Transfer Facility located in Guerneville site for proper disposal on a weekly basis. 3) Green waste will be composted. 4) All cannabis products shall be stored in a secure area that is not visible to the public. The project will produce a small amount of



plant waste, generated from the minimal trimming and plant pruning done during the growing stages. All major cannabis trimming, and final separation will occur offsite in a fully licensed cannabis processing facility. Employees will use the California Track and Trace program.

Agricultural Conditions/Land Encumbrances/Contracts

The parcel is not subject to a Land Conservation Contract (Williamson Act). The project site is not designated as Farmland of Statewide Importance or Unique Farmland. The project site is designated as Other Land by the California Department of Conservation's Farmland Mapping & Monitoring Program.

Other Environmental Conditions

The majority of the parcel consists of non-native grassland and mixed coast forest characterized as redwood douglas fir. A 2.73-acre timberland conversion removing 950 trees is required to clear space for the reservoir and spillway, outdoor cultivation area, and mixed-light greenhouses. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Approximately 950 trees would be removed, with 22 of those trees (or two percent) ranging from 24 to 40 inches at breast height (DBH). The property has a history of logging and no trees older than 80 years old would be removed. Any merchantable logs would be transported offsite or used onsite by applicant. Sonoma County regulates the conversion of timberland to a non-timber growing use on less than three acres and the applicant would be required to obtain a Minor Timberland Conversion Permit prior to any tree removal. Minor Timberland Conversions are allowed on properties zoned Resources and Rural Development (RRD).

PROJECT DESCRIPTION

The project proposes one outdoor and mixed-light cultivation area in the center of the parcel at final buildout. A perimeter fence (see below under Security for more details) would be constructed around the outdoor and mixed-light cultivation area. The cultivation area at final build-out would contain 25,000 square feet of outdoor cannabis cultivation and 10,000 square feet of mixed-light cultivation.

The project proposes to split the overall construction and operation into two phases. Phase One consists of using hand tools to develop a temporary mixed-light cultivation area in an existing clearing near the residence while spotted owl surveys are conducted as required for the Minor Timberland Conversion Permit. The mixed-light cultivation for Phase One would total 6,563 square feet and would use water from the existing reservoir. Phase One includes development of a mixed-light cultivation in an already cleared area of the parcel. The interim cultivation would total 6,563 square feet and use rainwater collected in the existing 60,000-gallon reservoir. The mixed-light structures would be constructed with hand tools and include no grading or other ground disturbing activities so as not to disrupt potential spotted owl foraging habitat while protocol level surveys are conducted.

The temporary mixed-light structures would be removed as part of the Phase Two operations (the entire cultivation area would not exceed 43,560 square feet or exceed the allowed 10,000 square feet of mixed light cultivation in areas designated as Resources and Rural Development). Phase Two would begin after completion of the spotted owl surveys and their review by Permit Sonoma. Phase Two would include the minor timberland conversion, construction of the second irrigation reservoir to supply water for the 35,000-square foot cultivation operation, and construction of the final six proposed greenhouses and outdoor cultivation area. The below table provides an overview of the project phases and key elements. During Phase Two, the mixed-light portion of the operation would occur in six greenhouses measuring 2,000 square feet each. The greenhouses would have a rounded metal frame and plastic shell with light deprivation elements. All greenhouses would be equipped with odor control filtration and ventilation



system(s) to control odors, humidity, and mold. Cannabis plants in the greenhouses would be grown in soil medium in containers on a single level. Plants would be grown in small pots for approximately 30 days and transferred to larger pots for flowering/production.

