Sonoma County Board of Zoning Adjustments  
STAFF REPORT

FILE:    UPC18-0055  
DATE:    November 19, 2020  
TIME:    At or after 2:00 p.m.  
STAFF:   Sou S. Garner, Project Planner

SUMMARY

Property Owner:  Medley Farms, Inc.
Applicant:       Carolina Siemering, Gas Hill Cannabis Solutions Cooperative, Inc.
Address:         2599 Laughlin Road, Windsor
Supervisory District(s):  4
APN:             059-190-025
Description:     Request for a five-year limited term Conditional Use Permit for a centralized cannabis processing facility within an existing 4,200 square foot barn and a Distributor-Transport Only Permit on a 28.20-acre parcel
CEQA Review:     Categorical Exemption
General Plan Land Use:  Land Intensive Agriculture (LIA) 40-acre density
Specific/Area Plan Land Use:  Not Applicable
Ordinance Reference:  26-04-020(r) – Land Intensive 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:           Land Intensive Agriculture (LIA) 40 acre density, Floodplain (F1), Riparian Corridor with 100-foot setback and 50-foot setback (RC100/50), Scenic Resources (SR), and 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 4,200 square feet of centralized cannabis processing and allowing distributor-transport only.

EXECUTIVE SUMMARY

Carolina Siemering requests a five-year limited-term Conditional Use Permit for 4,200 square feet of centralized cannabis processing within an existing barn and allowance for transport only distribution of processed product. The project does not include on-site cultivation.

The applicant proposes all indoor operations to occur 24-hours per day, seven days a week. 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, all of whom would be 21-years of age or older. The subject site fronts Laughlin Road and the facility where the processing would take place is set back approximately 650 feet from the street and is screened from the public right-of-way. When in season, rows of vineyard additionally provide screening of the processing facility, thereby, obstructing views from the public right of way or neighboring residences. The operation would be closed 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 by converting the use of an existing barn, and helps stabilize farm incomes by continuing the vineyard operations.

− A rainwater catchment system will offset additional water use from the existing on-site well.

− Commercial cannabis, including centralized processing, is an allowed use with a Conditional Use Permit in the Land Intensive Agriculture (LIA) Zoning Classification.

− The processing facility would be contained in an existing structure, set back 650 from a public street.

− 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) because it would involve the interior alterations of the existing barn, connect to the existing on-site septic system and use recycled and rainwater-captured water to offset the associated water use for a new zero increase in groundwater use. Conditions of approval will require locating the catchment system and associated equipment and water tank outside the Riparian Corridor, and the existing structure will not further intrude into the Riparian Corridor. The operation of the proposed use would not significantly impact infrastructure and biologic resources.
PROJECT SITE AND CONTEXT

Area Context and Surrounding Land Uses

The 28.20-acre subject site is generally a square shape except approximately 2.2 acres of the southeast corner that are separate parcels. The site is generally flat, and the centerline of Mark West Creek forms the northern property boundary. Sonoma County Airport is located to the northwest. The site is located on a publicly maintained through road and is approximately 1,750 feet east from a one-lane bridge across Mark West Creek.

Approximately 25 of the 28 acres are planted with vineyards. In addition, the subject site contains two single-family residences, including one that serves as farmworker housing located northwest of the primary residence, two barns, and compacted gravel off-street parking, circulation, and loading areas. The structures are set back at least 650 feet from Laughlin Road. The property is fully fenced and screened from the public right-of-way by the vineyard.

As shown on the Existing Site Plan (ATT 7), all of the existing structures are either wholly or partially located within the Riparian Corridor. The existing barn for the proposed centralized processing operation is bisected by the Riparian Corridor, where most of the north, east, and west sides of the barn are within the setback.

The surrounding uses are of similar rural characteristics, with vineyards to the east and west of the site, rural residential to the south, zoned Land Intensive Agricultural (LIA) and the riparian corridor of Mark West Creek extending along the northern and western boundaries of the site. Parcels to the north of the subject site, across Mark West Creek, are zoned Industrial Park (MP) and Heavy Industrial (M2).

