



County of Sonoma

State of California

Date: January 26, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Adopting a Mitigated Negative Declaration and Granting a Use Permit to CSCF, LLC and WWCMC, Inc. for (1) for 20,000 square feet of centralized processing; and (2) a separate operation for of 28,560 square feet of outdoor cultivation, 5,000 square feet of indoor wholesale nursery, 10,000 square feet of mixed-light cultivation, 10,890 square feet of propagation, and distribution-transportation only, respectively, on a 27.67-acre Property Location at 101 Trinity Road, Glen Ellen, CA 95442, APN 053-100-017

Resolved, that the Board of Supervisors (“Board”) of the County of Sonoma (“County”) finds and determines as follows:

Section 1. Proposed Project and Procedural History

- 1.1 On January 22, 2019, the applicant CSCF, LLC, represented by then applicant Ryan Hayes and then applicant GDGF, LLC, represented by applicant Joseph E. Pearson, jointly filed an application for a limited term Use Permit for specialty indoor wholesale nursery, small mixed-light cultivation, and medium outdoor cultivation totaling 43,560 square feet of cannabis cultivation canopy and a 20,000 square feet centralized cannabis processing facility and a distributor-transportation only permit to be located on a 27.67-acre parcel located at 101 Trinity Road in Glen Ellen; APN 053-100-017; Zoned Land Intensive Agriculture (LIA) with a maximum 100-acre density (B6 Combining District), and Taylor/Sonoma/Mayacamas Mountains (Local Guidelines Combining District), Riparian Corridor (RC50/25) and Scenic Resources Combining District (SR); Supervisorial District No 1.
- 1.2 On April 12, 2019, CSCF, LLC’s representative, Andrew Dobbs-Kramer representing SPARC, submitted updated ownership information that replaced Ryan Hayes with Timothy Crites for CSCF, LLC. On December 20, 2019, GDGF, LLC’s representative, Andrew Dobbs-Kramer

representing SPARC, submitted paperwork that transferred the proposed centralized processing facility from GDCF, LLC to WWCMC, Inc., represented by the Joseph E. Pearson. CSCF, LLC and WWCMC, Inc., are referred to herein collectively as applicants.

1.3 On April 26, 2019, the application was deemed complete for processing.

1.4 On December 17, 2019, the Board approved the Cannabis Ad Hoc Committee's request for the Board of Supervisors to exercise original jurisdiction over 19 applications, including the Proposed Project.

1.5 A Mitigated Negative Declaration ("MND") was prepared for the Project, and on or about December 11, 2020, the MND was posted and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines. The study found that all environmental impacts could be mitigated to a less than significant impact with incorporation of mitigation measures that have been included in the project's Conditions of Approval.

1.6 On January 26, 2021 the Board of Supervisors conducted a duly noticed public hearing on the MND and the Proposed Project. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the MND, and the Proposed Project and by a majority vote, found the MND had been prepared in conformance with CEQA, approved the MND, and approved the Proposed Project ("the Project"), subject to the conditions of approval imposed herein.

1.7 The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board's intentions regarding the MND and the Project. The Board's decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board's hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

Section 2. CEQA Compliance

2.1 In making its determinations, the Board has gained a well-rounded understanding of the range of the environmental issues related to the Project by its review of the MND, all comments, testimony, letters, and reports regarding the MND, and its own experience and expertise in these environmental issues. Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the MND, the technical reports, and all public comments and information submitted at or before the Board hearing.

The Board's findings are based on full appraisal of all viewpoints, all evidence and all information in the record of these proceedings. The Board further finds that the MND reflects the Board's independent judgment and analysis.

- 2.2 Based upon the entire record, there is no substantial evidence of a fair argument that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the mitigation measures and conditions of approval imposed herein that avoid or substantially lessen all potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicants.
- 2.3 The Board finds that the MND has been completed in compliance with CEQA and that the MND adequately and fully describes and evaluates the changes or alterations to the Proposed Project that have been requested as part of the Project.

Section 3. General Plan, Planning and Zoning Compliance

3.1 General Plan Consistency.

The Project is consistent with the General Plan land use designation of Land Intensive Agriculture, and the goals, objectives, polices, and programs of the General Plan. The Project is consistent with policies for enhancing and protecting lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials, and with General Plan objectives LU-8.1, 8.3, 9.4, 10.1, and 11.1(b) and the policies for the Land Intensive Agriculture Area.

