

Draft Conditions of Approval

Date: August 31, 2021 **File No.:** UPC17-0069
Site Address: 1478 Valley Ford Freestone Rd, **APN:** 026-080-009
Bodega
Applicant/Operator: Albert Eaddy, ASG North Bay, Inc.
Applicant Address: 1478 Valley Ford Freestone Rd, Bodega, 94972
Business Owner(s): Albert Eaddy, Chief Executive Officer
Lucas Eaddy, Treasurer
Michael Martini, Secretary
Landowner: Albert Eaddy
Landowner Address: 1478 Valley Ford Freestone Rd, Bodega, 94972

Project Description: Request for a five-year limited-term Use Permit for commercial cannabis operation of 43,511 square feet of cannabis cultivation, including 39,861 square feet of outdoor cultivation, 3,150 square feet of outdoor cultivation within three temporary hoop houses, 500 square feet of indoor cultivation/nursery, and associated processing of site-grown cannabis, on 10.72-acre property zoned Land Extensive Agriculture (LEA). There would be a maximum of six (6) full-time employees, all of whom will be 21 years of age or older. The project site would be closed to the public.

Prior to commencing the use, and within 90 days of approval, evidence must be submitted to the file that all of the following conditions have been met.

CONDITIONS ON PLAN SETS:

1. Project conditions and mitigation measures (if applicable) must be printed on or included in all plan sets submitted for permitting. Building permit plans shall have plan sheets that include all conditions as part of the submittal package.

FEES:

2. Permit Processing and Development Fees. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. CEQA Filing Fee. Within five working days after project approval, the applicant/operator shall pay a mandatory Notice of Determination filing fee of \$2,406.75 (or the latest fee in effect at the

time of payment) for County Clerk processing, made **payable to Sonoma County Clerk** and submitted to the Permit Sonoma project planner, unless the applicant requests an alternate payment method in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

4. Workforce Housing. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to Section 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements are not subject to Workforce Housing Requirements.
5. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,779.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
6. Department of Agriculture Annual Site Monitoring Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit a Department of Agriculture Annual Site Monitoring Fee of \$900.00 (or other amount consistent with the adopted fee schedule in effect at the time) to Permit Sonoma to verify compliance with the ordinance for cannabis cultivation. The applicant/operator shall be responsible for payment of additional annual site monitoring fees for each year over the effective term of the permit. The annual site monitoring fee shall be paid by January 31 of each year the permitted operation is active.
7. Traffic Mitigation Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator shall submit a Traffic Mitigation Fee to Permit Sonoma per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.

PLANNING:

"Compliance with the conditions below have been verified " BY _____ DATE _____
Contact Cecily Condon, Permit Sonoma Project Review Manager, (707) 565-1958

8. Type(s) and Limitations of Use:

- This use permit allows for cannabis cultivation, including associated processing and packaging of cannabis grown on-site only.
- This use permit allows for cannabis propagation.
- This use permit does not allow public access to the cannabis operation.
- This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.



- If phased construction will occur rather than full buildout of permitted uses, a Phasing Plan shall be submitted for review and approval by Permit Sonoma staff within 90 days of Use Permit approval. At a minimum, the Phasing Plan shall include a floor plan and corresponding table disclosing the following for each room:
 - i. Room identifier/label.
 - ii. Square footage per room.
 - iii. Canopy area per room.
 - iv. Use (e.g., flower, vegetative propagation, processing, distribution).
 - v. Proposed phase and timeline for each phase
 - The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0069 as modified by these conditions.
 - This use permit renewal shall supersede all prior use permits upon implementation or when all the pre-operational conditions have been met and the Use Permit Certificate is issued for operation.
9. Propagation Area. This use permit allows for 750 square feet of outdoor propagation within a temporary hoop house, for a total cannabis propagation canopy area of 750 square feet. The applicant/operator shall not increase propagation area beyond 750 square feet at this location without prior approval from Permit Sonoma staff.
10. Cultivation Area. This use permit allows for 500 square feet of indoor cultivation, 3,150 square feet of outdoor cultivation within three temporary hoop houses, 39,861 square feet of outdoor cultivation, and 500 square feet of combined propagation and nursery cultivation (includes sequential cultivation, clone propagation and nursery uses), for a total cannabis cultivation canopy area of 43,511 square feet. The applicant/operator shall not increase cultivation area beyond 43,511 square feet at this location without prior approval from Permit Sonoma staff.
- a. Prior to issuance of the Use Permit Certificate or operation of the use, the applicant shall submit an updated project description identifying one reduced row of cultivation within Area A3 measuring six feet wide by 24 feet long for a total area of 8,469 square feet and 16 rows.
11. Hours of Operation. Indoor cultivation, and processing operations are allowed to occur 24 hours per day, 7 days a week. Deliveries and shipping/distribution operations shall be limited to the hours of 8:00 am to 5:00 pm Monday through Friday.
12. Special Events. Tastings, promotional activities, and events are prohibited by Sonoma County Code Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.
13. Term of Permit. This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever inure to the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the applicant/operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0069 shall expire five



