



## ***Mitigated Negative Declaration***

**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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Publication Date: November 4, 2022  
Public Review Period: 11/4/22 – 12/5/22  
State Clearinghouse Number:  
Permit Sonoma File Number: **UPC17-0031**  
Prepared by: Haleigh Frye  
Phone: (707) 565-2477

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

**Project Name:** UPC17-0031; LIG Remedies (Cannabis Cultivation Operation)

**Project Applicant/Operator:** Joseph Riccardo

**Project Location/Address:** 4233 Browns Lane, Petaluma

**APN:** 068-010-016

**General Plan Land Use Designation:** Land Extensive Agriculture 60-acre density (LEA 60)

**Zoning Designation:** Land Extensive Agriculture, 60-acre density, Riparian Corridor 50-foot setback, Valley Oak Habitat (LEA B6 60 Z, RC50/50 VOH)

**Decision Making Body:** Sonoma County Board of Supervisors

**Appeal Body:** N/A

**Project Description:** See Item III, below

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

**Table 1. Summary of Topic Areas**

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

**RESPONSIBLE AND TRUSTEE AGENCIES**

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

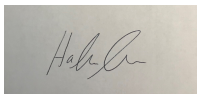
**Table 2. Agencies and Permits Required**

Agency	Activity	Authorization
California Department of Cannabis Control (DCC)	Cannabis cultivation	Cannabis State Licensing

Regional Water Quality Control Board (San Francisco Bay)	Cannabis Cultivation	Cannabis Cultivation Waste Discharge Regulatory Program or Waiver of Waste Water Discharge Requirements
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal) SWPPP	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions	Authority to Construct/Permit to Operate
California Department of Fish and Wildlife	Cannabis Cultivation	Fish and Game Code, Section 1602 Notification
Sonoma County Fire and Emergency Services	Building and Infrastructure construction (e.g. roads and fire suppression improvements)	Sonoma County Fire Safety Ordinance and Hazardous Materials regulations

**ENVIRONMENTAL FINDING:**

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



Digitally signed by Haleigh Frye  
 DN: cn=Haleigh Frye, o=Project Review,  
 ou=Permit Sonoma,  
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 Date: 2022.11.04 14:24:08 -07'00'

Prepared by: Haleigh Frye

Date: November 4, 2022



## ***Expanded Initial Study***

### **Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

## **I. INTRODUCTION:**

LIG Remedies proposes a commercial cannabis operation including outdoor cultivation, mixed light greenhouse cultivation, and on-site processing of site-grown plants on a developed agricultural parcel. All new structures are proposed for the cannabis operation. A referral letter was sent to the appropriate local, state and federal agencies, and interest groups who may wish to comment on the project.

This report is an Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Haleigh Frye, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by LIG Remedies, and their consultants. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) Records Section.

Please contact Haleigh Frye, Planner I, at (707) 565-2477 for more information.

## **II. EXISTING FACILITY**

The project site is located at 4233 Browns Lane, in unincorporated Sonoma County, approximately 1 mile east of incorporated Petaluma (Figure 1, Regional Location). The 100-acre site is developed with multiple ranch structures including a barn, a pole barn, and greenhouse. The parcel contains 2 residences occupied by tenants not associated with the cannabis operation. Approximately 91 acres of the parcel are maintained for grazing livestock.

The applicant has been cultivating cannabis within the proposed project area under the County's Penalty Relief Program. The total leased premises for the cannabis operation is 2.6 acres (113,500 square feet). Cultivation has been occurring within a fenced 36,410 square foot area in 45 cultivation beds. The site includes a 64 square-foot secured harvested cannabis storage area, a 120 square-foot administrative hold area, a pesticide storage shed, an office with security video equipment, a City of Petaluma recycled water hydrant and accompanying recycled water pipeline, portable toilets, four water storage tanks, a recycled water treatment system, an employee break area, a parking and vehicle turnaround area, fencing, security cameras, security lighting, and two locking gates, one of which is located on a private gravel access road and one of which controls access to the fenced cultivation area. The project proposes new structures and will not use existing structures for the proposed cannabis operation. Access to the project site is through two locked gates via a private gravel road, Periera Road, off of Browns Lane.

The parcel is characterized by rolling hills of non-native grassland and forbs with riparian

woodland vegetation along the riparian corridors east of the project site. Water drains from north to south toward the center of the parcel. There are 4 seasonal unnamed water courses located on the eastern half of the property. There are two irrigation ponds, two City of Petaluma recycled water hydrant, and a groundwater well. The well serves the existing residence and provides potable water to the project site, and the cannabis operation utilizes recycled water from the City of Petaluma for irrigation.

### **III. PROJECT DESCRIPTION**

LIG Remedies proposes a commercial cannabis cultivation operation including mixed light and outdoor cultivation, accessory propagation for on-site use, and on-site processing of site grown cannabis. Processing will include trimming, drying, curing, weighing, and packaging for shipment to licensed distributors. The operation would employ a maximum of 10 employees. No retail sales would be conducted at the facility. The cannabis operation would not be open to the public. The project proposes new structures and will not use existing structures for the proposed cannabis operation.

#### Proposed Operation:

The project proposal includes 10,000 square feet of mixed-light cannabis cultivation in eight new prefabricated greenhouses, and 33,560 square feet of outdoor cannabis cultivation in 36 raised beds in the existing outdoor cultivation area (layout to be modified from existing conditions). Cultivation will not exceed 43,560 square feet (1-acre) of canopy. The proposal also includes 9,000 square feet of accessory cannabis propagation for on-site use in three new greenhouses, and a new 5,000 square foot structure to be used for site-grown cannabis processing and accessory uses such as storage and restrooms. The project would occupy an area of approximately 113,500 square feet, or 2.6 acres, on a 100-acre parcel zoned LEA (Land Extensive Agriculture). Building will occur on existing graveled hardscape but will require grading. Building will include 26,984 square feet of new ground disturbance to prepare rough-graded pads for the proposed processing building two paved parking spaces, and greenhouses. Figure 3 shows the project's proposed site plan.

The operation would utilize a maximum of ten (10) employees, with a combination of full and part-time staff. Employee shifts would be staggered so that a maximum of five employees would work onsite at any given time. Management will be on-call 24 hours a day, seven days per week, to address any operational or emergency issues. Mixed-light and outdoor cultivation operations are proposed to occur 24 hours a day, 7 days a week, as needed, although typically, employees would not be working overnight. The operation does not include regular overnight duties, but occasionally employees may need to be present overnight for specific tasks, such as monitoring or testing irrigation and climate control equipment, or during harvests. Deliveries, shipping, and processing operations are proposed from 8:00 am to 5:00 pm Monday through Friday. The site will be closed to the public and would not contain any retail components. The project proposal includes the construction of supporting infrastructure including ADA-compliant restrooms, access ramps, and paved accessible and loading zone parking.

