

**Conditions of Approval and  
Mitigation Monitoring Program**

**Date:** December 13, 2022 **File No.:** UPC17-0031  
**Site Address:** 4233 Browns Lane, Petaluma, CA 94954 **APN:** 068-010-016  
**Applicant/Operator:** Joseph Riccardo  
**Applicant Address:** 5355 Skylane Blvd., STE. A, Santa Rosa, CA 95403  
**Business Owner(s):** Joseph Riccardo  
**Landowner:** Renee and Berti Cardineaux Trustees  
**Landowner Address:** 4233 A Browns Lane, Petaluma, CA 94954

**Project Description:** Request for a five-year limited term Use Permit for 43,560 square feet of commercial cannabis cultivation, including 10,000 square feet of small mixed light cannabis cultivation, 33,560 square feet of outdoor cultivation, 9,000 square feet of propagation, and ancillary onsite processing operations within a 2.6-acre licensed premises on a 100-acre Land Extensive Agriculture zoned (LEA) property. On-site processing of site-grown cannabis will consist of trimming, drying, curing, weighing, and packaging. Operating hours will occur 7 days per week, 24 hours per day, as needed, although most activities will occur 7 days per week but will be limited to daylight hours. Deliveries and shipping operations will be limited to the hours of 8:00 am to 5:00 pm Monday through Friday. The operation will have a maximum of 10 employees onsite at one time. The operation will be closed to the public.

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**Prior to commencing the use, 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, grading, or other development 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 \$2,598.00 (or the latest fee in effect at the time of payment) for County Clerk processing. The fee will be charged against the project At-

Cost deposit account and billed to the applicant, unless the applicant requests an alternate payment method, such as a check made out to the Sonoma County Clerk and submitted to Permit Sonoma 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. Condition Compliance Fee. At the time of submitting a building permit application and prior to issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$3,029.00 (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.
5. Department of Agriculture Annual Site Monitoring Fee. The applicant/operator shall be responsible for payment of all site monitoring fees conducted to verify compliance with the ordinance, cultivation BMPs, and project conditions of approval. Inspections shall be conducted and fees shall be paid for each year over the effective term of the permit.
6. Permit Sonoma Well Monitoring Fee. Prior to 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.
7. Sustainable Groundwater Monitoring Act Fee. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.
8. 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.
9. 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.



**PLANNING:**

**Contact Haleigh Frye, Project Planner at (707) 565-2477**

10. 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 UPC17-0031 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.**

11. Type(s) and Limitations of Use:

- a. This use permit allows for onsite outdoor and mixed light cannabis cultivation, mixed light accessory propagation, and associated processing of site-grown cannabis.
- b. The use permit does not allow for cannabis self-distribution.
- c. The use permit does not allow public access to the cannabis operation.
- d. The use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
- e. 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
- f. The use shall be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPC17-0031 as modified by these conditions.



12. Propagation Area. This use permit allows 9,000 square feet of mixed light propagation. Propagation plant material shall be kept in a separate, unique area away from flowering plants. The applicant/operator shall not increase propagation area beyond 9,000 square feet of mixed light at this location without prior approval from Permit Sonoma staff. Propagation area is separate from and does not include wholesale nursery cultivation.
13. Cultivation Area. This use permit allows 10,000 square feet of mixed light cultivation and 33,560 square feet of outdoor cultivation, for a total cannabis cultivation canopy area of 43,560 square feet. The applicant/operator shall not increase cultivation area beyond 43,560 square feet at this location without prior approval from Permit Sonoma staff. This permit does not include wholesale nursery cultivation.
14. Canopy Plan. The applicant/operator shall be responsible for submission of a current canopy plan including all cultivation areas for each year over the effective term of the permit. This plan shall graphically depict all cannabis cultivation areas that contain mature plants and shall calculate the canopy area in square feet, measured in clearly identifiable boundaries. The canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that may include, but is not limited to, greenhouse walls, shelves, garden benches, hedgerows, fencing, etc. **The canopy plan shall be submitted by June 1 of each year the permitted operation is active.**
15. Hours of Operation. Mixed light cultivation and indoor processing operations are allowed to occur 24 hours per day, 7 days a week, as necessary, although general use will occur during daylight hours. All deliveries and shipping are limited to the hours of 8:00 am to 5:00 pm Monday through Friday.
16. Special Events. This use permit does not include or authorize special events.
17. Employees. This Use Permit allows a maximum of 10 employees onsite per day.
18. Operational Requirements. The operation shall conform to the standards established by County Code Sections 26-88-250 through 26-88-256, and all other applicable requirements for the specific type of use and those of the underlying base zone.
19. 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.
20. 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).