Cultivation of cannabis preserves the site in its current state, and the existing traditional agricultural uses will continue to operate, including the current cattle grazing and crop cultivation separate from the cannabis operation. The Project will utilize the existing barn for the centralized processing operation, install a new greenhouse, and cultivate in areas that were previously developed and/or destroyed with the 2017 Nunes Fire . The Project will be located outside Riparian Corridors, and the cultivation area will be located approximately 600 feet from the public right-of-way. The site and surrounding is characterized by intervening topography and landscaping that would screen operations from the public right-of-way of Highway 12, a scenic corridor. The groundwater reports concluded that the groundwater demand will be less than the rate of groundwater recharge and storage and the conclusion was accepted by staff. The traffic impact study and analysis determined no significant impacts to the transportation systems and circulation of the area. The analysis found that the proposed site access improvements, the on-site water storage, second emergency vehicle access and proximity to an active fire department all minimize the spread and impacts of potential wildfire.

3.2 Zoning Consistency.

The Project is consistent with the Land Intensive Agriculture (LIA) Zoning District, and

cannabis cultivation operations and centralized processing are allowed with approval of a Use Permit.

The Project is consistent with the operating standards and development criteria of the Cannabis Ordinance, Sonoma County Code Sections 26-88-250 and 254, because it complies with the minimum parcel size, cultivation limits, setbacks and equivalent buffer, lighting standards, security and fencing requirements, odor control, 100% renewable energy use, hours of operation, noise standards, and groundwater monitoring.

The applicants do not have any other cannabis cultivation operations in Sonoma County, the cultivation will not exceed one acre, propagation will be 25% of the permitted cultivation area, the outdoor cultivation will be at least 100 feet from property lines, 600 feet from the nearest off-site residence, 4,600 feet from Sonoma Valley Regional Park, and 2,000 feet from the nearest school (Dunbar Elementary School). The centralized processing facility will be the second permitted centralized processing facility in an agricultural zone. To date, one other centralized processing facility in agricultural zones has been permitted (UPC 18-0055 approved by the BZA on November 19, 2020) but was appealed.

The Project is consistent with the combining districts, including Local Guidelines Combining District (Taylor/Sonoma/Mayacamas Mountains Scenic Landscape Unit (MTN SR), Riparian Corridor Combining District, and Scenic Resources Combining District. The Proposed Project is exempt from the Local Guidelines Combining District (LG/MTN SR (Taylor/Sonoma/Mayacamas Mountains Scenic Landscape Unit)) as it does not propose the construction of any new residential development, nor any exterior changes to existing residential structures. Proposed improvements are located outside of the Riparian Corridor habitat conservation area.

The Project is consistent with Sonoma County Code Section 26-64-020 for Community Separators because structures will be sited below exposed ridgelines, existing vegetation will be retained and provide natural screening, grading will be limited areas that were previously disturbed, and the cut and fill will be approximately balanced.

The Project structures will be located sufficiently from the centerline of Highway 12, consistent with Sonoma County Code Section 26-64-030. Existing vegetation and proposed landscaping will limit the visual impacts of the proposed project to the surrounding area. Development will be limited to the northeastern area of the subject site in an area that was previously developed, and no proposed improvements or development will occur along the portion of the parcel that is designated as a Scenic Corridor.

3.3 General Use Permit Finding.

The establishment, maintenance or operation of the use for which the application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of

such use, nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the area. The particular circumstances that support this finding are set forth above and include, but are not limited to the following facts which support this finding: (1) The cannabis operation would not involve more than 43,560 square feet of cultivation area and will be one of the nine allowed centralized processing facilities in agriculture zones; (2) Deliveries and shipping activities would be limited to 6:00 AM to 8:00 PM; (3) All cannabis-related operations would be screened from public view due to existing mature vegetation and setback distances; (4) Exterior lighting would be downward casting, fully-shielded, and motion-activated; (5) Security measures would be implemented to uphold the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the use; (6) No public access or retail sales would be permitted to or for the cannabis operation; (7) No hazardous materials would be stored on site; (8) All equipment would be in compliance with the General Plan Noise Standard; (9) All energy will be 100% renewably sourced and the applicants would participate in the Sonoma Clean Power EverGreen program (10) the proposed improvements to private access road, including grading and the addition of three fire turn outs, the two entrances onto the subject parcel from Weise Road and Trinity Road, and the implementation of the Conditions of Approval provided by the Fire Prevention Division ensures that adequate access for fire and emergency vehicles is provided. Although the Project abuts the preferred alignment for the planned Sonoma Valley Trail, a park setback reduction is not required as part of this use permit approval because the ordinance and Board policies state that setbacks only apply to existing trails and parks, not future or proposed trails and parks.

Section 4. Additional Finding

4.1 The findings and determinations set forth in this Resolution are based on the entire record of these proceedings. References to specific statutes ordinances, regulations, standards, reports or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

NOW, THEREFORE, Be It Further Resolved that based on the foregoing findings and determinations and the full record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are adopted.
3. The use permit is granted for the Proposed Project as presented in the application package consolidated on January 26, 2021 and as described in the Conditions of Approval

attached hereto as ATT 1 and incorporated herein.

4. Staff is directed to file and post a Notice of Determination of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin: Coursey: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.