



County of Sonoma

State of California

Date: October 19, 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 Freestone Ranch LLC. For (1) 39,861 square feet of outdoor cultivation, and (2) 3,150 square feet of outdoor cultivation and propagation within three temporary hoop houses, and (3) 500 square feet of indoor cultivation/nursery, and associated processing of site-grown cannabis on a 10.72-acre Property Location at 1478 Valley Ford Freestone Road, Bodega, CA 94922, APN 026-080-009

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 August 31, 2017, the applicant, ASG North Bay, Inc., filed an application for a limited term Conditional Use Permit for a commercial cannabis cultivation operation including of 39,861 square feet of outdoor cannabis cultivation, 3,150 square feet of outdoor cultivation within three temporary hoop houses, 500 square feet of indoor cannabis cultivation/nursery, and associated propagation and processing of site-grown plants, including trimming, drying, and packaging, on a 10.72-acre parcel located at 1478 Valley Ford Freestone Road, Bodega; APN 026-080-009; Zoned LEA (Land Extensive Agriculture), B6-160 acre density (“the Proposed Project”).
- 1.2 On May 29, 2018, ASG North Bay, Inc. transferred to Freestone Ranch, LLC.
- 1.3 On December 12, 2019, following the Board’s adoption of Ordinance No. 6245 amending the Cannabis Land Use Ordinance, the application was amended to request a 5-year permit term, in accordance with the new ordinance.
- 1.4 A Mitigated Negative Declaration (“MND”) was prepared for the Project, and on June 22, 2021, the MND was posted and made available for agency and public review in accordance

with the California Environmental Quality Act (“CEQA”), 14 California Code of Regulations, §§15000 et seq. (“CEQA Guidelines”) and County CEQA guidelines.

- 1.5 On August 31, 2021, the Board continued this item to October 19, 2021, to address concerns and issues submitted in writing by residents.
- 1.6 On October 19, 2021, the Board 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, including the abovementioned amendments, 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 information presented, comments, the technical reports, information and responses submitted, staff responses addressing those reports and comments, 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 applicant, Freestone Ranch LLC, previously ASG North Bay, Incorporated.
- 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 Proposed Project is consistent with the General Plan land use designation of Land Extensive Agriculture, and the goals, objectives, policies, and programs of the General Plan. The Proposed Project is consistent with policies for managing and conserving agricultural areas, and preserving areas of agricultural character. The Project does not increase residential density or urban development, and would preserve the natural, visual, and scenic resources of the site, and would result in the use of existing property consistent with General Plan Objectives LU-9.1, -9.3, -9.4, and AR-4.1, as well as the policies for Land Extensive Agricultural Areas (2.6), that enhance and protect lands capable of and generally used for the production of food, fiber, and plant materials. There will be no conversion of lands currently used for agricultural production to non-agricultural use because the project would utilize existing areas and structures for the proposed use. The parcel will not be developed in a way that would preclude future agricultural use because existing grazing land would remain and not be disturbed by the proposed project. The cannabis uses are compatible with long term agricultural production because the character of the land will remain agricultural in that the overall level of structural development will be similar to the existing condition. The land does and will continue to look “agricultural” in nature, containing a primary residence, outbuildings, water tanks, planted crops and landscaping, and open and rural spaces. The land use designation allows for cultivation of cannabis with a Use Permit).

The Proposed Project is consistent with the General Plan land use designation in that it proposes outdoor cultivation that is managed similarly to traditional agricultural cultivation. Additionally, the Proposed Project includes limited indoor cultivation that will occur in structures that occupy the same footprint as previous development. The processing of cannabis grown onsite will include drying, curing, trimming, storing, and packaging, which is similar to the basic processing activities of traditional agricultural farms.

