



***Proposed
Mitigated Negative Declaration***

Publication Date: December 3, 2020
Public Review Period: 12/3/20 to 1/2/21
State Clearinghouse Number:
Permit Sonoma File Number: **UPC17-0097**
Prepared by: Cecilia Jaroslowsky
Phone: (510) 845-7549

Pursuant to Section 15071 of the State CEQA Guidelines, this proposed Mitigated Negative Declaration and the attached Initial Study, including the identified mitigation measures and monitoring program, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below:

Project Name:	UPC17-0097
Project Applicant/Operator:	Jeremy Freitas
Project Location/Address:	31258 Highway 128, Cloverdale
APN:	115-100-007
General Plan Land Use Designation:	Resources and Rural Development (RRD 120)
Zoning Designation:	Resources and Rural Development, one dwelling unit per 120 acres (RRD B6 120), Scenic Resources (SR), Valley Oak Habitat (VOH)
Decision Making Body:	Sonoma County Board of Zoning Adjustments
Appeal Body:	Sonoma County Board of Supervisors
Project Description:	See Item III, below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated in the attached Initial Study and in the summary table below.

Table 1. Summary of Topic Areas

Topic Area	Abbreviation	Yes	No
Aesthetics	VIS		No
Agricultural & Forestry	AG		No
Air Quality	AIR		No
Biological Resources	BIO	Yes	
Cultural Resources	CUL		No
Energy	ENE		No
Geology and Soils	GEO		No
Greenhouse Gas Emission	GHG		No
Hazards and Hazardous Materials	HAZ		No
Hydrology and Water Quality	HYDRO		No
Land Use and Planning	LU		No
Mineral Resources	MIN		No
Noise	NOISE		No
Population and Housing	POP		No
Public Services	PS		No
Recreation	REC		No
Transportation	TRAF		No
Tribal Cultural Resources	TCR		No
Utility and Service Systems	UTL		No
Wildfire	WILD		No
Mandatory Findings of Significance			No

RESPONSIBLE AND TRUSTEE AGENCIES

The following lists other public agencies whose approval is required for the project, or who have jurisdiction over resources potentially affected by the project.

Table 2. Agencies and Permits Required

Agency	Activity	Authorization
North Coast Regional Water Quality Control Board	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver,
California Department of Fish and Wildlife	Lake or streambed alteration	Fish and Game Code, Section 1600, Lake or Streambed Alteration Agreement or waiver
Northern Sonoma County Air Pollution Control District (NSCAPCD)	Stationary air emissions	
California Department of Food and Agriculture (CalCannabis)	Cannabis cultivation	Cultivation Licensing

ENVIRONMENTAL FINDING:

Based on the evaluation in the attached Initial Study, I find that the project described above will not have a significant adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included as conditions of approval for the project and a Mitigated Negative Declaration is proposed. The applicant has agreed in writing to incorporate identified mitigation measures into the project plans.

Cecilia Jaroslowsky 11/24/2020
Prepared by: Cecilia Jaroslowsky Date:

Jeremy Freitas 11/24/20
Date:



Initial Study

I. INTRODUCTION

Sonoma County has received an application for a Use Permit to allow commercial cannabis cultivation at 31258 Highway 128 in Cloverdale, California. The Use Permit application requests approval for the construction and operation of 10,000 square feet of combined mixed-light propagation and cultivation in four new greenhouses, operation of 33,000 square feet of outdoor cultivation in three existing fenced cultivation areas, 1,750 square feet of cannabis processing in an existing barn, and temporary operation of two hoop houses totaling 5,040 square feet beginning upon issuance of a Use Permit for the project and ending upon issuance of the building permit(s) for the four proposed greenhouses. Existing land uses surrounding the project site include undeveloped wildlands to the north and west, residences and vineyards to the south, and undeveloped lands and vineyards to the east.

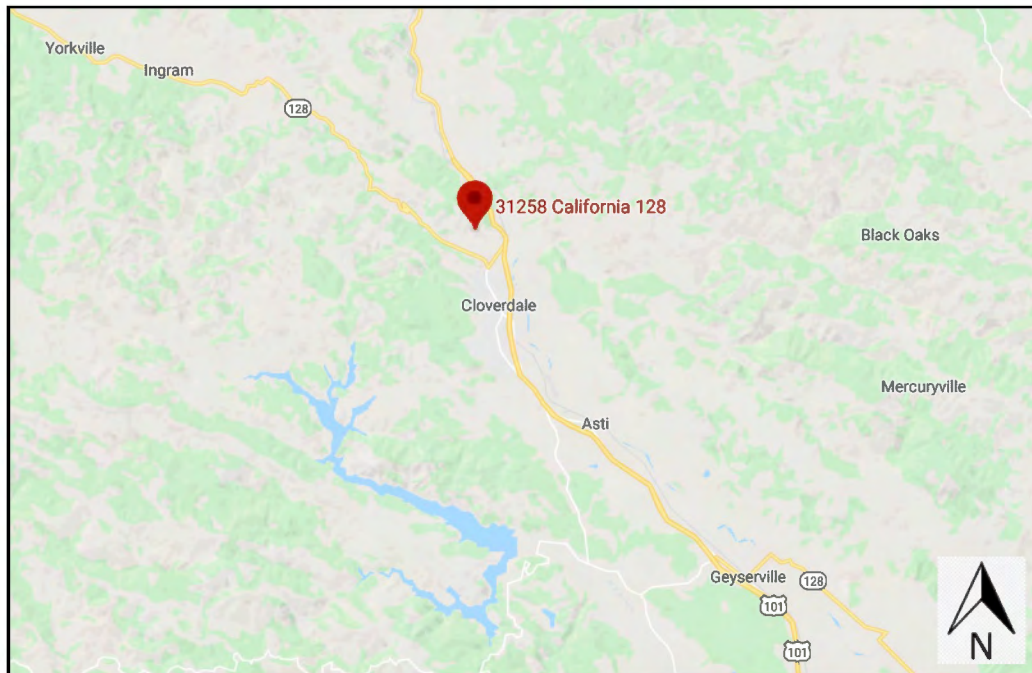
A referral letter was sent to the appropriate local, state, and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Cecilia Jaroslowsky, Contract Project Planner with MIG. Information on the project was provided by the project applicant, Jeremy Freitas. Other reports, documents, maps, and studies referred to in this document are available for review at the Permit and Resources Management Department (Permit Sonoma).

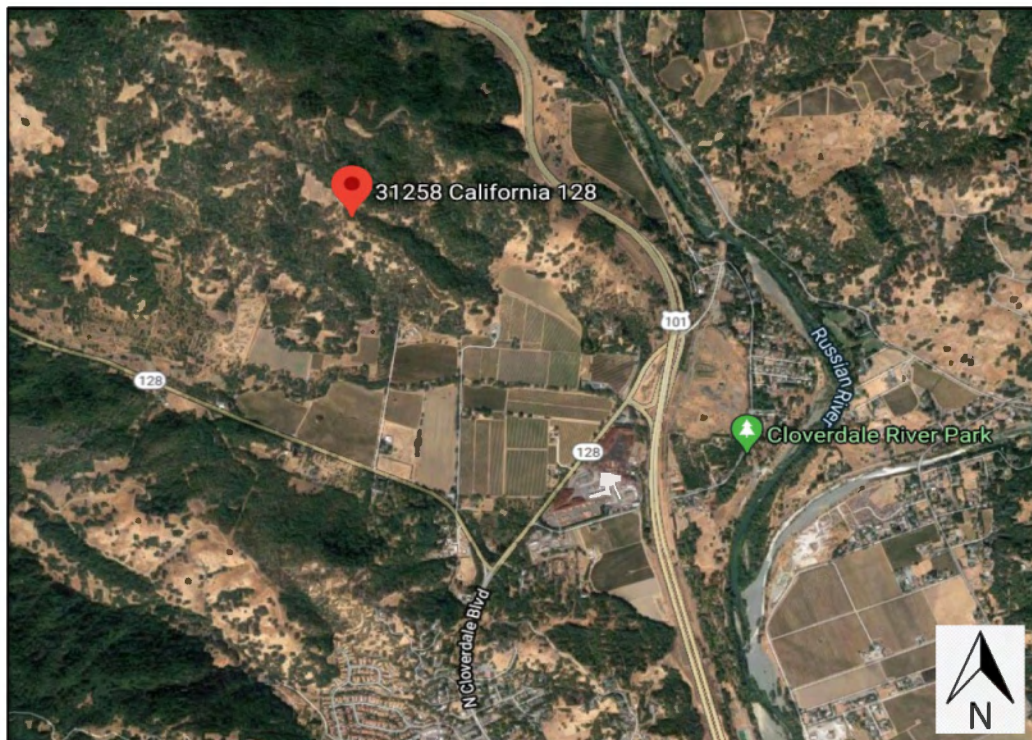
Please contact Cecilia Jaroslowsky, Contract Planner, at (510) 845-7549 for more information.

II. SITE LOCATION

The project site is on a 171.55-acre parcel (APN 115-100-007) located north of Highway 128 (Oat Valley Road) and west of Highway 101 (Redwood Highway). The project site has a General Plan Land Use Designation of Resources and Rural Development District (RRD) and is zoned Resources and Rural Development, one dwelling unit per 120 acres (RRD B6 120), Scenic Resources (SR), Valley Oak Habitat (VOH). The project site currently contains a single-family residence, a barn, three developed outdoor cannabis cultivation areas, two greenhouse building pads, and fourteen water storage tanks. Parcels in the project area vary in size from one to 280 acres with largely wooded wildlands, agricultural fields, and vineyards. Figure 1 and Figure 2 show the project regional location and vicinity.



*Figure 1. Project Regional Location
(Google Maps, 2020)*



*Figure 2. Project Vicinity
(Google Maps, 2020)*

III. PROJECT OVERVIEW

The project proposes a commercial cannabis cultivation operation consisting of outdoor cannabis cultivation in three existing outdoor cultivation areas, mixed-light cannabis propagation and cultivation in four proposed greenhouses, and processing in an existing barn. Two temporary hoop houses totaling 5,040 square feet would be used beginning upon issuance of a use permit for the project and ending upon issuance of building permit(s) for the four greenhouses. A hoop house would be located on each of two existing earthen greenhouse pads on-site. Cultivation in the hoop houses is not included as part of normal project operations. The project would occupy approximately 2.39 acres of the 171.55-acre parcel, including 89,589 square feet for the total footprint of the outdoor cultivation areas (i.e., the areas enclosed by fencing), 13,600 square feet for the four new greenhouses and walkways between the greenhouses, and 1,750 square feet for the barn. The project includes approximately 5,040 square feet of ground disturbance for two new earthen greenhouse pads.

The operation would employ six staff year-round, and up to 12 employees during harvest season. The site would be closed to the public and would not contain any retail components. The proposal includes the use of an existing 1,750-square foot barn for cannabis processing activities and for non-cannabis storage, a proposed ADA-compliant restroom in the on-site residence (the existing restroom is not ADA-compliant), and site improvements, including designation of 11 parking spaces, construction of an emergency access vehicle turnaround, and widening the existing on-site gravel driveway.

Project construction activities include grading for two of the greenhouse building pads and construction of the four proposed greenhouses. Project grading activities would include a cut of approximately 1,100 cubic yards (CY).

The project would be located in a scenic landscape unit, as designated by the Sonoma County Zoning Ordinance.¹ The project site does not have a Riparian Corridor designated by the Sonoma County General Plan.²

IV. EXISTING FACILITY

Most of the property is undeveloped; however, the site contains three developed outdoor cannabis cultivation areas that contain 33,000 square feet of cultivation area that are not in use, two earthen greenhouse pads totaling 5,040 square feet, a single-family residence, a barn,

¹ Sonoma County. "Proposed Scenic Landscape Units," accessed June 9, 2020.

<https://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=84689931cab4c3785312f3f3cebae18f>

² Sonoma County. General Plan 2020 Open Space Map. "Figure OSRC-5b, Cloverdale / N.E. County" accessed June 9, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Open-Space-Cloverdale-N-E-County/>

a private well, and fourteen water storage tanks, three of which have 5,000 gallon capacity and 11 of which have 2,500 gallon capacity. Figure 3 shows the overall site plan.

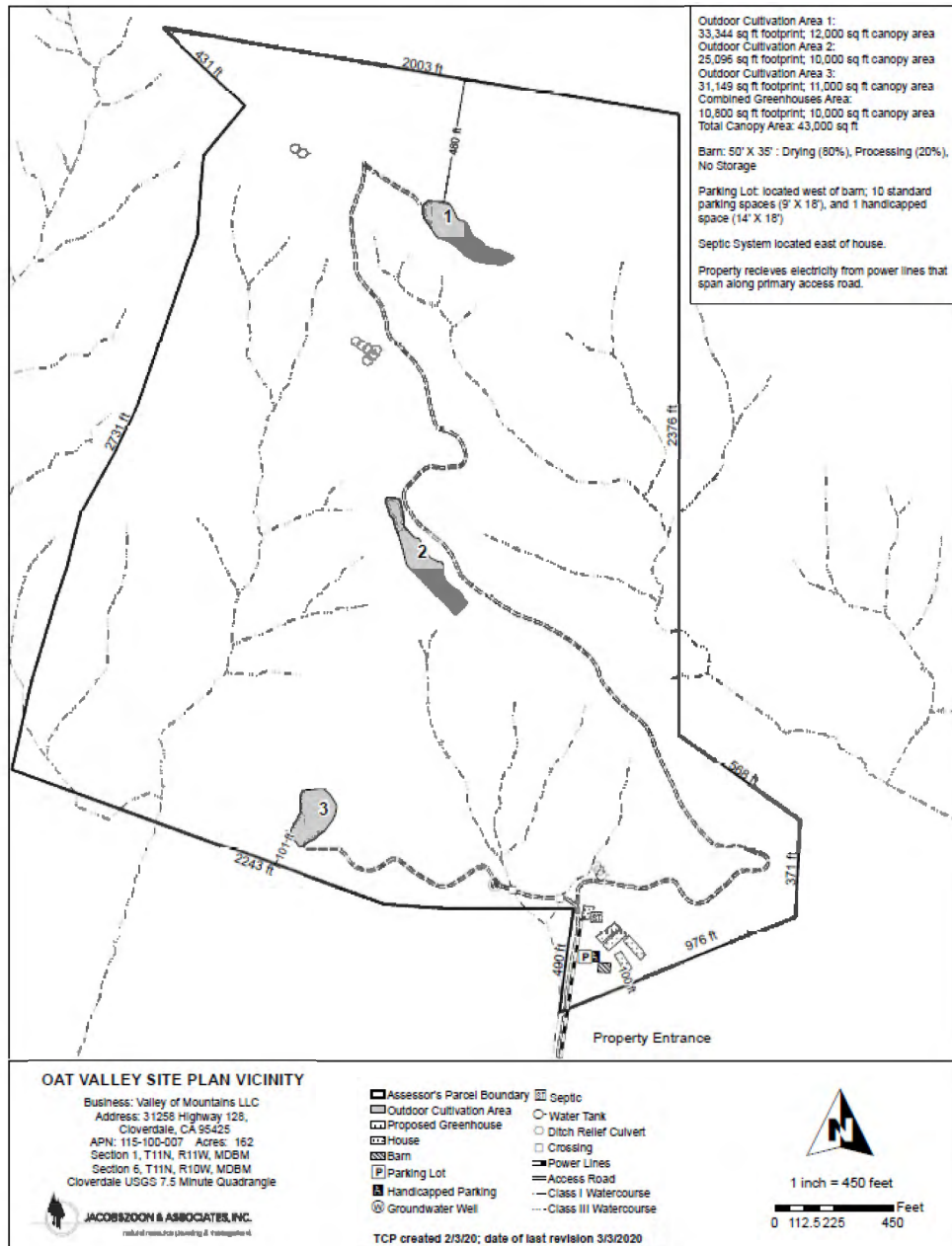


Figure 3. Overall Site Plan
(Jacobzoon & Associates, 2020)

V. SETTING

The project site is in the northern part of Sonoma County in a rural area north of the City of Cloverdale approximately 1,800 feet north of Highway 128 and 1,900 feet west of Highway 101. The proposed project is located at 31258 Highway 128 off of Oat Valley Road (Highway 128) on a 171.55-acre parcel developed with an unoccupied residence, a 1,750-square foot barn, two earthen greenhouse pads totaling 5,040 square feet, and three outdoor cannabis cultivation areas enclosed by deer fencing. The outdoor cannabis cultivation areas total 89,589 square feet in footprint and support 43,000 square feet of cultivation area; the outdoor cultivation areas are not currently operating. The site is located in an area characterized by both small and large parcels containing hilly terrain and relatively flat agricultural lands. The project parcel is zoned Resources and Rural Development (RRD B6 120), SR, VOH. The project site is not within the boundaries of a specific plan. The project site also contains fourteen existing water storage tanks with a combined capacity of 42,500 gallons of water. The property is served by a private septic system and a private well, both of which are on-site.

Access to the site is from Oat Valley Road (Highway 128) via Sink Road. The area around the project site is partially developed and is characterized by woodlands and forests to the north and northwest with rural residences and agriculture to the south and east. There are multiple vineyards in the area to the south, southeast, and east of the project site.

Oat Valley Creek, a Class I watercourse, is located approximately 560 feet south of the project parcel.

Existing Uses: The project site is comprised of one 171.55-acre parcel that is largely undeveloped. The property is developed with a residence, a barn, and three fenced outdoor cultivation areas that are not currently in use. The residence is not occupied. The property was historically used for vineyard cultivation. Previous cultivation activities on-site included mixed-light cultivation in two greenhouses that have since been demolished.

Topography and Drainage: The topography of the project site is hilly and has steep slopes. The parcel ranges in elevation from approximately 400 feet above mean sea level (msl) at the lowest point to approximately 1,200 feet above mean sea level (msl) at the highest point. The outdoor cultivation areas have slopes under 15 percent. The mixed-light greenhouses would be located in a relatively flat area. Water draining from the side of one of the former greenhouses carved an on-site channel approximately 18 inches deep and extending approximately 100 feet downslope. The project parcel drains from northwest to southeast and north to south. There are several unnamed drainages (Class III watercourses) that traverse the project parcel, following the natural topography. Oat Valley Creek is located approximately 560 feet south of the parcel and flows under Sink Road, the access road to the parcel.

Vegetation: Vegetation on the parcel consists of six distinct categories, including annual grasses and forbs, California coast live oak, gray pine, interior mixed hardwood, Oregon white oak woodland, and Pacific Douglas fir forest. The majority of the parcel is woodland and forest with interspersed grassland. The southeastern portion of the parcel has been previously disturbed by development of buildings and structures.