Construction	4 greenhouses built with hand tools	6 greenhouses, 1.7 million-gallon water storage reservoir
Cultivation Area	6,563 SF of mixed-light	10,000 SF of mixed-light; 25,000 SF of outdoor
Grading	None	Max of 9,500 CY of cut and 5,400 CY of fill for reservoir
Processing	Approximately 1,312 SF of cultivation to be processed in existing studio	Approximately 7,000 SF of cultivation to be processed in existing studio
Water Supply	Existing 60,000-gallon water storage reservoir	Proposed 1.7 million-gallon water storage reservoir
Tree Removal	None	2.73-acre timberland conversion (removing 950 trees)

Processing includes all activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis. During Phase Two, a majority of the cannabis grown onsite, approximately 28,000 square feet or 80%, would be transported offsite for processing. A licensed distributor would pick-up plant material and transfer it to a separate processing location. Cannabis would be picked up as biomass, or flash-frozen, and either composted or processed at a separate location. Limited amounts of processing would occur in the existing 820-square foot studio. Approximately 7,000 square feet of cannabis grown onsite (roughly 20%) would be processed in the studio. During Phase One, approximately 1,312 square feet of cannabis grown onsite (roughly 20%) would be processed in the studio. The applicant intends to process the small amount of cannabis grown onsite in the existing studio to meet state cannabis testing requirements. The existing studio would be equipped with an odor control and ventilation system(s) to control odors, humidity, and mold. All harvests during fire season would be processed offsite.

The cannabis operation would employ up to eight part-time seasonal staff, in addition to three full-time staff. The operation would stagger employee shifts so that no more than three employees (including full-time staff) would be onsite at any time. Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed although the project description estimates general hours of operation from 8:00 AM to 5:00 PM. Deliveries and shipping would be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday.

The single residence would be used as a residence for the operator during the cultivation season. An ADA-compliant restroom would be located in the residence for employee use. The restroom currently exists, but a new 36-inch-wide door would be constructed so the restroom would be accessible directly from the outside. A 28-foot ramp and deck would connect the restroom to a new 4 four-foot-wide path. The residence would not contain cannabis at any stage of the commercial process. Pesticide and fertilizer storage containers would be stored on pallets and/or shelves to minimize the possibility of spills and leaks going undetected. The operation would be required to maintain any applicable permits



from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County or the Agricultural Commissioner. The studio is 820 square feet and may be used for the drying and minimal processing of harvested cannabis. The studio would contain some non-cannabis storage, including fertilizer and pesticides.

Onsite parking for employees would be provided in an existing cleared area located east of the existing residence. The site would also allow for parking of two Type 2 fire trucks with access to the wharf hydrants. The 7,000-square foot parking area is a mix of pervious dirt and gravel and is accessible from the onsite driveway.

During the cultivation season, an employee would be onsite 24 hours per day. The driveway entrance to the property is controlled by a locked gate, and security fencing would be installed around the outdoor and mixed-light cultivation area. Proposed fencing would consist of a six-foot-tall green privacy fence. Fencing would include security lighting, cameras, and an alarm system. Access to the cultivation area would be controlled by locking gates.

The project construction activities include a Minor Timberland Conversion, earthwork, grading, and construction of the six proposed greenhouses, outdoor cultivation area, reservoir, and spillway. Prior to construction, the applicant would need to complete the 2.73-acre Minor Timberland Conversion, which is estimated to take approximately four to six weeks. After the Minor Timberland Conversion, construction would be broken down into three phases: 1. Clear and Grub, 2. Grading, and 3. Finish Work. Construction equipment would be onsite for approximately 37 days. Clearing is expected to take about seven days, and grading would take approximately 30 days. A variety of construction equipment would be used, including a Caterpillar bulldozer, an Excavator scraper, and a compactor.

Grading and Earthwork: The preliminary plans for the irrigation reservoir propose a maximum cut of 9,500 cubic yards (CY), and maximum fill of 5,400 CY. A new supply line and piping would be constructed and would connect to five field inlets to carry surface water to the reservoir.

In total, 161,173 square feet or 3.7 acres would be disturbed. Construction of the greenhouses would create 13,000 square feet of impermeable surface. To clear space for reservoir and greenhouse construction, all existing vegetation within a 2.73-acre area would be removed, including trees. Tree removal would require usage of chainsaws and feller-bunchers. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Debris clean-up would include chipping, grinding, piling, and burning debris. Chips would be used onsite for erosion control or transported off-site. Any merchantable logs would be transported offsite or used onsite by applicant. During construction, a combination of erosion control best management practices (BMPs) would be used on disturbed areas including establishing vegetation coverage, hydroseeding, straw mulch, geotextiles, plastic covers, blankets, or mats. Upon construction completion, the cut slopes of the reservoir would be stabilized through revegetation and hydroseeding with a non-invasive grass mix.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
11/08/2018	Conditional use permit application was submitted for 22,000 square feet of mixed-light cannabis cultivation. The applicant did not enroll in the penalty relief program and no commercial cannabis is currently grown on the site.