21. Security Log. **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.
22. Inspection. The operation shall be subject to inspections by appropriate local and state agencies, including but not limited to Agriculture/Weights & Measures and Permit Sonoma. Inspections may occur at random times for conformance with the County Code and permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the operator to immediately cease operations.
23. Odor. The applicant/operator shall install and maintain an odor control air filtration and ventilation system in each building containing cannabis products to control off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including mixed light greenhouses, processing, and product storage structures. Verification of compliance 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.
24. Odor Monitoring Log. **A log of odor incidents, complaints received, 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.
25. Odor Complaints/Additional Odor Control Measures. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it is determined by staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. Additional measures may include daily inspections and additional 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.
26. Energy Use. The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in a Sonoma Clean Power program will be submitted and shall be maintained, unless another 100 percent renewable alternative is proposed. A request to modify the energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.

27. Signage. The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
28. Water Conservation Plan. Prior to issuance of a Use Permit Certificate to operate, a Water Conservation Plan shall be implemented by the applicant/operator and verified by staff. The Plan includes all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible, including but not limited to: regularly checking for and repairing leaks, using dry cleaning methods, installation of low flow fixtures, and utilize a recycle water system for project operations.
29. Greenhouse Gas Reduction Plan. Prior to issuance of a Use Permit Certificate to operate, a Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be implemented by the applicant/operator and verified by staff. The Greenhouse Gas Reduction Plan submitted includes all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible, including: hiring of employees within the local community to reduce distance of employee trips; energy efficient LED lighting, unplugging and turning off equipment and computers when not in use, use of motion sensing lighting in office spaces and areas not in regular use, regulation of building temperature control settings, run energy intensive systems during off-peak hours when possible, install weather stripping to seal air gaps in doors and windows, and implementation of a local hiring program.
30. Lighting. Prior to issuance of a Use Permit Certificate to operate, an exterior lighting plan, including security lighting, shall be submitted for review by Permit Sonoma staff. 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. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Verification of lighting installation in compliance with standards shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
31. Permanently installed generators. Permanently installed emergency generators shall not be used to power the indoor or mixed light growing of cannabis plants. The prohibition includes indoor and mixed light propagation and vegetative plant production. Permanent emergency generators can be used only during power shut offs and other emergencies when on-grid power is not available. During those specified times, a permanently installed generator can be used to power supporting and accessory activities, such as employee uses, processing, and product storage, and to power public safety functions, such as security lighting, cameras, alarms, and fire sprinklers. Permanently installed emergency generators can be used during emergency and non-emergency conditions to power well pumps for irrigation and/or fire suppression for all cultivation uses.

A Building permit is required. The installation shall be subject to all applicable Building Code, Fire Prevention, and air quality requirements and standards, including, but not limited to:



- a. Location away from overhanging vegetation, and 30-foot non-combustible space around the generator site.
  - b. Generator noise emissions shall be less than 70 decibels as measured at any point 25 feet from the generator when operating at full power (this typically can be obtained with a Level II acoustic enclosure from the generator manufacturer). A generator sound level specification sheet must be submitted with the building permit application to verify compliance with this standard. If a separate structure is required or proposed to meet this standard, the structure may be subject to additional permits.
  - c. Self-test cycles shall be programmed to run on a weekday between the hours of 10:00 am and 2:00 pm.
  - d. A completed and signed Declaration of Use (Form BPC-061) shall be submitted along with the Building Permit describing the proposed use of the generator. The form requires a Site Plan specific to the Declaration that clearly identifies the building(s)/use(s) the emergency generator will support, and clearly identifies where cannabis operations will occur. This information can be hand-drawn on an existing site plan or on an aerial.
32. Design Review. Prior to issuance of building permits, all new construction and exterior modifications to the 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.
33. Accidental Discovery of Cultural Resources. 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 will notify and consult with the culturally affiliated 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, tribal representatives, 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 will consult with the tribe(s) on the mitigation/protection plan and provide appropriate time for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma and agreed to by Tribe(s). Measures may include avoidance, removal, preservation and/or

recording 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.

34. 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.
35. Maintenance of On-Site Agricultural Use. The applicant/operator shall maintain a primary agricultural use on the parcel. Currently, primary agricultural uses include cattle grazing on the project parcel. Failure to maintain a primary agricultural use shall be considered a violation of this use permit, subject to revocation or modification.
36. 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.
37. Code Violations. All code violations shall be addressed and finalized prior to issuance of a Use Permit Certificate to operate.

**Mitigation Measures from MND:**

38. Mitigation Measure AIR-1 Construction Dust and Air Quality Control:

The following dust and air quality control measures shall be included in the project:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust, trackout, and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.

- c. Trucks hauling soil, sand, and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- e. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- f. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Trackout shall not be allowed at any active exit from the project site onto an adjacent paved public roadway or shoulder of a paved public roadway that exceeds cumulative 25 linear feet and creates fugitive dust visible emissions without cleaning up such trackout within 4 hours of when the Construction Coordinator identifies such excessive trackout, and shall not allow more than 1 quart of trackout to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.
- i. Visible emissions of fugitive dust shall not be allowed during cleanup of any trackout that exceeds 20 percent opacity as determined by the Environmental Protection Agency in Method 203B - Opacity Determination for Time-Exception Regulations (August 2017).

Trackout is defined by BAAQMD in Regulation 6, Rule 6: Prohibition of Trackout (August 2018) as any sand, soil, dirt, bulk materials or other solid particles from a site that adhere to or agglomerate on the exterior surfaces of vehicles (including tires), and subsequently fall or are dislodged onto a paved public roadway or the paved shoulder of a paved public roadway on the path that vehicles follow at any exit and extending 50 feet out onto the paved public roadway beyond the boundary of the site. Material that has collected on the roadway from erosion is not trackout.

39. Mitigation Measure BIO-1: Install Wildlife Exclusion Fencing Prior to Construction.

Prior to the start of activities, exclusion fencing shall be installed around areas of construction or ground disturbance under the direction of a qualified biologist to prevent CRLF and American badger (and other ground dwelling species) from entering the construction area. This fence shall be maintained during project construction activities. The following design specifications shall be used for effective temporary exclusion fencing:



- a. Taut silt fencing extending at least 24 inches above ground;
- b. Buried a minimum of six inches below ground surface and constructed with a lip so that animals cannot scale and go over the barrier;
- c. The exclusion fence post shall be located on the work side of the fence with the fabric on the outside of the area relative to the stakes.
- d. Metal fence stakes used on the project site shall be capped to prevent wildlife mortality.
- e. No gaps or holes in the exclusion barrier except for access gates required for vehicular and pedestrian traffic or as designed for one-way exit points (e.g., ramps or doors) to allow animals to move out of the construction site but not back in;
- f. Exit points no more than 200 feet apart and flush to the ground to prevent species from accessing the construction site;
- g. Redirection points at access gates at no greater than 100-foot intervals (for example, at least 5 feet of fencing perpendicular to the exclusion barrier) to redirect species on the outside of the barrier away from entrances into the barrier.

A qualified biologist shall be on site during all initial ground disturbance activities to inspect fencing and halt work if any sensitive wildlife species is found on the site.

