

**ATT 1**  
**Draft Conditions of Approval**

**Date:** January 26, 2021 **File No.:** UPC19-0002  
**Site Address:** 101 Trinity Road, Glen Ellen **APN:** 053-100-017  
**Applicant/Operator:** CSCF, LLC and WWCMC, Inc.  
**Applicant Address:** 975 Corporate Center Parkway, Suite 115, Santa Rosa, CA 95402  
**Business Owner(s):** CSCF, LLC and WWCMC, Inc  
**Landowner:** Gordenker Turkey Farm, Inc. c/o Peter Gordenker  
**Landowner Address:** PO Box 341, Glen Ellen, CA 95442

**Project Description:** Request for a limited-term, five-year Conditional Use Permit for 20,000 square feet centralized commercial cannabis processing facility and commercial cannabis operation of 28,560 Square feet of outdoor cultivation, 5,000 square feet of indoor wholesale nursery cultivation, and 10,000 square feet of mixed-light greenhouse canopy, 10,890 square feet of propagation and a distribution – transportation only permit on a 27.67-acre parcel zoned Land Intensive Agriculture (LIA) with a maximum 100-acre density (B6 Combining District), and Taylor/Sonoma/Mayacamas Mountains (Local Guidelines Combining District), Riparian Corridor (RC50/25) and Scenic Corridor Community Separator and Scenic Corridor Combining District (SR) at 103 Trinity Road in Glen Ellen, CA. There would be a maximum of seventeen employees, all of whom would be 21 years of age or older. Operating hours would be 24-hours and 7 days a week, as needed. Shipping and delivery operations would be limited to 6AM to 5PM, Monday to Friday. The project would be closed to the public.

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**Prior to commencing the use, and within 120 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 shall pay a mandatory Notice of Determination filing fee of \$2,456.75 (or latest fee in effect at the time of payment) for County Clerk processing, made payable to Sonoma County Clerk and submitted to PERMIT Sonoma. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local Permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code). 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 \$2,675.00 (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 \$600.00 (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. 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.
8. Traffic Mitigation Fee. The Applicant, his or her personal representatives, and project consultants are advised that prior to the use of this property associated with this land entitlement, payment of a development fee (Traffic Mitigation Fee) shall be made to



Permit Sonoma (PRMD) per Chapter 26, Article 98 of the Sonoma County Code. Per the Traffic Impact Study provided for this project, this project will generate 38 new Average Daily Trips (ADT). The fee is computed multiplying project ADT by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Land Development Section of Permit Sonoma (PRMD) prior to clearance of these conditions.

**PLANNING:**

**"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact Scott Orr, Deputy Director of Planning (707) 565-1754**

9. Type(s) and Limitations of Use:

- a. This use permit allows for medium outdoor, small mixed-light and specialty indoor cannabis cultivation, with on-site processing.
- b. This use permit allows for cannabis distribution and transportation.
- c. This use permit allows for cannabis centralized processing, including processing and packaging of cannabis grown on-site and off-site.
- d. This use permit does not allow for cannabis non-volatile manufacturing, including associated post-processing and packaging.
- e. This use permit does not allow for cannabis laboratory testing.
- f. This use permit allows for on-site cannabis cultivation.
- g. This use permit does not allow public access to the cannabis operation.
- h. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
- i. 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
  - j. The use shall be operated in accordance with the proposal statement, operational plans, site plan, and floor plan located in File No. UPC19-0002 as modified by these conditions.
  - k. 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.
- 10. Propagation Area. This use permit allows for 10,890 square feet of propagation within the proposed greenhouse, as shown on the Site Plan, and 0.00 square feet of outdoor propagation, for a total cannabis propagation canopy area of 8,900 square feet. The applicant/operator shall not increase propagation area beyond 10,890 square feet at this location without prior approval from Permit Sonoma staff.
- 11. Cultivation Area. This use permit allows for 10,000 square feet of mixed light cultivation, 28,560 square feet of outdoor cultivation, and 5,000 square feet of indoor wholesale nursery 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.
- 12. Centralized Processing Area: This use permit allows for centralized cannabis processing to occur in a 20,000 square feet facility. The applicant/operator shall not increase the centralized processing area beyond 20,000 square feet at this location without prior approval from Permit Sonoma staff.
- 13. Hours of Operation. Cultivation and processing operations are allowed to occur 24 hours per day, 7 days a week, as needed. Deliveries and shipping operations are limited to the hours of 8:00 am to 5:00 pm, Monday through Friday.
- 14. 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, including the following:
- 15. 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.
- 16. 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 may be subject to permit renewals. The Use Permit Certificate for UPC19-0002 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The applicant/operator may apply for permit renewal at least 90 days prior to expiration of the permit to minimize delays in processing.