12/03/2018	Permit Sonoma sent notification of the proposed project to neighboring parcels within 1,000 feet of the parcel boundaries.
01/09/2019	Application was amended to include 25,000 square feet of outdoor cannabis cultivation, 10,000 square feet of mixed-light cultivation, a 1.7 million-gallon water storage reservoir, and the removal of less than 3 acres of existing trees
01/11/2019	Project was referred to applicable agencies and AB52 referral
02/25/2019	Cultural Resources Survey was submitted for the project site.
04/08/2019	Preliminary grading plans were submitted for the proposed reservoir.
06/20/2019	Application deemed complete for processing.
10/16/2019	Project description was changed to reduce the amount of cannabis that would be processed onsite and number employees in response to concerns regarding the associated fire risk of the project. Approximately 80% of cannabis grown onsite (28,000 SF of cultivation area) would be transported off-site by a licensed distributor for further processing. The project description was changed to include 8 part-time seasonal employees and 3 full-time employees and staggered shifts to ensure that no more than 3 employees were onsite.
12/06/2019	Additional details and documents prepared by a registered professional forester for the minor timberland conversion were submitted.
01/22/2020	Project description was changed to phase implementation of the project to allow for 6,563 square feet of mixed-light cultivation to occur while the minor timberland conversion permit is obtained, and northern spotted owl surveys completed.
11/09/2020– 12/09/2020	IS/MND Public Review period
11/24/2020	Notice of BZA hearing

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 Resources and Rural Development 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.

The subject property has a General Plan land use designation of Resources and Rural Development (RRD), with a 40-acre minimum, which is intended to manage and conserve natural resource areas and existing areas of rural character. This land use designation is intended to accommodate low density residential development, protect natural resources, and limit agriculture production activities in areas of timberland. Additional policies include protecting lands for aggregate resource production, protecting against intensive development of land constrained by steep slopes or other constraints, and protecting against proliferation of growth in areas with inadequate public services and infrastructure.

The proposed project would involve limited development of land, and the total cultivation area would be 35,000 square feet, or approximately 2% of the 40.11-acre parcel. The project site is generally flat with existing vegetation. The proposed cannabis operation would be located in the center of the property, near existing structures, and would be fully screened by existing trees from the private road



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(Sleepy Hollow Road). The project would not be visible from any public location or vantage point and would not represent a visually distinctive or substantial change from the current project site. All proposed lighting would comply with Section 26-88-254(f)(19).

Water Availability. A geotechnical report was prepared for the project and did not identify concerns related to geologic hazards or poor soils. The project would be consistent with regulations pertaining to protecting Sonoma County's water resources and would also be consistent with regulations designed to avoid long term declines in available groundwater resources or water quality as the water supply for both phases of the project would come from water storage reservoirs. There is an existing water storage reservoir with a capacity of 60,000 gallons that would adequately serve Phase One operations. The additional proposed 1.7 million-gallon water would provide water for Phase Two operations as well as serve as an emergency water supply source.

Traffic. The project would employ eight part-time employees, with no more than three employees onsite at any time. The trip generation from estimated a total annual trip count of 522. Because the trips vary widely between the cultivation season, the total trips range from zero trips between December to February to 132 trips in August. During construction, large equipment operators would be making an additional two trips per day, traveling to and from the site. The existing roads would be able to accommodate the project traffic and the project would be consistent with the General Plan. The project does not require the extension of public services or infrastructure and does not propose to increase residential density.