There are no sensitive uses in close proximity to the site. The nearest off-site residential structure is located approximately 500 feet south from the proposed project site with rows of vineyard separating the two uses. The Sonoma County Day School is located 0.88 miles to the northeast, across Mark West Creek. Maddux Ranch Regional Park is the closest public park and is located 1.5 miles east of the subject site. Residential districts are located approximately one mile southeast (Rural Residential District) and southwest (Agricultural and Residential District) of the subject site.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Uses</th>
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<tbody>
<tr>
<td>North</td>
<td>Mark West Creek</td>
</tr>
<tr>
<td></td>
<td>Industrial Park: 4-acre parcel of county land containing vegetation</td>
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<tr>
<td></td>
<td>Heavy Industrial: 3.6-acre parcel containing auto repair and maintenance; 2.5-acre parcel containing vacant industrial lands; 1.3-acre parcel containing light industrial</td>
</tr>
<tr>
<td>South</td>
<td>Laughlin Road</td>
</tr>
<tr>
<td></td>
<td>Land Intensive Agriculture – 40-acre density: 3-acre parcel containing single family residence; 4.36-acre parcel containing single family residence; 1.5-acre vacant homesite parcel; 0.88-acre parcel containing single family residence; 1.21-acre parcel containing rest home; 1.02-acre parcel containing single family residence</td>
</tr>
<tr>
<td>East</td>
<td>Land Intensive Agriculture – 40-acre density: 11-acre parcel containing vineyard</td>
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<tr>
<td>West</td>
<td>Laughlin Road</td>
</tr>
<tr>
<td></td>
<td>Land Intensive Agriculture – 40-acre density: 2.42-acre parcel of single family residence; 63.6-acre parcel of vineyard</td>
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</table>

Access
The subject site is accessed directly from Laughlin Road, a “connective” road. This is defined as a local road that connects to other roads. The site has a private driveway, named Withers Road, that intersects with Laughlin Road and is solely used by the on-site residences, the property owner, the applicant, and employees. The driveway is approximately 650 feet long and approximately 15 feet wide. At the terminus, the road splits with the project site located to the right and surrounded by compact gravel.

The site’s location on Laughlin Road, a publicly maintained road, can be most directly accessed via River Road and Airport Road from Highway 101. According to the Department of Transportation and Public Works Traffic Volume mapping tool, past its intersection with River Road, Laughlin Road has recorded approximately 2,500 Average Daily Trips (ADT). At the one-lane bridge, the mapping tool recorded approximately 2,600 ADTs.

**Wildfire Risk**

The site is developed with residential and existing vineyards and is served by the Sonoma County Fire Protection District with adequate, unobstructed fire access. The subject site is in a Local Responsibility Non-Wildland/Non-Urban Fire Severity Zone and a Class 1 – Major groundwater basin groundwater availability area. The project would have a maximum of three full-time employees and would not significantly increase population density in the area. The onsite access drive is approximately 15 feet wide and offers straight unobstructed access to the proposed processing barn. The project site is approximately a 10-minute drive from the Santa Rosa Fire Station 3 on Coffey Lane. Fire protection and access is found to be adequate with the implementation of Conditions of Approval Numbers 35-36 and 62-70.

**Water/Wastewater/Utilities**

The subject site is in Groundwater Availability Zone 1 and is served by a single well located on-site. The existing barn is presently served by the on-site well.

The subject property is served by an existing on-site septic system. The proposed use will connect to the existing system. Per Condition 72, the applicant is required to complete a capacity/wastewater flow analysis by a Registered Civil Engineer or Registered Environmental Health Specialist. Prior to building permit issuance and occupancy, the applicant must receive final clearance that all evaluations, testing, and design comply with the current standards from the Project Review Health Specialist. Any additional infrastructure will be installed within areas previously disturbed by the vineyard operations.

Electrical services will be provided by Sonoma Clean Power and will be 100% renewable.

**Waste Management**

All garbage or refuse will be sorted into green waste, recyclable materials, and material waste or trash. Waste will be stored in non-absorbent, water-tight, vector-resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. The applicant will compost and reuse as much green waste as possible on a regular basis.