17. Operator(s) and Employees:

- a. The applicant/operator and all employees must be age 21 years or older. This use permit allows for a maximum of seventeen (17) employees on-site at any time.
- b. 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.
- c. An applicant/operator providing false or misleading information may result in nullification or revocation of this issued use permit.

18. 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.

19. Tracking. The applicant/operator shall comply with any labeling, testing, and track and trace program established by the County and state agencies. The Operator must maintain records tracking all commercial medical cannabis production and products and shall make all records related to commercial medical cannabis activity available to the County upon request.

20. State Licensing. The applicant/operator shall be required to obtain a state license and shall comply with any applicable state licensing requirements, such as operational standards and locational criteria.

21. Occupational Safety. The Operator shall comply with all federal, state and local laws and regulations governing California Agricultural Employers, which may include but is

not limited to, federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.

22. 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 at both Trinity Road and Weise Road, locking doors, security lighting, and alarms. Weapons and firearms are prohibited. No cash shall be kept at the location. 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.
23. 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.
24. Cultivation Size Limitation. The applicant/operator shall not hold interest or ownership of more than one acre (43,560 square feet) of cannabis cultivation within Sonoma County. The applicant/operator shall not increase the total cultivation area beyond 43,560 square feet at this location.
25. Canopy Plan. This use permit shall not be vested until a canopy plan is submitted to and reviewed by Permit Sonoma. This plan shall graphically depict all cannabis cultivation areas that contain mature plants. This plan shall calculate the canopy area in square feet, measured in clearly identifiable boundaries of all areas that contain mature plants. 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.
26. 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. 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 that outlines the complaint, the resolution and the timeframe that either was taken or will take to address the odor issue 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.

If verified odor complaints are received and verified and cannot be resolved following attempts, Permit Sonoma staff may bring this matter 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).

27. Energy Use. The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean EverGreen program shall be submitted and maintained, unless another 100 percent renewable alternative is proposed. Any request to modify the energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.
28. Signage. The project approval does not include any signage and signage for the project is not permitted. Signage alluding to the cannabis business is not permitted on any business transport vehicles.
29. Taxes. Cannabis uses must 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.
30. 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 improvements are planned.

31. Water Conservation Plan. A Water Conservation Plan, that details the rainwater collection system to be installed on the greenhouse, for the operation 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.

Additionally, in the event that average water use over 3 years for the Use Permit exceeds 3.7 acre feet per year, the applicant shall provide an updated Water Conservation Plan to reduce groundwater use to the Permit Sonoma Natural Resources Geologist, per condition 78. This is subject to review and approval of the Director.

32. Stormwater. The applicant/operator shall comply with storm water management requirements to avoid any impacts on on-site drainage conditions.
33. Lighting. Prior to issuance of the use permit, the applicant shall submit an exterior lighting plan 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. The greenhouse will have black out shades installed to prevent light pollution 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).





34. Exterior Modification. Prior to issuance of building permits, any exterior modifications to the building façades or site, including landscaping, parking lot improvements, fencing, lighting, and signage, shall be subject to administrative design review. Razor or barbed wire and similar fencing is not permitted.
35. 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.
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, making it subject to revocation or modification.

**MITIGATION MEASURES FROM MND, DATED 12/1/2020:**

**37. Mitigation Measure AIR-1:**

- a. The following dust control measures shall be included in the project specifications on all grading and building plans:
  - 1) Water or alternative dust control shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
  - 2) Trucks hauling soil, sand and other loose materials over public roads shall cover their loads or keep the loads at least two feet below the level of the sides of the container or wet the load sufficiently to prevent dust emissions.
  - 3) Paved roads shall be swept as needed to remove soil that has been carried from the project site.
- b. The following BAAQMD Best Management Practices (BMPs) shall be included in the project:
  - 1) Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
  - 2) Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
  - 3) Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent roads (dry power sweeping is prohibited) during construction of the proposed project.
  - 4) Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.