#### Access and Parking:

Periera Road, a private graveled access road, with 2 locked gates, provides access to the existing cultivation area. The existing driveway is approximately 16 feet wide with 4 existing turnouts that will be widened to a minimum of 22 feet each. Additionally, the existing entrance gate would be widened to 20 feet. Onsite employee parking would be provided in an existing graveled area that would be located adjacent to the proposed processing building would provide space for up to 10 vehicles. In addition to graveled parking, one paved ADA-accessible parking

space and one paved delivery parking space would be located adjacent to the proposed processing building.

Utilities (Water Supply, Septic, and Electricity):

The project would use recycled water for all irrigation from the City of Petaluma's Ellis Creek Plant through the City of Petaluma recycled water program. One City of Petaluma recycled water hydrant is located near the western property line adjacent to the existing cultivation area, and an additional hydrant would be installed exclusively for emergency fire suppression. The existing cultivation operation has obtained a permit from the City of Petaluma to use the City's recycled water for cannabis irrigation purposes. The City of Petaluma holds an easement to the property to supply recycled water and to maintain all equipment for the conveyance of recycled water. Recycled water would be filtered prior to application to cannabis plants. Excess irrigation water would be collected and treated by a water treatment system in four existing 250-gallon mixing tanks and reused in the cultivation operation for irrigation purposes. No ground water is proposed for irrigation purposes.

Potable water for the project would be provided via an existing ground water well located near the existing residences. Water would be pumped from the existing well through buried transfer PVC piping to a 1000-gallon potable water holding tank. A flow totalizing meter would be installed to independently measure this use. The holding tank would be equipped with a redundant float switch system for pump control, and secondary float switch as for overflow prevention in the event of a primary switch failure. A separate independent piping system would be installed from the potable water holding tank to the employee restroom and hand washing sink located inside of the proposed cannabis processing building.

The project site is currently connected to the electrical grid via existing electrical lines located along Periera Road. Electrical power for the operation would be 100% renewable power under the Sonoma Clean Power program, EverGreen option. The project includes an emergency generator that would be used for non-cultivation activities in emergencies only. Permanently installed emergency generators cannot 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.

Solid Waste:

Non-cannabis disposable and recyclable solid waste would be stored in containers with lids and locking mechanisms until the waste is collected and hauled offsite by the local franchise waste hauler for Sonoma County once per week.

All cannabis waste generated from general cultivation or processing activities would be securely stored in locking containers for up to ten days. Commodity cannabis green waste would then be reported according to State Track and Trace protocols and local tax and crop loss reporting procedures and disposed of according to State and local procedures. Non-commodity green waste would be rendered unusable through chipping and grinding and disposed of in a secure mixed compost green waste dumpster provided by Recology Sonoma Marin.

Landscaping: There is no proposed landscaping plan as project structures and cultivation areas would not be visible from public roadways due to the remote location, and topography of the area.

Construction:

Project construction is anticipated to occur over a 6-month period of time between the hours of

8:00 am to 5:00 pm Monday – Saturday as weather permits, no construction grading or heavy construction would occur during holidays. Construction would begin with site preparation, including clearing and grubbing prior to grading. Rough grading activities would include building pad preparation for the proposed processing building and associated vehicle parking area. Grading would also include installation of sediment and erosion control features. Concrete slabs for the new processing building and the proposed greenhouses would be constructed next, followed by vertical construction of new buildings. The final phase would include improvements to existing fencing. A variety of construction equipment would likely be used, including an excavator, bulldozer, backhoe, grader, cement mixers, pavers, and other general construction equipment.

The proposed earthwork would require import of soil for fill material. Appropriate Best Management Practices, including dust control, would be implemented throughout construction as needed.

#### **IV. SETTING**

The project site is in the southern part of Sonoma County near the city of Petaluma, approximately one mile northeast of Lakeville Highway (Highway 116). The project is located at 4233 Browns Lane on a 100-acre parcel. The site is developed with a cannabis operation, 2 residences, agricultural structures and outbuildings, and security fencing. The site is in an area characterized by large agricultural parcels with scattered residences. The project parcel is zoned Land Extensive Agriculture B6 60, RC 50/50, VOH. The project site is within the boundaries of the Sonoma Mountain Area Plan. The property, not including the existing cultivation area, is served by a private septic system, a private well, and one City of Petaluma recycled water hydrant. The existing cultivation area is served by an additional City of Petaluma recycled water hydrant.

Access to the parcel is via Periera Road, a private access road, off Browns Lane, a public road. Browns Lane is located off Highway 116. Access to the project site is up an approximately 800 foot graveled driveway that splits off from Periera Road. Periera road is approximately 16 feet wide with multiple turnouts for emergency vehicle access.