VI. PROJECT DESCRIPTION

Proposed Buildings and Uses: The project site is currently developed with a single-family house, a barn, two earthen greenhouse pads, three outdoor cultivation areas, 14 water tanks, year-round access roads (i.e., the driveway) and seasonal access roads used only during the outdoor cultivation season. The house would not be used as a residence as part of the project, would contain an ADA-compliant restroom for employee use, and would not contain cannabis. The 1,750-square-foot barn would be used for cannabis processing activities, including drying harvested cannabis and prepping the dried plants for transport to an off-site location. The barn would also be used for non-cannabis storage, including that of fertilizer, soil amendments, and mulch. Fertilizers, soil amendments, and fuels would be stored on pallets and/or shelves in the barn to minimize the possibility of spills and leaks going undetected. The project would not use pesticides. The operation would be required to maintain any applicable permits from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County, or the Agricultural Commissioner. The cultivation operation would consist of a combination of mixed light, outdoor, processing, and auxiliary areas as listed below.

1. Existing (not currently operating): Three outdoor cultivation areas with 33,000 square feet of cultivation area.
 - Outdoor Cultivation Area 1: 12,000 square feet of cultivation area
 - Outdoor Cultivation Area 2: 10,000 square feet of cultivation area
 - Outdoor Cultivation Area 3: 11,000 square feet of cultivation area
2. New Construction: Four separate greenhouses measuring 10,800 square feet altogether and containing a total of 10,000 square feet of combined mixed-light propagation and cultivation area.
3. New Temporary Use: Two temporary hoop houses totaling 5,040 square feet.
4. New Construction: ADA-complaint restroom in the existing residence (existing restroom is not ADA-compliant).

5. New Grading: Two earthen greenhouse pads totaling 5,760 square feet.

- Pad for Greenhouse #1 = 2,880 square feet
- Pad for Greenhouse #2 = 2,880 square feet

6. Existing Auxiliary Structures: Barn measuring 1,750 square feet in size

- Processing cannabis (drying and preparing cannabis for transportation off-site)
- Non-cannabis storage of fertilizers, soil amendments, mulch, and petroleum fuels

Employees and Hours of Operation: The cannabis operation would employ up to six staff year-round, and up to 12 during harvest season.

Hours of operation would be 7:00 AM to 7:00 PM, seven days a week. Due to the nature of cannabis cultivation, additional hours of work are anticipated. The operation is allowed to operate 24/7. Shipping and delivery hours shall be limited to 8:00 AM to 5:00 PM Monday through Friday.

Cultivation Operation: The project proposes three outdoor cultivation areas spread out on the parcel, four mixed-light greenhouses clustered in the southeastern portion of the parcel near the property entrance, and processing inside the existing barn. The three existing outdoor cultivation areas are fenced with deer fencing. Two of the proposed greenhouses would be constructed on the existing earthen greenhouse pads, and the remaining two proposed greenhouses would be constructed within 100 feet and to the west of the existing greenhouse pads. Perimeter fencing would be constructed around the four mixed-light cultivation areas (see below under Security for more details). The outdoor cultivation areas would contain 33,000 square feet of outdoor cannabis cultivation and the greenhouses would contain 10,000 square feet of mixed-light propagation and cultivation, totaling 43,000 square feet of cultivation area (including propagation) on the project site. The 1,750-square foot barn would be used for processing.

The outdoor cultivation areas would contain up to 556 cannabis plants. The plants would be grown in 100-gallon cloth pots filled with twelve (12) cubic feet of soil and organized in a grid format, with each grid equaling 100 square feet. Each pot would sit directly on the ground. All plants would be supported by individual trellis systems. Irrigation would be provided by an electronically monitored drip system.

Outdoor cultivation would occur from early May to late October, with the harvest conducted once per year, typically in late October.

The mixed-light portion of the operation would occur in four separate greenhouses that altogether contain 10,000 square feet of combined propagation and cultivation area. The

greenhouses would employ light deprivation and use supplemental lighting. During autumn, lights would be used in the greenhouses during evening hours to simulate longer day length and facilitate the cannabis plant growth cycle. Cannabis plants would be propagated in the greenhouses and then moved to growing beds, also located in the greenhouses, and nurtured until maturity. Beds would be filled with ProMix, a non-soil growing medium of perlite, peat, cocoa, and watered as needed with the BioBizz nutrient line. The greenhouses would be equipped with HVAC systems and carbon filtration systems for odor control and ventilation.

Beginning upon issuance of a use permit for the project and ending upon issuance of building permit(s) for the four greenhouses, the project operator would grow cannabis in two temporary hoop houses totaling 5,040 square feet. The temporary hoop houses would not include light deprivation and would not be outfitted with electrical components. The hoop houses would be set up on the two previously disturbed earthen greenhouse pads and would be removed from the site after greenhouse building permits have been issued. Cultivation in hoop houses is temporary and is not included in the project proposal as an aspect of permanent project operations.

Processing: After harvest, cannabis plants would be partially processed in the 1,750-square foot existing barn. On-site processing activities would consist of drying the harvested cannabis and prepping the dried cannabis plant to be transported by a licensed distributor to an off-site facility for further processing. The barn would be equipped with an odor control filtration and ventilation system per County requirements.

Security: Access to the property is currently controlled by a gate with a lock. A Knox box would be installed at the entrance to the project site per project conditions of approval required by the County. Existing security fencing (deer fencing) around the outdoor cultivation areas would remain. Fencing would be installed around the mixed-light cultivation areas. All fencing shall be consistent with County Code requirements. Fencing would include security lighting, cameras, and an alarm system. Outdoor security lighting would consist of non-reflective, downward facing dusk-to-dawn floodlight LED lights. These lights consist of automatic sensors which control the “on” and “off” depending on the brightness of the surrounding environment. Access to the cultivation areas would be controlled by locking gates.

Access: Access to the project site is from Oat Valley Road via Sink Road. Sink Road connects with Oat Valley Road and runs north south, terminating at the project site. All access for vehicles and trucks would be via a 14-foot wide driveway directly off Sink Road with a structural section of twelve inches of class two aggregate base. On-site circulation from the driveway is via graveled roads to the residence, barn, and locations of the proposed greenhouses, and via dirt and grass roads and to the outdoor cultivation areas.

The applicant would be required to construct a turnaround on the project site to allow for adequate access for emergency service vehicles. Construction of the turnaround would involve

the placement of gravel to widen the existing on-site gravel driveway and widen the turn radius to accommodate emergency service vehicles.

Parking: On-site parking would be provided by a total of 11 parking spaces, including ten standard spaces (each measuring 9 feet by 18 feet) and one ADA-compliant space (measuring 14 by 18 feet). The parking spaces would be located in an existing cleared area located south of the residence and would be accessible via Sink Road and the project driveway.

Sewage Disposal: Cultivation wastewater and domestic wastewater from employees and the on-site residence would be directed to the existing septic system located south of the residence. The residence is connected to the existing septic system and leach field. The septic system and leach field shall require testing and approval by the County and the North Coast Regional Water Quality Control Board to ensure compliance with all applicable on-site sewage and wastewater disposal requirements.

Water Supply: Cultivation water and potable water would be provided via the on-site private well. The well is equipped with an electrical water pump. Water from the well would be diverted to storage tanks.

Water Storage Tanks: The project site contains fourteen existing water storage tanks that provide 42,500 gallons of water storage capacity.

Energy Supply: Electrical power for the operation would be supplied by PG&E via Sonoma Clean Power. Energy use would be 100 percent renewable power received from Sonoma Clean Power. The property receives electrical power from power lines that run parallel to Sink Road. Electrical power from the power lines currently provide electricity to the residence, barn, and well pump. Once constructed, the four proposed greenhouses would also receive electricity from the electrical power lines.

Waste Management: All cannabis plant waste generated from general cultivation or processing activities would be securely stored and then rendered unusable and composted for reuse in the cultivation operation. Cannabis green waste would be ground up and mixed with soil and/or mulch to create a mixture that consists of at least 50 percent non-cannabis waste prior to composting. Other cultivation-related waste, including empty soil/soil amendment/fertilizer bags and containers, empty plant pots and containers, and spent growth medium would be stored in trash bins that have a lid and taken to the located transfer station no less than once every 14 days. Refuse and garbage would be stored on-site in collection bins separated for recycling and shall be periodically hauled to appropriate off-site disposal locations.

Landscaping: There is no proposed landscaping plan as the greenhouses would be minimally visible from Oat Valley Road. The greenhouses would be screened by existing mature trees, including trees lining Oat Valley Creek, and vegetation from the adjacent vineyard.

Construction: The proposed construction methods are considered preliminary and are subject to review and approval by Sonoma County. For the purposes of this document, the analysis considers the construction plan described below.

Construction Schedule: The project construction schedule is not yet determined. Project construction activities include minor grading of approximately 1,100 CY of cut to develop the earthen pads for two of the proposed greenhouses, construction of the four greenhouses, and construction to upgrade the existing restroom in the residence to make it ADA-compliant. Two greenhouse pads have already been developed and would not require further earthwork. Exact cut requirements would be determined once grading plans are finalized. All vegetation would be removed prior to developing the two new greenhouse pads. The project proposes pulling back the banks of an eroded channel next to the existing greenhouse building pads to at least a 2:1 slope. No trees would be removed as part of the project.

During construction, a combination of erosion control best management practices (BMPs) would be used on disturbed areas per County requirements. Appropriate BMPs, including dust control, would be implemented throughout construction as needed.

VII. ISSUES RAISED BY THE PUBLIC OR AGENCIES

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local and state agencies, and to special interest groups who were anticipated to take an interest in the project.

As of June 18, 2020, the project planner has received responses to the referral from the following agencies and groups: Sonoma County Public Health Division Environmental Health & Safety Program, Permit Sonoma Natural Resources Geologist, Permit Sonoma Grading and Stormwater Section, Permit Sonoma Project Review Health Specialist, Permit Sonoma Fire and Emergency Services Department, Sonoma County Department of Transportation & Public Works (DTPW), Sonoma County Survey and Land Development Section, the California Department of Transportation (CalTrans), the California Department of Fish and Wildlife (CDFW), the Northwest Information Center, Stewarts Point Rancheria Kashia Band of Pomo Indians, and Lytton Rancheria. The referral responses included comments on the project, requests for further information, and project use permit conditions of approval. The project planner has received two public comments on the project.

VIII. OTHER RELATED PROJECTS

Three other applicants have submitted cannabis cultivation applications within five miles of the project site, ranging from 5,000 square feet to one acre and consisting of outdoor and mixed-light cultivation. One of the projects has been granted a Use Permit to operate. Two of the projects are currently being processed through the County cannabis permit program. None of the projects are operating under Penalty Relief.

IX. EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts of this project based on the criteria set forth in the State CEQA Guidelines and the County's implementing ordinances and guidelines. For each item, one of four responses are given:

No Impact: The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

Less Than Significant Impact: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

Potentially Significant Impact: The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed; that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. All references and sources used in this Initial Study are listed in the Reference section at the end of this report.

Jeremy Freitas has agreed to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Comment:

The project would be located in an area designated Scenic Landscape Unit, which, as described by the Sonoma County Zoning Regulations and Sonoma County General Plan, is visually sensitive. This designation is applied to properties to preserve the visual character and scenic resources of the land and to implement Section 2.1, 2.2, and 2.3 of the General Plan Open Space Element. That Element includes Goal OSRC-6, which states development should *"Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations"* (p. OS-23). General Plan Policy OSRC-6a includes design principles related to how consideration and treatment of landscaping, paved areas, and exterior lighting and signage can be applied to help new structures *"blend in with the surrounding landscape."*

More particularly, Article 64 of the Sonoma County Zoning Ordinance also lists specific requirements for properties within a Scenic Landscape Unit for the purpose of *"preserv[ing] 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."*³

The project would be consistent with the provisions in Article 64 Scenic Landscape Unit Requirements (Sec. 26-64-020) because:

(1) Structures shall be sited below exposed ridgelines;

Explanation: The four proposed greenhouses would be located in the southeastern portion of the project parcel at the base of a hillside at an elevation of approximately 400 feet. Surrounding hills on the property directly north of the proposed greenhouse locations reach an approximate elevation of 650 feet, and more distant hills on the property reach an approximate elevation of 1,200 feet. Therefore, structures associated with the project would be sited below any exposed ridgelines.

(2) Structures shall use natural landforms and existing vegetation to screen them from public roads. On exposed sites, screening with native, fire resistant plants may be required;

³ Sonoma County Zoning Regulations. "Article 64 Scenic Resources Combining District," accessed June 10, 2020. https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=CH26SOCOZORE_ART64SRS_CRECODI

Explanation: The four greenhouses would be located in a portion of the project site that is largely screened from public view from the nearest public vantage point, Highway 128. Existing mature wooded vegetation and vineyard vegetation surrounding the project site would screen the proposed greenhouses from public view. The roof of at least one of the greenhouses would be minimally visible above the tree line and the vineyard vegetation from various, but intermittent, public vantage points along Highway 128. The visible portions of the greenhouses would not present a significant contrast to the surrounding environment and would not be highly visible from Highway 128, which is 1,950 feet away from the project site at the nearest point. See Figures 4 - 8.

(3) Cut and fills are discouraged, and where practical, driveways are screened from public view;

Explanation: Approximately 1,100 CY of cut is proposed as part of the project. Cut activities would not be visible from a public right-of-way because cuts would be conducted at the base of a hillside that is screened from Highway 128 by intervening mature trees and vineyard vegetation. Considering the minimal proposed cut activities and existing vegetation that would largely screen grading activities from public view, the impact of proposed cuts would be less than significant.

(4) Utilities are placed underground where economically practical.

Explanation: Existing electrical power poles and power lines that provide electricity to the project parcel line Sink Road. Although project plans do not indicate placement of new utilities at this time, utilities would be placed underground to the extent practical as required by the County.

As discussed above, the project proposes design features that would generally be consistent with County Zoning Regulation Article 64 (SR Scenic Resource Combining District). In addition, the project would comply with County Zoning Regulation Section 26-88-254 (Cannabis cultivation—Commercial), which specifies setback requirements of "a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from occupied residences and businesses on surrounding properties."

Significance Level: Less than Significant Impact

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

Comment:

The project site is not visible from a state scenic highway. The state scenic highways closest to the project site are Highway 53, Highway 1 along the Pacific Ocean, and Highway 29 from Napa County's northwestern limits to the City of Napa.⁴

Significance Level: No Impact

c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Comment:

The proposed project is not subject to any area or specific plan and is consistent with the land use designation and zoning, both designated as RRD (Resources Rural Development). Existing land uses surrounding the project site include undeveloped wildlands to the north and west, residences and vineyards to the south, and undeveloped lands and vineyards to the east. The existing visual character of the site and its surroundings is rural, with multiple vineyards and associated accessory structures clustered in the vicinity of the intersection of Highway 128 and Highway 101, dense woodland and forested areas on the hilltops north and northwest of the clustered vineyards, and dispersed rural residences. Some properties have long driveways leading to residences and vineyard structures, similar to the project site. Access to the site is from Oat Valley Road (Highway 128) via Sink Road. Sink Road is an unpaved gravel and dirt road that is not county maintained and has no sidewalks. Project structures, including the existing barn and new greenhouses would be partially visible intermittently from public vantage points along Oat Valley Road (Highway 128). See Figures 4 - 8; the figures depict greenhouses previously located on the project site that have since been demolished. The demolished greenhouses are representative of the shape, form, and color of the four greenhouses proposed as part of the project. Two of the proposed greenhouses would be constructed on the existing greenhouse pads and the remaining two proposed greenhouses would be constructed within 100 feet and to the west of the existing greenhouse pads. Therefore, the greenhouse visible in Figure 5 depicts how the proposed greenhouse(s) on the project site would appear to the eye from public viewpoints from Highway 128. The existing barn is also visible intermittently from Highway 128, as shown in Figure 6.

⁴ Caltrans. Map Viewer website, "California Scenic Highways," accessed June 10, 2020.
<https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>

Following County Visual Assessment Guidelines, public viewpoints were considered for determining the project's visibility to the public. Based on the Visual Assessment Guidelines, Table 1: Site Sensitivity, the project location would be considered "High" because:

*"The site or any portion thereof is within a land use or zoning designation protecting scenic or natural resources, such as General Plan designated scenic landscape units, coastal zone, community separators, or scenic corridors. The site vicinity is generally characterized by the natural setting and forms a scenic backdrop for the community or scenic corridor. This category includes building and construction areas within the SR designation located on prominent hilltops, visible slopes less than 40 percent or where there are significant natural features of aesthetic value that are visible from public roads or public use areas (i.e. parks, trails etc.). This category also includes building or construction sites on prominent ridgelines that may not be designated as scenic resources but are visible from a designated scenic corridor."*⁵



Figure 4. Entrance to Sink Road from Highway 128, looking north toward the project site.
(MIG site visit, 2/14/19)

⁵ Sonoma County. "Visual Assessment Guidelines and Procedure," accessed June 10, 2020.
<https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>



*Figure 5. View from Highway 128 at the entrance to Sink Road, looking northwest toward the project site. Project outdoor cultivation areas on top of the hills are not visible.
(Google Maps, 2020)*



*Figure 6. View from Highway 128, approximately 150 feet west of the entrance to Sink Road, looking northeast toward the project site. The roof of a greenhouse (now demolished) is visible.
(MIG site visit, 2/14/19)*



*Figure 7. View from Highway 128, approximately 240 feet east of the entrance to Sink Road, looking northwest toward the project site.
(MIG site visit, 2/14/19)*



*Figure 8. View from Highway 128, approximately 400 feet west of the entrance to Sink Road, looking northeast toward the project site.
(MIG site visit, 2/14/19)*

Any public views of the barn and project greenhouses from Oat Valley Road would be brief and intermittent, as Oat Valley Road is a highway with relatively fast-moving vehicles and it currently has no sidewalks or bike facilities. Therefore, pedestrian and cyclist views of the project site from Oat Valley Road are not likely and potential views of the greenhouses and barn from moving vehicles would be brief. In addition, the existing barn and proposed greenhouses largely mimic the form, line, color, and texture of other agricultural accessory structures visible from Highway 128 on neighboring parcels, and would not present a substantial visual change from existing agricultural accessory structures in the vicinity. Based on County Visual Assessment Guidelines, Table 2: Visual Dominance, the project would be considered "Subordinate" because:

"Project is minimally visible from public view. Element contrasts are weak – they can be seen but do not attract attention. Project generally repeats the form, line, color, texture, and night lighting of its surroundings."

The project's visual effect on the visual character or quality of the site and its surroundings was determined based on County Visual Assessment Guidelines, Table 3: Thresholds of Significance for Visual Impact Analysis.