- 5) Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- 6) Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- 7) Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- 8) Post a publicly visible sign with the name and telephone number of the construction contractor and County staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the BAAQMD to ensure compliance with applicable regulations.

**Mitigation Monitoring AIR-1:** County staff shall ensure that the construction period air quality measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits.

**BUILDING:**

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

38. 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 signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
39. The Building permit application package will not be "Plan Check Approved" prior to Use Permit conditions specific for this project being approved.
40. 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.

41. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
42. All manufacturing uses shall be defined and scoped. 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 provided for any of the above materials which exceed code-prescribed thresholds.
43. 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.
44. 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 manufacturer's listing and/or recommendations.
45. The applicant/operator shall comply with California Building Code (CBC) 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 or occupancy classification is considered to be an alteration.
46. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public, 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 (CBC) 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 CBC, as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.

47. 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 personnel familiar with the systems and construction at the project site and capable of describing and controlling equipment.
48. Any structures to be constructed as part of use permit conditions, such as security or sound walls, shall require separate building applications and permits.
49. 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.

#### **GRADING and STORMWATER**

**"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_**

**Contact Permit Sonoma Grading & Storm Water Section at (707) 565-1691**

50. 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.
51. 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.
52. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and



Resource Management Department (Permit Sonoma) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

53. The applicant shall provide grading plans for the proposed gravel driveways & fire turn-around, prepared by a civil engineer currently registered in the State of California, which 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.
54. As part of the 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.
55. 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. Production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
56. 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.



57. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
58. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.
59. A waterway setback analysis shall be prepared to determine the most stringent composite waterway setback, 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. The waterway setback analysis shall include several cross sections of Trinity Creek. At a minimum, building, grading, and riparian corridor setbacks shall be included in the waterway setback analysis. The most stringent composite waterway setback shall be clearly shown and noted on the grading/site plans.
60. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading/site plans.
61. 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.
62. 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.
63. The applicant is responsible to contact the San Francisco Bay Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm

Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a waterway.

64. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit work within 25 feet of a waterway.
65. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 12. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work adjacent to Highway 12.
66. The applicant is responsible to contact the U.S. Army Corps of Engineers and obtain any necessary permits or waivers for proposed work in or near a wetland or navigable waters. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a wetland or navigable waters.

**MITIGATION MEASURES FROM MND, DATED 12/01/2020:**

**67. Mitigation Measure BIO-1: Special-Status Plants**

A qualified biologist should conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the project site within the planned work area prior to the start of construction. Surveys should be conducted following Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, prepared by CDFW, dated March 20, 2018 as follows:

- a) To determine presence or absence of special-status plant species within the project site, a qualified botanist shall conduct focused surveys according to CDFW guidelines prior to the onset of construction activities. A comprehensive, site-wide survey will be conducted during April 2019 to coincide with the peak blooming periods of all special-status plant species that may be present. Following the completion of the surveys, a survey results report shall be prepared and provided to the County. This report shall be a condition of project approval and shall include, but shall not be limited to, the following: (1) a



description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area and the location of any special-status plants encountered. If no rare plants are found, then no further mitigation would be required.

- b) If rare plant(s) is (are) found during the survey, the number of individuals present shall be documented and the limits of population shall be marked with flagging and avoided by construction personnel. If the species cannot be avoided or may be indirectly impacted, the applicant shall notify CDFW and/or USFWS (depending on protection status) to discuss avoidance, minimization, and mitigation measures as appropriate for each species population, including measures to be taken and protocols to be followed if special-status plants are inadvertently disturbed during construction activities.
- c) CDFW and/or USFWS may require the preparation and implementation of a mitigation plan that details avoidance, preservation, and/or compensation for the loss of individual special-status plant species. Mitigation may include the purchase of mitigation bank credits, preserving and enhancing existing on-site populations, creation of off-site populations through seed collection and/or transplantation and monitoring these populations to ensure their successful establishment, and/or preserving occupied habitat off-site in perpetuity.