40. Mitigation Measure BIO-2: Pre-Construction Surveys for CRLF.

An approved biologist shall conduct a pre-activity survey for CRLF (and other amphibians and reptiles), not more than 48 hours prior to initial ground disturbance. Examination of burrows, dense vegetation, and/or other refugia shall be the focus of the surveys. Surveys shall be conducted by a qualified biologist with experience surveying for these species. If CRLF (or any other special status species) are found, no work shall occur until the animal has left the project site. If the animal does not leave the area on its own, work shall remain halted and appropriate county, state, and federal agencies shall be contacted for guidance. If project activities are stopped for greater than 7 days, a follow-up pre-construction survey may be required within 48 hours prior to re-initiation of project activities, at the discretion of agency staff.

41. Mitigation Measure BIO-3: Pre-Construction Surveys for American Badger.

A qualified biologist shall conduct a pre-activity survey for active American badger dens within 30 days prior to grading or vegetation clearing in work areas. The pre-activity survey area shall include all potentially suitable habitat for American badger (e.g., grasslands and woodlands) located within 250 feet of work areas where grading or land vegetation clearing may occur and within or immediately adjacent to overland access routes. Surveys shall be conducted by a qualified biologist with experience surveying for these species. If American badger (or any other special status species) are found, no work shall occur until the animal has left the project site. If

the animal does not leave the area on its own, work shall remain halted and appropriate county, state, and federal agencies shall be contacted for guidance. If active dens are identified at any time during construction, the dens shall be flagged and avoided. A 250-foot work restriction buffer shall be established around active maternal dens. For non-maternal dens, a 50-foot work restriction buffer shall be established around active dens. If an active den cannot be avoided, work within a buffer shall only be allowed after appropriate measures have been implemented, such as passive exclusion (i.e., sealing the den after animals have vacated it), or active relocation, as determined through consultation with CDFW. Such measures shall only be allowed if approved by CDFW; if not approved, avoidance of the full buffer area shall be required.

42. Mitigation Measure BIO-4: Prevent Disturbance to Nesting Birds.

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:

- a. 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.
- b. 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 pre-construction survey for nesting birds, including ground nesting species such as burrowing owl, no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with local nesting bird and ground-nesting species including burrowing owl. 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, as feasible. 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 shall be performed.
- c. 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, fence installation, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). The buffer shall be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified biologist. No-work buffers are species- and site-specific, as determined by a qualified biologist.

Typically, the no-work radius is 100-250 feet for songbirds and owls and up to 0.5 mile for special-status raptors. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Any active nests shall be monitored by a qualified biologist to ensure compliance with the relevant Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF) requirements. The biologist shall document monitoring efforts and provide documentation to the applicant and County. No-work nest protection buffers may be removed and/or reduced if the qualified biologist determines the young have fledged the nest, the nest has otherwise become inactive due to natural cause (i.e., storm events or predation), or if the qualified biologist determines in coordination with CDFW that construction activities are not likely to adversely affect the nest. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact.

- d. 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. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds and ground nesting species. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a grading permit.
- e. Preconstruction surveys shall be conducted consistent with the Swainsons's Hawk Technical Advisory Committee (TAC) recommended timing and methodology for Swainsons's Hawk Nesting Surveys in California's Central Valley (CDFW, 2010). If active nests are found in the project vicinity, the following mitigation for loss of Swainsons's hawk foraging habitat shall be implemented, based on the following ratios:
  - i. For projects within one-mile of an active nest tree, provide one-acre of land for each acre of development authorized (1:1 ratio).
  - ii. For projects within five miles of an active nest tree but greater than one-mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
  - iii. For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

43. Mitigation Measure BIO-5: Prohibition on Plastic Erosion Control Netting.

Plastic monofilament or loosely woven erosion control netting, or any similar materials that may entangle special-status wildlife, shall not be installed. Suitable erosion control measures include natural materials that are 100% biodegradable, such as natural fiber netting and straw.