Table 3. Thresholds of Significance for Visual Impact Analysis

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>
Maximum	Significant	Significant	Significant	Less than significant
High	Significant	Significant	Less than significant	Less than significant
Moderate	Significant	Less than significant	Less than significant	Less than significant
Low	Less than significant	Less than significant	Less than significant	Less than significant

Considering the project site's "High" sensitivity and the project's "Subordinate" visual dominance, the project would be considered to have a less-than-significant effect on the existing visual character or quality of the site and its surroundings.

Significance Level: Less than Significant Impact

d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?

Comment:

As mentioned in 1.c, the project is generally not visible from any public vantage point. The project proposes lighting within the four new greenhouses, and security lighting throughout the project site. During autumn, lights would be used in the greenhouses during evening hours to simulate longer day length and facilitate the cannabis plant growth cycle. Outdoor security lighting would consist of non-reflective, downward facing dusk-to-dawn floodlight LED lights. These lights consist of automatic sensors which control the "on" and "off" depending on the brightness of the surrounding environment. As a result, daytime lighting spillage from security lighting would be nonexistent. Nighttime lighting spillage from security lighting would be minimal. No lighting is required for the outdoor cultivation activities because all outdoor cultivation activities would take place during daylight hours. Any effects of light sources or glare would be reduced due to compliance with the provisions of Section 26-88-254(f)(19) of the Cannabis Ordinance which requires all lighting to be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations are required to be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

Significance Level: Less than Significant Impact

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Comment:

The parcel is designated by the Sonoma County Permit Sonoma GIS Cannabis Site Evaluation Tool as Resources Rural Development (RRD).⁶ The parcel is designated as Farmland of Local Importance, Grazing Land, Other Land, and Prime Farmland on the Important Farmland maps of the California Resource Agency. The portion of the project parcel that is designated Prime Farmland is a small sliver of land near the parcel's southeastern boundary. The project would not operate on nor impact this piece of land. The proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

Significance Level: Less than Significant Impact

b) Conflict with existing zoning for agricultural use, or Williamson Act Contract?

Comment:

The project site is zoned Resources Rural Development (RRD), which protects lands needed for aggregate resources production. RRD districts are also intended to allow very low-density residential development and recreational and visitor-serving uses where compatible with resource use and available public services.⁷ The project site is not under a Williamson Act Contract.

Significance Level: No Impact

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Comment:

The project site is not in a Timberland Production zoning district as designated by the Permit Sonoma GIS Site Evaluation Tool.⁸ The project would not cause a rezoning of forest land.

Significance Level: No Impact

⁶ Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 10, 2020.

<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

⁷ Sonoma County. General Plan 2020 Land Use Element, "Natural Resource Land Use Policy, Policy for Resources and Rural Development Areas, Page LU 67-68," accessed June 10, 2020.

<http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542561>

⁸ Sonoma County. Permit Sonoma GIS. "Cannabis Site Evaluation," accessed June 10, 2020.

<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Comment:

The project would not result in the loss of forest land or conversion of forest land to non-forest use. The project does not propose to remove any trees.

Significance Level: Less than Significant Impact

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?

Comment:

The project parcel is designated as Farmland of Local Importance, Grazing Land, Other Land, and Prime Farmland. The cannabis cultivation would use approximately 2.31 acres (one acre of cultivation area) of the 171.55-acre parcel and would not occupy lands designated as Prime Farmland. The project would operate on lands designated as Farmland of Local Importance, Grazing Land, and Other Lands. The outdoor cultivation areas occupy approximately 89,589 square feet (total footprint, not cultivation area), or 2.06 acres, of Grazing Land and Other Lands on the parcel. The four greenhouses would be located on approximately 10,800 square feet, or 0.25 acres, Farmland of Local Importance. Farmland of Local Importance and Grazing Land on the parcel would not be converted to non-agricultural use because the project would not preclude the use of the lands as farmland and grazing land in the future. The impact of the operation of the three existing outdoor cultivation areas and the construction of four new greenhouses would be less than significant because the project would occupy a small percentage of Farmland of Local Importance on the project site, and the project would not convert farmland to non-agricultural use. See question 2.a for information on farmland conversions.

Significance Level: Less Than Significant Impact

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Comment:

Sonoma County is served by two air districts with distinct boundaries, jurisdictions, rules, and policies. The Bay Area Air Quality Management District (BAAQMD) covers the southern portion of the County and the Northern Sonoma County Air Pollution Control District (NSCAPCD) covers the northern and coastal regions of the County. The proposed project lies within the NSCAPCD. The following discussion considers whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan maintained by this air district.

The NSCAPCD does not have an adopted air quality plan, as the District is in attainment for all federal and state criteria pollutants.

Significance Level: Less than Significant Impact

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?**

Comment:

The federal and state governments have established ambient air quality standards for “criteria” pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), fine particulate matter (i.e., particles that are 2.5 microns in diameter and smaller, or PM_{2.5}), inhalable coarse particulate matter (i.e., articles between 2.5 and 10 microns in diameter, or PM₁₀), and sulfur dioxide (SO₂). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H₂S), sulfates (SO_x), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

The portion of the County that lies within the jurisdiction of the NSCAPCD attains or is unclassified for all CAAQS and NAAQS. The proposed project, therefore, would not result in a cumulatively considerable net increase in any criteria pollutant for which the region is designated non-attainment.

Significance Level: Less than Significant Impact

- c) Expose sensitive receptors to substantial pollutant concentrations?**

Comment:

Sensitive air quality receptors include specific subsets of the general population that are susceptible to poor air quality and the potential adverse health effects associated with poor air quality. In general, children, senior citizens, and individuals with pre-existing health issues, such as asthmatics, are considered sensitive receptors. The California Air Resources Board (CARB) consider schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors (CARB, 2005). The potential sensitive air quality receptors adjacent to or in close proximity to the perimeter of the proposed project site include one occupied single-family residence approximately 330 feet south of the project property boundary and one occupied single-family residence approximately 1,340 feet south of the property boundary.

The proposed project does not include significant stationary, mobile, or other sources of emissions. In addition, the proposed project would comply with the property setbacks contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. The less than significant nature of the project's emissions sources and the minimum required distance between the proposed facilities and any nearby sensitive receptors would ensure that project construction and operation would not result in substantial concentrations of criteria air pollutants or Toxic Air Contaminants (TACs) at sensitive receptor locations.

Significance Level: Less than Significant Impact

d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

Comment:

According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration (Sonoma County 2016, page 20): "Cannabis cultivation operations are associated with a strong odor, especially outdoor cultivation operations during the final phase of the growing cycle (typically in late Summer, early Fall). Generally, the larger the size of the cultivation activity and the proximity to sensitive uses, the greater the potential for odor to be evident. Outdoor cultivation has a greater potential for odor than indoor or mixed light because it is not contained and would not have opportunity for a filtered ventilation system."

Much of the strong odor associated with cannabis cultivation and processing, as well as commercial cannabis products, comes from a class of aromatic, organic compounds known as terpenes. Terpenes are not specific to cannabis; they are among the most common compounds produced by flowering plants, vary widely between plants, and are responsible for the fragrance of many flowers typically associated with non-objectionable odors, such as lavender. Different strains of cannabis emit a wide variety of odors with differing levels of

potency. The odor may be detectable beyond the cultivation site property boundaries depending on the size of the facility and the specific climatic and topographic conditions that prevail near the cultivation site. In general, cannabis odors tend to lessen during cooler temperatures and worsen with higher temperatures, and wind patterns have the potential to increase or decrease the intensity of cannabis odors depending on whether winds are blowing towards or away from nearby receptors. As noted in the County's 2016 IS/ND, outdoor cultivation has the greatest potential to expose receptors to odors, particularly during the final phase of the growing cycle (i.e., typically late summer or early fall); however, indoor and mixed light cultivation can affect surrounding receptors if ventilation systems are ineffective. Indoor cultivation can also result in flowering at different and/or multiple times of the year.

The distinctive odor generated by cannabis cultivation, processing, and manufacturing may or may not, depending on the particular individual's olfactory sensitivity, be perceived as objectionable, offensive, or a nuisance. The BAAQMD's *CEQA Air Quality Guidelines* (BAAQMD 2017, page 7-1), state that odors are generally regarded as an annoyance rather than as a health hazard. Individual reactions to odors can range from physiological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, headache), but the ability to detect odors varies considerable from person to person and is considered to be subjective. An odor that is offensive to one person may not be offensive to another person. Unfamiliar odors are more easily detected and are more likely to cause complaints than familiar odors, as a person can become desensitized to almost any odor over time (this is known as odor fatigue). In general, the quality and intensity of an odor would influence a person's reaction. The quality of an odor indicates the nature of the smell experience (e.g., flowery, putrid, etc.). The intensity of an odor depends on its concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases. As this occurs, the odor intensity weakens and eventually becomes low enough where the odor is no longer detectable. The BAAQMD's *CEQA Air Quality Guidelines* contain odor screening distances recommended by the BAAQMD for a variety of lands uses typically associated with odors such as wastewater treatment plants, landfill and composting facilities, and chemical manufacturing facilities. The recommended screening distance for most of these facilities is one mile. New odor sources located further than one mile from sensitive receptors would not likely result in a significant odor impact; however, cannabis facilities are not listed as a type of land use in the BAAQMD odor screening criteria, and the BAAQMD's *CEQA Air Quality Guidelines* state these screening distances should not be considered "as absolute screening criteria, rather as information to consider along with odor parameters" (BAAQMD, 2017, page 3-4).

The proposed project would not result in significant odor impacts for the following reasons:

- The proposed project would not result in the continuous generation of odors. Rather, odors would be intermittent and only generated during certain times of year (e.g., flowering periods, harvesting, processing periods).
- Section 26-88-254(g)(2) of the County's Code requires all indoor, greenhouse, and mixed-light cultivation operations and any drying, aging, trimming and packing facilities to be equipped with odor control filtration and ventilation system(s) to control odors humidity, and mold. The greenhouses and barn would be equipped with HVAC systems and carbon filtration systems for odor control and ventilation. Thus, potential objectionable odors would be controlled at the source before entering the ambient air.
- The proposed project would comply with all setback requirements contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. These setbacks would serve to dilute and disperse odors according to prevailing meteorological conditions and reduce odor intensity at nearby receptor locations.
- The proposed project is not bordered by a substantial number of people. Sensitive receptors near the proposed project include one occupied single-family residence approximately 330 feet south of the project property line and one occupied single-family residence approximately 1,340 feet south of the property line. Other receptors may be located within one mile of the proposed project. Although these individual receptors are more likely to be affected by any potential project odors than non-sensitive receptors, the dispersed nature of these limited receptors makes it unlikely that a substantial number of people could be affected at the same time in the event odors are generated by the proposed project.

For the reasons outlined above, it has been determined that the proposed project would not result in the creation of objectionable odors that would affect a substantial number of people.

Significance Level: Less than Significant Impact

4. BIOLOGICAL RESOURCES

The applicant submitted a biological resource assessment prepared by Jacobszoon & Associates, dated March 3, 2020, and labeled "Biological Resources Assessment."⁹ This study addresses listed species and evaluates wetland and riparian resources. The study area for this project's field survey is limited to the three existing outdoor cultivation areas and vegetation surrounding the perimeters of the outdoor cultivation areas. As discussed in greater detail

⁹ Jacobszoon & Associates, Inc. "Biological Resources Assessment," March 3, 2020.

below, the study concludes that vegetation within the cannabis cultivation areas has been disturbed and no longer provides suitable vegetative habitat for many native species that may occur within the parcel. Impacts to plant and wildlife species from outdoor cultivation activities are not anticipated. The biological resource analysis was found to be sufficient by the project planner, based on the site-specific information available at the time of the analysis.

Regulatory Framework

The following discussion identifies federal, state, and local environmental regulations that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process.

Federal

Federal Endangered Species Act (FESA): Establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in the FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of the FESA prohibits the unlawful "take" of any listed fish or wildlife species. Take, as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action." USFWS's regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Take can be permitted under FESA pursuant to Sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. The FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

The Migratory Bird Treaty Act of 1918 (MBTA): The MBTA (16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or

cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof..." In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

The Clean Water Act (CWA): The CWA is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board (SWRCB) enforces Section 401.

Section 401: Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit but does involve dredge or fill activities that may result in a discharge to Waters of the State, the Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

State

California Endangered Species Act (CESA): Provisions of the California Endangered Species Act (CESA) protect state-listed threatened and endangered species. The California Department of Fish and Wildlife (CDFW) is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code (CFGC), but CDFW has interpreted "take" to include the killing of a member of a species which is the proximate result of habitat modification.

Fish and Game Code 1600-1607: Sections 1600-1607 of the California Fish and Game Code (CFGC) require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake."

CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

Nesting Birds: Nesting birds, including raptors, are protected under California Fish and Game Code (CFGF) Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under CFGF Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under CFGF Section 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “take” by CDFW.

Non-Game Mammals: Sections 4150-4155 of the California Fish and Game Code (CFGF) protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under the CFGF.

California Fully Protected Species and Species of Special Concern: The classification of “fully protected” was the California Department of Fish and Wildlife’s (CDFW’s) initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under the California Endangered Species Act (CESA) and/or Federal Endangered Species Act (FESA). The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with “fully protected” species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

Porter-Cologne Water Quality Control Act: The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, as it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the Regional Water Quality Control Boards (RWQCBs) develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as “waters of the State,” include isolated waters that are not regulated by the U.S. Army Corps of Engineers (USACE). Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., dirt) to waters of the State must file a Report of Waste Discharge and receive either Waste Discharge Requirements (WDRs) or a waiver to WDRs before beginning the discharge.

State Water Resources Control Board Cannabis Cultivation Policy: The purpose of the Cannabis Cultivation Policy (Policy) is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Policy establishes principles and guidelines for cannabis cultivation activities to protect water quality and instream flows. Cannabis cultivation legislation enacted California Water Code (Water Code) Section 13149, which directs the State Water Board, in consultation with the CDFW, to adopt interim and long-term principles and guidelines for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. The legislation requires the State Water Board to establish these principles and guidelines as part of a state policy for water quality control.¹⁰ Additionally, the California Business and Professions

¹⁰ Water Code Section 13149(b)(2). The board shall adopt principles and guidelines under this section as part of state policy for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3

Code Section 26060.1(b) requires that these principles and guidelines be included as conditions in cannabis cultivation licenses issued by the California Department of Food and Agriculture (CDFA). The State Water Board has primary enforcement responsibility for the principles and guidelines and shall notify CDFA of any enforcement action taken.¹¹

Local

The Sonoma County General Plan 2020 (Sonoma County 2008): Land Use Element and Open Space and Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors. The policies below provide for protection of biotic habitats both within and outside the designated areas. Following are the types of biotic habitat addressed by the policies in this section that are pertinent to the proposed project:

Special-Status Species Habitat: Special-status species are plant and animals which are listed or candidate species under the Federal or State Endangered Species Acts and other species considered rare enough to warrant special consideration. Reported occurrences of special-status species are compiled by the California Natural Diversity Data Base (CNDDB) of the California Department of Fish and Wildlife (CDFW) and are routinely updated as new information becomes available. Detailed surveys are typically necessary to confirm the presence or absence of special-status species.

Sensitive Natural Communities: CDFW has identified certain natural habitats as sensitive natural communities which are rare and vulnerable to further loss. Sensitive natural communities identified in Sonoma County include coastal salt marsh, brackish water marsh, freshwater marsh, freshwater seeps, native grasslands, several types of forest and woodland (including riparian, valley oak, Oregon white oak, black oak, buckeye, Sargent cypress, and pygmy cypress), old growth redwood and Douglas fir forest, mixed serpentine chaparral, coastal scrub, prairie, bluff, and dunes. Many of these communities support populations of special-status species and are important to native wildlife.

Riparian Corridor (RC) Combining District: The Sonoma County Riparian Corridor (RC) combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural

of Division 7. Water Code Section 13142 outlines specific requirements for a state policy for water quality control, which this Policy implements.

¹¹ Water Code Section 13149(b)(5).

production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation, and other riparian functions and values.

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

CDFW Site Visit and Oat Valley Lake or Streambed Alteration Agreement (LSAA)

On May 21, 2019, the California Department of Fish and Wildlife (CDFW) conducted a site inspection on the property with Sonoma County, and on June 3, 2019, Timothy S. Dodson of CDFW provided comments on potential California Fish and Game Code violations and erosion of the road network on-site. Mr. Dodson commented on potential California Fish and Game Code (FGC) violations related to three recently installed culverts on roads on the property: "It is suggested that you request a Standard Agreement to cover all stream crossings on your property and any other activity or feature within CDFW permitting authority. 1602 application Attachment E and the cannabis remediation fees apply. It appears that there are several recently installed culverts on your property that were not authorized by CDFW FGC 1602, as required. Therefore, these culverts could be considered violations." Following the site visit and notification to the applicant of the potential California FGC violations on the project property, the project applicant submitted a Lake or Streambed Alteration (LSA) notification to CDFW.

On September 18, 2019, CDFW issued a Lake or Streambed Alteration Agreement (No. 1600-2019-0207-R3) for the project. CDFW determined the project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. The Agreement covers the after-the-fact notification of three culverts on stream crossings in relation to the cannabis cultivation project on-site. The project activities should have been permitted through the 1600 process prior to work, so these completed activities are covered under the Agreement. As a result, the "project" under the Agreement includes the after-the-fact notification of three culverts on stream crossing on the project site and current activities including the general upkeep and maintenance of the culverts onsite, providing Engineering Plans further demonstrating work conducted, and restoration requirements.