**Mitigation Monitoring BIO-1:** Prior to issuing a grading permit, the County shall review the focused plant survey report and, for any rare plant discovered within the cultivation area and surrounding 25 feet, shall inspect the flagged plant locations. The County shall also notify USFWS and/or CDFW if these flagged locations cannot be avoided. If required, a qualified botanist shall prepare a mitigation plan to compensate for unavoidable impacts to special-status plant species.

#### **68. Mitigation Measure BIO-2: Conduct Pre-Construction Amphibian Surveys**

Due to the proximity of the project site to an ephemeral creek, the project site has potential to provide dispersal habitat for special-status amphibian species—foothill yellow-legged frog and red-bellied newt—especially following precipitation. To avoid impacting these species, the following measures shall be followed:



- a) Within 3-5 days prior to initiating work at the project site (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), a qualified biologist shall perform a pre-construction survey for foothill yellow-legged frog and red-bellied newt individuals within the boundaries of the project site plus a 500-foot buffer zone downstream of the construction area.
- b) If foothill yellow-legged frog or red-bellied newt are found during the pre-construction survey, the qualified biologist shall immediately inform the construction manager that work should be not be initiated until the amphibians have dispersed from the work area. The qualified biologist shall then consult with CDFW immediately and provide a short description of observations, including a count of individuals and the life stage(s), condition at the site, and other aquatic species observed (if applicable). Unless explicitly authorized by the CDFW, amphibians shall not be relocated if encountered in the project site. If they do not disperse on their own volition, the qualified biologist shall monitor the amphibians and consult with CDFW to determine if the biologist may get approval to relocate individuals to an authorized location.
- c) The applicant shall not resume project activities until CDFW has provided written approval of the proposed avoidance measures or actions.
- d) Work shall be avoided if precipitation (defined as the National Weather Service 24-hour weather forecast indicating a 40 percent chance or higher of precipitation of at least 0.10 inch of precipitation) is forecasted or has been recorded at the project site within a 24-hour window. An NWS forecast may be utilized to plan project work accordingly.

**Mitigation Monitoring BIO-2:** If foothill yellow-legged frog or red-bellied newt are found during the pre-construction surveys, then a copy of CDFW's written concurrence with proposed impact avoidance measures shall be provided to Sonoma County prior to the commencement of grading on the project site. In addition, prior to issuance of any grading permit(s), the County shall review and approve the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive species, which shall be noted on the final project plans. The County shall not issue a grading permit until applicant has submitted evidence to the County that either Mitigation Measures BIO-1, BIO-2, and BIO-3 have been completed to USFWS and/or CDFW satisfaction (if agency involvement is required).



### 69. Mitigation Measure BIO-3: 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 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.
- (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, 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.

- (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 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 grading permit.

**Mitigation Monitoring BIO-3:** The County shall not issue permit(s) for ground disturbing activities during the nesting bird season (February 1 through August 31) 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.

#### 70. Mitigation Measure BIO-4: Avoid Fencing Hazards

To avoid impacts to wildlife through accidental entrapment and subsequent mortality in open pipes, all hollow posts and pipes shall be capped at all times during project construction and operation.



**Mitigation Monitoring BIO-4:** The project applicant shall include a measure to cap all hollow posts and pipes during project construction and operation.

#### 71. Mitigation Measure BIO-5: Lake and Streambed Alteration Agreement

Prior to issuance of any grading or building permit for the sewer pipeline extension across the unnamed ephemeral tributary (to the north of the project site), the applicant shall submit a new application for a Lake and Streambed Alteration Agreement (LSAA) to CDFW that includes information on the sewer pipeline extension and any other work across the unnamed ephemeral tributary (to the north of the project site) that is not currently covered by another LSAA. In addition, the applicant shall file an application with the Water Board for any related actions that could result in the discharge of dredged or fill material to waters of the state. In addition to any Best Management Practices (BMPs) identified by CDFW or the Water Board, the applicant shall implement the following BMPs for any work in or near the stream, including, but not be limited to:

1. Proper erosion control and other water quality BMPs shall be implemented to avoid sedimentation and disturbance in the streambed and downstream, where storm water may run off into the riparian corridor. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials.
2. No trees or riparian vegetation shall be removed for any construction activities.