Waste will stay on-site for no more than seven calendar days. Material waste and recycled materials will be stored in a secure area and collected by Recology, the County’s waste hauler. All other non-cannabis waste and recycling shall be stored in a secure area and brought to the landfill by an employee or collected by a local waste hauler.

Hazardous materials will be collected, handled, stored, and disposed of in compliance with governing State and County regulations.
A waste management plan providing the details on the location of the secured area, the number and volume of receptacles, frequency of pick-up and waste hauler information is required prior to occupancy, per Condition of Approval 9d.

**Agricultural Conditions/Land Encumbrances/Contracts**

The project site is not under a Williamson Act Contract. There are four farmland categories located on site. The area designated as ‘Other Land’ generally follows the riparian corridor, and most of the remainder of the site is designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The existing barn is located on the area designated as Farmland of Statewide Importance. The proposed use would not adversely impact the existing grape vineyards and harvesting operation because the processing facility would be located in an existing building.

**Other Environmental Conditions**

The parcel is bounded to the north by Mark West Creek with a Floodway (F1) overlay and Riparian Corridor, and the entirety of the site is located in the California Tiger Salamander Critical Habitat. One of the existing residences is located within the floodplain, while the second residence and both barns are located outside of the designated floodplain.

**PROJECT DESCRIPTION**

The project would involve the conversion of an existing 4,200-square foot barn on an agricultural property to process cannabis trucked in from off-site. No cultivation is proposed. Operations would occur seven days a week, 24 hours per day. Shipping and deliveries would be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. There will be a maximum of three full-time employees associated with the use, all of whom will be 21 years of age or older. The applicant/operator proposes to use non-volatile materials in the processing of cannabis in compliance with County regulations. The project site will be closed to the public. The proposed project facility would have a security system installed, including security lighting, cameras, locking doors and alarm system protection.

The applicant would only truck in cannabis product from their sister farm operated by Gas Hill Cannabis Solutions Cooperative, Inc. (UPC17-0021). The applicant would not transport product from other cultivators. Once processed, the applicant would transport the processed product off-site. Deliveries are expected to use Airport Road or River Road, which provide direct access from Highway 101 to the project site.

The applicant proposes a rainwater capture system on the barn as part of the Water Management Plan so that the project would not increase groundwater use. The project is estimated to use 15,000 gallons of water each year, and the rainwater catchment system is proposed to offset additional water use from the existing on-site well. The proposed rainwater capture plan is anticipated to recover an estimated 86,400 gallons in an average rainfall year from the existing 4,200 square feet of barn roof area. This will be used to irrigate the existing onsite vineyard or existing landscaping associated with the residence, at a rate that surpasses the associated water use of the proposed project, resulting in a net zero increase in groundwater use. The proposed project will connect to the existing septic system.

The existing 4,200 square-foot agricultural barn would be converted to include a hanging drying system, installed from the barn ceiling, to allow the cannabis to dry above the barn floor. The barn will also include approximately 140 square feet of secured storage area and a restroom. Loading and unloading will occur from the exterior of the barn with access from two 14-foot-wide roll-up doors along the west side of the building. Approximately 1,220 square feet of loading and unloading is provided in the existing graveled area located...
directly west of the existing structure outside of the existing roll-up doors. Four parking spaces will be
designated in the existing gravel area north of the loading and unloading area.

Per the Trip Generation Form that the applicant submitted as part of the application materials, the proposed
cannabis use is anticipated to generate 180 truck trips annually. This equates to an Average Daily Trip (ADT) of
0.5.

The barn will be installed with a carbon filtration and negative air pressure/exhaust system, and doors are to
remain closed except for loading and unloading of the product to control odor during processing. Refer to
Condition of Approval 19.

Project History

The table below summarizes key project milestones and events.