Wildfire Risk. The proposed project is located within a Cal Fire State Responsibility Area and is mapped as being within a High Fire Hazard Severity Zone. This zone includes wildland areas supporting medium to high fire behavior and roughly average burn probabilities and developed/urbanized areas with more limited non-burnable surfaces and moderate vegetation cover. Wildland fire hazards cannot be eliminated entirely but may be reduced through mitigation including vegetation management to reduce fuel loads and installation of dependable water systems.

Due to the rural nature of the project, a road/emergency vehicle access assessment was completed with a project engineer with input from the property owner, the local fire department, and the project planner. The full report by prepared by the licensed engineer includes access maps, photos, and widths of each road is on file with Permit Sonoma. The study concluded three routes would be capable of providing emergency access to the site: Sleepy Hollow Road, Buckeye Creek Road (Stibi Road), and Little Creek Road.

The nearest fire station to the property is the Annapolis Fire Department, approximately 1.8 miles from the project site.

On-site parking for two Type 2 fire trucks would be provided at the large reservoir wharf hydrant to allow multiple trucks to refill their water tanks. The local fire department requires a minimum 100-foot diameter of clear space for a helicopter to take water for firefighting. The proposed reservoir would provide a 200-foot diameter clearing, which a helicopter could access during a fire.

Emergency access to and from the site would be controlled through locked gates.

A condition of approval (#77.d) is proposed that would require an annual inspection by the County Fire and Emergency Services Division to ensure and maintain emergency access from the project site. The project would install a new water source and would clear 2.73 acres of vegetation. The project would be required to comply with adopted fire safety standards including requirements related to emergency

access, emergency water supply, fuel modification and defensible space, and road naming and addressing.

Sonoma Coast / Gualala Basin Planning Area Consistency

The Sonoma Coast/Gualala Basin Planning Area is a sparsely populated region that spans a 40-mile length of the Pacific Coast and extends to include inland communities. Most of the Planning Area policies and objectives focus on growth and development in the coastal region.

The proposed project would consist of 35,000 square feet of cannabis cultivation on a 40.11-acre parcel. The project site currently contains second growth trees that screen the existing onsite structures from nearby roads. Approximately 2.73 acres of the site would be cleared in order to construct the proposed irrigation reservoir, mixed-light cultivation, and outdoor cultivation area. However, the majority of the site, roughly 37 acres, would remain forested. The cultivation area would not be visible from any public right of way or public vantage point and would be set back from the property line by a minimum of 100 feet. The existing visual character of the site and its surroundings is rural, with a mixture of sparse residential and vineyards structures separated by wooded forest. The project site is relatively flat, and the project would not alter natural landforms such as hills or ridges.

Zoning Consistency

1. Base Zoning Regulations: Article 10, Resources and Rural Development Zoning District (RRD)

The proposed operation meets the development criteria under the base zoning set forth in Article 10. Commercial cannabis is allowed with a use permit in compliance with Section 26-88-250 through 26-88-256. The project will meet all required setbacks, as well as building height, lot coverage, slope, parcel size and density requirements, and parking requirements.

2. Cannabis Regulations, Cannabis Ordinance No. 6245

Pursuant to the development standards for the Resources and Rural Development zoning district and permit requirements for cannabis uses within Sonoma County Code Section 26-88-254, the following requirements apply to cannabis cultivation:

- a. The minimum lot size for Medium Outdoor cannabis cultivation in the Resources and Rural Development Zoning District is 10 acres.

The project parcel is 40.11 acres, meeting the minimum 10-acre requirement for cannabis cultivation on parcels zoned RRD (Resources and Rural Development).

- b. Medium Outdoor cannabis cultivation cannot exceed 43,560 square feet and mixed-light cultivation cannot exceed 10,000 square feet on parcels zoned Resources and Rural Development. The combined total of all cannabis cultivation areas cannot exceed 43,560 square feet (1 acre) per parcel.

The proposed total cannabis cultivation area is 35,000 square feet.

- c. All cannabis operations shall comply with the comprehensive airport land use plan.

The nearest airport, Healdsburg Municipal Airport, is 48 miles away from the project site and well outside of the referral area.

- d. Proposed cultivation operations, including all associated structures, shall require a biotic resource assessment at the time of application that demonstrates that the project is not located

within, and would not impact sensitive or special status species habitat, unless a use permit is obtained.