44. Mitigation Measure BIO-6: Environmental Awareness Training.

Environmental awareness training shall be provided by a professional biologist for all persons working on the project site prior to the initiation of project related construction activities. Training materials and briefings shall include a description of all biological resources on or in the vicinity of the of the project site, the laws and regulations that protect those resources, the consequences of non-compliance with laws and regulations, instructions for inspecting and washing equipment each morning prior to and following construction activities, and a contact person in the event that protected biological resources are discovered on site.

45. Mitigation Measure NOISE-1 Construction Noise Sound Barrier.

The existing perimeter fence shall be repaired, where necessary, to form a continuous barrier with no gaps or holes, except for the drive aisles on the northern portion of the site. Minimum material and installation requirements include: 1" thick plywood or Fir at 3.3 pounds per square foot installed with no gaps, holes or crevices between panels or between the bottom of the fence and the ground surface.

46. Mitigation Measure NOISE-2 Reduce Construction Noise Levels

The applicant and its contractor shall adhere to the following construction best management practices to reduce construction noise levels emanating from construction activities and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site stating the allowable hours of construction, and including the Coordinator's 24-hour phone number for public contact regarding noise issues. The Coordinator shall investigate all complaints to determine the cause (such as starting too early, faulty muffler, etc.), and shall take prompt action to correct any problem. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- c. Except for actions taken to prevent an emergency or to deal with an existing emergency, all construction activities (including equipment start-up, operation, servicing, and deliveries) shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma staff as soon as practical.
- d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary

construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

## **BUILDING PLAN CHECK**

**Contact Building Plan Check at 707-565-2095**

47. 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 completed and signed Declaration of Use (Form BPC-061) that describes the intended use of the proposed structure and complies with the associated Use Permit application shall be submitted with the building permit application package. The form requires a Site Plan specific to the Declaration that clearly identifies the building(s)/use(s) associated with the permit. This information can be hand-drawn on an existing site plan or on an aerial.
48. 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.
49. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form CSS-003).
50. 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.
51. To determine proper fire separations, the intended occupancies and uses of the facility, and spaces therein shall be clearly stated on the plans; similarly, the approved use and occupancy of the adjacent spaces in the building shall be shown. A detail of the wall assembly separating those spaces shall be shown on the plans. Plans shall include an analysis of proposed occupant load, area and height limitations, emergency egress, and fire-rated construction details.
52. 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.

53. 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.
54. 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.
55. 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 an alteration.
56. 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.
57. 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.

Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.

#### **GRADING & STORM WATER:**

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

58. Grading and/or building permits require review and approval by the Grading & Storm Water Section of 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.
59. The applicant shall provide grading plans for any proposed grading in excess of 50 cubic yards, greater than 3 ft of cut or fill depth or fills placed on a slope greater than 15% & the plans shall



be prepared by a civil engineer currently registered in the State of California. The plans shall clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the *Grading Permit Required Application Contents* (GRD-004) handout. Contact the PRMD Engineering division at [PermitSonoma-Engineering@sonoma-county.org](mailto:PermitSonoma-Engineering@sonoma-county.org) for assistance in determining whether a grading permit is required.

60. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) . The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the *Drainage Report Required Contents* (DRN-006) handout. This condition only applies if a grading permit is determined to be needed.
61. As part of the building/grading 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.
62. 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.
63. 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.
64. 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.