As part of the Agreement, CDFW determined the project could substantially adversely affect existing common aquatic and terrestrial species. The adverse effects the project could have on the existing common aquatic and terrestrial species include: debris transport impedence, soil compaction or other disturbance to soil layer, increase of bank erosion during maintenance activities, and/or prevention of water transport due to clogged culvert(s). As part of the Agreement, CDFW is requiring the project applicant to implement administrative measures, avoidance and minimization measures, and reporting measure to protect fish and wildlife resources:

"MEASURES TO PROTECT FISH AND WIDLIFE REASOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.*
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.*
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.*
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site to verify compliance with the Agreement. CDFW shall provide the Permittee with at least 24-hours' notice prior to entering the site.*

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Culvert Design and Maintenance

- 2.1 Culverts Shall be Kept Open. *Permanent culverts shall be maintained and kept open year-round. The Permittee is responsible for such maintenance as long as the culvert remains in the stream. Substantial changes to the bed, channel or bank necessary for maintenance may require separate notification under Fish and Game Code section 1602 (a).*
- 2.2 100-Year Flood Event. *Permittee shall submit a final culvert design plan signed by a Registered Professional Forester indicating that the three onsite culverts were designed to meet the 100-year flood event and are placed within the stream grade. Indicate all materials added and/or removed from the stream channel during installation (i.e. riprap). This finalized design plan shall be submitted to Mia Bianchi within **60 days of receiving the Finalized Agreement.***

Vegetation Protection, Prevention, and Restoration

- 2.3 Treat Exposed Areas. *All exposed/disturbed areas and access points within the riparian zone left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend of native erosion control grass seed. Seeded areas shall be mulched. Landscape fabric shall not be used. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.*
- 2.4 Enhancement Plan. *The Permittee shall submit an Enhancement Plan to CDFW for review, comments and final written approval within sixty (60) days of finalizing this Agreement. The Plan shall be prepared by a Qualified Biologist or stream Notification #1600-2019-0207-R3 Streambed Alteration Agreement Page 4 of 9 restoration specialist to address impacts at a **ratio of 1:1 of the total area of impact that occurred during each culvert installation project.** The Plan shall incorporate a project plan that shows the approximate extent of native grass seeding. The Plan, titled 1600-2019-0207-R3 Enhancement Plan, prepared by Alicia Ives Ringstad, dated September 6, 2019 (Exhibit B) may be amended to address the above information.*
- 2.5 Native Grass Seeding. *Permittee shall place erosion protection in areas where vegetation cannot reasonably be expected to become re-established. If Project construction results in temporary impacts to riparian habitat, all other areas of disturbed soil, which drain toward State waters, shall be planted with propagules (seeds, cuttings and/or divisions) of locally collected native plants. Local native grass species include, but are not limited to, meadow barley (*Hordeum brachyantherum* ssp. *Californicum*), blue wildrye (*Elymus glucus*), California brome (*Bromus carinatus*), creeping wildrye (*Elymus triticoides*),*

California oatgrass (Danthonia californica) and California melic (Melica californica). Locally native wildflower and/or shrub seeds may also be included in the seed mix.

2.6 Irrigation. If and/or when supplemental watering is used to establish and maintain plant growth in order to meet success criteria, irrigation shall be done in the most water efficient manner possible, such as using hand watering, drip/microirrigation or through the use of a time release system (for example, DriWater®).

2.7 Exotic Plants. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/ip/inventory/index.php>.

2.8 Control Invasive Species. Permittee is responsible for monitoring and if needed, eradication of invasive exotic species that may occur within the project area for a minimum of two years following construction. All revegetation efforts shall include local plant materials native to the project area.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 Photo Points Post-Seeding. The Permittee shall provide photos of A). each culvert opening to demonstrate their continued functionality and B). the extent native seeding. The photos shall be submitted by May 1st on years 1, 3, and 5 of this Agreement. The Permittee shall photograph the project area from each of the vantage points, noting the direction and magnification of each photo.

3.2 Notification to the California Natural Diversity Database. If any listed, rare, or special status species are detected around the project site, the Permittee shall submit CNDDDB Field Survey Forms to CDFW in the manner described at the CNDDDB website (<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>) within five working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below."

Compliance with the Agreement would ensure potential substantial adverse effects to fish and wildlife resources identified by CDFW per California Fish and Game Code Sections 1602 and 1603 from the three identified culverts would be reduced to less-than-significant levels. Compliance with the Agreement would be required as a project condition of approval.

Following the May 21, 2019 site visit, CDFW documented erosion on the access road(s) on the property that is resulting in sediment discharge to watercourses under CDFW

jurisdiction (i.e., the Class III watercourses that traverse the parcel). Specifically, Timothy S. Dodson of CDFW stated, “the road network on the property needs significant upgrades so that the gullying and riling that is resulting in sediment discharge is remediated. As described in the Statewide General Order for cannabis cultivation and recommended by CDFW, your roads should meet the standards in the Handbook for Forest, Ranch, and Rural Roads from Weaver et al (2015).” Per the Statewide General Cannabis Order (Order WQ 2017-0023-DWQ), State Water Resources Control Board or Regional Water Quality Control Board authorization must be obtained for any project that may result in discharge of dredged or fill material to waters of the State. This includes site development and/or access road construction and maintenance activities associated with cannabis cultivation. As a result, documented erosion of the on-site cultivation access road network and maintenance thereof is subject to North Coast RWQCB authority. The North Coast RWQCB has the option to “issue a site-specific Clean Water Act Section 401 water quality certification or enroll a Discharger in a General Section 401 water quality certification if it determines that the general water quality certification in the General Order is not protective of water quality due to site-specific or region-specific conditions.”¹² The project applicant has submitted a General Water Quality Certification Application under the General Order. As a project condition of approval, the project applicant/operator shall submit evidence to verify compliance with the Waste Discharge Requirements of the North Coast RWQCB, including compliance with the Water Quality Certification and/or site-specific WDR program requirements issued for the project. Compliance with this project condition of approval would reduce the potential impact of erosion and maintenance activities pertaining to the project site access road network to less-than-significant levels.

The applicant submitted a biological resource assessment prepared by Jacobszoon & Associates, titled “Biological Resources Assessment” and dated March 3, 2020. This study addresses potential impacts to listed species and wetland and riparian resources from project outdoor cultivation activities. The assessment was performed through two site visits that occurred on September 27, 2017 and February 11, 2020. Due to the large acreage of the site, the entire site was not surveyed, but rather the outdoor cultivation areas (“Study Areas”) and surrounding vegetation were surveyed. As discussed in greater detail below, the study concludes that vegetation within the existing outdoor cannabis cultivation areas has been disturbed and no longer provides suitable vegetative habitat for many native species occurring or that may occur within the parcel.

The Jacobszoon & Associates report identified a total of 61 special-status plant species in the region (the eight topographic quadrangles surrounding the project parcel and the Cloverdale 7.5-minute USGS Quadrangle in which the project site is located). 20 of the plant

¹² State Water Resources Control Board. Order WQ 2019-0001-DWQ, “General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities,” April 16, 2019.

species are unlikely or have no potential to occur in the Study Areas because the hydrologic, edaphic (i.e., soils), topographic, and unique pH conditions necessary to support the plant species are not present, the associated vegetation communities necessary to support the plant species are not present, and the outdoor cultivation areas are geographically isolated (e.g. outside of required elevations, coastal environment) from the documented range of the plant species. 41 of the plant species have a moderate or high potential to occur on the project parcel, but are unlikely to occur in the Study Areas because the herbaceous vegetation within the cultivation areas have been altered from the native vegetation and are no longer representative of the surrounding habitat types. One of these 41 plant species, *Colusa layia* (*Layia septentrionalis*) has a 2-mile mapped CNDDB (California Natural Diversity Database) occurrence overlapping the Study Areas from December 22, 1997; however, the occurrence was mapped along the Russian River outside the project parcel and there are no serpentine soils located within the Study Areas.

The Jacobszoon and Associates report identified 31 special-status wildlife species documented within the vicinity of the Study Areas. Of the 31 wildlife species identified, 20 do not have the potential to occur within the Study Areas due to one or more of the following reasons: necessary aquatic habitats are not present, vegetation habitats that provide nesting and/or foraging resources are not present, physical structures and vegetation that provide necessary nesting, cover, and/or foraging habitat are not present, host plants that provide necessary larval and nectar resources are not present, historic and contemporary disturbances (e.g. cattle grazing, agriculture) deter the presence of the wildlife species, and/or the Study Areas are outside the documents nesting range of the wildlife species. 11 of the wildlife species have moderate or high potential to occur within the Study Areas based on existing habitat on the larger parcel, but the Study Areas no longer provide suitable habitat for these species. There are no known occurrences of special-status mammalian species that overlaps with the Study Areas. None of these species were observed during the two site visits. Development within the Study Areas has the potential to significantly impact avian and mammalian species if they are present. Impacts can be direct or indirect via visual or acoustic disturbance. The existing vegetation surrounding the outdoor cultivation areas provides nesting and foraging habitat for birds and roosting, denning, and foraging habitat for mammals, no nesting habitat for birds and no roosting or denning habitat for mammals existing within the cultivation areas.

The Study Areas do not contain any critical habitat for Federal or State-listed species. No change to foraging or wintering habitat for migratory birds is expected as a result of the existing outdoor cannabis cultivation. Additionally, no significant impacts to migratory corridors for amphibian, aquatic, avian, mammalian, or reptilian species is expected as a result of the operations of the proposed project.

The Jacobszoon & Associates report did not evaluate the potential impacts of project grading and construction activities, including grading for the two new greenhouse pads and

construction of the four proposed greenhouses, on special-status plant and wildlife species and habitat. The project parcel supports suitable habitat for some special-status plant and wildlife species as there is moderate to high potential of occurrence for 41 special-status plant species and 11 special-status wildlife species on the project parcel, per the Jacobszoon & Associates report. Project grading and construction activities have the potential to adversely impact special-status plants and wildlife species.

Potential direct project-related impacts to special-status plant species would be avoided, minimized, or mitigated with implementation of **Mitigation Measure BIO-1**. Once project grading and construction activities are completed, no significant adverse impacts to special-status species due to project operations are expected to occur.

Trees and shrubs on the project parcel provide potential nesting habitat for resident and migratory songbird and raptor species. Most actively nesting birds are protected under the California FGC. Construction activities associated including vegetation clearing, and noise and vibration have a potential to result in direct (i.e., loss of viable eggs and death or injury of young) and indirect (i.e., nest abandonment) impacts to nesting songbirds and raptors. The loss of or disturbance to an active nest of common or special-status bird species as a result of project construction may be considered a violation of the California FGC (§3503, §3503.5, and §3800), CESA, and/or FESA, and therefore, would be considered a potentially significant impact. Implementation of **Mitigation Measure BIO-2** would reduce this potential impact to less than significant.

Open grassland habitat within the parcel may provide suitable habitat for burrowing owls (*Athene cunicularia*). The loss of or disturbance to an active nest of burrowing owls as a result of project construction may be considered a violation of the California FGC (§3503, §3503.5, and §3800), CESA, and/or FESA, and therefore, would be considered a potentially significant impact. Implementation of **Mitigation Measure BIO-3** would reduce this potential impact to less than significant.

The project parcel supports suitable roost habitat for four special-status bat species known to occur in the region, including: pallid bat (*Antrozous pallidus*), yuma myotis (*Myotis yumanensis*), Western red bat (*Lasiurus blossevillei*), and hoary bat (*Lasiurus cinereus*). These bat species are protected by CDFW as California Species of Special Concern. These bats may roost in snags, crevices, cavities, and foliage of mature trees (typically greater than 12-inch diameter at breast height [dbh]) on and within 100 feet of the project site. Construction activities may result in the disturbance of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. These impacts would be considered significant under CEQA. Implementation of **Mitigation Measure BIO-4** would reduce this potential impact to less than significant.

The project parcel supports suitable habitat for two amphibian species known to occur in the region: red-bellied newt (*Taricha rivularis*) and foothill yellow-legged frog (*Rana boylei*). These amphibians are protected by CDFW as California Species of Special Concern. Red-bellied newts are typically found in forest habitat; adults are terrestrial and fossorial (burrowing), and breeding occurs in streams. There is suitable habitat for this species on the parcel. Several tributary (Class III) watercourses traversing the parcel may provide suitable juvenile dispersal habitat for the foothill yellow-legged frog, as this species occupies a diverse range of ephemeral and permanent streams, rivers, and adjacent moist terrestrial habitats. Project grading and greenhouse construction activities and instream activities required by the project LSAA may impact this species and/or its suitable habitat. Implementation of **Mitigation Measure BIO-5** would reduce these potential impacts to less than significant.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation Measures:

Mitigation Measure BIO-1: Special-Status Plant Species:

- a. To determine presence or absence of special-status plant species within the project site and surrounding 25 feet, a qualified botanist shall conduct focused surveys according to CDFW guidelines prior to the onset of construction activities. The surveys shall be conducted at an appropriate time as determined by a qualified botanist in May to coincide with the peak blooming periods of all species that may be present within and surrounding the project site. A qualified botanist is an individual who possesses the following qualifications: 1) experience conducting floristic field surveys; 2) knowledge of plant taxonomy and plant community ecology; 3) familiarity with the plants of the area, including rare, threatened, and endangered species; 4) familiarity with the appropriate state and federal statutes related to plants and plant collecting; and 5) experience with analyzing impacts of development on native plant species. Following the completion of the surveys, a survey results report shall be prepared and provided to the County. This report shall be a condition of project approval and shall include, but shall not be limited to, the following: (1) a description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area (project site plus 25-foot buffer) and the location of any special-status plants encountered. If no rare plants are found, then no further mitigation would be required.
- b. If a rare plant is found during the survey, the number of individuals present shall be documented and the limits of population shall be marked with flagging and avoided by construction personnel. If the species cannot be avoided or may be indirectly impacted, the applicant shall notify CDFW to discuss avoidance, minimization, and mitigation measures as appropriate for each species population, including measures to be taken and protocols to be followed if special-status plants are inadvertently disturbed during construction activities.

- c. If a rare plant species cannot be avoided or may be indirectly impacted, the applicant shall prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP), approved by CDFW, that details mitigation and compensation for the loss of special-status plant species. Mitigation could include preserving and enhancing existing on-site populations, creation of off-site populations through seed collection and/or transplantation and monitoring these populations to ensure their successful establishment, and/or preserving occupied habitat off-site in perpetuity. If required, the HMMP shall include the location and extent of the preserved or transplanted individuals, measures to ensure protection of the population during and following project implementation, including a mechanism to ensure permanent preservation of the population from development such as a conservation easement. The HMMP shall also include methods to transplant the individuals (if applicable), measures to maintain the population (i.e. weed control), and methods to monitor the population for a minimum of five years following preservation or transplantation, including performance criteria and contingency measures in case of failure to meet performance criteria.

Mitigation Measure BIO-2: Nesting Birds and other Protected Bird Species:

- a. To avoid impacts to nesting birds, including special-status golden eagle, long-eared owl, burrowing owl, and grasshopper sparrow that may be present on the property, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, and grading) shall occur outside the avian nesting season (generally prior to March 1 or after August 15). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. If construction and construction noise occurs within the avian nesting season (from March 1 to August 15 or according to local requirements), all suitable habitats located within the area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas will be thoroughly surveyed, as site access allows, for the presence of active nests by a qualified biologist no more than five (5) days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five (5) days, an additional nesting bird survey shall be performed. If it is determined that birds are actively nesting within the survey area, Mitigation Measure BIO-2b will apply. Conversely, if the survey area is found to be absent of nesting birds, no further mitigation would be required.
- b. If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, clearing, grubbing, vegetation removal, and grading), will take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with CDFW, until the chicks have fledged. Protective measures (e.g., sampling) will be required to ensure compliance with relevant California Fish and Game Code requirements. The qualified biologist will serve as a construction

monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts occur. A report of the findings will be prepared by a qualified biologist and submitted to CDFW prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season.

- c. If an active golden eagle nest is located during the pre-construction surveys, the applicant shall notify USFWS and CDFW and request guidance on how to avoid impacts. No take of these species shall result from project construction and impact avoidance measures shall be implemented in compliance with FESA and CESA.

Mitigation Measure BIO-3: Burrowing Owls:

- a. If found during the preconstruction survey, occupied burrowing owl burrows shall not be disturbed during the nesting season (March 1 through August 15) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present onsite after March 1 will be assumed to be nesting unless evidence indicates otherwise. This nest protection buffer will be maintained until August 15, or based upon monitoring evidence, until the young owls are foraging independently, or the nest is no longer active.
- b. Unless otherwise authorized by CDFW, a 250-foot buffer, within which no activity will be permissible, will be maintained between Project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 15 or based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally August 16 to February 28), a 150-ft buffer zone will be maintained around the occupied burrow(s).
- c. If there is any possibility that owls will be injured or killed as a result of construction activities, the birds may be passively relocated during the non-breeding season in coordination with CDFW. Relocation of owls will be performed by a qualified biologist using one-way doors, which shall be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed, and the burrows backfilled immediately prior to the initiation of grading. To avoid the potential for owls evicted from a burrow to occupy other burrows within the impact area, one-way doors will be placed in all potentially suitable burrows within the impact area when eviction occurs.
- d. Preparation of a relocation plan may be required by CDFW if active and/or passive relocation is necessary. The relocation plan would outline the basic process and provide options for avoidance and compensatory mitigation (if needed).

Mitigation Measure BIO-4: Roosting Bats:

- a. No more than 30 days prior to the initiation of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, and grading), a qualified biologist will conduct pre-construction surveys at dawn or dusk for potential bat roosts within all mature trees (greater than 12 inches dbh) within 100 feet of project activities for evidence of bat use (guano accumulation, acoustic or visual detections). If no evidence of active roosts is found, then no further action is required.
- b. If evidence of bat use is found, then nighttime acoustic surveys shall be conducted to determine whether a site is occupied. The survey shall determine if the roost is a maternity roost (if construction work is being performed during the bat maternity season which is typically May 1 through August 31), hibernacula, or day roost. If a maternity roost is present, delay of the construction may be necessary until after the roost is vacated or a disturbance exclusion buffer of at least 100 feet will be established around the maternity roost, or as determined by a qualified biologist in coordination with CDFW.
- c. To offset the loss of any occupied bat roost, the applicant shall install bat boxes at a suitable location in the vicinity of the project site to provide alternative roosting locations for the displaced bats. The applicant shall work together with CDFW and the County to agree upon the number of bat boxes and their respective installation locations.
- d. During post-project operations, cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of special status bats and other wildlife species.

Mitigation Measure BIO-5: Foothill yellow-legged frog and red-bellied newt:

- a. Pre-construction surveys shall be performed by a qualified biologist within 24 hours of initiation of project activities (including initial ground disturbing activities).
- b. If any of these species are found, work will not commence until the CDFW are notified. No take of these species shall result from project construction and impact avoidance measures shall be implemented in compliance with CESA and the California FGC.
- c. No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period, however, construction activities may resume 24 hours after the end of the rain event.
- d. Work shall not be conducted at the areas proposed for storm water improvements any time 30 minutes before sunrise or sunset.
- e. Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the identification and sensitivity status of the special-status species potentially occurring in the project area.
- f. During post-project operations, cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of special-status amphibians and other wildlife.

Mitigation Monitoring: **Mitigation Monitoring BIO-1:** Prior to issuance of any grading permit(s), the County shall review the plant survey report and, for any rare or special-status plant species discovered on the project site, shall inspect the flagged plant locations. The County shall also notify CDFW if these flagged locations cannot be avoided and a qualified botanist shall prepare and implement an HMMP if required.

Mitigation Monitoring BIO-2, BIO-3, BIO-4, and BIO-5: Prior to issuance of any grading permit(s), the County shall review and approve the results of all pre-construction surveys and measures recommended by this Initial Study to avoid impacts to special-status wildlife species, which shall be noted on the final project plans.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

The proposed project is not in a riparian area or other sensitive natural community. The nearest Riparian Corridor is associated with Oat Valley Creek and located approximately 560 feet south of the project parcel.