A biotic resource assessment conducted by Wildlife Research Associates and Jane Valerius Environmental Consulting was submitted with the application. The project site is not located in adopted critical habitat for any listed species. The assessment describes two vegetation communities that occur in the proposed cultivation area: disturbed non-native grassland and north coast coniferous forest. The north coast coniferous forest includes a grove of coast redwood, douglas fir, and tanoak. One special status plant, Harlequin lotus, is a CNPS Rank 4 species and was noted in this area. However, this species has no formal protection under CEQA and is relatively common along coastal areas. Movement corridors for large and small mammals occur between this parcel and potentially occupied parcels to the north, south, east and west. There are no barriers to movement between this site and other lands. Mitigation measures have been added as conditions of approval to transplant and monitor special status plants onsite, prevent take of red-legged frog, minimize disturbance for passerines and falcons, avoid and minimized potential impacts on tree-roosting bats, avoid or minimize potential impacts on the northern spotted owl, and install wildlife exclusion fencing during reservoir construction. All potential biological impacts from construction or operation of the project have been reduced to a less than significant level.

- e. Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards.

A cultural resource survey was prepared by Tom Origer & Associates, a consultant who meets the minimum qualifications as defined by the Secretary of Interior's standards, was submitted with the application. This survey included archival research, a field survey and contact with the Native American Heritage Commission and individual tribes. No cultural resources were found within the study area either through archival research or field survey and therefore no resource-specific recommendations were warranted. As discussed in the MND, Section 11.14.050 of the Sonoma County Grading Ordinance establishes uniformly applied development standards to reduce the potential for impact to cultural resources to a less than significant level by requiring that all work be halted in the vicinity where human remains or archaeological resources are discovered during construction grading and drainage and that that the Director of Permit Sonoma and the County Coroner be notified to ensure compliance with state law regarding the proper disposition of human remains, including those identified to be Native American. Similarly, if archaeological resources or suspected archaeological resources are discovered, the Director of Permit Sonoma shall notify the State Historic Preservation Office and Northwest Information Center at Sonoma State University and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources.

- f. There shall be no tree removal or timber conversion to accommodate cultivation sites, unless a use permit is obtained.

The project is proposing to remove approximately 2.73 acres of existing trees and vegetation. The project is requesting a use permit for cannabis cultivation and the tree removal would require a minor timberland conversion permit from Sonoma County. See below for more discussion.

- g. Cultivation sites shall be prohibited on natural slopes steeper than 15% unless a use permit is obtained.

The slope in the proposed cultivation areas at the site range from 0 to 9%.

- h. All lighting shall be fully shielded, downward casting and not spill over onto structures or other properties or the night sky.

All proposed lighting is required to be fully shielded, downward casting, and not spill over onto structures or other properties or the night sky.

- i. A waste management plan addressing the storing, handling, and disposing of all waste by-products of the cultivation activities in compliance with the Best Management Practices issued by the Agricultural Commissioner.

A Waste Management Plan was submitted for the project. All cannabis waste generated from general cultivation or processing activities, excess production, contamination, or expiration would be securely stored for up to ten days and then rendered unusable and composted for reuse in the cultivation operation. Cannabis green waste would be ground up and mixed with soil and/or mulch to create a mixture that is at least 50% non-cannabis waste prior to composting.

- j. An onsite water supply source adequate to meet all on site uses. Within Groundwater Availability Zone 3 or 4, the proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project. A qualified professional prepares a hydrogeologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation would not result in or exacerbate an overdraft condition in basin or aquifer, result in reduction of critical flow in nearby streams, or result in well interference at offsite wells.