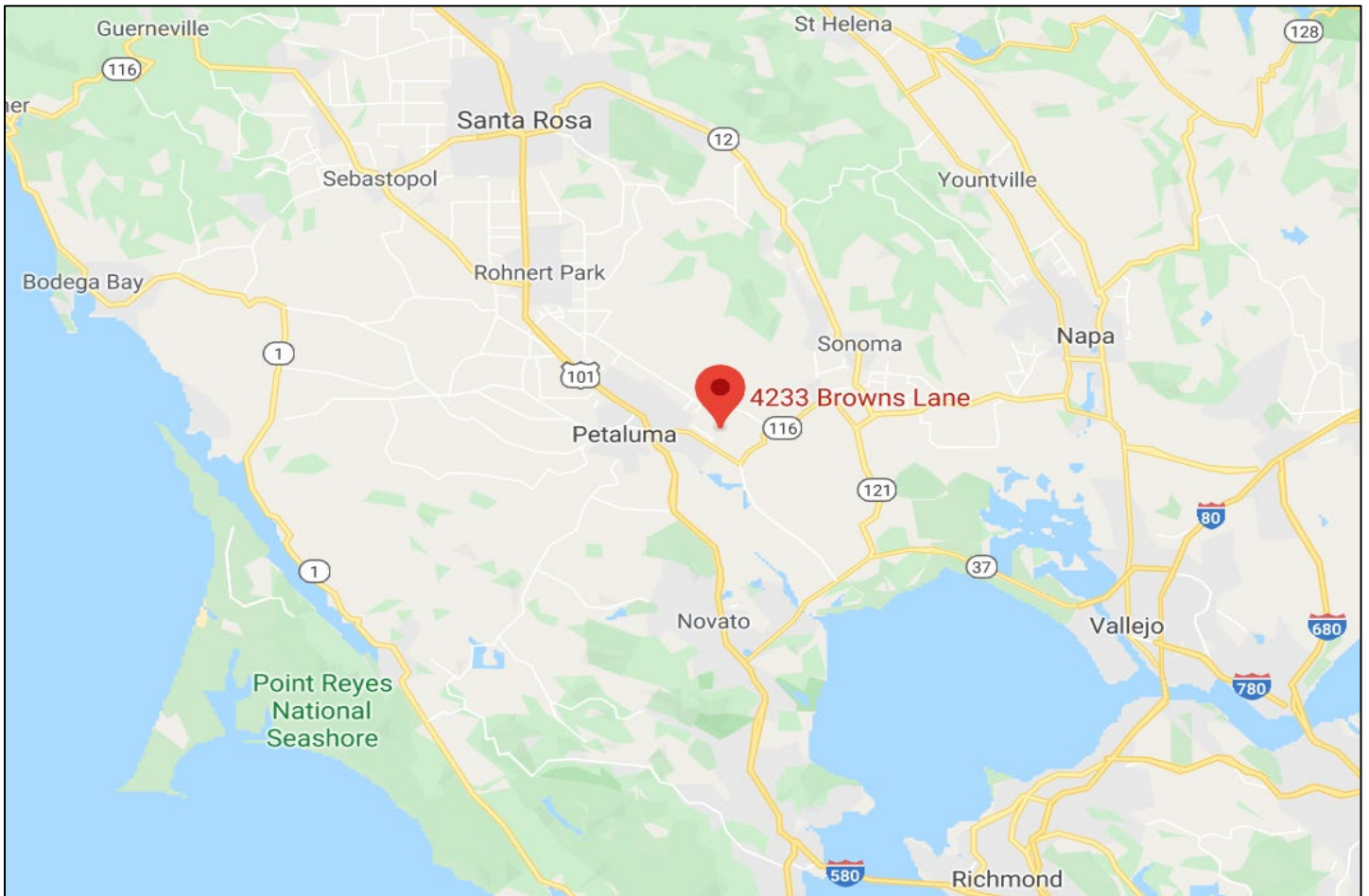
Existing Uses: The project site is on a 100 acre parcel comprised of mostly grazing land. Approximately 91 acres of the parcel are dedicated to cattle and sheep grazing maintained by the owner of the property. The property is developed with an existing cannabis operation, 2 residences, an agricultural barn and associated various outbuildings, as well as security fencing and locked gates.

Topography and Drainage: The parcel has rolling hill topography. The site ranges in elevation from approximately 200 feet above mean sea level (amsl) at the lowest point to approximately 320 feet amsl at the highest point. The cultivation areas would be located on generally flat land with average slopes of 1.5 percent. The project site drains from north to south and toward the center of the parcel. There are four seasonal unnamed water courses on the project site, including a Class III intermittent stream in the southern corner of the parcel. These generally drain south into Ellis Creek, within the Petaluma River watershed, which is located approximately 1.23 miles southwest of the proposed cannabis cultivation area. The site also contains two seasonal ponds fed by City of Petaluma reclaimed water.

Vegetation: Vegetation within the fenced cultivation site consists of non-native annual grassland and forbs. Most of the property is utilized for grazing and is dominated by non-native annual

grassland. There is a riparian corridor and associated vegetation approximately 1,540-feet southeast of the cannabis operation. There are three other seasonal watercourses located at least 150 feet away from the project, generally concentrated in the center and southern portion of the parcel and contain riparian vegetation.





