



## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** UPC17-0013  
**DATE:** August 13, 2020  
**TIME:** At or after 1:40 PM  
**STAFF:** Justin Klaparda, Project Planner

### SUMMARY

**Property Owner:** Poole Ridge Farms, LLC, Ghassan Murad  
**Applicant:** Poole Ridge Farms, LLC  
**Address:** 2425 Pool Ridge Road, Guerneville  
**Supervisory District(s):** 5  
**APN:** 069-160-027  
**Description:** Request for a five-year limited term Use Permit for a cannabis operation, including 15,000 square feet of outdoor cannabis on a 57.99-acre parcel.  
**CEQA Review:** Categorical Exemption  
**General Plan Land Use:** Resources and Rural Development (RRD) 160-acre density  
**Specific/Area Plan Land Use:** N/A  
**Ordinance Reference:** 26-10-020(tt) – Resources and Rural Development District Uses Permitted with a Use Permit  
26-88-250(a); 26-88-250(d); 26-88-250(g) – Commercial Cannabis Uses  
26-88-254(f); 26-88-254(g) – Cannabis Cultivation – Commercial  
**Zoning:** RRD (Resources and Rural Development), B6 (160-acre maximum density), SR (Scenic Resources)













The applicant amended the application and project description to limit the request to outdoor cultivation only to address concerns regarding fire risk. This staff report and accompanying analysis is limited to the current request for outdoor cultivation.

## **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 Sonoma County 2020 General Plan classifies the project site as Resources and Rural Residential (RRD). The Resources and Rural Development category allows residences at very low densities due to lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production, and significant physical constraints and hazards. RRD lands are intended to protect natural resources, such as timber, geothermal and aggregate resources, and to accommodate very low-density residential development and limited agricultural production where compatible with resource values and available services. In addition, limited development in RRD zones is intended to protect against development of lands constrained by geological hazards, steep slopes, poor soils or water, fire and flood prone areas, biotic and scenic areas, and other environmental constraints.

Staff has concluded that the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan because:

- Cultivation of cannabis is a crop that would preserve 100% of the current site in its current state;
- The project does not propose the construction of new structures and is surrounded vegetation and intervening topography that protects it from public view;
- The character of the land will remain rural which is similar to other limited agricultural operations in the area that exist and are allowed in the area. The land does and will continue to look “rural” in nature, containing a primary residence, outbuildings, water tanks, and open spaces;
- Utilities already exist on site. Outdoor cannabis cultivation does not require installation of additional lights.
- The land use designation allows for cultivation of cannabis with a Use Permit;
- The project is located outside Riparian Corridors; and
- The project would not result in the removal of any trees; and
- The total cultivation area would cover less than 1% of the overall property acreage.
- The project would preserve the natural, visual and scenic resources of the site, avoid urban development of the site, and result in infill use of existing property consistent with General Plan Objectives LU-7.1,-9.2, -9.3, -9.4, -16.1 and -16.2 and the policies for the Resources and Rural Development Area.

### ***Area Plan Consistency***

The project is not within any designated Area Plan’s within Sonoma County.



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## **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, lot coverage, parcel size and density requirements.

### **2. Cannabis Regulations, Cannabis Ordinance No. 6245**

Pursuant to the development standards for the (Resources and Rural Development Zoning District) zone and permit requirements for cannabis uses within Sonoma County Code 26-88-254, the following requirements apply to cannabis cultivation:

- 1) Medium Outdoor cannabis cultivation cannot exceed 43,560 square feet (or 1 acre) of cultivation area;
- 2) The minimum parcel size for Medium Outdoor cannabis cultivation in the Resources and Rural Development Zoning District 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) A commercial cannabis operation of 15,000 sq. ft. of outdoor cultivation area.
- 2) The project site is a 57.99-acre parcel; and
- 3) The owner/applicant (a single entity), Poole Ridge Farms, LLC, holds no other lands or open cannabis permit applications tied to cannabis cultivation within the County and is, therefore, not cultivating more than one (1) 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 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 outdoor cultivation would not be located in the front yard setback area and would be screened from public view due to the topography and mature perimeter vegetation facing the street. The outdoor cultivation area is over 400 feet from the nearest residence and over 1,400 feet from the second nearest residence. Therefore, the project meets all required setbacks development criteria and operating and standards within Section 26-88-254 (Cannabis Cultivation – Commercial) of the Zoning code.

### **4. Scenic Resources Combining Zone Designation**



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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 Scenic Landscape unit which requires that all structures meet the following requirements:

- 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 above criteria do not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

The Scenic Landscape Unit bisects the parcel at the eastern boundary. No new structures are proposed for the project. All cannabis products will be processed off site. The mixed light structures and proposed processing operations that were originally proposed were removed from the project’s configuration. Therefore, as the structural development of the project will be similar to the existing condition, the project would not have a substantial effect on a scenic vista or any designated scenic resources.