<table>
<thead>
<tr>
<th>Date</th>
<th>Project Event/Milestone</th>
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<tbody>
<tr>
<td>12/05/2018</td>
<td>Application Submitted</td>
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<tr>
<td>01/08/2019</td>
<td>Completeness</td>
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<tr>
<td>01/14/2019</td>
<td>Referral to prominent agencies</td>
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<tr>
<td>01/14/2019</td>
<td>Cultural/Historical Consultation Requests and response</td>
</tr>
<tr>
<td>06/05/2020</td>
<td>Hearing Waiver Notice Posting</td>
</tr>
<tr>
<td>06/29/2020</td>
<td>Last day for Public Comments/Request Public Hearing</td>
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<tr>
<td>10/29/2020</td>
<td>Board of Zoning Adjustments Hearing Notice</td>
</tr>
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</table>

Prior Review

On June 5, 2020, Permit Sonoma circulated notice to neighbors, posted notices in the project vicinity, and
published a notice in the newspaper inquiring as to whether neighbors wanted an opportunity to discuss the
project at a hearing. Six neighbors submitted a request for hearing citing concerns regarding traffic,
neighborhood compatibility, proximity to Mark West Creek, potential for light pollution and odor issues,
security, and effect on property values.

In response to community input, Permit Sonoma scheduled this matter for hearing by the Board of Zoning
Adjustments (BZA) and circulated neighborhood notification on October 29, 2020 announcing the date
(November 19, 2020) of the hearing.

ANALYSIS

General Plan Consistency

The following General Plan policies are applicable to the project:

− LU-8: 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-9.1: Avoid conversion of lands currently used for agricultural production to non-agricultural use.
- LU-9.4: Discourage uses in agricultural areas that are not compatible with long-term agricultural production.

- Policy AR-4a: The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

- OSRC-2.1: Retain a rural, scenic character in Scenic Landscape Units with very low intensities of development. Avoid their inclusion within spheres of influence for public service providers.

- OSRC-4.1: Maintain nighttime lighting levels at the minimum necessary to provide for security and safety of the use and users to preserve nighttime skies and the nighttime character of urban, rural and natural areas.

- WR-4.2: Conserve and recognize stormwater as a valuable resource.

Sonoma County previously determined that cannabis uses 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 processing may be permitted within the Land Intensive Agriculture, an agricultural and resource 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 purpose of the Land Intensive Agriculture category is “to enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials. The soil type and climate support relatively high production per acre of land. The objective in land intensive agricultural areas shall be to establish densities and parcel sizes that are conducive to continued agricultural production.”

The proposed commercial cannabis operation is consistent with the Sonoma County General Plan for the following reasons:

- The site is surrounded by other agricultural and rural residential uses and is located outside of the Santa Rosa Urban Service Area Boundary and is compliant with land use planning area policies restricting urban development in the area.

- Loading and unloading and parking areas would occur on previously disturbed areas and there will be no anticipated additional demand on public services or facilities.

- The location of the barn in the rear portion of the parcel provides a buffer of approximately 650 feet between the property and the public right-of-way of Laughlin Road. Mark West Creek and thick vegetation acts as a natural separator from the industrial uses to the north.

- The proposed project would serve as a secondary use to the existing agricultural use of the site, would occur entirely within an enclosed existing barn, and would not reduce operational agricultural lands from the vineyard operations. The project is consistent with the Sonoma County General Plan Land Intensive Agriculture Land Use designation. (Objectives LU-9.1 and LU – 9.4 and Policy AR-4a)

- 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 an enclosed existing structure. All proposed lighting would comply with Section 26-88-254 (f)(19) – Lighting development standards for Cannabis
Uses and Section 26-88-254 (f)(21), which requires exterior lighting for security to ensure the safety of people and protect the premise from theft. (Objectives OSRC-2.1 and OSRC-4.1)

− The proposed rainwater capture system would use captured water to irrigate the vineyard and landscaping around the residences and would offset the use of well water associated with employee use, for such activities as handwashing and toilet flushing. The Net Zero Groundwater Assessment submitted by Hurvitz Environmental, dated November 27, 2018, concluded that project would be able to operate with a net zero groundwater increase basis. Conditions of approval require the rainwater catchment system to include a 15,000-gallon water storage tank and associated equipment to offset additional water use from the existing on-site well. The proposed use is not expected to adversely impact the water supply for the surrounding area. (Objective LU-8.3, LU-8.4, and WR-4.2)

− The project would have manageable wildfire risk because the site is already developed, would not include the construction of permanent structures or infrastructure, maintains minimal scope and staffing, has adequate roads for fire access, water supply and access, and is located within close proximity to a fully staffed fire department.