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

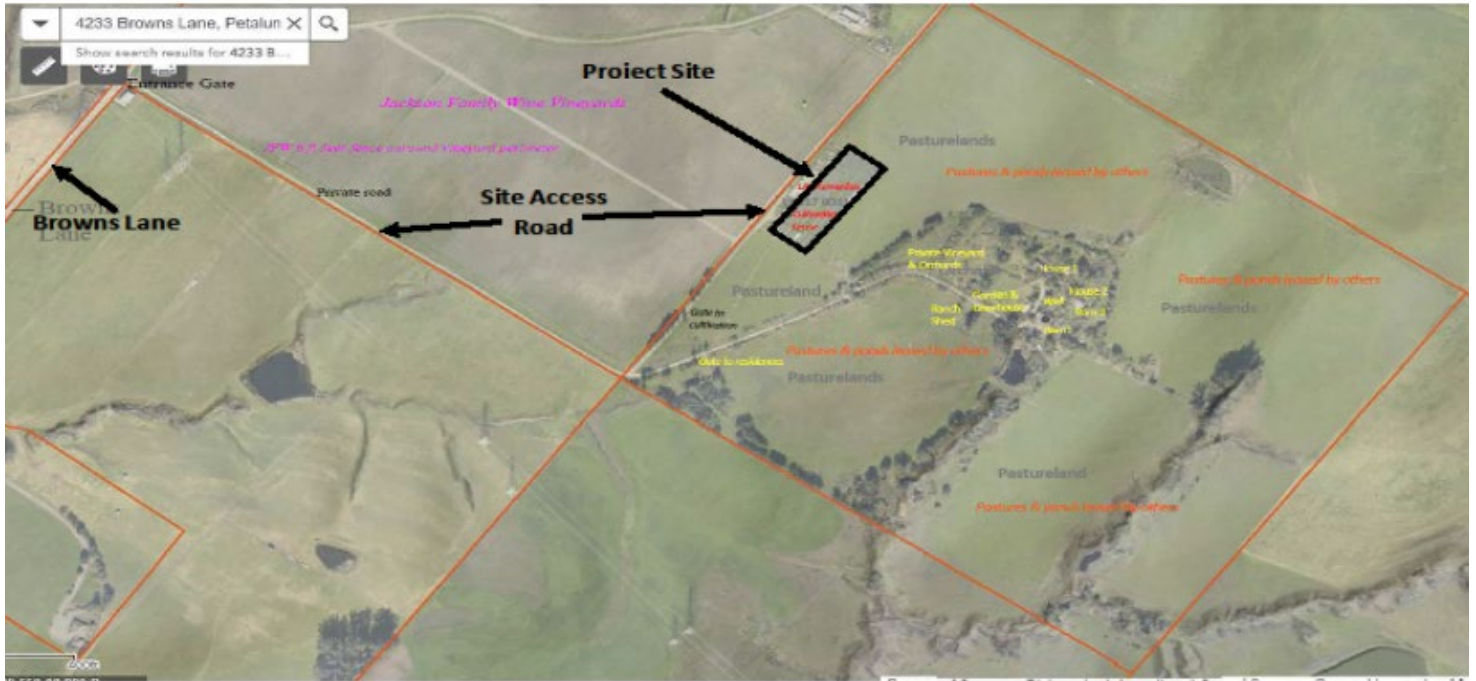
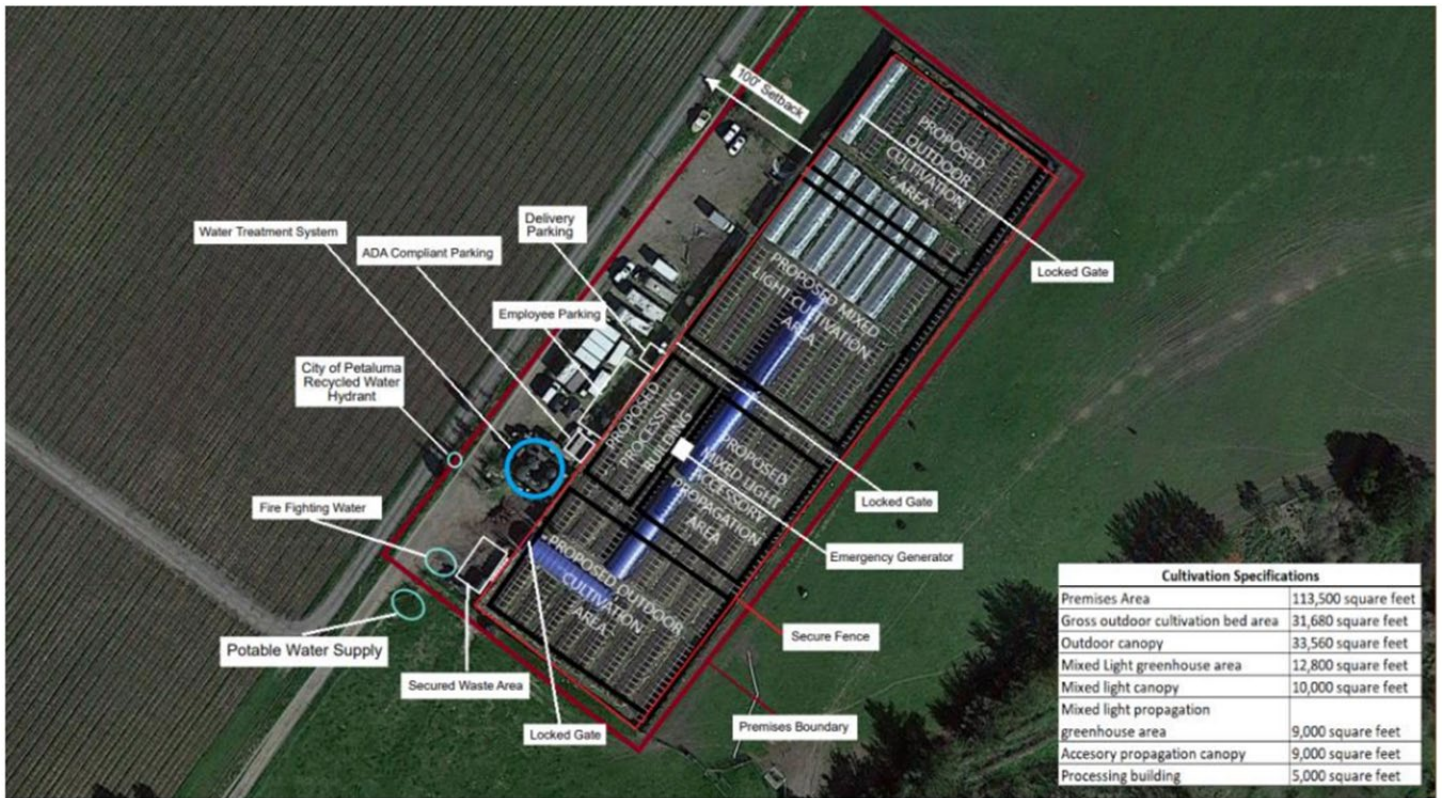


Figure 2. Project Vicinity and Overall Site Plan



Cultivation Specifications	
Premises Area	113,500 square feet
Gross outdoor cultivation bed area	31,680 square feet
Outdoor canopy	33,560 square feet
Mixed Light greenhouse area	12,800 square feet
Mixed light canopy	10,000 square feet
Mixed light propagation greenhouse area	9,000 square feet
Accessory propagation canopy	9,000 square feet
Processing building	5,000 square feet

4233 Browns Lane, Petaluma  
UPC17-0031 LIG Remedies

Figure #3.  
Proposed Site Plan

## **V. ISSUES RAISED BY THE PUBLIC OR AGENCIES**

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

The project planner has received responses to the referral from the following agencies:

- Sonoma County Public Health Division
- Permit Sonoma Natural Resources Geologist
- Permit Sonoma Project Review Health Specialist
- Permit Sonoma Grading and Stormwater Section
- Permit Sonoma Fire and Emergency Services
- Sonoma County Department of Transportation & Public Works
- The Northwest Information Center

The referral responses included requests for further information and draft use permit conditions of approval.

### **Tribal Consultation Under AB52**

Referrals were sent to the following tribes on July 7, 2020:

- Cloverdale Rancheria of Pomo Indians
- Dry Creek Rancheria Band of Pomo Indians
- Lytton Rancheria of California
- Kashia Pomos Stewarts Point Rancheria
- Federated Indians of Graton Rancheria
- Middletown Rancheria Band of Pomo Indians
- Mishewal Wappo Tribe of Alexander Valley
- Torres Martinez Desert Cahuilla Indians

The request for consultation period ended August 4, 2020, with no native American tribes having requested consultation on the project.

### **Public Comments**

Three public comments on the proposed project have been received, which were subsequently entered into the project file. Issues raised as areas of concern include: ground water use, traffic, odor, safety, and preservation of rural agriculture character and structures. These comments were not in response to a formal public review period or county action.