The proposed use complies with the development criteria listed in Section 26-64-020 of the Sonoma County Code.

### ***Hydrology and Groundwater Supply***

The existing on-site well is located in a Zone 4 Groundwater Availability area. Because of this designation, per Section 26-88-254(g)(10)(c) of the Sonoma County Code, the applicant was required to prepare a hydrogeological report to be reviewed by the Permit Sonoma Natural Resource Division. Per the Cannabis Ordinance, Section 16-88-254(g)(10)(d), the report as reviewed by Permit Sonoma Geologist, must certify that the proposed use of the groundwater supply for cannabis cultivation will not:

- 1) Result in or exacerbate an overdraft condition in basin or aquifer;
- 2) Result in reduction of critical flow in nearby streams; or
- 3) Result in well interference at offsite wells

A hydrogeologic report for the original project description, which consisted of 33,500 square feet of outdoor cannabis cultivation and 10,000 square feet of mixed light cannabis cultivation, was prepared by EBA Engineering on November 13, 2017. The report estimated groundwater recharge to the cumulative impact area is 213-acre feet per year, and future potential demand would be 11.8 acre feet per year. Since the groundwater recharge is substantially greater than demand, there would be little potential for overdraft of the project aquifer. This report concluded that the project, as proposed originally, would not significantly impact basins or nearby streams nor interfere with offsite wells or groundwater supply areas within the cumulative impact area under existing or foreseeable future use conditions

In September 2018, upon staff request, the applicant conducted an additional 24-hour pump test of the project well. Staff’s request was motivated by concerns regarding sustainability of groundwater storage accessible via the project well. In addition, Staff conducted coordination efforts with neighboring parcel owners who were



interested in having their wells monitored during the pump test for the purposes of investigating potential impacts of well pumping for the project on nearby wells and for developing information that could better define the hydraulic connection between the wells near the project site. A 24-hour duration pump test was conducted on October 24th and 25th, 2018. The Project Well was pumped for a 24-hour period at a rate of 3.0 and 2.56 gallons per minute. No discernable response was observed in neighboring wells. The pumping resulted in 6.5 feet of drawdown at the pumping well after 4 hours; drawdown decreased with the reduction in pumping rate and finished at 5.8 feet after 24 hours. Water level in the well recovered rapidly with 75% recovery within the first 50 minutes after the test. After 24 hours the well had recovered to 91.5% of the pre-test water surface elevation.

Results of the pump test were found to indicate there is little or no interaction between the Project Well and nearby wells on neighboring parcels, and use of the Project Well to support the proposed project is unlikely to have any negative impact on nearby offsite wells. The results of the pumping test indicate that the proposed cannabis cultivation would not have any negative impacts to nearby wells.

Standard conditions of approval (ATT 1, No.'s 63-67) were provided which direct the applicant/operator to install well monitoring equipment, file a well monitoring easement, and submit data to Permit Sonoma for quarterly review to verify water use.

## **Neighborhood Compatibility**

### **I) 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,



and fencing along the property line abutting Pool Ridge Road that will be further screened with fire resistant 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. As the proposed cultivation would be outdoor, rather than indoor or within a greenhouse, the project would not include any lighting provisions other than required motion-detected security lighting.

## **II) 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 2 nearest residences are over 400 feet to the north and northeast, and over 1,400 feet to the south from the proposed outdoor cultivation area. Additionally, the proposed cultivation sites are set back well over one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The nearest sensitive uses to the project site include Guerneville Elementary which is located 5 miles to the southeast of the project site, Riverkeeper Stewardship Park located approximately 3.1 miles to the south, and Azure Acres Treatment Center located approximately 16.1 miles to the south.

The proposed cannabis cultivation operation meets the minimum parcel size requirement (10-acre parcel size required to separate operations from adjacent parcels; the parcel is 57.99 acres), exceeds the setback requirements, and potential odor impacts are further reduced due to surrounding vegetation, intervening topography, and the rural nature of the site.

## **Traffic**

The project would utilize up to three employees at one time for commercial cannabis activities. The Cannabis Trip Generation Form lists that the project will have 9 average daily trips associated with the outdoor cultivation.

Pool Ridge Road is a shared, private access road. The closest major County-maintained road is River Road, with an average traffic value of 9,408 trips per day. The proposed project's traffic increase of 9 trips per day represents less than a 1% increase in traffic. 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.

## **Wildfire Risk**

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

The high fire hazard severity zone, as defined in the Sonoma County General Plan Public Safety Element, includes:



- a) wildland areas supporting medium to high fire behavior and roughly average burn probabilities; and
- b) developed/urbanized areas with more limited non-burnable surfaces and moderate vegetation cover.