The project site is located in Zone 4 for Groundwater Availability. A hydrogeologic assessment was prepared by O'Connor Environmental Inc. (OEI) to evaluate estimates of existing and proposed water use within the project recharge area, compilation of well completion reports (drillers' logs) from the area and characterization of local hydrogeologic conditions, estimates of annual groundwater recharge and existing and proposed groundwater use, and the potential for well interference between the project well and neighboring wells. Phase One of the project includes cultivation of 6,563 square feet of mixed-light cultivation using rainwater collected in the existing 60,000-gallon reservoir. Phase Two includes a 2.73-acre minor timberland conversion for a 5.30-acre feet (1.7 million-gallon) reservoir to provide irrigation for 10,000 square feet of mixed-light cultivation and 25,000 square feet of outdoor cultivation. The County has reviewed the analysis provided by OEI and found that the water supply for Phase One and Phase Two are adequate and would not result in or exacerbate an overdraft condition in basin or aquifer, result in reduction of critical flow in nearby streams, or result in well interference at offsite wells.

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 outdoor cultivation areas:

Property Setbacks – Outdoor. *Outdoor cultivation areas and all structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas and mixed light structures shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from residences and business structures on surrounding properties.*

The proposed outdoor cultivation would not be located in the front yard setback and would be screened from public view by existing mature vegetation. The outdoor cultivation area is approximately 2,850 feet from the public right-of-way. The outdoor cultivation area is 100 feet from property lines and 300 feet from neighboring residences and businesses.

4. Security

In adopting the Cannabis Ordinance, the Board of Supervisors found that security issues could be addressed through compliance with security and fencing requirements.

(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 comply with the above excerpt from the Cannabis Ordinance. The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma).

The submitted Site Security Plan had been reviewed by staff as part of the project and found to meet ordinance requirements. Security measures have been adequately outlined through the Cannabis operation plan, as required by the above excerpt from the Cannabis Ordinance. The operation shall maintain all aspects of the approved site security plan, including a locked and secured front entrance gate, exterior surveillance systems, vegetation. The site is screened from public view due to the topography and mature perimeter vegetation facing the street. The entire property perimeter is fenced, and a locked gate prohibits unauthorized vehicular/pedestrian access. Lighting would include motion-detected security lighting designed to avoid off-site light or glare.

5. Odor



Outdoor cannabis cultivation will typically start to emit odors about 3-5 weeks into the flowering period, generally starting in August or September and continuing until harvest in October. To address odor issues from outdoor cultivation, the County requires a 300-foot setback between outdoor cultivation and adjacent homes and businesses, and 1,000 feet from schools, parks, and other sensitive uses. Minimum setback distances were intended to allow odor dissipation by distance. Additionally, Sonoma County Code also establishes a minimum parcel size of 10 acres to avoid concentration.

The nearest residence is approximately 1,200 feet from the project site.

Minor Timberland Conversion

Section 26-88-254(f)(12) of the Sonoma County Code requires that cannabis cultivation activities, including associated structures, may only be located within a non-forested area and there shall be no tree removal or timber conversion to accommodate cultivation sites, unless a use permit is obtained. The proposed removal of 2.73 acres of trees (approximately 950 trees total) would require a Minor Timberland Conversion Permit which is regulated by Sonoma County. Minor Timberland Conversions are allowed in several zoning designations, including Resources and Rural Development (RRD).

The project would result in the loss of 2.73 acres during a conversion of forest land to non-forest use. The conversion would clear space, including all existing vegetation and trees, for the proposed outdoor cultivation, greenhouses, reservoir, and spillway. A Minor Timberland Conversion Permit requires the following studies and documents: proposal statement that describes the number, size, species, age, and condition of trees to be removed; site plan; archaeological report; biotic report and habitat assessment; spotted owl/raptor survey; and preliminary site grading and drainage plan. The applicant has submitted all materials except the spotted owl survey, which is a two-year protocol level survey. The federally threatened Northern Spotted Owl (*Strix occidentalis caurina*) has suitable foraging habitat present onsite. However, there is no suitable nesting habitat and a low potential for occurrence, but disturbance from heavy equipment work could disturb spotted owl foraging activities. No timberland removal can take place until the Minor Timberland Conversion permit has been issued, which is dependent on the submittal of the protocol level spotted owl survey. The applicant has proposed to phase the project to allow for a small area of mixed-light cultivation (6,563 SF) to occur while the survey is completed.