## **VI. EVALUATION OF ENVIRONMENTAL IMPACTS**

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

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

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

**Less Than Significant with Mitigation Incorporated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

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

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

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

# 1. AESTHETICS:

Would the project:

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

Comment:

The Sonoma County General Plan does not explicitly identify scenic vistas but does divide the scenic resources of Sonoma County into three categories: Community Separators, Scenic Landscape Units, and Scenic Highway Corridors. The project site is not located within an area designated as a Community Separator or Scenic Landscape Unit. The project is not located in an area designated as visually sensitive by the Sonoma County General Plan or the Sonoma Mountain Area Plan. The nearest Scenic Corridor is about 1.15 miles southwest along Highway 116,<sup>1</sup> which does not afford views of the project site. It is not located on a scenic hillside, nor would it involve tree removal, grading or construction that would affect a scenic vista. The project would not result in any impacts to scenic vistas.

Significance Level: No Impact

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

Comment:

The project site is not on or visible from a state scenic highway (officially designated scenic highways in Sonoma County are Highway 12 and portions of Highway 116). The nearest state scenic highways to the project site are Highway 12 from Sears Point to northern Sonoma and Highway 37 from northern Ignacio to Vallejo.<sup>4</sup> The project site is not within the portion of Highway 116 that is designated as a scenic Highway (Highway 1 to the Southern edge of Sebastopol).

Significance Level: No Impact

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

Comment:

The existing visual character of the site and surrounding area is rural agriculture with mostly open grazing lands with some planted vineyards and scattered oak woodland. Existing land uses surrounding the project site include a vineyard and rural residence to the west, and vineyards and grazing lands with dispersed rural residences with agricultural accessory structures to the north, east, and south.

Access to the site is from Pereira Road via Browns Lane. Browns Lane is a public, paved

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<sup>1</sup> Sonoma County. 2008. Sonoma County General Plan 2020. Scenic Corridors, "Sonoma County Agricultural Preservation & Open Space District." Accessed June 9, 2022.

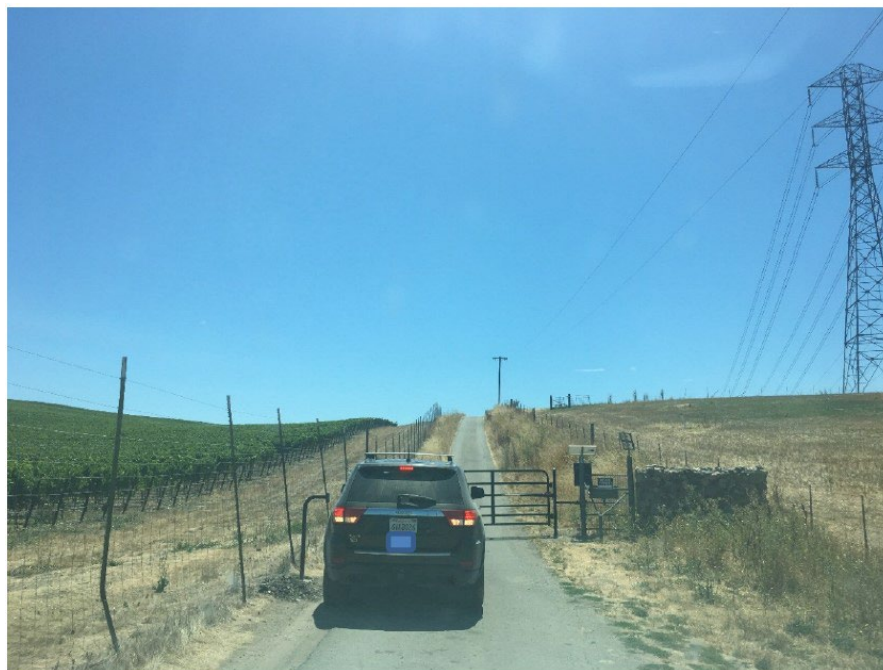
[https://www.sonomaopenspace.org/wp-content/uploads/Scenic\\_ANSI\\_D\\_05152017.pdf](https://www.sonomaopenspace.org/wp-content/uploads/Scenic_ANSI_D_05152017.pdf)

<sup>4</sup> Caltrans. 2020. Map Viewer website, "California Scenic Highways." Accessed June 9, 2022.

<https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>

roadway with no sidewalks. Pereira Road is a private, paved road that is not County-maintained and has no sidewalks. The project area would not be located on or near an exposed ridgeline. Intervening vineyard vegetation, terrain, and physical distance screen the project site from public roadways. As a result, the project is not visible from any public location or vantage point, this includes scenic vistas, community separators, and scenic corridors (see Figure 4).

The project site is within the boundaries of the Sonoma Mountain Area Plan.<sup>2</sup> The proposed project is consistent with the site's land use designation of the Sonoma Mountain Area Plan and zoning and land use designation of the County General Plan, both designated as LEA (Land Extensive Agriculture). Project structures may be partially visible above the top of the proposed project area perimeter fencing, visible portions of the structures would approximate standard agricultural accessory structures and would not represent a substantial deviation from the existing visual character of the project vicinity.



*Figure 4. Locking gate at entrance to Pereira Road from Browns Lane (Eastside Environmental, Biotic Assessment for Sonoma County APN 068-010-016, August 2017)*

Utilizing the County's Visual Assessment Guidelines, the site sensitivity of the project site would be Moderate – a category applied to rural land use designations without an additional scenic resource protection designation<sup>3</sup>. The visual dominance of a project is determined by comparing the contrast of project elements or characteristics of the project with its surroundings. The project includes construction of 11 greenhouses and a 1 processing

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<sup>2</sup> Sonoma County. 1978. Sonoma Mountain Area Plan. Accessed June 9, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Area-and-Specific-Plans/Area-and-Specific-Plans/>

<sup>3</sup> Sonoma County. 2020. Visual Assessment Guidelines and Procedure. Accessed June 9, 2022. <https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>

structure in addition to 36 raised beds to be contained in hoop houses that will within a secured perimeter fence. These structures are generally agricultural in nature, would not represent a visually distinctive or substantial change from the current project site, and would be only minimally visible from public viewsheds. Therefore, the visual dominance would be Inevident, applied when the proposed project is generally not visible from public view because of intervening natural landforms or vegetation

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

**Table 3. Thresholds of Significance for Visual Impact Analysis  
PRMD Visual Assessment Guidelines**

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

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

Significance Level: Less than Significant Impact

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

Comment:

As mentioned in 1.c, the project is not visible from any public vantage point. Additionally, any of effects of proposed lighting will be reduced to a less than significant through compliance with the provisions of Section 26-88-254(f)(19) of the Cannabis Ordinance which requires all lighting to be fully shielded, downward casting and not spill over onto structures, other properties or the night sky.