**Mitigation Monitoring BIO-5:** Permit Sonoma shall not issue any grading or building permits until the applicant has provided copies of all required permits (or waivers) from the State Department of Fish and Wildlife and the San Francisco Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

#### NATURAL RESOURCES GEOLOGIST:

"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_

Contact Permit Sonoma Natural Resources Geologist at (707) 565-1352



**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)



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

**Water:**

72. 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.

73. A separate, dedicated monitoring well is required for this project. The well labeled Well 2 in the October 2017 Groundwater Report by PJC and Associates may serve as the dedicated monitoring well.

If Well 2 is unavailable, a separate, dedicated monitoring well is required for this project. The monitoring well is required to be drilled under permit of this department and shall be of a depth, screening and development comparable to the supply well. The monitoring well shall be located as far away from other wells, ponds and wastewater disposal fields as is consistent with being in the same aquifer as the primary well and being accessible by street vehicle. The monitoring well location shall be approved by PRMD in advance of construction. The monitoring well shall be marked with a water level measuring reference point, and the GPS coordinates (in NAD83 California State Plane II or WGS 84 lat./long.) of the monitoring well shall be submitted to PRMD.

Alternatively, PRMD will evaluate proposals to use existing nearby standby or auxiliary water wells as a substitute for the required monitoring well. Any proposal to use a substitute well must include at a minimum, a copy of the drillers log for both the production well and the substitute monitoring well, and a site plan with the GPS coordinates of both wells. The proposal must demonstrate that the substitute well is not an active production well, does not have a collapsed casing, and is suitable for groundwater level monitoring purposes.

74. 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.



75. 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.
76. 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) used to support the operation of the project 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:**

77. Groundwater and streamflow Monitoring and Meter Calibration
- a. Groundwater levels and quantities of groundwater extracted for the use shall be measured monthly on the last day of each month. Data shall be reported to PRMD 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 Professional Geologist or Environmental Health Specialist staff at least once every five years.
  - c. Streamflow at Calabazas Creek at the Dunbar Road bridge crossing shall be measured monthly on the last day of June, July, August, September and October. Streamflow data shall be reported, with groundwater monitoring data, to PRMD in January of the following year. Measurements shall be conducted by or under the direction of a Qualified Professional, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
  - d. If the County determines that groundwater levels are declining in the local groundwater basin or that streamflow in Calabazas Creek is negatively impacted by project specific or cumulative groundwater extraction, then the applicant shall submit and implement a Water Conservation Plan, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
78. Groundwater use for the project use (File Number UPC19-0002) shall not exceed 3.7 acre feet per year. In the event that average water use over 3 years for the Use Permit exceeds 3.7 acre feet per year, the applicant shall provide a Water Conservation Plan to

reduce groundwater use, subject to review and approval by Permit Sonoma. In the event that average groundwater use over 3 years exceeds 3.7 acre feet per year by more than 10%, Permit Sonoma shall bring this matter to the BZA for review of additional measures to reduce net groundwater use.

79. 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**

Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code and California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:

*(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)*

**Occupancy and Operation:**

80. 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.

81. 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 buildings 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 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.



82. The applicant and or operator shall be required to 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. This shall be provided prior to operation.
- a. This technical opinion and report is required when there will be extraction processes conducted on the property
  - b. This requirement may be waived with written approval by Sonoma County Fire or the Fire Code Official.

#### **Operational Permits:**

83. 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.

#### **Emergency Planning and Response:**

84. 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:**

85. 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 unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by applicable state and local law, Sonoma County Fire Safe Standards and the California Fire 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 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 Sonoma County Code.
- b. All existing roads providing access to new commercial cannabis operations with structures shall be provided a minimum 20-foot-wide access road as required in the Fire Safe Standards.
  1. This requirement shall apply from the property line of the application to the public right-of-way.
  2. This requirement may be waived with written approval by Sonoma County Fire or the Fire Code Official when the applicant can provide for the same practical effect pursuant to California Code of Regulations, Title 14, Chapter 7, Subchapter 2, Article 1, Section 1270.06 including additional emergency vehicle access road allowing for an alternate ingress and egress route, as well as additional turnouts and turnarounds to allow for concurrent evacuation and emergency fire equipment access.
- c. All roadways and buildings 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 Safe Standards.

**Water Supply:**

86. 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:**

87. 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.