Significance Level: Less than Significant Impact

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Comment:

The project would not involve direct removal, filling, or hydrological interruptions of any waterway or wetlands. See item 4.a for project activities that may indirectly impact waterways and wetlands. The project itself is not in a wetland area. The nearest wetland is the Freshwater Forested/Shrub Wetland associated with Oat Valley Creek and located approximately 560 feet south of the project parcel.¹³ Project conditions of approval discussed in item 4.a would reduce potential indirect impacts to waterways or wetlands to less-than-significant levels.

Significance Level: Less than Significant Impact

¹³ U.S. Fish and Wildlife Service. "National Wetlands Mapper," accessed June 22, 2020.
<https://www.fws.gov/wetlands/data/mapper.html>

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Comment:

According to the Jacobszoon & Associates report, no significant impacts to migratory corridors for amphibian, aquatic, avian, mammalian, or reptilian species is expected as a result of the operation of the existing outdoor cannabis cultivation areas.

Several (i.e., four) bird species have a moderate to high potential to occur on-site. Many common bird species including their eggs and young, are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). The mitigation measures recommended below are sufficient to address impacts to birds protected by the Migratory Bird Act.

Impacts to migratory birds are typically avoided by removing vegetation and conducting ground-disturbing activities only between September 1 and February 15 to avoid bird-nesting season (see **Mitigation Measure BIO-2** and **Mitigation Measure BIO-3**), by having a qualified biologist verify absence immediately prior to vegetation removal, or by employing exclusionary bird netting during the nesting season.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation Measure: Implement **Mitigation Measures BIO-2** and **BIO-3**.

Mitigation Monitoring: See **Mitigation Monitoring BIO-2, BIO-3, BIO-4, BIO-5**.

e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

Comment:

The project includes grading activities (approximately 1,100 CY of cut) to develop two new greenhouse pads. Grading would include ground clearing to remove existing vegetation in approximately a 5,760 square foot area (the footprint of two of the proposed greenhouses). The Valley Oak Habitat (VOH) combining zone on the project property does not include areas that would be impacted by the project. The proposed vegetation clearance of 5,760 square feet does not contain any protected tree species, including Valley Oaks, Heritage or Landmark trees. No trees would be removed. No special-status habitat or sensitive natural communities would be removed. The project would not conflict with the County's requirements for Riparian Corridors under the General Plan Open Space and Resource Conservation and Water Resources Elements because the project does not propose work within an RC combining zone. The nearest

Riparian Corridor setback is associated with Oat Valley Creek, which is located approximately 560 feet south of the project parcel.

The project would not violate any of the local policies or ordinance protecting biological resources. There are no protected trees on the parcel proposed to be removed, and the project does not propose the removal of special-status habitat, sensitive natural communities, or trees, or to encroach onto Riparian Corridor setback standards.

Significance Level: Less than Significant Impact

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Comment:

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.

Significance Level: No Impact

5. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Comment:

On July 30, 2018, ALTA Archaeological Consulting conducted a cultural resources report for the project titled "Archaeological Survey and Historic Resource Evaluation Report for the Proposed Commercial Cannabis Cultivation Project located at 31258 Highway 128, Cloverdale, Sonoma County, California." The report identified two buildings on the project site that are older than 50 years of age: the single-family residence and the barn. The residence dates back to the 1890s and was not evaluated as part of the report. The barn was built as early as the 1940s. The report determined that though the barn is a historic-era barn, it does not fulfill any of the four criterion set forth in Section 5024.1(c) of the Public Resource Code for a cultural resource to be deemed "important" under CEQA: Criteria 1 (important events), Criteria 2 (important persons), Criteria 3 (architectural value), and Criteria 4 (research potential). Therefore, the barn is not eligible for listing on the California Register of Historic Resources (CRHR). The barn is released from management

responsibilities and use of the barn as part of the project can proceed without further cultural resource considerations.¹⁴ The ALTA Archaeological Consulting report indicated that it is unlikely that historical resources would be adversely impacted by project construction and operation.

Significance Level: Less than Significant Impact

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Comment:

Cultural resources records search results from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) show that eighteen cultural resources studies have been conducted within a one-half mile radius of the project area.¹⁵ Archival research indicates that the project area had not been previously subjected to a cultural resources study. There are no ethnographic sites or cultural resources described within one-half mile of the study area. Sacred Lands File search results from the Native American Heritage Commission (NAHC) returned a negative result, showing no records of prehistoric Native American sites within the project area. A review of 19th and 20th century maps shows two buildings, a residence and barn, within the project area. As described in item 5.a, the residence was not evaluated in the ALTA Archaeological Consulting report. The barn is released from management responsibilities and use of the barn as part of the project can proceed without further cultural resource considerations because it does not fulfill any of the four criterion set forth in Section 5024.1(c) of the Public Resource Code for a cultural resource to be deemed “important” under CEQA and, therefore, is not eligible for listing on the California Register of Historic Resources (CRHR). No archaeological site indicators were observed during the course of the archaeological survey.¹⁶ Therefore, the proposed project would result in no substantial adverse change in the significance of archaeological resource as defined in CEQA Guidelines Section 15064.5.

Undiscovered archaeological resources may be accidentally encountered during project implementation. Section 11-14-050 of the Sonoma County Grading Ordinance establishes uniformly applied development standards to reduce the potential for impact to cultural resources to a less than significant level by requiring that all work be halted in the vicinity where human remains or archaeological resources are discovered during construction grading and drainage and that the Director of Permit Sonoma and the County Coroner be notified to ensure compliance with state law regarding the proper disposition of human

¹⁴ ALTA Archaeological Consulting. “Archaeological Survey and Historic Resource Evaluation Report for Commercial Cannabis Cultivation Project 31258 Highway 128, Cloverdale, Sonoma County, California,” July 30, 2018.

¹⁵ ALTA Archaeological Consulting, July 30, 2018.

¹⁶ ALTA Archaeological Consulting, July 30, 2018.

remains, including those identified as Native American. Similarly, if archaeological resources or suspected archaeological resources are discovered, the Director of Permit Sonoma shall notify the State Historic Preservation Office and Northwest Information Center at Sonoma State University and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. The director shall provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The director may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. Archaeological resources may include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins may include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features may include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.

Additional protection is required for Commercial Cannabis Cultivation, per Section 26-88-254(f)(14) of the County Code, which requires that cultivation sites shall avoid impacts to significant cultural and historic resources by requiring that sites located within a historic district be subject to review by the Landmarks Commission, unless otherwise exempt. Cultivation operations involving ground disturbing activities shall also be subject to referral to the Northwest Information Center and local tribes. All grading and building permits are required to have notes included on the plans regarding actions to be taken if paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, requiring all work in the immediate vicinity to be halted and the operator to immediately notify the agency having jurisdiction of the find. If human remains are encountered, work in the immediate vicinity shall also stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of the identification.

Significance Level: Less than Significant Impact

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Comment:

No burial sites are known in the vicinity of the project area. The site would be disturbed by minor grading and construction activities. The ALTA Archeological Consulting archaeological

survey and report resulted in a negative finding for archaeological resources.¹⁷ No indication of Native American use of the project area was observed. In the unlikely event the site contains a burial site, compliance with Sections 11-14-050 and 26-88-254(f)(14) of the Sonoma County Code noted above would ensure necessary steps are taken to protect the resource.

Significance Level: Less than Significant Impact

6. ENERGY

Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Comment:

Construction activities would increase energy usage temporarily. Trucks and construction equipment would be used for minor grading and construction of the four greenhouses. Long-term energy demand would result from employees working on the project site and from employee and distributor vehicle trips. The proposed cannabis operation would result in energy usage from electricity for water pumping and conveyance, the odor control system (including fans), the security system (alarm, lights, cameras), and non-security lighting in the greenhouses, barn, and the restroom in the residence.

Operation of the proposed project would increase energy usage relative to existing conditions in Sonoma County. However, this increase in energy use would not represent a substantial increase, nor would it be wasteful or inefficient. The greenhouses would consume energy for operation of the fans, lights, and the irrigation system. The project applicant has indicated that they would use 100 percent renewable power from Sonoma Clean Power through PG&E.

All commercial cannabis cultivation projects are required to comply with the operation standard of Ordinance Section 26-88-254(g)(3), which requires that electrical power for indoor cultivation, mixed light operations, and processing shall be provided by any combination of (i) on-grid power with one hundred percent renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only. In

¹⁷ ALTA Archaeological Consulting, July 30, 2018.

addition, all cannabis projects in Sonoma County are required to prepare a Greenhouse Gas Emissions reduction plan and to comply with the following standard condition of approval:

Energy Use. *The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean Power program has been submitted and shall be maintained, unless another 100% renewable alternative is proposed. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.*

Significance Level: Less Than Significant Impact

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Comment:

The proposed project would comply with Sonoma County Ordinance 7D2-1, which pertains to energy efficiency, and Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards.

Significance Level: Less Than Significant Impact

7. GEOLOGY AND SOILS

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Comment:

The project is not within a fault hazard zone, as defined by the Alquist-Priolo fault maps.¹⁸

Significance Level: No Impact

¹⁸ California Geologic Survey. California Department of Conservation, "Earthquake Zones of Required Investigation Map," accessed June 10, 2020. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

ii. Strong seismic ground shaking?

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. The site's proximity to the Maacama fault (approximately 3.2 miles east of the project site), indicates that the intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as 'Very Strong' according to the County's General Plan Public Safety Element.¹⁹

All construction activities would be required to meet the California Building Code regulations for seismic safety, including designing all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components in conformance with the specifications and criteria contained in the project final geotechnical report, which shall be completed and submitted to Permit Sonoma prior to project approval. Standard County development procedures include review and approval of construction plans prior to the issuance of a building/grading permit. In addition, as required by the Building Code, the geotechnical engineer would be required to submit an approval letter for the engineered grading plans prior to issuance of the grading permit; prior to final issuance of the grading permit, the geotechnical engineer would be required to inspect the construction work and certify to Permit Sonoma, prior to the acceptance of the improvements or issuance of a certificate of occupancy, that the improvements have been constructed in accordance with the geotechnical specifications. All work would be subject to inspection by Permit Sonoma for conformance with all applicable code requirements and approved improvement plans.

Significance Level: Less than Significant Impact

iii. Seismic-related ground failure, including liquefaction?

Comment:

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. The project site is not located within a high liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.²⁰

¹⁹ Sonoma County. General Plan 2020 Public Safety Element. "Earthquake Ground Shaking Hazard Areas Figure PS-1a" accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>

²⁰ Sonoma County. General Plan 2020 Public Safety Element. "Liquefaction Hazard Areas Fig. PS-1c," accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>

Significance Level: Less than Significant Impact

iv. Landslides?

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. Part of the project area have strong slopes and are very high landslide susceptibility Class IX on General Plan Public Safety Element Figure PS-1d.²¹ Policy PS-1f of the General Plan Public Safety Element requires the submission of a geologic report “prior to decisions on any project which would subject property or persons to significant risks from the geologic hazards shown on Public Safety Element hazard maps and related file maps and source documents” (p. PS-5). Neither the barn nor the greenhouse would be inhabited by people. The residence would not be occupied. Further, the County determined a geologic report is not required for the project. The project would not likely directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, from landslides.

Significance Level: Less than Significant Impact

b) Result in substantial soil erosion or the loss of topsoil?

Comment:

The three outdoor cultivation areas are existing and already developed. The barn that would be used for drying cannabis and storage is existing. The residence and proposed project restroom are existing. The project is proposing the construction of 10,800 square feet of mixed-light cultivation in four greenhouses. There would be minor grading and construction activities for the development of two greenhouse pads (two pads are already existing) and construction of four greenhouses.

The project would require a construction grading permit pursuant to Sonoma County Code (Sec. 11-04-010 - Construction grading permit requirements), because the project includes grading activities (approximately 1,100 cubic yards of cut).

As discussed in Section 10, Hydrology and Water Quality, erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code), require

²¹ Sonoma County. General Plan 2020 Public Safety Element, “Deep-seated Landslide Hazard Areas Fig. PS-1d,” accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Deep-seated-Landslide-Hazard-Areas/>

implementation of Best Management Practices (BMPs) to reduce runoff from construction and during operation. Required inspection by Permit Sonoma staff would ensure that all grading and erosion control measures are constructed according to the approved plans.

The Ordinance requires treatment of runoff from the two-year storm event. Required inspection by Permit Sonoma staff ensures that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted BMPs are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction.

In regard to water quality impacts, County grading ordinance design requirements, adopted County grading standards and BMPs (such as silt fencing, straw wattles, construction entrances to control soil discharges, and primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

For post-construction water quality impacts, adopted grading permit standards and BMPs require that storm water be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

The County-adopted grading ordinances and standards and related conditions of approval also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, Low Impact Development measures, and any other adopted best management practices. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met. See further discussion of related issues (such as maintenance of required post construction water quality facilities) refer to Section 10, Hydrology and Water Quality.

Significance Level: Less than Significant Impact

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Comment:

The project site is in a landslide prone area and is subject to potential for very strong ground shaking. The project site is not in a fault zone and is not subject to a high potential for liquefaction. The design and construction of new structures are subject to the engineering standards of the California Building Code (CBC), which considers soil properties, seismic shaking, and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would not expose people to substantial risk of injury from seismic shaking.

Significance Level: Less than Significant Impact

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Comment:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. According to the Jacobszoon & Associates biological resources assessment,²² the project site is underlain by Josephine loam (JoG), Laughlin loam (LgF), Sobrante loam (ShG), and Arbuckle gravelly sandy loam (AgD) soils. None of the soils on the project site have been tested for expansion potential.

Standard Building Code requirements applicable to the construction of this project would ensure that no substantial risks to life or property would be created from soil expansion at the proposed project, even if expansive soils are found on-site.

Significance Level: Less than Significant Impact

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Comment:

The project site is not served by public sewer. An existing septic system serves the residence on the property and would serve domestic wastewater resulting from the project's five on-site employees and excess cultivation wastewater. The Permit Sonoma Project Review Health Specialist reviewed the preliminary documentation provided by the project applicant and stated that the project applicant would be required to obtain permits for the process (i.e., cultivation) waste water disposal system, which may require soils analysis, percolation,

²² Jacobszoon & Associates. "Biological Resources Assessment," March 3, 2020.

and wet weather testing, as a project condition of approval. In addition, the applicant shall have a capacity/wastewater flow analysis and inspection for proper functioning of the wastewater system completed as a project condition of approval. Compliance with project conditions of approval would reduce potential impacts from the use of the septic system to a less than significant level. Further, this cultivation operation would be required to comply with the BMPs issued by the Agricultural Commissioner (see Section 10.a, Hydrology and Water Quality, for BMPs and LID discussion).

Significance Level: Less than Significant Impact

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Comment:

A cultural resources report for the project was prepared on July 30, 2018.²³ No unique paleontological or geologic features were identified by the report.

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. An on-line archival search of the University of California Museum of Paleontology (UCMP) in Berkeley, California, was conducted on June 12, 2020 and indicated no records of recorded fossil sites within the project area or in the project vicinity.²⁴ Reference Section 5.b, Cultural Resources, for a discussion of the standard conditions of approval for accidental discovery. These conditions would reduce the impact of construction activities on unknown paleontological resources to a less than significant level by addressing discovery of unanticipated buried resources.

Significance Level: Less than Significant Impact

8. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

²³ ALTA Archaeological Consulting. "Archaeological Survey and Historic Resource Evaluation Report for Commercial Cannabis Cultivation Project 31258 Highway 128, Cloverdale, Sonoma County, California," July 30, 2018.

²⁴ University of California Museum of Paleontology. "UCMP Locality Search," accessed June 12, 2020.
<https://ucmpdb.berkeley.edu/loc.html>

Comment:

Global greenhouse gas emissions contribute to climate change; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

The California Air Resources Board (CARB) is the lead agency for implementing Assembly Bill (AB) 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that would be used to achieve the State's GHG emissions reductions targets, which in general are:

- Reduce statewide GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40 percent below 1990 levels by 2030; and
- Reduce GHG emissions to 80 percent below 1990 levels by 2050.

CARB prepares an annual Statewide GHG emissions inventory using Regional, State, and Federal data sources, including facility-specific emissions reports prepared pursuant to the State's Mandatory GHG Reporting Program. The Statewide GHG emissions inventory helps CARB track progress towards meeting the State's AB 32 GHG emissions target of 431 million metric tons of Carbon Dioxide (CO₂) equivalents (MTCO₂e), as well as to establish and understand trends in GHG emissions. According to CARB's most recent GHG emissions inventory (2017 edition), GHG emissions have generally decreased over the last decade, with 2015 levels (440 million MTCO₂e) approximately 10 percent less than 2004 levels (488 million MTCO₂e). The transportation sector (165 million MTCO₂e) accounted for more than one-third (approximately 37.5 percent) of the State's total GHG emissions inventory (440 million MTCO₂e) in 2015, while electric power generation accounted for approximately one-fifth (19 percent) of the State's total GHG emissions inventory.

The County concurs with and utilizes as County thresholds the BAAQMD recommended GHG significance thresholds. The County also concurs that these thresholds are supported by substantial evidence for the reasons stated by BAAQMD staff. For projects other than stationary sources, the GHG significance threshold is 1,100 MTCO₂e or 4.6 metric tons of CO₂e per service population (residents and employees) per year.

The project would generate GHG emissions from employee and distributor vehicle trips. The project would include six employees and up to 12 employees during harvest season and is expected to generate an average of 18 trips per day; therefore, these project-related trips will yield emissions that are nowhere near the significance threshold. GHG emissions from energy usage from electricity production for water pumping and conveyance, the odor control system (including fans), the security system (alarm, lights, cameras), and non-security lighting is expected to be minimal because · Does this project require MND completion and submittal to the State Clearinghouse (SCH)?

- There are 2 BOS HW Intent Memos in the file...move older to Archive?
- I've dropped into the file, our current Hearing Waiver Notice template for the notice – needs to be updated. I'm not sure where you got the other HW notice template, but the wording is outdated. Always get a new copy of the template from the shared drive, in "Templates, Forms and Docs". Otherwise, you are likely to be using the wrong document. (same goes for Staff Reports, COAs, MNDs, all Public Noticing, etc)
- COAs (dated 10/30) ready to route too?.

See Section 6.a, Energy, regarding the applicant requirement to submit a Greenhouse Gas Reduction Plan. With the existing laws and regulations, the proposed project would generate a less than significant amount of greenhouse gas emissions.

Significance Level: Less than Significant Impact

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Comment:

The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of Greenhouse Gases (GHG). The County currently does not have an applicable countywide Climate Action Plan but has adopted a Climate Change Action Resolution in May 2018 to support reducing GHG emissions. The resolution establishes goals to establish a consistent framework throughout the County.