The new greenhouses would be equipped with interior supplemental grow lighting and light deprivation curtains to shield all night lighting. All exterior lighting within the project area would be motion sensing, downward casting, and not spill over onto neighboring structures, other properties, or the night sky. All indoor and mixed light operations will be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.



Significance Level: Less than Significant Impact

## 2. AGRICULTURE AND FOREST RESOURCES:

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

### Would the project:

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

Comment:

According to the California Department of Conservation's Sonoma County Important Farmland Map, the parcel is designated Farmland of Local Importance, and Grazing Land<sup>9</sup>. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

Significance Level: No Impact

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

Comment:

The parcel is designated by the Sonoma County Permit Sonoma GIS Cannabis Site Evaluation Tool as Land Extensive Agriculture (LEA)<sup>4</sup>, which allows up to one acre of commercial cannabis cultivation, plus ancillary on-site processing, with a Use Permit<sup>5</sup>. The parcel is not subject to a Williamson Act Land Conservation Act Contract. The primary agricultural use on the parcel is grazing, which will continue on 91-acres of the 100 acre parcel (91% of the parcel). Additionally, the project complies with LEA footnote 2, as the location of greenhouses are not restricted to previously disturbed areas. Centralized processing is not proposed (processing off-site grown cannabis) nor is indoor propagation or cultivation, thus the proposed processing structure is not subject to LEA footnote 2. Therefore, the project would not conflict with the existing zoning for agricultural use, or with

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<sup>9</sup> California Department of Conservation. California Important Farmland Finder. Accessed June 9, 2022. <https://maps.conservation.ca.gov/DLRP/CIFF/>

<sup>4</sup> Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Available at: <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003> last accessed June 9, 2022.

<sup>5</sup> Sonoma County. General Plan 2020 Land Use Element, "Page LU 67-68," Available at: <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/landuseelement> last accessed June 9, 2022.

a Williamson Act Contract.

Significance Level: No Impact

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

Comment:

The project site is not within a Timberland Production zoning district according to the Permit Sonoma Site Evaluation Tool. The project would not cause rezoning of forest land.

Significance Level: No Impact

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

Comment:

The project would not result in the loss or conversion of forest land to a non-forest use. Cannabis cultivation and construction activities would occur on grassland and not convert forest to a non-forest use. The project does not propose to remove any trees.

Significance Level: No impact

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

Comment:

The parcel is designated as Farmland of Local Importance, and Grazing Land, is currently grazed by cattle. Grazing will continue on 91 acres of the 100-acre parcel. No housing or residential units would be constructed or expanded as part of the project, and the existing residences will remain. The project will result in permanent loss of approximately 26,984 square feet of potential farmland (.6 acres) within the footprint of the processing building, greenhouses, and paved parking spaces (ADA and delivery parking). Although the proposed greenhouses and processing building are intended for cannabis cultivation, both are generally agricultural in nature, and could be utilized for and be compatible with a future traditional agricultural use on the parcel. Additionally, the project does not include new residential development that might result in a nuisance conflict with nearby agricultural uses. Therefore, the project would not convert a significant amount of potential farmland to non-agricultural use.

Significance Level: Less Than Significant Impact

### **3. AIR QUALITY:**

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

**Would the project:**

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

Comment:

The project is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) and within the San Francisco Bay Area Air Basin. According to California standards, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>), particulate matter 10 microns or less in diameter (PM<sub>10</sub>), and ozone. Under national standards, the San Francisco Bay Area Air Basin is currently designated as nonattainment for PM<sub>2.5</sub> and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2020).

The BAAQMD's 2017 Clean Air Plan (BAAQMD 2017a) is the applicable air quality plan for the San Francisco Bay Area Air Basin. The 2017 Clean Air Plan contains 85 individual control measures in nine economic sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Many of these control measures require action on the part of the BAAQMD, the California Air Resources Board (CARB), or local communities, and are not directly related to the actions undertaken for an individual development project. The project would not prevent the BAAQMD from implementing these actions and none apply directly to the project. The project size would be well below emission threshold screening levels for ozone precursors (see discussion 3.b and 3.c). As a result, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan

Significance Level: Less than Significant Impact

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

Comment:

As summarized in Item 3.a above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for PM<sub>2.5</sub>, PM<sub>10</sub>, and ozone under State standards. Under national standards, the San Francisco Bay Area Air Basin is currently designated as nonattainment for PM<sub>2.5</sub> and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2018). Based on the current Air Basin designations, the non-attainment pollutants of concern are ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

Construction:

The BAAQMD's 2017 CEQA Air Quality Guidelines provides screening criteria for determining if a project could result in significant construction-phase impacts from criteria pollutants and precursors<sup>6</sup> (BAAQMD 2017b). Criteria air pollutants and precursors include reactive organic gases, nitrogen oxides, PM<sub>10</sub>, PM<sub>2.5</sub>, and carbon monoxide.

Cannabis cultivation is not listed as a land use type in the BAAQMD screening criteria; however, a general comparison can be made to a similar land use. The applicable construction-related screening size for a general light industrial land use is 259,000 square

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<sup>6</sup> Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Accessed June 9, 2022. [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

feet of facilities and/or a project construction site that is 11 acres or greater in size. The project would include approximately 26,984-square feet of facilities on an approximately 2.6-acre portion of a 100-acre parcel. The project size would be considerably less than the BAAQMD's construction related criteria pollutant and precursor screening level. Following use of the screening criteria found in the BAAQMD Air Quality Guidelines, a detailed air quality study for construction related air emissions is not required for the project. The project would not be anticipated to encounter asbestos-containing materials during construction. Construction would not involve the simultaneous occurrence of more than two construction phases, or construction of more than one land-use type. Construction would not involve extensive site preparation or material transport as balanced cut and fill would be used with a small amount of engineered fill for spread footings and slab-on-grade support. The project would not have a cumulative effect on ozone because it would not exceed the BAAQMD's thresholds of significance for ozone precursors during construction. The project would result in a short-term increase in fugitive dust emissions during construction (which would include PM2.5 and PM10). With implementation of the BAAQMD's recommended basic construction measures identified in Mitigation Measure AIR-1, the impact of construction emissions would be less than significant.