years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The applicant/operator must apply for permit renewal at least 90 days prior to expiration of the permit to avoid interruption of service.

14. Operator(s) and Employees:

- The applicant/operator and all employees must be age 21 years or older. This use permit allows for a maximum of six (6) employees on-site at any time.
- The applicant/operator shall be subject to background search and shall not be able to continue operations if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
- An applicant/operator providing false or misleading information may result in nullification or revocation of this issued use permit.

15. Ownership changes. Written notification shall be provided to Permit Sonoma prior to any of the following changes: 1) a new person meeting the definition of cannabis business owner of the permit holder, 2) change in business entity type of the permit holder, 3) change in legal business name of the permit holder, 4) a new person serving as operator of the permit holder, or 5) a new property owner. Supporting documentation shall be submitted to Permit Sonoma within 30 days of any of the aforementioned changes.

16. Security Plan. The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include professionally monitored video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, security lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism). A log of security incidents shall be maintained and an annual report shall be submitted to Permit Sonoma by January 31 of each year the permit is active. The reporting shall be provided in a format agreed to by Permit Sonoma staff.

17. Cannabis Materials: All cannabis products shall be stored in a secure area that is not visible to the public and locked at all times. All vendors shall be scheduled in advance and must present valid identification. Any product that fails testing shall be stored in secured storage bins and sent to be destroyed through a third-party cannabis disposal company and managed through the California Track and Trace program.

18. Odor. The applicant/operator shall install and maintain an odor control air filtration and ventilation system to control humidity and mold and to ensure there will be no off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including greenhouses. The Project Planner will review plans and construction documents and post construction conditions to ensure compliance with this condition and inspect site prior to final occupancy to ensure there will be no off-site odor and that the odor control air filtration and ventilation system effectively control humidity and mold.

A log of odor incidents, odor control equipment inspection results, and actions taken to resolve any odor issue shall be kept and an annual report shall be submitted to Permit Sonoma by January 31 of each year the permit is active. The reporting shall be provided in a format agreed



to by Permit Sonoma staff. Odor complaints received shall be documented, along with the complaint resolution and the timeframe required to address the odor issue and shall be included in the annual report.

If verified odor complaints are received, Permit Sonoma staff may bring this matter back to the Board of Zoning Adjustments for review of additional measures to reduce odor generation, including daily inspections and reporting. Such inspections could include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor and determine the source, and completion of a checklist verifying that all filtration equipment is functioning properly, that filters have been replaced on schedule, and that routine maintenance is completed on schedule.

For odor complaints related to outdoor cultivation, additional measures to evaluate could include planting of additional buffer or windbreak vegetation to deflect odors upwards to more effectively dissipate into the atmosphere or use of engineered solutions such as Vapor-Phase Systems (Fog Systems).

19. Energy Use. The applicant/operator will purchase carbon offsets for the power provided from non-renewable energy sources and shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.
20. Signage. The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
21. Taxes. Cannabis uses shall be current on applicable Sonoma County Cannabis Business Taxes and any additional taxes enacted by the voters or this permit may be subject to revocation or non-renewal.
22. Water Efficient Landscaping. Landscaping plans must comply with the County Water Efficient Landscape Ordinance as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). No landscaping is proposed or required for operation in the existing building.
23. Water Conservation Plan. Prior to issuance of the Conditional Use Permit, a Water Conservation Plan for the building(s) shall be submitted for review and approval by Permit Sonoma. The 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. The approved Water Conservation Plan shall be implemented by the applicant/operator and verified by staff prior to issuance of the Use Permit Certificate or operation of the use.
24. Greenhouse Gas Reduction Plan. Prior to issuance of the Conditional Use Permit, the applicant shall submit a Greenhouse Gas Emissions Reduction Plan that defines measures to reduce greenhouse gas emissions for long-term operations of the project. The applicant/operator must maintain documentation of the implementation of the Greenhouse Gas Reduction measures



included in the Greenhouse Gas Emissions Reduction Plan. The Greenhouse Gas Emissions Reduction Plan shall, at a minimum, consist of the following:

- The purchase of 100% renewable energy;
 - Low wattage /energy efficient fixtures will be installed that can be dimmed to at least 50% capacity; and
 - Facilitating and encouraging carpooling among employees as often as possible.
25. Stormwater. The applicant/operator shall comply with storm water management requirements to avoid any impacts on on-site drainage conditions.
26. Lighting. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by Permit Sonoma or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. The Project Planner will conduct a site inspection to verify exterior lighting prior to final occupancy. Additional measures for lighting impacts include:
- a. Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24, effective October 2005.
 - b. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
 - c. All exterior fixtures shall be limited to lamps (light bulbs not exceeding 100 watts).
27. Exterior Modification. Prior to issuance of building permits, all exterior modifications to the building façade or site, including landscaping, parking lot improvements, fencing, lighting, and signage, shall be subject to administrative design review. Razor wire and similar fencing is not permitted.
28. Design Review. Prior to issuance of building permits, all new structures, lighting, fencing, landscaping, and signage shall require final design review (Permit Sonoma staff or Design Review Committee). All exterior finishes shall be of non-reflective materials and colors and shall be compatible with the surrounding area. Razor wire and similar fencing is not permitted. Verification of compliance with approved materials and colors, and implementation of landscaping shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
29. Cultural Resource Protection. The grading permit shall have the following notes printed on plan sheets prior to issuance:



"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult with and/or notify the appropriate Tribal representative from Tribes known to have interests in the area. Artifacts associated with prehistoric sites 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 resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense."

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

30. Use Permit Certificate. A Use Permit Certificate with these conditions, approved proposal statement, and approved floor plan shall be maintained on site and made available to county officials upon request.
31. Conformance with Statutes. This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.
32. California Department of Cannabis Control: The applicant shall submit documentation, to PRMD, of acceptance of a complete cannabis application along with all technical reports and project specific plans to the California Department of Cannabis Control (DCC).

BUILDING:

**"Compliance with the conditions below have been verified " BY _____ DATE _____
Contact Building Plan Check at 707-565-2095**

33. The applicant/operator shall apply for and obtain building-related permits from Permit Sonoma for any new construction. The necessary applications appear to include, but may not be limited to, an accessibility report and building permit(s). Construction inspections shall have occurred and the building permit(s) finalized prior to occupancy of new or remodeled structure(s). A



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signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.

34. Due to the scope of this commercial project, the California Business and Professions Code requires plans and calculations to be prepared by California licensed design professionals (e.g., architects, engineers, etc.). The cover sheet of plans shall identify the full scope of work and shall include an architectural analysis of the proposed project, including occupancies of all spaces, areas, area and height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements, and fixture requirements. All buildings shall comply with the prescriptive requirements of all applicable codes, including Energy and CALGreen.
35. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
36. If any changes to plans, drawings, documents or specifications are required pursuant to any conditions specified herein, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. These changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for the change.
37. All fertilizers, pesticides, corrosives, flammables, explosives and/or toxic materials that may be stored or used at the facility shall be defined, scoped, and quantified. A control area analysis shall be prepared by the applicant/operator and provided to the project planner for any of the above materials which exceed code-prescribed thresholds.
38. Mechanical, electrical, and plumbing plans shall be fully detailed. Plumbing system materials used to convey concentrated byproducts of water reuse process equipment shall be identified and detailed from point-of-inlet to point-of-discharge. The path of reclaimed condensate systems and associated storage and conveyance equipment shall be identified and detailed.
39. All permanently installed equipment shall be identified in the appropriate section of the mechanical, electrical, and plumbing plan sheets. Product information shall be included to verify that installation and use of equipment is consistent with the manufacturer's listing and/or recommendations.
40. The applicant/operator shall comply with California Building Code Section 11B-202.3, which requires that alterations to existing elements or spaces comply with the accessibility requirements of CBC 11B Division 2. For this purpose, a change of use is considered to be an alteration.
41. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per California Building Code requirements. Plans shall include details of the path of travel from accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code, as determined by the Permit Sonoma Building



Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the California Building Code, to retrofitting of the existing structure.