As described in item 8.a above, the proposed project is required to reduce GHG emissions from energy consumption, and would, therefore, not generate GHG emissions that conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Significance Level: Less than Significant Impact

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Comment:

Operation of the project, as well as ongoing maintenance, may involve the intermittent transport, storage, use, and disposal of potentially hazardous materials, including fuels and other materials commonly used for maintenance. Project hazardous materials would be stored the existing barn.

The 1,750-square-foot barn would be used for the drying of harvested cannabis and prepping of harvested cannabis for distributor transport. The barn would also be used for non-cannabis storage. The project would not use pesticides. Fertilizers, soil amendments, and nutrient storage containers would be located in the barn. All liquid fertilizers and agricultural chemicals are required to be stored on shelves or pallets capable of containing spills, or the project applicant shall provide appropriate secondary containment. All petroleum products, including fuel, used onsite would be stored in the barn and have a secondary catchment container. The barn is a fully enclosed structure with an impermeable floor, which would help to contain any spills of hazardous materials. The project would not involve disposal or runoff of agricultural chemicals because they would be applied at label rates on the cannabis plants. Cannabis plants would be irrigated at agronomic rates. All outdoor cannabis plants would be planted in cloth bags placed on the ground. The three outdoor cultivation areas are vegetated for erosion control and this vegetation would collect excess irrigation water to prevent runoff from the cultivation areas. Cannabis plants in the greenhouses would be grown in non-soil medium in growing beds. Cultivation wastewater would be disposed of in the on-site septic system. No impacts are anticipated related to the routine transport, use, or disposal of small amounts of agricultural chemicals.

In addition, the project would be required to comply with the operating standards for hazardous materials for cannabis cultivation set forth in Section 26-88-254(g)(4) of the County Code and to maintain any applicable permits to be issued by the Sonoma County Fire and Emergency Services Department of Agriculture Commissioner.

Construction of project infrastructure may involve short-term transport, storage, and use of hazardous materials, but the roads and infrastructure do not propose any long-term operations that would require routine or ongoing transport, use, or disposal of hazardous materials beyond periodic maintenance needs. These normal activities would be subject to applicable local, State, and federal regulations.

Project use of any and all hazardous materials that may be generated, stored, transported, used, or disposed of would be subject to applicable local, State, and federal regulations. With existing General Plan policies and federal, State and local regulation and oversight of hazardous materials, the potential threat to public health and safety or the environment from hazardous materials transport, use or disposal would be less than significant.

Significance Level: Less Than Significant Impact

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Comment:

See item 9.a. The proposed project would not include major construction-related hazardous materials. The project does not propose to use pesticides, herbicides, or fungicides. The project would include the transportation of fertilizers to the project site from an off-site location. Project use of any and all hazardous materials that may be generated, stored, transported, used, or disposed of would be subject to applicable local, State, and federal regulations. With existing General Plan policies and federal, State and local regulation and oversight of hazardous materials, the potential threat to the public or the environment from accident conditions involving the release of hazardous materials into the environment would be less than significant.

Significance Level: Less Than Significant Impact

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Comment:

The nearest school is Jefferson Elementary located at 315 North Street, which is approximately 1.05 miles south of the project site. See item 9.a above; the project would be subject to existing General Plan policies and federal, State, and local regulations and oversight of hazardous materials.

Significance Level: No Impact

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Comment:

There are no known hazardous material sites within or adjacent to the project limits, based on review of the following databases on June 10, 2020.

1. The State Water Resources Control Board Geotracker database,²⁵

²⁵ State Water Resources Control Board. "Geotracker Database," accessed June 10, 2020.
<http://geotracker.waterboards.ca.gov/>

2. The Department of Toxic Substances Control EnviroStor database,²⁶ and
3. The California Integrated Waste Management Board Solid Waste Information System (SWIS).²⁷

A review of the remaining Cortese List data resources did not result in known hazardous materials sites within or adjacent to the project limits.²⁸

Significance Level: No Impact

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

Comment:

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.

Significance Level: No Impact

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Comment:

The project would not impair implementation of, or physically interfere with, the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. Given the minimal traffic associated with the project (estimated at 18 average daily trips (ADT) by a maximum of six on-site employees with an additional 18 ADT during a one week harvest period each October), the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes.

Due to most of the project parcel's location in a Very High Fire Hazard Severity Zone (small portions of the parcel are designated Moderate FHSZ and Non-Wildland/Non-Urban FHSZ

²⁶ The Department of Toxic Substances Control. "EnviroStor Database," accessed June 10, 2020.

<http://www.envirostor.dtsc.ca.gov/public/>

²⁷ Cal Recycle. "Waste Information System (SWIS) Facility/Site Search," accessed June 10, 2020.

<https://www2.calrecycle.ca.gov/swfacilities/Directory/>

²⁸ CalEPA. "Cortese List Data Resources," accessed June 10, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>

located near a Very High FHSZ)²⁹ and existing emergency access conditions to and from the project parcel, on February 21, 2020 the project planner deemed the proposed project poses a Moderate Fire Risk. The project applicant was asked to provide an access assessment for the access road and on-site driveway and a structural evaluation of the bridge on Sink Road to ensure the bridge can accommodate emergency service vehicles. Pope Engineering completed a report titled "Structural Evaluation Report for Existing Single Lane, Steel I-Beam Supported Bridge Located on Sink Rd., 31258 Highway 128, Cloverdale, APN 115-100-007" on May 27, 2020,³⁰ and a Cal Fire Standards Turnout/Turnaround Exhibit on May 28, 2020. The Pope Engineering report evaluated the design of the bridge using a fire truck with the largest axle load, which would cause the greatest stress on the components of the bridge, a fire truck water tender with a Gross Vehicle Weight of 40,600 pounds (lbs) with a maximum rear axle load of 27,060 lbs for loading. The report determined the single lane bridge is strong enough for the given factored loads (a fire truck with the largest axle load), meets AASHTO HS20-44 standard (vehicle live loads for bridges), and meets the requirements of Sonoma County's B-42 Design Criteria for Bridges. Pope Engineering's Cal Fire Standards Turnout/Turnaround Exhibit recommends the construction of one emergency vehicle turnaround near the end of the project property driveway, northwest of the existing on-site barn. Construction of the turnaround would involve the placement of gravel to create an all-weather turnaround. As a project condition of approval, the project applicant shall construct an emergency vehicle turnaround that meets the design standards in the Pope Engineering Cal Fire Standards Turnout/Turnaround Exhibit and has been approved by Permit Sonoma.

The project has one potential access road and escape route. While the project would not interfere with an emergency plan, the construction of a new emergency services vehicle turnaround near the end of the project driveway would improve emergency access to and from the project site.

Significance Level: Less than Significant Impact

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Comment:

²⁹ Sonoma County. General Plan 2020 Public Safety Element, "Wildland Fire Hazard Areas Fig. PS-1g," accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Wildland-Fire-Hazard-Areas/>

³⁰ Pope Engineering. "Structural Evaluation Report for Existing Single Lane, Steel I-Beam Supported Bridge Located on Sink Rd., 31258 Highway 128, Cloverdale, APN 115-100-007," May 27, 2020.

According to the Permit Sonoma GIS Tool,³¹ the project parcel is located mostly in a Very High Fire Hazard Severity Zone (small portions of the parcel are designated Moderate FHSZ and Non-Wildland/Non-Urban FHSZ located near a Very High FHSZ), and the project features that are located in Non-Wildland/Non-Urban zones are near a Very High Fire Hazard Severity Zone. The project is located in a rural area characterized by vineyards, agricultural fields, and rural residential properties in a valley situated at the base of steep, largely wooded hillsides. See Section 20, Wildfire, for a discussion of risks related to wildland fire.

As part of the County's planning referral process, the Fire and Emergency Services Department responded with a comment letter to Permit Sonoma on February 9, 2018. As a project condition of approval, construction and operations on the project site must conform with adopted State standards as determined and implemented by CalFire and Sonoma County Fire officials, including but not limited to provision of fire sprinklers, fire hydrants, emergency vehicle access, civilian evacuation routes, water supply, and vegetation management, making the impact from risk of wildfire less than significant.

As a condition of project approval, the applicant/operator shall submit a written *Fire Protection Plan* (pursuant to Chapter 4 of the California Fire Code Sections) to Cal Fire for approval. This plan shall include, but not be limited to, emergency contacts, fire access roads and gates, water supplies and hydrants, locations of hazardous materials, locations of utilities, and employee training for use of regulated materials in the Fire Code. The applicant shall also install a Knox box at the entrance to the project site as a condition of approval.

See item 9.f above for discussion on emergency access to and from the project site, including a structural evaluation for the bridge on Sink Road and recommended on-site turnaround improvements. A project condition of approval will require the project applicant to improve emergency vehicle access on the project site by constructing an emergency vehicle turnaround on the on-site driveway, which would reduce risk of loss, injury, or death involving wildland fires to a less than significant level.

Significance Level: Less than Significant Impact

10. HYDROLOGY AND WATER QUALITY

Would the project:

³¹ Sonoma County. Permit Sonoma GIS. "Cannabis Site Evaluation," accessed June 10, 2020.
<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Comment:

The project site is located in the Oat Valley Creek-Russian River watershed. There are several Class III watercourses on the property. Oat Valley Creek is a Class I watercourse located approximately 560 feet south of the project parcel. The project site is located within the jurisdiction of the North Coast Regional Water Quality Control Board (RWQCB). Oat Valley Creek is part of the Russian River HU, Middle Russian River HA, Geyserville HAS, a series of rivers and streams identified by the State Water Resources Control Board (SWRCB) and North Coast RWQCB under the Clean Water Act as impaired for sediment nutrients and water temperature.³² The Russian River HU, Middle Russian River HA, Geyserville HAS is on the 303(d) list under Category 5 criteria (i.e. a water segment where standards are not met and a TMDL is required, but not yet completed, for at least one of the pollutants being listed for this segment). Several of the Class III watercourses on-site are tributary to Oat Valley Creek. Oat Valley Creek flows east and then connects to the Russian River approximately 1.15 miles southeast of the project site.

The project's outdoor cultivation areas are located in the vicinity of the Class III watercourses on-site. Class III watercourses flow ephemeral and do not host aquatic life, but show evidence of being capable of sediment transport to Class I and Class II waters under normal high water flow conditions. Class I watercourses are defined as waterways in which there are domestic supplies on-site and/or within 100 feet downstream and/or fish are always or seasonally present and there is habitat to sustain fish migration and spawning. Class II watercourses always or seasonally have fish present offsite within 1,000 feet downstream and/or provide aquatic habitat for nonfish aquatic species.³³ Cultivation Area 1 is located approximately 125 feet from a Class III watercourse at the closest distance. Cultivation Area 2 is located 88 feet from a Class III watercourse at the closest distance. Cultivation Area 3 is located 511 feet from a Class III watercourse at the closest distance. The Class III watercourses on the parcel are tributaries of Oat Valley Creek and are capable of transporting sediments to Oat Valley Creek, a Class I watercourse, under normal high-water flow conditions. According to the project's biological assessment, the Class III watercourses that traverse the property are not impacted by the existing cannabis cultivation sites.³⁴

³² State Water Resources Control Board. TMDL Integrated Report, 2014-2016. "303(d) List and 305(b) Report," accessed June 12, 2020.

https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml

³³ 14 CCR § 916.5

³⁴ Jacobszoon & Associates, Inc. "Biological Resources Assessment," March 3, 2020.

The project's Waste Management Plan,³⁵ Water Supply and Management Plan,³⁶ and Storm/Wastewater Management Plan³⁷ include the following proposed measures to limit cultivation runoff (including nutrient water) and sediments from entering any of the Class III watercourses on-site: installing straw wattles at the downslope sides of the cultivation areas; maintaining and periodically inspecting project roads and road drainage features, including ditch relief culverts, rolling dips, and road sweeps; securely covering spoils piles that contain spent cultivation soil, organic cannabis material, and road maintenance materials with visqueen tarp during the winter period (October 15 – May 15; moving spoils piles to positions at least 100 feet from a Class II watercourse or at least 50 feet from a Class III watercourse; seeding the disturbed areas around the greenhouses with native grasses and installing rice straw cover to a depth of two inches; irrigating and applying nutrients to cannabis plants only at agronomic rates; and storing fertilizers, soil amendments, and petroleum products inside the barn. The outdoor cultivation areas are currently vegetated with an erosion control seed mix. Previous cultivation activities on-site included mixed-light cultivation in two greenhouses that have since been demolished. Water draining from the side of one of the greenhouses carved a channel approximately 18 inches deep and extending approximately 100 feet downslope. The project proposes pulling back the banks of the eroded channel to at least a 2:1 slope.

The project includes instream work and potential discharge of dredge or fill materials to waters of the State (see Section 4, Biological Resources). Under the Oat Valley Lake or Streambed Alteration Agreement (LSAA), the project would include culvert design and maintenance and vegetation protection, prevention, and restoration activities in several Class III watercourses that are tributary to a Class I watercourse. Compliance with the Oat Valley LSAA would reduce potential surface water quality impacts related to the three culverts in Class III stream crossings to a less-than-significant levels. Under the Statewide Cannabis General Order, projects that involve potential dredge or fill activities to waters of the State (including from instream work and from construction, use, or maintenance of access roads) must obtain authorization from the applicable RWQCB. A Regional Water Board may regulate the dredge or fill activities under its Waste Discharge Requirements (WDR) program, issue a site-specific Clean Water Act Section 401 Water Quality Certification, or enroll the Discharger in a General Section 401 Water Quality Certification. As a project condition of approval, the project applicant/operator shall submit evidence to verify compliance with the Waste Discharge Requirements of the North Coast RWQCB, including compliance with a Water Quality Certification and/or site-specific WDR program requirements issued for the project.

³⁵ Jacobszoon & Associates, Inc. "Waste Management Plan for APN 115-100-007," October 30, 2017.

³⁶ Jacobszoon & Associates, Inc. "Water Supply and Management Plan for APN 115-100-007," October 30, 2017.

³⁷ Jacobszoon & Associates, Inc. "Storm/Wastewater Management Plan for APN 115-100-007," October 26, 2017.

The proposed project would involve placement of greater than 5,000 square feet of impervious surface area for the mixed light cultivation. Therefore, it must both meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate Low Impact Development (LID) Best Management Practices (BMPs) contained in the Bay Area Storm Water Management Agency (BASMAA) Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties.

Low Impact Development (LID)

Permit Sonoma requires the project applicant to implement Low Impact Development (LID), a site design strategy of Best Management Practices (BMPs) that mimics the pre-development site hydrology through features that promote storm water infiltration, interception, reuse, and evapotranspiration. LID techniques include use of small-scale landscape based BMPs, such as vegetated natural filters and bioretention areas (e.g., vegetated swales and raingardens) to treat and filter storm water runoff. LID also requires preservation and protection of sensitive environmental features, such as riparian buffers, wetlands, woodlands, steep slopes, native vegetation, valuable trees, flood plains, and permeable soils.

Runoff and stormwater control for cannabis cultivation is addressed in Section 26-88-254(f)(20) of the County Code which requires that any runoff containing sediment or other waste or by-products not be allowed to drain to the storm drain system, waterways, or adjacent lands. The applicant is required to prepare and implement a storm water management plan and an erosion and sediment control plan, including BMPs for erosion control during and after construction and to install permanent drainage and erosion control measures pursuant to Chapter 11 of the County Code. Section 26-88-254(g)(9) of the County Code requires that the applicant submit a wastewater management plan identifying the amount of wastewater to be generated and any excess irrigation and to identify proper management and disposal. Any excess irrigation water or effluent from cultivation activities is required to be directed to a sewer, septic, irrigation, or bio-retention treatment system. If discharge to a septic system is proposed, an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is required. All domestic waste for employees shall be disposed of in an on-site septic system demonstrated to have adequate capacity.

All cultivation operations are required to comply with the BMPs issued by the Agricultural Commissioner and to verify compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board (RWQCB). Cannabis cultivation BMPs prescribed by the County Agriculture Commissioner include measures related to pesticide and fertilizer storage, pesticide use, fertilizer use, riparian protection, water use and storage, waste management erosion control/grading and drainage and items related to indoor cultivation.

Considering the proposed project must meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate LID design strategies and BMPs, project impacts would be less than significant.

Significance Level: Less than Significant Impact

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Comment:

The project is located in Groundwater Availability Class 1 (Major groundwater basin) and Class 4 (Areas with low or highly variable water yield) areas. The project well is located in a Class 1 area. According to Sonoma County General Plan Policy WR-2e and County Policy 8-1-14, development of property with the intent to use groundwater within a Groundwater Availability Class 4 area requires a completion of a Hydrogeologic assessment through Permit Sonoma. However, the project well and greenhouses are located within a Class 1 area, and therefore a hydrogeologic assessment is not required. The project is not located in a Priority Groundwater Basin as indicated by the Sonoma County GIS Tool.

According to EcoAtlas,³⁸ the project site is located within the Oat Valley Creek-Russian River subwatershed (HUC-12; #180101100411) of the Upper Russian River watershed (HUC-10; 1801011004) of the Russian subbasin (HUC-8; #18010110). The Groundwater Sustainability Agencies are currently developing Groundwater Sustainability Plans that must be completed by 2022 and would provide a regulatory framework for managing groundwater use. The County requires preparation of a groundwater study to assess impact of projects that include new groundwater use.

The project would use groundwater from the on-site private well for both domestic and cultivation purposes. The project's estimated cultivation water usage in gallons per month is displayed in Table 1 below.

Table 1. Estimated Cultivation-Related Water Usage Amounts												
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC
Gallons/ Month (well water)	1,000	1,000	2,000	5,000	10,000	100,000	100,000	100,000	150,000	2,000	2,000	2,000

³⁸ EcoAtlas. "Bay/Delta Ecoregion Map," accessed June 12, 2020. www.ecoatlas.org

Source: Jacobszoon & Associates, Inc. "Water Supply and Management Plan for APN 115-100-007," October 30, 2017.

The project would use the most groundwater during the cultivation months of June through September. Estimated groundwater use for project cultivation activities would be 475,000 gallons, or 1.46 acre-feet, per year. Groundwater would be stored in water storage tanks located throughout the property. The property has three 5,000-gallon water storage tanks and eleven 2,500-gallon water storage tanks, equaling a total water storage capacity of 42,500 gallons in 14 tanks. The project would implement a drip irrigation system for cultivation as a water conservation measure. Water would be applied to cannabis plants at agronomic rates to avoid overwatering and runoff. Domestic water uses on the parcel would be generated from employees. Though the project applicant did not provide an estimate for project domestic water use on the parcel, domestic water use would be negligible and would not represent a significant increase in estimated water use from that of proposed cultivation activities.