**Operation:**

The applicable BAAQMD operational screening size for a light industrial facility is 541,000 square feet of facility, or a site that is 72 acres in size, or a project that includes 1,249 employees. The project would include approximately 26,984-square feet of facilities on an approximately 2.6-acre portion of a 100-acre parcel, and would include up to 10 employees. The project would be less than the BAAQMD's operational criteria pollutant and precursor screening level, and would not result in substantial long-term operational emissions of criteria air pollutants. Therefore, the project's contribution to a cumulative nonattainment criteria pollutant impact would be less than significant.

The BAAQMD screening analysis for a carbon monoxide hotspot is whether a project would increase traffic volumes at a nearby intersection to more than 44,000 vehicles per hour. The project would generate an average of 21 trips on a daily basis including five trips during each of the morning and evening peak hours. This amount of vehicle trips would not generate significant emissions, and therefore, would not significantly contribute to formation of a carbon monoxide hotspot in the project area. The project would have no long-term effect on PM2.5 and PM10, as ground surfaces would be paved, landscaped or otherwise treated to stabilize bare soils after construction, and dust generation would be minimal. The project would generate ozone precursors from new vehicle trips, but would not have a cumulative effect on ozone as the project would not exceed the BAAQMD's thresholds of significance for ozone precursor

**Significance Level:** Less than Significant with Mitigation Incorporated

**Mitigation:**

**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. 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.

Mitigation Monitoring:

**Mitigation Monitoring AIR-1 Construction Dust and Air Quality Control:**

Permit Sonoma staff shall verify that the AIR-1 measures are included on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits. The applicant shall submit documentation to Permit Sonoma staff that a Construction Coordinator has been designated and that appropriate signage has been posted including the coordinator's phone number. Documentation may include photographic evidence or a site inspection, at the discretion of Permit Sonoma staff.

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

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The project site is located in a predominantly rural area, away from institutional receptors (the nearest known are Harvest Christian School 1.2 miles to the west and Tolay Regional Park 1.2 miles to the east). The nearest offsite residence is over 500 feet from all cultivation operations. The other nearest residences are one residence approximately 0.5 miles to the south and one residence 0.6 miles to the north. Residences in all other directions are over 0.8 miles away from the project site. Based on the analysis in Section 3.a and 3.b, the project would not result in substantial pollutant exposure due to operations.

However, as described in section 3.b, there could be significant short-term increase in construction vehicle emissions or emission dust (which would include PM2.5 and PM10) during the construction. These construction period effects on air quality (i.e., dust, diesel exhaust), would be reduced to a less than significant level with implementation of Mitigation Measure AIR-1.

The project would not generate substantial amounts of criteria pollutants following construction (see Item 3.b above). The project would include emergency backup power via a permanently installed diesel-powered generator. A backup emergency generator would only be used when power is lost and when the generator is exercised for maintenance purposes. The operational impact on sensitive receptors to substantial pollutant concentrations would be less than significant.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

**Implement Mitigation Measure AIR-1 Construction Dust and Air Quality Control**

Mitigation Monitoring:

**See Mitigation Monitoring AIR-1 Construction Dust and Air Quality Control**

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

Comment:

According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration (Sonoma County 2016, page 20): "Cannabis cultivation operations are associated with a strong odor, especially outdoor cultivation operations during the final phase of the growing

cycle (typically in late Summer, early Fall). Generally, the larger the size of the cultivation activity and the proximity to sensitive uses, the greater the potential for odor to be evident. Outdoor cultivation has a greater potential for odor than indoor or mixed light because it is not contained and would not have opportunity for a filtered ventilation system.”

Much of the strong odor associated with cannabis cultivation and processing, as well as commercial cannabis products, comes from a class of aromatic, organic compounds known as terpenes. Terpenes are not specific to cannabis; they are among the most common compounds produced by flowering plants, vary widely between plants, and are responsible for the fragrance of many flowers typically associated with non-objectionable odors, such as lavender. Different strains of cannabis emit a wide variety of odors with differing levels of potency. The odor may be detectable beyond the cultivation site property boundaries depending on the size of the facility and the specific climatic and topographic conditions that prevail near the cultivation site. In general, cannabis odors tend to lessen during cooler temperatures and worsen with higher temperatures, and wind patterns have the potential to increase or decrease the intensity of cannabis odors depending on whether winds are blowing towards or away from nearby receptors. As noted in the County’s 2016 IS/ND, outdoor cultivation has the greatest potential to expose receptors to odors particularly during the final phase of the growing cycle (i.e., typically late summer or early fall); however, indoor and mixed light cultivation can affect surrounding receptors if ventilation systems are ineffective. Indoor cultivation can also result in flowering at different and/or multiple times of the year.

The distinctive odor generated by cannabis cultivation, processing, and manufacturing may or may not be perceived as objectionable, offensive, or a nuisance, depending on the particular individual’s olfactory sensitivity. The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017, page 7-1), state that odors are generally regarded as an annoyance rather than as a health hazard.

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

Operation of the proposed project would result in less than significant odor impacts for the

following reasons:

- The proposed project would not result in the continuous generation of cannabis odors. Rather, odors would be intermittent and only generated during certain times of year (e.g., flowering periods, harvesting, processing periods).
- County Code Section 26-88-254(g)(2) requires all indoor, greenhouse, and mixed-light cultivation operations and any drying, aging, trimming and packing facilities to be equipped with odor control filtration and ventilation system(s) to control odors humidity, and mold. The project would either include activated carbon filters to filter odors from greenhouse and processing building interiors or would employ mist and/or vapors as needed to eliminate residual odors upon exhaust. In addition, where possible, exhaust air would be directed toward the interior of the parcel to reduce off-site odor effects.
- The proposed project would comply with all setback requirements contained in County Code Section 26-88-254(f), which requires cultivation areas and structures for cannabis cultivation, drying, trimming, etc. to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. The project would be located 100 feet from the nearest property line, approximately 570 feet from the nearest residence, and 1.2 miles from the nearest school (Harvest Christian School) and public park (Tolay Regional Park). These setbacks exceed the County requirements and would serve to dilute and disperse odors associated with outdoor cultivation according to prevailing meteorological conditions and reduce odor intensity at nearby sensitive receptors.
- The proposed project is not bordered by a substantial number of people, and the greatest concentration of nearby residences are opposite the prevailing wind conditions (west to east) during peak odor producing months for outdoor cultivation (July – October). As discussed in section 3.c, the nearest sensitive air quality receptors to the perimeter of the proposed project site would include one existing residence approximately 570 feet to the north, all other residences are over 2,500 feet from the project site in all directions. Although these individual receptors may be affected by potential project odors, the dispersed nature of these limited receptors makes it unlikely that a substantial number of people could be affected at the same time in the event odors are generated by the proposed project.