− 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 processing operations. Although the proposed use would occur 7 days a week, 24 hours a day, deliveries are limited to Monday to Friday 8:00 a.m.-5:00 p.m., thereby not resulting in traffic impacts during non-work hours or weekends. The Department of Transportation and Public Works reviewed the project and did not find that it presented traffic issues that required further study of modifications to the project or surrounding roads. 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 Laughlin Road.

Zoning Consistency

1. **Base Zoning Regulations: Article 04, LIA Land Intensive Agriculture District**

   The proposed operation meets the development criteria under the base zoning set forth in Article 04. 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 LIA Base Zoning regulations, 26-04-030. Per Table 1A in Section 26-88-250, a centralized processing user permit is allowed to distribute-transport only provided the licensee only transports cannabis goods that the licensee has cultivated or manufactured.

2. **F1 Floodway Combining District**

   The Floodway Combining District is intended to “to provide land use regulations for properties situated in floodways, to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property and to implement the provisions of the general plan public safety element.”

   The proposed project would be located approximately 16 feet from the floodway along Mark West Creek, as measured using the Sonoma County GIS Mapping Tool, and does not propose any new development in the Floodway designation.

3. **Riparian Corridor Combining District**

   Pursuant to Article 65 of the Municipal Code, development is restricted to protect riparian habitat and vegetation. The 100/50 zone requires a minimum 100-foot setback for development and minimum 50-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.

As shown on the Proposed Site Plan, ATT 7, much of the existing 4,200 square feet barn is located within the Riparian Corridor’s 100 feet setback. 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." The project would not include 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.

A Riparian Setback and Biological Resource Evaluation, conducted by Lucy Macmillan Consulting, an environmental scientist, dated November 30, 2018, found that the project would not have a significant impact on the riparian and biological resources because:

a) No vegetation would be removed;

b) There would be no ground disturbance with the conversion of use;

c) The building was constructed approximately 20 years ago and the change in use would not alter existing conditions in relation to the creek or riparian corridor; and

d) The conversion of use would not result in habitat take because the project involves modifying the interior of the building and does not include grading or land disturbance or discharge of water into the creek.

Staff concurs with the findings of the Riparian Setback and Biological Resource Evaluation. In addition, conditions of approval require the rainwater catchment system and associated water tank and equipment to be fully located within the existing barn or to be located on previously-disturbed surfaces, outside of the Riparian Corridor. In addition, conditions of approval specify that any structural alterations or remodeling not expand the barn’s existing footprint, nor further intrude into the Riparian Corridor. Therefore, the director may approve this use as part of this use permit.

4. **Scenic Resources Combining District**

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 the following for all structures located within the Community Separator unit:

a) Structures must be sited below exposed ridgelines;

b) Structures must 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;

c) Cuts and fills are discouraged, and where practical, driveways are screened from public view;

d) Utilities are placed underground where economically practical;

The project site is not located on any exposed ridgeline. The project structure does not front a public right-of-way. There is no proposed grading as the applicant proposes to upgrade only the interior of the existing barn.

5. **Valley Oak Habitat Combining District**

The proposal does not include the removal of any existing Valley Oaks or include any new development.
6. **Cannabis Regulations, Cannabis Ordinance NO. 6245**

Pursuant to the development standards and operational standards for the Land Intensive Agriculture zoning district and permit requirements for cannabis uses within Sonoma County Code 26-88-254, the following requirements apply to centralized cannabis processing:

a) The minimum parcel size for a centralized processing facility is 10 acres;

b) No more than nine (9) centralized cannabis processing facilities are allowed in agricultural zones at any one time, per Section 26-88-254(f)(5);

c) Structures must be located outside the Riparian Corridor Stream Conservation Areas; and

d) A fire prevention plan and permits are required from the fire and emergency services department;

The proposed use complies with ordinance requirements listed above, as follows:

a) The subject parcel is 28.20 acres;

b) To date, the County has not permitted or approved any centralized processing facilities in an agricultural zone.

c) The existing structure is mostly located in a Riparian Corridor Stream Conservation Area. However, the proposed project meets the exceptions presented in Section 26-65-030, thereby meeting the intent of the requirement. No external changes to the structure or land would occur; and

d) A fire protection plan and necessary permits are required per Conditions 66.