The Sonoma County General Plan Public Safety and Land Use Elements contain goals, policies, and objectives that call for preserving public health, safety and general welfare, promoting orderly growth and development, ensuring new development has adequate water resources, and preventing unnecessary exposure of people and structures to fire hazards. Sonoma County Code Section 26-92-080(a) requires the following Conditional Use Permit finding for discretionary projects:

*“In order to grant any use permit, the findings of the board of zoning adjustments shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.”*

Permit Sonoma has evaluated the wildfire risk associated with the project based on a review of several issues highlighted by General Plan Policy and Sonoma County Code Section 26-92-080(a) findings required for granting Use Permits. Staff presents the following further discussion below.

No new structures or power lines would be proposed as part of the project as a result of the applicant’s revised project description. As part of the project, the applicant is proposing 33,000 gallons of water (10,000 gallons dedicated to fire suppression) and vegetation and fuel management throughout the cultivation area. The site is accessed from a private, partially gravel, dirt and paved access road which extends 2.0 miles from the nearest County-maintained public road and serves at least ten (10) other parcels. The access road ranges in width from 10 to 15 feet, contains varying slopes and is in fair condition. In addition, the site is already improved with an internal access driveway which is 0.3 miles from Pool Ridge Road to the cultivation area. The road was assessed during an onsite evaluation by the County Fire Prevention Division on August 21, 2019 and was determined adequate for fire protection. The nearest fire station to the site is Russian River Fire Protection (CAL FIRE) which is 3.2 miles (14 minutes) away. CAL FIRE (Hilton Station) is also 6.6 miles (20 minutes) away from the project site.

However, this project has the potential to be affected by wildfire hazard. Therefore, staff is proposing the following conditions to reduce wildfire risk associated with the project:

- Maintenance of the cultivation site to be clear of vegetation and fuels that will exacerbate fire risk;
- Continued vegetation management and fuel clearance on the property to serve as a Cal Fire staging area in the event of a fire;
- Construction of a hammerhead turnout next to the existing garage to serve as an emergency access area that is consistent with Sonoma County Fire Code;
- Provision of an additional 12,500 gallons of water to be reserved for fire suppression based on water supply metrics from the International Wildland Urban Interface Code 404.5 Adequate Water Supply and the distance to Russian River Fire Protection District. All water tanks must be placed on existing pads or on previously disturbed areas located on the project site.

With these conditions of approval, Staff finds the project to be consistent with General Plan policies relating to public safety and health and the findings required to be made for a Conditional Use Permit.



## ***Environmental Analysis***

This proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guideline, California Code of Regulations. Staff has determined that the project is exempt under CEQA Section 15301, Existing Facilities and 15304, Minor Alterations to Land. The Section 15301 categorical exemption is applicable to permitting of existing private facilities, involving negligible or no expansion of use the existing or former use.

Staff has also determined that the project is exempt under CEQA Section 15304, Minor Alterations to Land and Section 15034(e), which includes “minor temporary use of land having negligible or no permanent effects on the environment...” Categorical Exemption 15304 of the CEQA Guidelines is applicable to the proposed project in that the project is limited to minor alterations in the condition of the land for agricultural purposes, and the seasonal use of the land is on a limited term basis involving negligible or no permanent effects on the environment. The applicant has submitted professionally-conducted technical reports on biology, hydrogeology, and archaeology, none of which presented potential impacts from the project. The cultivation area will continue to operate on the existing footprint that is authorized under the Penalty Relief Program. Expansion of the existing operation would be limited to the installation of water tanks and a hammerhead turnout for emergency access, which are conditions of approval and would be located in a previously disturbed area. The project would not involve any tree removal. The seasonal outdoor cannabis cultivation would generally occur between April and October, with the more intense use concentrated during harvest time from September to October, at which time a maximum of three employees would be located on site.

## **NEIGHBORHOOD/PUBLIC COMMENTS**

On June 1, 2018, a neighborhood notification was sent to neighboring properties within 300 feet of parcel boundaries. To date, Staff has received one response in opposition to the project. Comments were received expressing concerns pertaining to neighborhood compatibility and addressing concerns about environmental issues, health and safety concerns, road access concerns, and concerns regarding compliance with the Cannabis ordinance. These comments were received in advance of a notice being sent out. Staff has received two letters of support for the project. This correspondence is attached to the Staff Report for reference (ATT 9).

## **RECOMMENDATIONS**

### ***Staff Recommendation***

Staff recommends the Board of Zoning Adjustments hold a public hearing and APPROVE the Use Permit for 15,000 square feet of medium outdoor cannabis cultivation subject to the attached Conditions of Approval.

## **ATTACHMENTS**

- ATT 1: 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



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ATT 7: Site Plan

ATT 8: Site Photos

ATT 9: Public Comments

ATT 10: Notice of Categorical Exemption

ATT 11: Purple Star Biotic Assessment 20170912

ATT 12: EBA Engineering Hydro-Geological Report

ATT 13: O’Connor Environmental Pool Ridge Farms Pump Test and Well Interference Analysis

ATT 14: Trip Generation memo

ATT 15: Cal Fire Defensible Space Inspection Memo

ATT 16: Resolution