The proposed operation will total approximately one acre of the 10.72-acre property. The cannabis cultivation use will likely produce more income than the traditional agricultural uses; however, the primary use is not determined strictly by relative income. The General Plan recognizes that Land Extensive Agricultural Areas typically result in relatively low production per acre of land. The circumstances of the Proposed Project are as expected in that a higher valued compatible use is critical in supporting the lower production agricultural uses of grazing. The traditional agricultural uses supported by the Proposed Project are viable commercial operations and not merely incidental to the Proposed Project. Further, the Proposed Project repurposes existing structures and uses a substantially similar development footprint so that the look and feel of the property will continue to be agricultural in nature.

3.2 Area Plan Consistency.

The Proposed Project is consistent with the Petaluma Dairy Belt Area Plan land use designation of Land Extensive Agriculture and Area Plan policies because there would be no increase in residential density, agricultural uses including grazing and pasture land would be supported on the site, and the project would not conflict with surrounding agricultural uses. The proposed operation meets the goals and intentions of the Plan Area, specifically, G. Agriculture 1.(1) through (4) in that the project will not limit future options on this agricultural

site. The project is located within the Grazing Land and Other Land zoning designation. The majority of the site is undeveloped pasture and mature pine forest which will not be altered or modified.

3.3 Zoning Consistency.

The Proposed Project is consistent with the Land Extensive Agriculture (LEA) Zoning District, in that the proposed cannabis cultivation operation is allowed with approval of a Conditional Use Permit. The purpose of the LEA District is to enhance and protect lands best suited for permanent agricultural use but capable of relatively low production per acre of land.

The proposed project is consistent with the operating standards and development criteria of the Cannabis Ordinance, Sonoma County Code Sections 2688-250 and 254, because it complies with the minimum parcel size, cultivation limits, setbacks, lighting standards, security and fencing requirements, odor control, 100% renewable energy use, hours of operation, noise standards, and groundwater monitoring.

The setbacks to outdoor cultivation area exceed code requirements. The Code requires that outdoor cultivation areas be setback 100 feet from property lines and a minimum of 300 feet from residences and business structures on surrounding properties. The outdoor cultivation area for the Proposed Project is setback at least 140 feet from all property lines and 350 feet and 900 feet from the two closest adjacent residences. The placement of the outdoor cultivation maximizes the distance to neighboring property lines and residences and the increased setback minimizes potential impacts to those neighboring properties.

The Board of Supervisors found that security issues could be addressed through compliance with security and fencing requirements. The site security plan is adequate to address any increased risk of crime or security associated with the Proposed Project. As required by the Zoning Code, the site security plan includes security cameras, lighting, alarms, fencing, and allows emergency vehicle access. Security measures have been adequately outlined through the Cannabis operation plan which is required to generally comply. 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. 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 mature vegetation to along the western portion of the lot and the project is located internal to the lot. 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.

3.4 General Use Permit Finding.

The establishment, maintenance, or operation of the use for which 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 area of such use, nor be detrimental or injurious to property and improvements in the neighborhood or 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: 1) The cannabis operation would not involve more than one acre of cannabis cultivation area, approximately 0.09% of the project parcel; 2) All cannabis cultivation areas are greater than 100 feet from property

boundaries and greater than 300 feet from adjacent off-site residences; 3) The project parcel is greater than 10 acres (10.72-acres); 4) All cannabis cultivation areas will be screened from public roadway from Valley Ford Freestone Road; 5) Security measures will be implemented to uphold the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such use; 6) All equipment shall be in compliance with the General Plan Noise Standard; 7) Outdoor cultivation activities (except for harvest) will be limited to daylight hours. Deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday; 8) All cultivation lighting will be contained within the structure; exterior lighting will be downward casting and fully-shielded; 9) Hazardous materials will be stored in accordance with local, state and federal regulations; 10) All energy will be 100% renewably sourced; 11) No public access or retail sales are permitted; and 11) The Project parcel is predominantly surrounded by large parcels with agricultural uses.

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 submitted on August 31, 2017, and updated materials submitted May 28, 2020, and as described in the Conditions of Approval attached hereto as Exhibit A and incorporated herein, subject to design review as required by conditions of approval.
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:

Rabbitt: Coursey: Gore: Hopkins: Gorin:

Ayes: Noes: Absent: Abstain:

So Ordered.