A registered forester provided additional documentation on the specifics of the tree removal. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Approximately 950 trees would be removed, with 22 of those trees (or two percent) ranging from 24 to 40 inches at breast height (DBH). No trees older than 80 years old would be removed. Tree removal would require usage of chainsaws and a feller-buncher (a type of harvest used in logging). Debris clean up includes chipping, grinding, piling, and burning debris. Chips would be used onsite for erosion control or transported offsite. Any merchantable logs would be transported offsite or used onsite by applicant. The project site is not located in a Timberland Production zoning district and would not cause a rezoning of forest land.

The environmental impacts associated with the minor timberland conversion have been included and analyzed in the Mitigated Negative Declaration prepared for the project:

- The timberland conversions would not adversely change the viewshed of the project site or neighboring vineyards because the trees to be removed are located in the middle of the site and are not visible from any public vantage point.
- The project would comply with the County Grading Ordinance section 11.14.070, which states that construction grading and drainage shall not remove or disturb trees and other vegetation



except in compliance with the department's best management practices for construction grading and drainage and the approved plans and specifications.

- Incorporation of mitigation measures as conditions of approval would prevent potential take of red-legged frog; minimize disturbance for passerines and falcons, tree-roosting bats, and northern spotted owls, reducing any biological impacts to a less than significant level.
- The project site is not located within a high liquefaction hazard area and the project area is of minimal slopes and is located in Landslide Susceptibility Class 1 (zero landslide potential) on General Plan Public Safety Element Figure PS-1d.
- Construction activities, including tree removal, would result in a temporary increase in in construction vehicle emissions however, these would be reduced through appropriate Best Management Practices including dust control which would be implemented throughout construction as needed.

The Minor Timberland Conversion would be completed in conformance with the provisions of Section 26-88-140(d) of the Sonoma County Zoning Code, required as a condition of approval. For timberland conversion permits, the applicant has 24 months to comply with the conditions of approval, complete the removal of timber, and complete the new non-timber use. The applicant may apply for a one-year extension of time prior to the expiration of this 24-month period.

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.

As a result of the Initial Study (IS), it was determined that, although potential impacts could result in the areas of biological resources and geology and soils, project impacts could be mitigated to a less than significant level, and a Mitigated Negative Declaration (MND) was prepared for the project. This IS/MND identifies mitigation measures and a monitoring program for the proposed project, and the mitigation measures for these potential impacts have been incorporated into the conditions of approval (ATT 1).

For more detailed analysis and the required mitigation measures for the topic areas that may have impacts that are "Less than Significant with Mitigation" please refer to the corresponding sections of the CEQA Initial Study (Mitigated Negative Declaration) for the project:

Section 4. Biological Resources: pages 26-38

Section 7. Geology and Soils: pages 42-46

NEIGHBORHOOD/PUBLIC COMMENTS

On December 3, 2019 early neighborhood notification was sent out to all property owners within 300 feet of the parcel boundaries. On November 9, 2020, a notice was posted at the site and sent out to all property owners stating that the Mitigated Negative Declaration was available for public review and comment until December 9, 2020. On November 24, 2020 notice was posted at the site and mailed to all surrounding property owners within 1,000 feet and other interested parties. To date, staff have received two comments on the project noting concerns about odor, noise, traffic, and the road system. This correspondence is attached to the Staff Report for reference (ATT 9).

RECOMMENDATION



Staff recommends the Board of Zoning Adjustments hold a public hearing, adopt the Mitigated Negative Declaration, and APPROVE the Use Permit for 10,000 square feet of mixed-light cannabis cultivation, 25,000 square feet of outdoor cannabis cultivation, associated processing of site-grown cannabis, the clearing of 2.73 acres of vegetation, and construction of a 1.7 million-gallon water storage pond subject to the attached Conditions of Approval.

ATTACHMENTS

1. Draft Conditions of Approval
2. Site Plan
3. Grading Plan
4. Vicinity Map
5. Aerial Map
6. General Plan Land Use Map
7. Zoning Map
8. Project Description
9. Public Comments
10. Proposed Initial Study and Mitigated Negative Declaration
11. Draft Resolution