65. 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:**

**Contact the Permit Sonoma Natural Resources Geologist at 707-565-1352**

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

66. Prior to issuance of a Use Permit Certificate to operate, the recycled water irrigation supply shall be installed and complete, subject to approval by Permit Sonoma.
67. Prior to issuance of a Use Permit Certificate to operate, 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.
68. Prior to issuance of a Use Permit Certificate to operate, 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.
69. Prior to issuance of a Use Permit Certificate to operate, totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist.
70. Prior to issuance of a Use Permit Certificate to operate, totalizing water meter(s) to measure all recycled water use for the project shall be installed, subject to approval by Permit Sonoma Planning staff.
71. Prior to issuance of a Use Permit Certificate to operate, a Site Plan showing the location of all onsite well(s), groundwater wells with level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to Permit Sonoma for review and approval, along with an up to date description of the project water supply specifying which well(s) fills water storage tanks and what uses are served by storage tanks. 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:

72. The cultivation water supply for the use shall be recycled water from the City of Petaluma. Use of groundwater or surface water for cannabis cultivation or propagation is prohibited.

73. Tank storage with a minimum capacity of 20,000 gallons shall be maintained for onsite storage of irrigation water for cannabis cultivation. Additional storage for fire safety or other uses shall be separate from the tank storage used for irrigation.

An authorized recycled water agreement with the City of Petaluma shall be maintained and made available to Permit Sonoma upon request.

74. Groundwater Monitoring and Annual Reporting

- a. Groundwater levels and quantities of groundwater extracted for the use shall be measured quarterly. Data shall be reported to Permit Sonoma annually in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Data shall be provided on template monitoring forms provided by Permit Sonoma.
- b. 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 Permit Sonoma.

75. Meter Calibration. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma at least once every five years.

76. Groundwater Use Limitation. Total well water use for the project shall not exceed 0.5-acre feet per year. In the event that average water use over 3 years exceeds 0.5-acre feet per year, the applicant shall update the Water Conservation Plan to utilize the best available technologies to reduce water use, subject to review and approval by Permit Sonoma. In the event average water use over 3 years exceeds the estimated water use of the approved Water Conservation Plan by more than 10%, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce net groundwater use.

77. 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:**

**Contact Fire and Emergency Services at 707-565-2191**

PRIOR TO OCCUPANCY AND OPERATION

78. Prior to operation, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
79. The subject property (or properties) shall be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations
- a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division 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 Building (s) shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.

OPERATIONAL PERMITS

80. An annual fire safety inspection may be required by the fire code official 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 its costs of that inspection.

EMERGENCY PLANNING AND RESPONSE

81. Fire Protection Plan shall be provided prior to operation and shall provide 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. Buildings and intended use
- 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 onsite training records for review and a manual in address emergencies associated with the special process. (Example is extraction equipment)

#### ACCESS

82. Prior to operation the applicant and or operator shall at a minimum facilitate locating an emergency, avoid delays in response and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide and unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Code and the California Fire Code. The following shall be approved by the fire code official prior to operation.

- a. All existing roads providing access to new commercial cannabis operations with structures shall be provided with an access road not less than 20 feet in width. Access roads may be allowed to be reduced to 12 feet in width with turnouts as approved by the fire code official.
- b. The Applicant has applied for an exception to standards per Title 14, California Code of Regulations 1270.06 Development in the SRA. The applicant will provide the following items per the submitted exception application.
  - i. A City of Petaluma Reclaimed Fire Hydrant as shown
  - ii. Additional Turnouts on the exiting private access as shown
  - iii. Existing gate will be widened to 20 feet
  - iv. Additional water storage in the amounts specified in the exception totaling 29,500 gallons
    - 1. 3, 5000 gallon tanks

2. 5, 2500 gallon tanks
  3. 1, 2000 gallon tank
  4. Access to City of Petaluma Reclaimed water system and newly installed hydrant
- v. Vegetation Management Per PRC 4291 and SCC 13A
- c. All roadways and building shall be identified by approved road 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 Code.

#### WATER SUPPLY

83. 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

84. To reduce the intensity of a conflagration by the proposed project shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Code.