**ENVIRONMENTAL HEALTH**

**"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact Sonoma County Environmental Health at (707) 565-6562**

88. If composting on site is proposed, a review of the proposal is required by the Sonoma County Local Enforcement Agency for Solid Waste to determine if a Solid Waste Permit is required prior to commencing operations.

**HEALTH (Permit Sonoma):**

**"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact Permit Sonoma Project Review Health Specialist at (707) 565-1924**

**PRIOR TO BUILDING PERMIT:**

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

**Water**

89. Prior to building permit issuance and project operation, the recorded Covenant and Easement for an off- site shared drinking water well shall be submitted to Project Review-Health.

The applicant shall submit a copy of the recorded Covenant and Easement for the off-site shared water well to the Project Review Health Specialist.



90. 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 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.
91. 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.) The applicant shall submit a copy of the clearance letter to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD, Project Review-Health.
92. 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.

The applicant shall submit documentation (a well completion log) of a 50 foot annular seal on the water well serving the project.

93. 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 project activity such as each commercial facility, special events, and each tasting room, and for each residence, or second unit, 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).  
The applicant shall submit a final clearance from the Well and Septic Section that approved well and/or spring yield tests (during the dry weather test period if applicable) have been accepted and the results approved, to the Project Review Health Specialist.

**Septic:**

94. Prior to building permit issuance and project operation, the applicant shall obtain permits for the process waste water and domestic sewage disposal systems. 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 sewage 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 systems, and shall include the required reserve area.

If a permit for standard, innovative or experimental sewage disposal systems 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. The applicant shall submit a final clearance from the Well and Septic Section that all required septic system testing and a preliminary septic design have been met, to the Project Review Health Specialist.



95. 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).  
The 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.
96. Toilet facilities shall be provided for patrons and employees prior to issuance of building permits. The 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.

#### **Solid Waste**

97. 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 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.  
The applicant shall submit a design for trash enclosures, recycling areas, and cannabis green waste area for review and approval by the PRMD Building Plan Check Section. If refuse collection is "curbside", include a detail of the area turnaround.

#### **PRIOR TO OCCUPANCY:**

#### **Water:**

98. Prior to occupancy and project operation, the applicant shall have completed the Water Supply Permit application process and have been granted a Water Supply Permit from the California State Water Resources Control Board, Division of Drinking Water.



The applicant shall submit a copy of the Water Supply Permit or permit approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water/ Sonoma County Environmental Health may e-mail approval directly to PRMD.

99. 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. The applicant shall submit a copy of the Cross Connection Control Specialist's initial report to the Project Review Health Specialist for review.

100. 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. The 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:**

101. 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. The 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.

102. Prior to project operation, the applicant shall submit a cannabis solid waste management plan with the compost and trash enclosure design to the PRMD Project Review Health Specialist for review and approval. No visually recognizable Cannabis, nor materials that smell like Cannabis shall be disposed of as ordinary refuse. All Cannabis waste shall be ground, chipped or shredded as necessary and mixed with suitable materials and composted until it is no longer recognizable as Cannabis by sight or smell. The applicant shall submit a copy of a complete Cannabis Solid Waste Management Plan to the Project Review Health Specialist.

**OPERATIONAL REQUIREMENTS:**



**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)



**Water:**

103. 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.

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

**Septic:**

105. 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.

106. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.

107. 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:**

108. 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. The L02 is the sound level exceeded 72 seconds in any hour.		

109. Tastings, promotional activities, and events are prohibited by Sonoma County Municipal Code, Section 26-88-250(c) and therefore are also prohibited by this Cannabis Use Permit.
110. 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.

**MITIGATION MEASURES FROM MND, DATED 12/01/2020:**

111. **Mitigation Measure NOISE-1:** The following construction noise control best management practices (BMPs) shall be incorporated into the project:
- Limit construction to between the hours of 8:00 AM and 6:00 PM, Monday through Friday. No construction activities shall occur on weekends or holidays.
  - Locate construction staging areas as far as possible from nearby sensitive receptors.
  - Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from nearby sensitive receptors.
  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Unnecessary idling of internal combustion engines shall be strictly prohibited.
  - Utilize "quiet" air compressors and other "quiet" equipment where such technology exists.