42. Prior to any site review or field inspections, any materials or systems that could present a danger to inspectors shall be isolated and secured. All field inspection staff shall be accompanied by project personnel familiar with the systems and construction at the project site and capable of describing and controlling equipment.
43. Any construction existing prior to permit issuance requires submittal and approval of a Concealed Construction Verification Plan, consistent with requirements set forth in Policy # 1-4-2 Concealed Construction Verification Guidelines. The review process shall be included with the review of the building permit application materials. Plan check approval of the Concealed Construction Verification Plan is required for permit issuance. Any work performed without permits will be considered "new work" and will be required to be legalized. Plans shall clearly delineate existing legal construction, construction performed without permits, and new work that is proposed.
44. Dust Control: The applicant/operator shall comply with dust control measures at all times, including weekends and holidays. Measures to be incorporated may include, but are not limited to, the following: keeping dust on the site, use of water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after the completion of each day's activities, use of water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site, wetting down the construction area after work is completed for the day and whenever winds exceed 15 mph, having site watered at least once each day including weekends and/or holidays when winds exceed 15 mph, and covering soil stockpiled for more than two days or treating with soil binders to prevent dust generation.

GRADING & STORM WATER:

"Compliance with the conditions below have been verified " BY _____ DATE _____

Contact Permit Sonoma Engineering and Water Resources Section at 707-565-1691

45. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
46. As part of the grading/building plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.



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47. Residue or polluted runoff from the cannabis production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Cannabis production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
48. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
49. Drainage easements are required when conveying storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the grading/site plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless otherwise approved by the Department of Transportation and Public Works.
50. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

NATURAL RESOURCES GEOLOGIST:

"Compliance with the conditions below have been verified " BY _____ DATE _____
Contact the Permit Sonoma Natural Resources Geologist at 707-565-1352

Fees

51. Permit Sonoma Annual Well Monitoring Fee. Prior to building permit final or issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Annual Well Monitoring fee of \$224.00 (or other amount consistent with the adopted fee schedule in effect at the time). The applicant/operator shall be responsible for payment of additional annual well monitoring fees for each year over the effective term of the permit. The annual well monitoring fee shall be paid by January 31 of each year the permitted operation is active.

PRIOR TO BUILDING PERMIT:



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52. An Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well or other water source serving this project and any required monitoring well or water meter to collect groundwater level measurements and water meter readings. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by Permit Sonoma Project Review staff and County Counsel prior to recordation.

PRIOR TO VESTING THE USE PERMIT:

53. Water well(s) serving this project shall be equipped to enable regular groundwater level monitoring, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.

54. Totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.

55. A Site Plan showing the location of the well(s) with the groundwater level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to PRMD. The monitoring well(s) shall be marked with a measuring reference point. The well's Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) well completion reports (with owner information redacted, as is publicly available through California DWR).

OPERATIONAL REQUIREMENTS:

56. Groundwater Monitoring and Meter Calibration

- a. Groundwater levels and quantities of groundwater extracted for the use shall be measured quarterly. Data shall be reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Data should be provided on template monitoring forms provided by Permit Sonoma.
- b. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma at least once every five years.
- c. If the County determines that groundwater levels are declining in the local groundwater basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.



57. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

FIRE AND EMERGENCY SERVICES:

**"Compliance with the conditions below have been verified " BY _____ DATE _____
Contact Fire and Emergency Services at 707-565-2191**

58. Due to the scope of this project, a Fire Services Pre-Construction Meeting may be required at the request of the fire code official.
59. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property, unless there is written approval by the fire code official.
- a. A fire inspection shall be conducted by the Sonoma County Fire and Emergency Services Department to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations, and Hazardous Materials regulations.
 - b. The Sonoma County Fire and Emergency Services Department may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay the costs of the inspection.
 - c. The Building (s) shall be fire sprinklered and contain a fire alarm system consistent with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with the specific occupancy type.
60. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises, the applicant/operator shall provide a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The report and opinion shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon. (California Fire Code Section 104.7.2, CBC Sec. 414.1.3).
61. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction shall apply. Compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.