The Permit Sonoma Natural Resources (NR) Geologist reviewed the project referral on January 30, 2017. According to the NR Geologist, the project well and greenhouses are located within a Class 1 Major groundwater basin area and, therefore, a groundwater study is not required by County policy. The NR Geologist provided project conditions of approval, including the requirement that in the event net groundwater use on the parcel exceeds 4.0-acre feet per year, Permit Sonoma may bring the project before the County Board of Zoning Adjustments (BZA), the County's decision-making body for cannabis use permit applications, for additional measures to reduce project groundwater use. In addition, as project conditions of approval, the project well shall be fitted with a groundwater level measuring system, groundwater quantities shall be monitored quarterly and reported to Permit Sonoma in January of the following year, and the required water meter shall be calibrated per County requirements.

In order to reduce use of water resources, all cannabis projects are required to utilize water-efficient landscaping in compliance with the County's Water Efficient Landscape Ordinance (Chapter 7D3 of the Sonoma County Building Code) and to submit a Water Conservation Plan. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse.

Significance Level: Less than Significant Impact

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which

i. would result in substantial erosion or siltation on- or off-site?

Comment:

Construction activities associated with the proposed project are not anticipated to alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation. Project construction activities would take place on a relatively flat area at the base of a hill. All construction activities are required to adhere to Sonoma County Code Sections 11-14-040 and 26-88-254 requiring that BMPs be incorporated in project activity to further control surface water runoff.

Runoff and stormwater control requirements for cannabis cultivation prohibit draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator is required to prepare a storm water management plan and an erosion and sediment control plan, including BMPs for erosion control during and after construction and permanent drainage and erosion control measures, pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the BMPs for cannabis cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides, per Section 26-88-254(f)(20) of the County Code.

In accordance with Section 11-14-040 of Chapter 11, drainage facilities and systems are required to prevent or minimize soil loss through the use of storm drain culverts (pipes), storm drain inlets and outlets, storm drain outfalls, energy dissipators, flow dispersion, check dams, rolling dips, critical dips, proper location and sizing of culverts, revegetation of exposed or disturbed slopes, minimizing cross drains through road outsloping, minimizing the use of artificial slopes, and other BMPs referenced or detailed in the County's BMPs for construction grading and drainage.

Significance Level: Less than Significant Impact

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Comment:

The project proposes construction of four greenhouses that would create approximately 10,800 square feet of new impervious surface area. Although the project would include new impervious surface (i.e., mixed-light structures), increased runoff from the new impervious surface would be directed to the disturbed areas around the greenhouses, which would be

seeded with native grasses and covered with rice straw to a depth of two inches. The small proposed increase in impervious surface area and the ability of new native grasses and rice straw cover to contain runoff on-site would result in a less than significant impact with regard to flooding on- or off-site.

Significance Level: Less than Significant Impact

- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Comment:

As mentioned in 10.c.ii, runoff from the proposed greenhouses would be captured and contained in the disturbed areas around the greenhouses, which would be vegetated with native grass seedlings and covered with rice straw to a depth of two inches. In addition, the outdoor cultivation areas are currently vegetated with an erosion control mix to prevent runoff, and straw wattles would be installed at the downslopes side of the cultivation areas to further prevent escape of polluted runoff. Permit Sonoma Grading and Stormwater Section staff reviewed the project referral and provided conditions of approval to ensure project compliance with the County Construction Grading and Drainage Ordinance (County Code Chapter 11) and the Storm Water Quality Ordinance (County Code Chapter 11A). The project would require a grading permit, which would not be issued until all recommended feasible stormwater treatment options have been incorporated into project design in compliance with all applicable standards of the County Code.

Storm water treatment Best Management Practices (BMPs) would address the potential for water quality impacts and shall also address water quantity through storm water flow control BMPs. Storm water treatment BMPs shall be designed to treat storm events and associated runoff to the 85th percentile storm event, in accordance with County Standards. Storm water treatment BMPs shall be designed to treat storm events and associated runoff to the channel forming discharge storm event which is commonly referred to as the two-year 24-hour storm event.

Significance Level: Less than Significant Impact

- iv. impede or redirect flood flows?**

Comment:

There are no blue line streams on the project site; however, Oat Valley Creek, a blue line stream, is located 560 feet south of the project parcel. The project would not impede nor redirect flood flows associated with Oat Valley Creek. The project parcel is not in the 100-

year flood zone or Special Flood Hazard Area (SFHA)³⁹ (i.e., the area that would be inundated by the flood event having a one percent chance of being equaled or exceeded in any given year). Refer to items 10.c.ii and 10.c.iii above for discussion of hydrological impacts.

Significance Level: Less than Significant Impact

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Comment:

According to Sonoma General Plan Figure PS-1f, the project site is not located in an area that would be subject to flooding as a result of levee or dam failure.⁴⁰ The project site is not located in a tsunami or seiche zone.

Significance Level: No Impact

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Comment:

Though the County does not have a comprehensive water quality control plan, it achieves water quality control through enforcement of relevant requirements written into the General Plan and County Code. The project would be required to comply with all applicable water quality control requirements, including those related to cannabis cultivation, construction activities, wastewater discharge, and stormwater runoff.

The project site is not located in a priority groundwater basin as defined under the Sustainable Groundwater Management Act (SGMA). The nearest SGMA basin is the Santa Rosa Valley Basin located proximately 18 miles southeast of the project site. Though the project would not be subject to a sustainable groundwater plan, compliance with County requirements discussed in item 10.b above would protect against groundwater depletion or use of groundwater in an unsustainable manner.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

³⁹ Sonoma County. General Plan 2020 Public Safety Element. "Flood Hazard Areas Fig. PS-1e," accessed June 12, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>

⁴⁰ Sonoma County. General Plan 2020 Safety Element. "Dam Failure Inundation Hazard Areas, Figure PS-1f," accessed June 12, 2020. <https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542633>

Significance Level: Less than Significant Impact

11. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

Comment:

The project would not physically divide the community. It does not involve construction of a large physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that could impair mobility within an established community or between a community and outlying areas. All improvements associated with the buildout of the project would be constructed within the boundaries of the project site. The project does not include or propose expansion beyond the parcel boundaries nor does the project include changes to the existing roadway layout.

Significance Level: No Impact

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Comment:

The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating environmental effect, including the Sonoma County General Plan and Zoning Ordinance.

The General Plan Land Use designation for the parcel is Resources and Rural Development. This land use designation is intended to protect lands used for commercial timber production and other resource production as well as protect against intensive development. The project includes uses that are consistent with the Resources and Rural Development Land Use designation.

The proposed project would also be generally consistent with goals, policies, and objectives in the Sonoma County General Plan 2020 related to avoiding or mitigating an environmental effect, including:

- Protection against intensive development of lands constrained by natural hazards and proliferation of growth in areas where there are inadequate public services and infrastructure (General Plan Land Use Element 2.7- Natural Resource Land Use Policy): The project site is not constrained by biotic or scenic areas, poor soils or

water, geologic hazards, or flood prone areas. The project is constrained by steep slopes and fire prone areas; however, the project does not propose intensive development nor the proliferation of growth where there are inadequate public services and infrastructure. Development on the site is limited to approximately 2.39 acres of the 171.55-acre parcel (of which only approximately 10,800 square feet would be new development) and no new public services or infrastructure are needed to serve the project.

- The project is designed largely in harmony with the natural and scenic qualities of the local area (Policy LU-12g), as a minimal portion of the project would be visible from a public or private road and the project parcel is mostly screened from public roads and other properties by existing trees and vineyard vegetation.
- Preservation of biotic and scenic resources (General Plan Goal LU-10, Objective LU-10.1, Goal OSRC-2, Objective OSRC-2.1, Objective OSRC-2.2, Objective OSRC-2.3, Policy OSC-2d, Goal OSC-3, Policy OSRC-3a, Policy OSRC-3b, Policy OSRC-3c, Goal OSRC-6, Objective OSRC-6.1, and Policy OSRC-6a): The project would be consistent with regulations pertaining to avoiding biotic resources with project conditions of approval and the incorporation of mitigation measures (see Section 4, Biological Resources) and would also be consistent with regulations designed to maintain the scenic qualities of the area with project conditions of approval (See Section 1, Aesthetics).
- Wastewater (General Plan Policy LU0-8a): The project would comply with regional waste discharge requirements and County regulations to minimize storm water, surface water and groundwater pollution.
- Maintaining very low residential densities (General Plan Objective LU-12.6): The project does not propose to increase residential density or construct new residences.
- Nighttime lighting and preservation of night time skies and visual character of rural areas (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4b, and Policy OSRC-4c): The project would use minimal, motion activated exterior lights which would comply with County requirements related to location, shielding, and light levels. Supplemental lighting is proposed within the greenhouses. Supplemental greenhouse lighting would comply with County requirements.
- Renewable Energy (General Plan Policy LU-11b, Goal OSRC-14, and Objective OSRC-14.2): The project would use 100 percent renewable energy as required for cannabis operations. This is consistent with County goals of increasing energy conservation and improving efficiency.
- Protection of Water Resources (General Plan Goal LU-8, Objective LU-8.1, Goal, Policy LU-8a): The project would be consistent with regulations pertaining to protecting Sonoma County's water resources (See Section 10 Hydrology and Water

Quality) and would also be consistent with regulations designed to avoid long term declines in available groundwater resources or water quality.

- Noise (General Plan Goal NE-1): Project construction and operations, including cannabis cultivation and processing, would not exceed the general plan noise standards Table NE-2 (See Section 12, Noise, for further discussion).

Within the Resources and Rural Development zoning designation, commercial cannabis cultivation (up to one acre of cultivation area) and ancillary processing operations, is an allowed land use with a use permit (Sec. 26-10-020(tt)). The proposed project would be consistent with the Sonoma County Code for the Resources and Rural Development zoning designation as well as the Development Criteria and Operating Standards from the Code intended to avoid and minimize potential environmental impacts (Section 26-88-250 through 254).

No conflicts with other general plan policies related to scenic, cultural, or biotic resource protection, noise, or transportation have been identified. No conflicts with the Development Criteria or Operating Standards have been identified and no exceptions or reductions to standards would be necessary. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level: Less than Significant Impact

12. MINERAL RESOURCES

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Comment:

The project site is not located within a known mineral resource deposit area. ⁴¹ Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

⁴¹ Sonoma County. Aggregate Resources Management Plan. "Alexander Valley Reach Cloverdale Area Designated In-stream Mining Areas," accessed June 11, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Alexander-Valley-Reach-Cloverdale-Area/>

The project site does not contain any active mines or known mineral resources that would require preservation and/or be impacted by the project.

Significance Level: No Impact

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Comment:

The project site is not located within an area of locally-important mineral resource recovery site and the site is not zoned MR (Mineral Resources).⁴² No locally-important mineral resources are known to occur at the site.

Significance Level: No Impact

13. NOISE

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Comment:

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying. The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental

⁴² Sonoma County. Aggregate Resources Management Plan. “Alexander Valley Reach Cloverdale Area Designated In-stream Mining Areas,” accessed June 11, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Alexander-Valley-Reach-Cloverdale-Area/>

measurements are reported in dBA, meaning decibels on the A-scale. The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6dB with each doubling of distance from a point, or stationary, source of sound, and 3 dB for each doubling of distance from a mobile source of sound.

Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. When more than one-point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73dB.

County noise standards (as indicated in Table NE-2 of the General Plan) establish a maximum allowable exterior noise exposure of 50 dBA in the daytime (7:00 AM to 10:00 PM) and 45 dBA in the nighttime (10:00 PM to 7:00 AM), as measured using the L50 value (the value exceeded 50 percent of the time, or 30 minutes in any hour – i.e., the median noise level).

Table 2. Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources^(A)		
Hourly Noise Metric, dBA^(B)	Daytime (7 AM - 10 PM)	Nighttime (10 PM - 7 AM)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
Source: Sonoma County General Plan Noise Element Table NE-2		
(A) Pursuant to General Plan Policy NE-1C, the noise standards apply at the exterior property line of any adjacent noise sensitive land use.		
(B) The sound level exceeded n% of the time in any hour. For example, L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.		

As discussed in the 2016 ND (p. 39), “Cannabis operations could cause potential noise impacts through preparation of land for outdoor cultivation, construction activities for associated structures, noise from on-site power generators, and road noise from related traffic.” Other potential sources of noise associated with cannabis operations can include

fans (circulation, ventilation, exhaust, etc.), blowers (heaters, etc.), and alarms (on equipment such as forklifts).

Section 26-88-254(g)(6) of the County Code includes the following standard pertaining to cannabis: "Cultivation operations shall not exceed the General Plan Noise Standards table NE-2, measured in accordance with the Sonoma County Noise Guidelines." In addition, the Ordinance also includes a provision that "the use of generators as a primary source of power shall be prohibited." The proposed project, and its potential to generate noise levels exceeding the County's standards, is limited to security alarms, exhaust fans, and mobile equipment operations. This equipment would primarily operate during the daytime. Noise-generating equipment would be setback a minimum of 100 feet from adjacent property lines. The County's code requires cannabis cultivation facilities to comply with the standards listed above. With the inclusion of the standard noise BMPs, temporary construction noise would result in a less-than-significant impact.

Significance Level: Less than Significant Impact

b) Generation of excessive ground-borne vibration or ground-borne noise levels?

Comment:

According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration "The nature of cannabis cultivation uses does not involve vibration or ground borne noises, except for potential impacts related to construction of related structures. These impacts would be from conventional construction equipment and would be short-term and temporary, limited to daytime hours. Some cannabis operations located in remote areas utilize power generators as the primary source of power, which can create noise impacts and expose people to excessive vibration and noise levels. The proposed Ordinance prohibits the use of generators as a primary source of power thus the potential for impacts is substantially reduced to less than significant."⁴³

The proposed project would have a limited potential to generate excessive ground-borne vibration and noise levels due to the limited potential for vibration-inducing activities and the setback requirements contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. These setbacks would ensure that any ground-borne vibration levels dissipate before reaching any sensitive receptor locations.

Significance Level: Less than Significant Impact

⁴³ Sonoma County. Sonoma County Cannabis Ordinances, 2016. "Negative Declaration - Medical Cannabis Land Use Ordinance," p. 20, accessed June 12, 2020.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

Comment:

The project site is not within the Airport Referral Area, as designated by the Sonoma County Comprehensive Airport Land Use Plan.⁴⁴ The project site is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport. The project, therefore, would not expose people working in the project area to excessive noise levels.

Significance Level: No Impact

14. POPULATION AND HOUSING

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Comment:

The proposed project does not include the construction of new housing, nor would it generate significant new demand for housing in the area (a maximum of six employees, and up to 12 during harvest season, is proposed). This increase in employment opportunities is not anticipated to result in an indirect increase in population as it is anticipated that employees would be existing residents of the area. Therefore, the project would not induce substantial population growth in the area.

Significance Level: Less Than Significant Impact

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

Comment:

⁴⁴ Sonoma County. "Sonoma County Airport Referral Area," accessed June 12, 2020.
<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/>

No existing people or housing would be displaced by the project and no replacement housing is proposed to be constructed.

Significance Level: No Impact

15. PUBLIC SERVICES

Would the project:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Comment:

Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services and the impact would be less than significant. The project would not necessitate the need for construction of any new public facilities or the alteration of any public facilities and would cause no effects on the performance objectives for any public services.

Significance Level: Less Than Significant Impact

i. Fire protection?

Comment:

The project is located both within the State Responsibility Area (SRA), under Cal Fire jurisdiction, and in a Local Responsibility Area (LRA) under jurisdiction of the Cloverdale Fire Protection District. All new development must conform with adopted State standards as determined and implemented by CalFire and Sonoma County Fire officials intended to reduce risk from wildfire impacts to less than significant.

The County Fire Inspector reviewed the project description and plans on February 9, 2018 and required that the project comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases. These are standard conditions of approval required by the County Code. The County Fire Inspector also required the project to have an emergency water supply for fire protection and provide safe access for emergency fire apparatus and civilian circulation per Fire Safe Standards and the California Fire Code. Because none of the

conditions and/or requirements requires construction of new or expanded fire protection/emergency medical facilities, project impacts on fire protection/emergency medical services would be less than significant.

Significance Level: Less Than Significant Impact

ii. Police?

Comment:

The Sonoma County Sheriff would continue to serve this area. There would be no increased need for police protection resulting from the project.

The proposed project does not include the development of housing. The project would generate up to 5 jobs as part of the cultivation and processing operation. The project would not include construction of a substantial number of homes or businesses or infrastructure and therefore would not induce substantial population growth. Existing police protection facilities would be adequate to serve the proposed project.

Significance Level: Less Than Significant Impact

iii. Schools, parks, or other public facilities?

Comment:

Development fees to offset potential impacts to public services, including school impact mitigation fees, are required by Sonoma County Code and state law for new subdivisions and residential developments. The project does not include residential development and no new schools are reasonably foreseeable as a result. The project would not contribute to an increase in the need for expanded or additional schools, parks or other public facilities.

Significance Level: No Impact

iv. Parks?

Comment:

The proposed project does not include the development of residential uses and thus would not result in the need for new or expanded park facilities.

Significance Level: No Impact

v. Other public facilities?

Comment:

The project would not be served by public sewer or water facilities. Expansion or construction of additional types of public facilities is not anticipated as a result of this project.

Significance Level: No Impact

16. RECREATION

Would the project:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Comment:

The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities. The proposed project does not include any residential use and as such would not lead to an increase in the use of existing neighborhood or regional parks or other recreational facilities.

Significance Level: No Impact

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Comment:

The project does not involve construction of recreational facilities. See item 16.a above.

Significance Level: No Impact

17. TRANSPORTATION

Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?**

Comment:

As discussed in the 2016 ND (p. 44), any increase in traffic generated as a result of cannabis operations were considered to be consistent with the General Plan 2020 and associated EIR, and therefore adoption of Ordinance No. 6198 was determined not to conflict with an applicable transportation/circulation plan. The 2016 ND (p. 44) also noted that while traffic impacts would vary with the type and size of individual cannabis operations (and number of employees), the greatest traffic generation anticipated would be for employee trips during the planting and harvest operations.

The project applicant submitted a "Cannabis Trip Generation" form as requested by the County. The proposed project proposal includes six (6) employees and up to 12 during harvest season. The Cannabis Trip Generation estimated the peak average during the cultivation month of October would be 18 daily trips for three weeks and 36 daily trips for one week, or 90 monthly trips during the month of October.

Highway 128 (Oat Valley Road) is a state highway and is maintained by Caltrans. Average daily traffic volume for Oat Valley Road is not available. Sink Road is a private gravel road and is not County-maintained and does not have traffic volume data available. According to the County Maintained Road Postmile System Map,⁴⁵ the nearest County-maintained road to the project site is McCray Road, a local road approximately 3,050 feet southeast of the project site. McCray Road does not provide access to the project site and there is no traffic volume data available.⁴⁶ Oat Valley Road does not have bicycle or pedestrian facilities in the project vicinity, though it is a proposed Class II Bike Route according to the County Bicycle and Pedestrian Plan.⁴⁷ There are paved shoulders on Oat Valley Road. The project does not propose any improvements to bicycle or pedestrian facilities. The area is not served by public transit. The closest public transit stop is served by Sonoma County Transit at Cloverdale Boulevard and School Street, Cloverdale, 1.23 miles from the project site.