7. **Net Impervious Surface for Cannabis Projects in Land Intensive Agriculture Zoning District**

Cannabis cultivation operations must comply 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 Centralized Cannabis processing in the Land Intensive 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 not increase the area of impervious surfacing. The proposed project would take place completely within an existing structure and any site improvements associated with project, will occur within previously developed areas.

8. **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
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 have no external evidence of cannabis operations as the existing barn has no windows. Additionally, public access is limited with a gate that visitors or employees would need a code to access. The site is fully screened from public view due to the facilities being located internal to the lot. Mature perimeter vegetation screens the site to the north, and when in season, vineyards would screen the site from the south and the public right-of-way. The applicant proposes security measures to address the continued presence of employees of the vineyards in addition to the employees of the processing facility. 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.

9. 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.

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

It has also been found that surrounding an odor-generating land use with a natural buffer or windbreak has been a successful strategy to reduce odor impacts. The buffer/windbreak strategy is most effective when parcels are large (at least 10 acres) and land uses are far apart, maximizing odor dissipation with distance between uses. Odor plumes generally travel along the ground in the direction of the prevailing winds. However, tree and shrub buffers have been found to deflect the odor plume above the vegetation layer where it is diffused into the atmosphere (USDA NRCS 2007).

The proposed site is located on 28.20 acres, where much of the land is covered with grape vines and it is buffered to the north by dense vegetation and Mark West Creek. The project would implement odor control systems and be conditioned to ensure that off-site odor, originating from the operation, would not be detectable in the surrounding areas. Odor control and management measures would meet all requirements outlined in Section 26-88-254(g)(2) of the Cannabis Ordinance. The existing barn will be installed with a carbon filtration and negative air pressure/exhaust system and doors are to remain closed except for loading and unloading of the product to control odor during processing. The processing facility meets and exceeds the
required 300-foot setback from adjacent homes and business and exceeds the 1,000-foot setback from sensitive uses.

As a condition of approval, the applicant is required to keep a log of odor incidents, odor control equipment inspection results and actions take to resolve any odor issues and submit to Permit Sonoma annually. If verified odor complaints are received, staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce odor generation, such as daily inspections and reporting. 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 Provisions of Title 14 of the California Administrative Code, Section 15301 (Existing Facilities) in that the project involves the operation, repair, permitting, and minor alteration of an existing private structure and facility. The project consists of interior alterations of an existing barn, and no additional land disturbance would take place on-site. Conversion of the barn building interior with processing racks and other improvements will not alter existing site conditions. The proposed rainwater capture system would be placed outside of the riparian corridor and would ensure no impact to existing water resources. Conditions of approval would ensure the required 15,000-gallon water storage tank and associated equipment would be located within the barn or on previously-disturbed area. The applicant-submitted Riparian Setback and Biological Resource Evaluation prepared by Lucy Macmillan Consulting, dated November 30, 2018, concluded that the project would not have a significant impact on the riparian and biological resources because the area proposed for processing and access is already disturbed, and there would be no grading or exterior land disturbance. Furthermore, the project would not result in an overall increase in impervious surface on site, and conditions of approval specify that any remodeling of the barn not expand its footprint nor further intrude into the Riparian Corridor. The project would not involve any tree removal and the use would be authorized on a limited-term basis.

**NEIGHBORHOOD/PUBLIC COMMENTS**

On June 5, 2020, a hearing waiver notification was sent to neighboring properties within 1,000 feet of parcel boundaries. To date, Staff has received seven responses in opposition to the project. Comments were received expressing concerns about traffic impacts, security/crime, odor, light pollution, the environmental impacts of the project site located adjacent to Mark West Creek, and impact on residential character of the area.

**RECOMMENDATIONS**

**Staff Recommendation**

Staff recommends the Board of Zoning Adjustments approve the Use Permit for a Centralized Cannabis Processing facility and transport only distribution, 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 Plan
ATT 9: Public Comments
ATT 10: Draft Notice of Exemption
ATT 11: Draft Resolution