Operational Permits

62. The applicant/operator shall obtain all applicable Fire Code operational permits prior to the initiation of any activity where an operational permit is required by the California Fire Code, as adopted and amended by Sonoma County Code for cannabis-type operations (CFC Sec. 105.6.50(11)).



63. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay the costs of the inspection.

Construction Permits

64. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code, as adopted and amended by Sonoma County Code.

Emergency Planning and Response

65. A Fire Protection plan shall be provided and shall include information about the property including, but not limited to, the following. (See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>)
- a. Emergency Contacts
 - b. Address
 - c. Property owner
 - d. Site map with property lines
 - e. Fire access roads including gates
 - f. Water supplies and hydrants
 - g. Location of hazardous materials
 - h. Utilities
 - i. Floor plans showing intended use of each room/area
 - j. Employee training for use of regulated materials in the fire code:
 - i. When required by the local fire jurisdiction, special processing of cannabis may require the facility to have identified trained staff, including a main point of contact to oversee and train employees in the special process.
 - ii. This process shall have on-site training records for review and a manual to address emergencies associated with the special process. (Example is extraction equipment)

Access

66. To facilitate locating an emergency and to avoid delays in response, all existing and newly constructed or approved roadways and buildings, whether public or private, shall provide for safe, concurrent access for emergency fire apparatus and civilian evacuation and unobstructed traffic circulation during an emergency, and shall cause the facility to be constructed and maintained, as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by the Sonoma County Code. The following items shall be approved by the fire code official prior to operation:
- a. All roadway structures, such as bridges and crossings, that are part of an emergency access route shall have their allowable weight limit (as determined by an engineer qualified to evaluate roadway structures) posted, as required by the California Fire Code, as adopted and amended by the Sonoma County Code.



- b. All roadways shall be identified by approved road names posted on signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code, as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
- c. All buildings shall be identified by approved address numbers, posted on signs that are clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code, as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
- d. Individual parcels, buildings, or groups of buildings served by a private driveway or similar roadway system, shall be provided with an address directory as determined by the County Fire Marshal. The address directory shall be placed at the intersection of those roads, streets and/or private lanes providing access. The directory shall be maintained by the property owner, Homeowner's Association, or other individual or group in charge of the property.

Water Supply

- 67. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code, as adopted and amended by Sonoma County Code.

Vegetation Management

- 68. To reduce the intensity of any conflagration caused by the proposed project, vegetation management shall be in accordance with the California Fire Code, as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.

Occupancy

- 69. Prior to occupancy, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

HEALTH (Permit Sonoma):

"Compliance with the conditions below have been verified " BY _____ DATE _____

Contact Permit Sonoma Health at (707) 565-1924

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

NOTE: Prior to building permit issuance, please submit all of the following condition compliance requirements as one completed submittal package to the Project Review Health Specialist.

Water

- 70. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. The applicant/operator shall submit a copy of the State Certified Lab report to the Project Review Health Specialist for review. If the analysis shows contamination, the applicant/operator will be required to treat the well per County requirements and then to re-test the well. If the contamination cannot be cleared from



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the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant/operator may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

- a. A deed restriction running with the land and acceptable to Permit Sonoma and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal Maximum Contaminant Levels and provide potable water to all plumbing fixtures.
- b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to the Permit Sonoma Project Review Health Specialist.

Septic

71. Prior to building permit issuance and project operation, the applicant shall obtain permits for the process waste water disposal system and the employee restroom sewage disposal system. The systems may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required.

The process waste water and sewage disposal systems shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. Applicant shall submit: Final clearance from the Well and Septic Section that all required septic system testing, design, and installation elements for the domestic and process waste water disposal systems have been met, to the Project Review Health Specialist.

72. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the North Coast Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). Applicant shall submit: A copy of the Waste Discharge Permit to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.



73. Code compliant toilet facilities shall be provided for patrons and employees prior to issuance of building permits. Applicant shall submit: A copy of the Floor Plan showing the location of the restrooms, prior to issuance of building permits, to the Project Review Health Specialist.

Consumer Protection:

74. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any facility that prepares cannabis ingredient(s), food, or beverage for human consumption must be submitted to, and approved by the California State Department of Public Health, Manufactured Cannabis Safety Branch. Early consultation with the California State Department of Public Health, Manufactured Cannabis Safety Branch is recommended.