**112. Mitigation Measure NOISE-2:** To reduce generator noise impacts, install the generator in an acoustical enclosure and position the generator to face away from the nearest residence. Conduct generator testing only during daytime hours (7:00 AM to 10:00 PM), with a preferred testing schedule between 10:00 AM and 4:00 PM to avoid noise-sensitive nighttime morning and evening horse. Notify adjacent landowners/residences of the testing schedule prior to testing.

**Mitigation Monitoring NOISE-1 and NOISE-2:** For Mitigation Measure NOISE-1, Permit Sonoma staff shall ensure that the above construction BMPs are listed on all necessary site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. For Mitigation Measure NOISE-2, the final location of the generator and enclosure shall be submitted to the County for approval prior to the issuance of building permits. For both Mitigation Measure NOISE-1 and NOISE-2, any noise complaints shall be investigated by County staff and, if violations are found, the County shall require a noise consultant to evaluate the problem and recommend corrective actions.

**Solid Waste:**

113. 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.

**Odor Control:**

114. 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:**

115. Smoking is prohibited 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.

116. 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 cans or fire extinguishers.

**SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_\_**  
**Contact Transportation & Public Works at 707-565-2231**

**Intersections of Roads and Driveways:**

117. The Applicant shall not utilize State Route 12 as direct access to the property for the proposed use. The proposed Trinity Road access through APN 053-110-001 is the only permitted access point for uses associated with this land entitlement.
118. The Applicant shall construct a driveway entrance that 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 (Trinity 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 main entry to Trinity Road) meets these requirements.
- a. A minimum 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 Trinity 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 entry shall be in accordance with current AASHTO requirements for the speed traveled on Trinity



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 814, latest revision, for private road and driveway intersection details.

119. The Applicant shall improve all driveway entries that are utilized by the project 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 (Trinity 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 alternate entry to Trinity Road) meets these requirements.

- a. A minimum throat width of twenty (20) 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 Trinity 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 entry shall be in accordance with current AASHTO requirements for the speed traveled on Trinity 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 814, latest revision, for private road and driveway intersection details.

120. The applicant shall maintain all existing and proposed vegetation fronting the site as well as 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.

121. Driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18 inch culvert under the driveway.

**Emergency Vehicle Access:**

122. The Applicant 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:**

123. 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:**

124. 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.

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_\_**

**Contact District 4 at (510) 286-5528**

125. Any permanent work or temporary traffic control that encroaches onto the Highway 12 ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application, six (6) sets of plans clearly delineating the State ROW, six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and



**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)



where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/trafficoperations/ep/applications>.

**STATE WATER RESOURCES CONTROL BOARD**

**“Compliance with the conditions below have been verified” BY \_\_\_\_\_ DATE \_\_\_\_\_**

**Contact Janice M. Oakley, P.E. at (707) 576-2006**

**126. Obtaining a Domestic Water Supply Permit.** The applicant shall obtain a Water Supply Permit prior to occupancy. Preliminary Technical Report Senate Bill 1263, which became effective on January 1, 2017, added Section 116527 to the California Health and Safety Code which contains requirements to complete at least six months prior to building of any water system related infrastructure and prior to requesting a new public water system permit.

**Water Supply Permit Application**

It is recommended that the applicant commence the permit application process as soon as possible. To request a permit application packet, an applicant may visit the URL provided below and follow the instructions in Step 1 under Permits (NEW SYSTEM). Links to the guidance documents and handouts for complying with SB 1263 can also be found here:

[http://www.waterboards.ca.gov/drinking\\_water/programs/districts/sonoma\\_district.shtml](http://www.waterboards.ca.gov/drinking_water/programs/districts/sonoma_district.shtml)

**Well Standards**

The System must demonstrate that the well(s) for potable water use is constructed in compliance with the current California Department of Water Resources well standards which include a minimum of a 50-foot annular seal. If the well(s) intended for potable water use cannot meet these standards, a new well must be drilled. The water system infrastructure must comply with applicable drinking water standards.

Pursuant to Section 116525 of the California Health and Safety Code, no person shall operate a public water system unless he or she first submits an application to the Division and receives a public water system permit. Per Section 116730, operating a public water system without a supply permit issued from the Division may result in a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation,



imprisonment in a county jail not to exceed one year, or both that fine and imprisonment.

**GENERAL OPERATIONAL CONDITIONS:**

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

127. 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.
128. 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/operator 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.
129. 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.
130. 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 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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