**HEALTH (Permit Sonoma):**  
**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

85. Prior to any building permit issuance and project operation, provide the Project Review Health Specialist with current bacteriological (E. Coli and total coliform), arsenic, and nitrate analysis results of the water sample from the drinking water well, as tested by a State-certified lab. Applicant 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 will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well,



destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant 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 PRMD 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 MCL's 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 PRMD Project Review Health Specialist.
86. Prior to the issuance of building permits and project operation, the applicant apply for a water supply permit from the State Division of Drinking Water because more than 25 persons per day for 60 days within a year may be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.)
87. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
88. Prior to building permit issuance and project operation, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8-to-12-hour yield test that indicates a minimum of one gallon per minute for each activity such as each commercial facility, for each residence, and each additional unit, etc., conducted during the dry season (July 15 through October 1). (Testing procedures for 1-2 project activities = 8-12 hour test, 3-4 activities = 18-24 hour test, and 72 hour test for 5 or more activities).

#### SEPTIC

89. Prior to building permit issuance and project operation, the applicant shall obtain permits for a process wastewater disposal system and a separate domestic 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 the sewage system 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.

90. Application for wastewater discharge requirements shall be filed by the applicant with the San Francisco Bay Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the 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).

91. Toilet facilities shall be provided for patrons and employees prior to issuance of building permits.

#### NOISE

92. Prior to the issuance of building permits and project operation, the existing perimeter fence must be repaired or replaced, where necessary, to confirm, with the exceptions of the drive aisles on the northern portion of the site, that a continuous barrier be present with no gaps or holes.

#### SOLID WASTE

93. 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.

#### VECTOR CONTROL

94. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to bringing the public onto a property with ponds. Note: Employees, delivery & transport drivers, etc., are members of the public.



PRIOR TO OCCUPANCY

WATER

95. 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.
96. 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

97. Prior to project operation, all wastewater plumbing shall be connected to appropriate sewage disposal systems that have been constructed under permit for the proposed use by the PRMD Well and Septic Section. **Applicant shall submit:** A final clearances from the Well & Septic Specialist to the Project Review Health Specialist, that all required septic systems' testing, design elements, construction inspections and any required operating permits have been met.
98. 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.

OPERATIONAL REQUIREMENTS

WATER

99. 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.
100. A safe, potable water supply shall be provided and maintained.

**SEPTIC**

- 101. 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.
- 102. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
- 103. 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**

- 104. 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 <sup>1</sup> , 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

<sup>1</sup> 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.

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



### SOLID WASTE

106. All garbage and refuse on this site shall accumulate or 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 accumulate or be stored for no 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.
107. 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

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

### SMOKING

109. Smoking is prohibited at any public event, 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 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 Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
110. A "Designated Smoking Area" for tobacco products 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 cans.

### **SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**Contact Transportation & Public Works at 707-565-2231**

### INTERSECTIONS OF ROADS AND DRIVEWAYS

111. 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 (Browns Lane) 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 private road intersection (project's entry to Browns Lane) meets these requirements.

- a. A minimum paved throat width of twenty (20) feet. If physical or legal limitations prevent the Applicant from constructing the required entry width, consideration may be given for a narrower paved throat width with the written approval of Sonoma County Fire Prevention. The Applicant shall document the limitations by providing a signed and stamped exhibit prepared by a Registered Civil Engineer or Land Surveyor, licensed in the State of California showing the maximum possible paved throat width as well as other design parameters to Sonoma County Fire Prevention and the Department of Transportation and Public Works (DTPW) for review. Deviation will require approval by the DTPW.
  - b. An entrance curve having a minimum pavement radius of 25 feet; the entrance curve shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Browns Lane. A 1:10 pavement taper shall be constructed on one side 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 entryway shall be in accordance with current AASHTO requirements for the speed traveled on Browns Lane. 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 entryway.
  - 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.
112. 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 the project entry where it intersects a public roadway.

PROCESSING

113. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to working within County road right-of-way.

COMPLETION OF REQUIRED IMPROVEMENTS

114. The applicant/operator shall complete construction of all the required public improvements prior to use of the property associated with the land entitlement resulting from this application.

**GENERAL OPERATIONAL CONDITIONS:**

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

115. 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.
116. 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.
117. 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.
118. 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



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December 13, 2022

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



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)