All ingredient, food, and/or beverage manufacturing on this site shall be limited to the scale and scope specified under the Planning conditions in this Use Permit. Contact the California Department of Public Health (855-421-7887) for information and instructions. Applicant shall submit: an approval letter or e-mail from the California State Department of Public Health, Manufactured Cannabis Safety Branch to the PRMD Project Review Health Specialist to verify compliance with requirements of the California Health and Safety Code.

Noise:

75. Prior to the issuance of building permits and project operation, noise mitigations shall be photocopied from the Noise Study and attached to the building plans submitted for plan check.

Solid Waste:

76. Prior to building permit issuance and project operation, the applicant shall submit a design for trash enclosures, recycling areas, and a secured cannabis green waste area with prohibited public access, for review and approval by Project Review-Health. 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.

Curbside trash/cannabis green waste collection service must have at least a 34-foot turning radius at street ends, driveways, or alternative collection points for adequate refuse truck turn around area. Onsite composted and/or mulched cannabis green waste shall be done in compliance with Title 14 of the California Code of Regulations, Division 7, Chapter 3.1, starting with section 17850. Applicant shall submit: A design for trash enclosures, recycling areas, composting and cannabis green waste area for review and approval by the PRMD Building Plan Check Section.

PRIOR TO PROJECT OPERATION:



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Water:

77. Prior to project operation, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2016 California Plumbing Code and subsequent editions adopted by Sonoma County. Applicant shall submit: A copy of the Cross Connection Control Specialist's initial report to the Project Review Health Specialist for review.
78. Prior to project operation, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD. Applicant shall submit: A letter from the Cross Connection Control Specialist to the Project Review Health Specialist stating that backflow prevention has been installed as recommended.

Septic

79. Prior to project operation, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the PRMD Well and Septic Section. Applicant shall submit: A final clearance from the Well & Septic Specialist to the Project Review Health Specialist, that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

Hazardous Materials:

80. Prior to project operation, the applicant shall provide "double containment of cultivation chemicals (pesticides, fertilizers, amendments, additives, etc.) and any other site hazardous materials. Storage of hazardous materials shall be in compliance with the manufacturer's Material Safety Data Sheets. Applicant shall submit: a detail of the cultivation chemicals (pesticides, fertilizers, amendments, additives, etc.) and any other site hazardous materials storage methods and areas to the Project Review Health Specialist.

Water:

81. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
82. A safe, potable water supply shall be provided and maintained.

Septic:



- 83. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
- 84. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
- 85. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards.

Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Noise:

- 86. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
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
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.		

- 87. If noise complaints are received from nearby residents, and they appear to be valid complaints, then the applicant/operator shall conduct a Noise Study to determine if the current operations meet noise standards and to identify any additional noise Mitigation Measures that may be necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within 60 days of notification from Permit Sonoma that a noise complaint has been received. The applicant/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste



88. All garbage and refuse on this site shall 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 shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day. 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.

Odor Control

89. All indoor cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

Smoking

90. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines), and in any enclosed area that is a place of employment (Sonoma County Code Section 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (Section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that the Health and Safety Code Section 113781 definition of food includes any beverage intended for human consumption.

91. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code Section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash can.

92. Smoking or consumption of Cannabis or materials containing Cannabis is prohibited on the site.

SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:

"Compliance with the conditions below have been verified" BY _____ DATE _____

Contact Transportation & Public Works at 707-565-2231

93. The Applicant shall construct a private roadway entrance such that it conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Valley Ford Freestone Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the



State of California, will be required to prove the driveway (project's entry to Valley Ford Freestone Road) meets these requirements.

- a. A minimum paved throat width of twenty four (24) feet.
 - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Valley Ford Freestone Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per County Code Section 13-32 (b). Entrance curve radii may be reduced with the approval of Sonoma County Fire Prevention.
 - c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with current AASHTO requirements for the speed traveled on Valley Ford Freestone Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
 - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
 - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
94. The Applicant shall maintain all existing and proposed vegetation within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.
95. Driveway cross-drains within the County right-of-way (if any) shall be upgraded to a minimum 18 inch culvert under the driveway.

Emergency Vehicle Access:

96. Prior to constructing any improvements within County road right-of-way, the applicant/operator shall locate driveway gates a minimum distance of 30 feet from the edge of the public road traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

Processing:

97. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

Completion of Required Improvements:



98. The Applicant shall complete construction of all the required public improvements prior to use of the property associated with the land entitlement resulting from this application.