Significance Level: Less than Significant Impact

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Comment:

Traffic impacts under CEQA have traditionally been assessed based on increases in intersection delays measured by Level of Service (LOS). However, with the passage of SB

⁴⁵ Sonoma County. General Plan, Road Inventory, "County Maintained Road Postmile System Map," accessed June 16, 2020.

<https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=e75eb5e4cb314249a6c78a0609146963>

⁴⁶ Sonoma County Department of Transportation & Public Works. "Traffic Surveys," accessed June 16, 2020.

<https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1>

⁴⁷ Sonoma County. Bicycle and Pedestrian Plan. "Bikeways Map," 2010, accessed June 16, 2020.

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Bicycle-and-Pedestrian-Plan/Bikeways-Map/>

743, transportation impacts under CEQA are to be measured based on the vehicle miles traveled (VMT) generated by a project (effective July 1, 2020).

Sonoma County has not yet adopted a VMT standard, nor has the County adopted a policy or threshold of significance regarding VMT. The Governor's Office of Planning and Research (OPR) has issued a "Technical Advisory on Evaluating Transportation Impacts in CEQA" (2018) to determine if the project's VMT may or may not cause a significant transportation impact. The screening threshold for small projects indicates projects that generate or attract fewer than 110 trips per day would cause a less than significant transportation impact.

The Cannabis Trip Generation form completed by the applicant on August 16, 2017 determined the project would generate an average of 18 trips per day year round and a peak average of 36 trips per day during one week in the month of October, indicating a less than significant impact.

Significance Level: Less than Significant Impact

c) Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Comment:

The project would not increase hazards because it would not change the existing alignment of the roadway.

Significance Level: No Impact

d) Result in inadequate emergency access?

Comment:

The proposed project was referred to the Sonoma County Fire and Emergency Services and was conditioned on February 9, 2018. The project does not propose destruction of roads or bridges.

The driveway to the project site does not currently comply with all emergency access requirements of the Sonoma County Fire Safe Standards (Sonoma County Code Chapter 13) and the California Fire Code, including emergency vehicle access requirements. Permit Sonoma and the County Fire and Emergency Services Department deemed the project would pose a significant fire risk and requested the project applicant submit an access assessment of the parcel entrance road and a structural evaluation of the bridge to ensure it could accommodate emergency services vehicles. See item 9.f, Hazards and Hazardous Materials, for a discussion on emergency access and recommended measures to improve

emergency vehicle access to and from the project site. With a project condition of approval requiring the applicant to construct an emergency vehicle turnaround near the end of the project driveway that would meet County and Cal Fire standards, emergency access to the site would be adequate. Project plans would require review by a Permit Sonoma Fire Inspector during the building permit process to ensure emergency access issues have been resolved and the project is in compliance with emergency access standards.

Significance Level: Less than Significant Impact

e) Result in inadequate parking capacity?

Comment:

Sonoma County Code Section 26-86 does not include any specific parking requirements for cannabis cultivation land uses. The project would not be open to the public, and parking on-site would be designated for employees. The project includes the provision of 11 unpaved parking spaces, one of which would be ADA-compliant, accessible from the on-site driveway for employee use.

Significance Level: Less than Significant Impact

18. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5030.1(k), or**
- b) A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Comment: A cultural resources records search results from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission indicates that there are no known Traditional

Cultural Resources (TCR) or unique archaeological resources associated with TCR's located within the project boundaries.⁴⁸ Permit Sonoma notified local tribes of the project, but no tribes requested AB 52 consultations.

Therefore, the proposed project would result in no substantial adverse change in the significance of TCR's or unique archaeological resources, as defined in CEQA Guidelines Section 15064.5. Several tribes responded to the notification dated January 5, 2018. The Lytton Rancheria responded on January 23, 2018. The Tribe did not request consultation based on the information provided. The Stewarts Point Rancheria Kashia Band of Pomo Indians responded on January 8, 2018. The Tribe did not have specific concerns or comments, and the project is out of its aboriginal territory.

As described under Section 5.c, Cultural Resources, the grading ordinance applies regarding previously undiscovered TCR's or unique archaeological resources that may be accidentally encountered during project implementation. Impacts regarding tribal cultural resources are less than significant.

Significance Level: Less than Significant

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Comment:

As discussed throughout this document, domestic and cultivation wastewater disposal would be provided by an existing on-site septic system and potable and cultivation water would be provided by an existing private well. The site is already connected to electric power, and only additional connections to existing electrical power utilities would be needed to provide power to the proposed greenhouses.

Project construction would temporarily alter storm water flows at the project site due to ground disturbing activities; however, there are no existing storm water drainage facilities

⁴⁸ ALTA Archaeological Consulting. "Archaeological Survey and Historic Resource Evaluation Report for Commercial Cannabis Cultivation Project 31258 Highway 128, Cloverdale, Sonoma County, California," July 30, 2018.

on-site, as Sink Road is a private road and the project site is located in a rural area with limited public infrastructure. Grading for two of the greenhouse pads and construction of the greenhouses may alter the drainage pattern and increase storm water runoff. Construction impacts have been analyzed in Section 3, Air Quality, Section 7, Geology and Soils, and Section 10, Hydrology and Water Quality. With the incorporation of the BMPs described in Section 10, Hydrology and Water Quality, the project would not result in an increase in storm water flows off-site.

Although the project would include new impervious surface (i.e., 10,800 square feet from the mixed-light structures), increased drainage from this addition of impervious surface would be captured by native grass seed and rice straw cover that would be installed in the disturbed areas around the greenhouses. Development would only be permitted after Permit Sonoma reviews storm water drainage development plans designed by a storm water engineer to ensure adequate management of storm-water drainage facilities on the site. Therefore, associated storm water drainage impacts would be less than significant.

Because the project is using an existing private well, septic system, and electrical lines, the project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.

Significance Level: Less Than Significant Impact

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Comment:

As discussed throughout Section 10.b, Hydrology and Water Quality, the project would use groundwater for cultivation. The project is located within a Class 1 and Class 4 Groundwater Area. The County did not require a hydrogeologic report for the project because the project well and greenhouses are located in a Class 1 area. The project would use approximately 1.46-acre feet of groundwater per year for cultivation activities. Project conditions of approval require the project applicant to fit the project well with a groundwater level measuring system, including a water meter. Groundwater quantities would be monitored quarterly and reported to Permit Sonoma in January of the following year. In the event net groundwater use exceeds 4.0-acre feet per year, Permit Sonoma may bring the project before the County Board of Zoning Adjustments (BZA) for additional measures to reduce project groundwater use. The on-site well would provide enough water to sufficiently serve the project, and project conditions of approval would ensure the project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time. Domestic water uses from the existing on-site well would be negligible.

Significance Level: Less than Significant Impact

- c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Comment:

The project site is served by an existing septic system. The proposed project would not be served by public wastewater and would not impact the capacity of public facilities.

Significance Level: No Impact

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Comment:

Sonoma County has an existing waste management program that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the solid waste that would result from the proposed project. In addition, Section 26-88-254(g) of the County Code requires that a Waste Management Plan be prepared to address the storage, handling and disposal of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices (BMPs) issued by the Agricultural Commissioner. This plan shall specify the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose of or reuse the wastes. All garbage and refuse are required to be stored in non-absorbent, water-tight, vector-resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight-fitting lids. No refuse container is allowed to be filled beyond the capacity to completely close the lid, and all garbage and refuse shall be properly disposed of within a week. All cannabis waste must also be properly stored and secured to prevent access from the public.

The applicant also proposes on-site green waste composting. Standard conditions also require that the applicant submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs and the Permit Sonoma Project Review Health Specialist for review and approval. No visually recognizable cannabis, nor materials that smell like cannabis, shall be disposed of as ordinary refuse. All cannabis waste shall be ground, chipped, or shredded as necessary and mixed with suitable materials and composted until it is no longer recognizable as cannabis by sight or smell. Waste containing cannabis must be made unusable and unrecognizable prior to leaving the licensed premises by grinding and incorporating the cannabis waste with the non-consumable solid wastes listed below, such that the resulting mixture is at least 50 percent non-cannabis waste: a. paper waste; b. cardboard waste; c. food waste; or other compostable oil waste; and other wastes

approved by the County that would render the cannabis waste unusable and unrecognizable.

Significance Level: Less Than Significant Impact

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Comment:

The proposed project would comply with federal, state, and local management and reducing statutes and regulations related to solid waste. Refer to item 19.d above for information regarding waste management regulations. In addition, Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.

Significance Level: No Impact

20. WILDFIRE

According to the Sonoma GIS tool the proposed project is located in a Local Responsibility Area (LRA) and in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designation of Very High for most of the parcel (a small portion is in a Moderate FHSZ).⁴⁹ As noted in the General Plan Public Safety Element (p. PS-14): *the Very High Fire Hazard Severity Zone includes: a) wildland areas supporting high to extreme fire behavior resulting from well developed surface fuels and forests where fire in tree crowns (portions of trees above the trunks) is likely; and b) developed/urbanized areas with high vegetation density and fuel continuity, allowing flame to spread over much of the area with little impediment from non-burnable surfaces. Additional site elements include steep and mixed topography and seasonally extreme conditions of strong winds and dry fuel moistures. The highest fire hazard is found in mountainous areas with dry summers, plenty of fuel, and steep slopes.*

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Comment:

According to the Sonoma GIS tool the proposed project is located in a Local Responsibility Area (LRA) and in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ)

⁴⁹ Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 12, 2020.
<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

designation of Very High for most of the parcel (a small portion of the parcel is in a Moderate FHSZ).⁵⁰ See Section 9.f, Hazards and Hazardous Materials, regarding an assessment of existing emergency access conditions for the project and the access assessment submitted by the project applicant at the request of Permit Sonoma and the County Fire and Emergency Services Department.

The project is required to comply with adopted State standards, as determined and implemented by CalFire and Sonoma County Fire officials, and would provide the Fire Department with a map of the property that includes the location of all fire-retardant supplies, entrances and exits, emergency vehicle turnouts, gas and electrical shutoffs, and any additional information that is required by the Fire Department. In accordance with Section 26-88-254(f)(16) of the County Code, the applicant is required to prepare and follow a Fire Prevention Plan for construction and ongoing operations, including provisions for emergency vehicle access and turn-around, vegetation management, and fire break maintenance around all structures. In addition, a project condition of approval will require the applicant to install a Knox box at the entrance to the project site.

The project has one potential access road and escape route. While the project would not conflict with or impair an adopted emergency response plan or emergency evacuation plan, a project condition of approval requiring the project applicant to construct an emergency vehicle turnaround near the end of the driveway on-site that meets County and Cal Fire standards would ensure adequate emergency access to and from the project site (see Section 9.f, Hazards and Hazardous Materials).

Significance Level: Less than Significant Impact

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Comment:

According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designation of Very High (a small portion is in a Moderate FHSZ).⁵¹ The project parcel has steep slopes. Prevailing winds in Sonoma County range from 5 to 10 miles per hour, but often strengthen to 10 to 15 miles per hour (or more).⁵² The project would employ up to 5 people. In accordance with Section 26-88-

⁵⁰ Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 12, 2020.

<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

⁵¹ Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 12, 2020.

<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

⁵² Fire Safe Sonoma. "Sonoma County Community Wildfire Protection Plan," p. 13, September 20, 2016, accessed June 16, 2020. <https://www.firesafesonoma.org/wp-content/uploads/cwpp-final.pdf>

254(f)(16) of the County Code, the applicant is required to prepare and follow a fire prevention plan for construction and ongoing operations, including provisions for emergency vehicle access and turn-around, vegetation management, and fire break maintenance around all structures.

The County would implement suspending all outdoor cannabis operations on days where the air quality is affected by wildfire smoke and is rated "Unhealthy" on the Air Quality Index. The County implements the fire safety standards of the Uniform Fire Code, National Fire Code, and Uniform Building Code through the Sonoma County Fire Safety Ordinance, Chapter 13. These establish minimum fire safe standards to ensure that all new development within the unincorporated area of the county would provide a basic level of fire protection around itself making it easier and safer for fire fighters to fight wildland and structure fires. The portions of section 13A-4 that may be applicable to the proposed project include, but are not limited to:

- 1) Maintain a thirty-foot defensible space around all buildings/structures.
 - a. The grass needs to be cut six (6") inches or less.
 - b. The tree branches need to be limbed up six (6') from the ground.
- 2) Additional defensible space outward to one hundred feet (100') from all buildings and surroundings, neighboring structures may be required depending on the property slope, fuel load and/or fuel type.
 - a. Fuel load – Amount of vegetation.
 - b. Fuel type – Type of vegetation.
 - c. Property Slope – Steepness of property.
- 3) Remove all portions of trees within ten feet (10') of chimney and/or stove pipe outlets.
 - a. Property owners are responsible for maintain trees year-round.
 - b. Trees need to be cut ten feet (10') away from the chimney in any direction
- 4) Maintain trees adjacent to or overhanging a structure free of dead/dying wood.
 - a. Remove any leaves, needles, branches, or debris from the roof and/or gutters.
- 5) Maintain the roof of any structure free of leaves, needles or other dead/dying wood.
 - a. Remove any leaves, needles, branches, or debris from the roof and/or gutters.
- 6) Provide street address numbers that are clearly visible from the roadside, minimum height: Four inches (4").
 - a. The address numbers should be posted on the house.
 - b. If the house sits back from the street, post the address at the beginning of the driveway and on the house.
 - c. The address numbers should be in a contrasting color for visibility.
- 7) Remove all tree limbs within six feet (6') of the ground.
 - a. Remove lower hanging tree branches from the ground up six feet (6').

- 8) Remove dead/dying vegetation from property.
a. Remove any and all dead/dying vegetation from the property.

The proposed project would have 14 water storage tanks with a combined storage capacity of 42,500 gallons of water. One 5,000-gallon tank would store 5,000 gallons of water dedicated for firefighting purposes.

Permit Sonoma and the County Department of Fire and Emergency Services determined the project would pose a significant wildfire risk due to inadequate emergency access conditions. Section 9.f, Hazards and Hazardous Materials, discusses the access assessment submitted by the project applicant at the request of the County and the project condition of approval that would require the project applicant to improve emergency access to and from the site.

The partially developed rural area north of Cloverdale is a sparsely populated area, and because few people would be onsite at any given time, and because the project would provide a dedicated water supply on-site for firefighting and would be required to improve emergency vehicle access to and from the site as a project condition of approval, impacts to project occupants due to slope and prevailing winds would be less than significant.

Significance Level: Less than Significant Impact

- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Comment:

According to the Sonoma GIS tool the proposed project is located in a Local Responsibility Area and State Responsibility Area with a Fire Hazard Severity Zone (FHSZ) designated as Very High for most of the parcel (a small portion of the parcel is in a Moderate FHSZ).⁵³ See Section 9.f, Hazards and Hazardous Materials, for an outline of the access assessment submitted for the project, including a structural evaluation for the bridge and recommendations for improvements to the project site driveway, including development of a new emergency vehicle turnaround on-site. A project condition of approval requiring the project applicant to construct an on-site emergency vehicle turnaround that meets County and Cal Fire standards would reduce wildfire risk on the project parcel and in the vicinity. Applicable building permit(s) and construction permit(s) for the construction of or changes to fire apparatus access roads must be obtained from the County and comply with County

⁵³ Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 12, 2020.
<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

Fire Safe Standards and the California Fire Code. None of the fire prevention and mitigation requirements will result in a significant impact to the environment.

Significance Level: Less than Significant Impact

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Comment:

The site is relatively flat near the southern property line, but contains steep slopes throughout most of the site. Overall, the topography slopes from the northwest to the southeast and from the north to the south. Drainage patterns on the project site follow the topography of the land and suggest stormwater is directed from northwest to southeast and from north to south toward the single-family residence (which is unoccupied) and barn, and then toward Oat Valley Creek. The project would not change overall drainage patterns on the project parcel. Project activities (outdoor cultivation) on the hills of the project site are not expected to produce downslope flooding or landslides, as the project is required to comply with County stormwater and erosion control BMPs (see Section 10, Hydrology and Water Quality) and no construction activities would take place on the hills.

Based on the project activities proposed to take place on the slopes of the parcel (only outdoor cultivation in existing cultivation areas), the small number of people working on-site at any time, and County-required BMPs related to stormwater and erosion control, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Significance Level: Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Comment:

Potential project impacts on special-status plant and wildlife species and habitat are addressed in Section 4, Biological Resources. Implementation of the required mitigation measures (**Mitigation Measures BIO-1 through BIO-5**) would reduce these potential impacts to a less-than-significant level. Potential project impacts to cultural resources are addressed in Section 5, Cultural Resources, and Section 18, Tribal Cultural Resources. The project would not substantially adversely impact cultural resources and potential impacts would be less than significant with project conditions of approval. Potential adverse project impacts related to wildfire are addressed in Section 20, Wildfire. Potential project impacts related to wildfire would be less than significant.

Significance Level: Less than Significant Impact

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Comment:

Cumulative impacts were considered in each of the environmental topics evaluated in this Initial Study. No project impacts have been identified in this Initial Study that are individually limited but cumulatively considerable. The project would contribute to cumulative impacts related to air quality, biological resources, cultural and tribal cultural resources, and greenhouse gases, but project conditions of approval and mitigation measures would ensure that the project’s cumulative contributions would not be considerable.

See Section VIII. of the Initial Study, Other Related Projects, for an outline of projects in the area.

Significance Level: Less than Significant Impact

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Comment:

Cannabis operations have the potential to cause substantial adverse impacts on human beings, both directly and indirectly. However, all potential impacts and adverse effects on human beings (resulting from air quality/odors, hazards, noise, traffic, wildfire) were analyzed, and would be less than significant with project conditions of approval.

Significance Level: Less than Significant Impact

References

1. Sonoma County. "Proposed Scenic Landscape Units," accessed June 9, 2020.
<https://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=84689931cab4c3785312f3fceb18f>
2. Sonoma County. General Plan 2020 Open Space Map. "Figure OSRC-5b, Cloverdale / N.E. County" accessed June 9, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Open-Space-Cloverdale-N-E--County/>
3. Sonoma County Zoning Regulations. "Article 64 Scenic Resources Combining District," accessed June 10, 2020.
https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=CH26SOCOZORE_ART64SRSCRECODI
4. Caltrans. Map Viewer website, "California Scenic Highways," accessed June 10, 2020.
<https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>
5. Sonoma County. "Visual Assessment Guidelines and Procedure," accessed June 10, 2020.
<https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>
6. Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 10, 2020.
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