MITIGATION MEASURES FROM MND, DATED JUNE 22, 2021:

99. Mitigation Measure BIO-1 Monitor Special Status Plants Onsite:

The following measures shall be included in the project:

- a. To ensure no take of individuals and compliance with CDFW guidelines, three additional seasonal surveys shall be conducted in March, April, and May for four special-status plant species: coast rockcress (*Arabis blepharophylla*), blue coast gilia (*Gilia capita/a ssp. chamissonis*), Harlequin lotus (*Hosackia gracilis*), and marsh microseris (*Microseris paludosa*). The project botanist shall report any and all special status plant occurrences to the CNDDDB for inclusion in the database.
- b. If any special status plant species are found, the following mitigation measures would be implemented based on the status of the plant observed: Endangered, Threatened, or Rare Species and their Habitats: The project shall either avoid take or obtain formal incidental take coverage with the required compensatory measures where avoidance cannot be achieved for the affected categories: state and federally listed or proposed species, state candidates for listing, and CNPS ranked species. Listed or CNPS ranked species: The project applicant shall avoid, minimize, and/or compensate (in that order of preference) for any special status plant species that are found on the project site. If special plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and CDFW for approval for federal and state-listed plants, respectively. The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants (CNPS 1998), described below, or equally effective alternative measures:
 - i. Mitigation for impacts to special status plants may include avoidance measures, when feasible, and compensatory mitigation when avoidance is not possible. Avoidance measures shall include buffer zones to avoid impacting listed plants; installing exclusion fencing around the existing plant populations prior to and during construction. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post project monitoring shall verify that avoidance and mitigation measures are successful.
 - ii. If mitigation for impacts to special status plants occurs at a non-bank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of

the project site, mitigation for listed plants may be accomplished at any site in Sonoma County that is suitable and supports the impacted plant population.

- iii. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFW for approval prior to initiation of construction activities. Mitigation sites shall be monitored for five years after installation. Depending on the actual case-by case circumstances listed plants within the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFW and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.

Impacted plants shall be mitigated at the ratio of 2: 1, or as required by resources agencies, for both individuals and area

100. Mitigation Measure BIO-2 Prevent Take of Red-Legged Frogs:

- a. To prevent take of individuals, prior to ground clearing, a nocturnal pre-construction survey shall be conducted. Using lights and binoculars, a qualified biologist shall survey the area of ground clearing. If no individuals are found, ground clearing can start the following day. If individuals are found, the applicant shall consult with CDFW regarding follow up nocturnal surveys, before ground clearing can occur.
- b. Prior to issuance of any grading permit(s), the County shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species, which shall be noted on the final project plans.

101. Mitigation Measure BIO-3 Nesting Bird Avoidance or Conduct Preconstruction Surveys:

- a. The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:
 - i. To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). 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.
 - ii. If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet



for nesting raptors. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven days, an additional nesting bird survey shall be performed.

- iii. If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are up to 75 feet from the nest site or nest tree dripline for small birds and up to 1,000 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring shall be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.
 - iv. A report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a building permit.
- b. The County shall not issue permit(s) for ground disturbing activities until after the site has been surveyed by a qualified biologist to ensure that no active bird nest disturbance



or destruction would occur as a result of the project. If necessary, nest protection buffers shall be fenced off and active nest monitoring initiated prior to permit issuance.

102. Mitigation Measure BIO-4 Improve Western Bumble bee (*Bombus occidentalis*) Onsite Habitat:

- a. To mitigate potential impacts to native bees, native shrubs and herbaceous (forb) species shall be planted around the grow area to support these bee populations. Plants known to benefit native bees include coyote brush (*Baccharis pilularis*), sage (*Salvia spp.*), lupines (*Lupinus spp.*), various species of Lotus and Acmispon, gumplant (*Grindelia spp.*), and *Phacelia spp.* A native wildflower mix shall be seeded around the cultivation site that include many of the bee species and benefit the local flora.
- b. Prior to issuance of any building permit(s), the County shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species, which shall be noted on the final project plans.

GENERAL OPERATIONAL CONDITIONS:

The Use Permit and operation of the use are subject to the following general provisions:

103. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
104. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g., lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.
105. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
106. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than



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August 31, 2021

one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.



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