As described above, potential objectionable odors from cannabis cultivation and processing structures would be controlled at the source, and odors from outdoor cultivation would not be anticipated to result in a significant odor impact due to low population density in the surrounding area and distance from individual sensitive receptors.

Significance Level: Less than Significant Impact

#### **4. BIOLOGICAL RESOURCES:**

The applicant submitted a biological resource assessment prepared by Eastside Environmental, dated August 2017, and titled, "Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016." An addendum report letter prepared by Sol Ecology, was sent on May 19, 2021, and titled "Re: Rare Plant Survey Report Addendum to the August 2017 Biotic Assessment Report for 4233 Browns Lane, Petaluma, Sonoma County, California" that provided an update to the Biotic Assessment and determined no special status plant species were



identified on site. These assessments address listed species and potential jurisdictional water resources. As discussed in greater detail below, the study concludes that potentially significant impacts may be reduced to a less than significant level through application of County standards and by incorporation of mitigation measures. The study area for this biotic assessment includes the entire project site; however, only the proposed cultivation area and a surrounding buffer zone were surveyed.

## Regulatory Framework

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

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

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

***The Migratory Bird Treaty Act of 1918 (MBTA):*** The MBTA (16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof..." In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

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

The U.S. Army Corps of Engineers (USACE) regulates “Waters of the United States”, including adjacent wetlands, under Section 404 of the federal Clean Water Act. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. Potential wetland areas are identified by the presence of: (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act. Areas that are inundated for sufficient duration and depth to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high-water mark (OHWM). The discharge of dredged or fill material into a Waters of the U.S. (including wetlands) generally requires a permit from the USACE under Section 404.

“Waters of the State” are regulated by the Regional Water Quality Control Board (RWQCB) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes “isolated” wetlands and waters that may not be regulated by the USACE under Section 404 (such as roadside ditches). Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

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

***Fish and Game Code 1600-1602:*** Sections 1600-1607 of the California Fish and Game Code (CFGC) require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares an LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

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

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

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

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

***Porter-Cologne Water Quality Control Act:*** The intent of the Porter-Cologne Water Quality

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

**State Water Resources Control Board Cannabis Cultivation Policy:** The purpose of the Cannabis Cultivation Policy (Policy) is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Policy establishes principles and guidelines for cannabis cultivation activities to protect water quality and instream flows. Cannabis cultivation legislation enacted California Water Code (Water Code) Section 13149, which directs the State Water Board, in consultation with the CDFW, to adopt interim and long-term principles and guidelines for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. The legislation requires the State Water Board to establish these principles and guidelines as part of a state policy for water quality control.<sup>7</sup> Additionally, the California Business and Professions Code Section 26060.1(b) requires that these principles and guidelines be included as conditions in cannabis cultivation licenses issued by the California Department of Food and Agriculture (CDFA). The State Water Board has primary enforcement responsibility for the principles and guidelines and shall notify CDFA of any enforcement action taken.

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

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

**Sensitive Natural Communities:** CDFW has identified certain natural habitats as sensitive natural communities which are rare and vulnerable to further loss. Sensitive natural communities

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<sup>7</sup> California Legislature. “Water Code Section 13149(b)(2).” [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WAT&sectionNum=13149](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT&sectionNum=13149) last accessed June 15, 2022.

identified in Sonoma County include coastal salt marsh, brackish water marsh, freshwater marsh, freshwater seeps, native grasslands, several types of forest and woodland (including riparian, valley oak, Oregon white oak, black oak, buckeye, Sargent cypress, and pygmy cypress), old growth redwood and Douglas fir forest, mixed serpentine chaparral, coastal scrub, prairie, bluff, and dunes. Many of these communities support populations of special-status species and are important to native wildlife.

**Riparian Corridor (RC) Combining District:** The Sonoma County Riparian Corridor (RC) combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation, and other riparian functions and values.

**Biotic Habitat (BH) Combining Zone:** The Biotic Habitat combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

**Sonoma County Tree Protection Ordinance:** The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Sec. 26-88-010m) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26- 02-140) as the following species: big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), madrone (*Arbutus menziesii*), oracle oak (*Quercus morehus*), Oregon oak (*Quercus garryana*), redwood (*Sequoia sempervirens*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), and their hybrids.

**Chapter 11 Grading Ordinance: Section 11-14-070: Removal of trees and other vegetation**  
Construction grading and drainage shall not remove or disturb trees and other vegetation except in compliance with the department's best management practices for construction grading and drainage and the approved plans and specifications. Construction grading and drainage shall be conducted in compliance with the following requirements:

- A. The limits of work-related ground disturbance shall be clearly identified and delineated on the approved plans and specifications and defined and marked on the site to prevent damage to surrounding trees and other vegetation.
- B. Trees and other vegetation within the limits of work-related ground disturbance that are to be retained shall be identified and protected from damage by marking, fencing, or other measures.

**Would the project:**

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

Comment:

The applicant submitted a biological resource assessment prepared by Eastside Environmental, dated August 2017, and titled, "Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016" (Eastside Environmental report)<sup>8</sup>, which addresses listed species and potential jurisdictional water resources. The biotic assessment was performed through one (1) site visit and field survey that occurred on July 15, 2017. An addendum prepared by Sol Ecology, dated May 19, 2021, and titled "Re: Rare Plant Survey Report Addendum to the August 2017 Biotic Assessment Report for 4233 Browns Lane, Petaluma, Sonoma County, California" (Sol Ecology report)<sup>9</sup> was conducted to provide an update to previous rare plant surveys, and determined no special status plant species were likely to be present on site, due to lack of suitable habitat and negative survey results.

Special-Status Plant Species:

The Eastside Environmental field survey was conducted on July 15, 2017, and covered the project footprint, or "project area," including the entire cultivation licensed premises area and a surrounding buffer zone.

The Eastside Environmental report identified the sole habitat on the project site is non-native grassland dominated by rye grass (*Festuca perennis*), wild oat (*Avena* spp.), and foxtail grass (*Bromus hordeaceus*), and mentions the project parcel contains riparian habitat (east of project site). The report identified a total of 17 special-status plant species in the project vicinity through a 5-mile radius record search of CNDDDB (California Natural Diversity Database) and United States Geological Survey (USGS) quadrangles. Twelve of the 17 plant species would not be expected to occur in the project area due to lack of suitable habitat (i.e., habitats other than grassland, such as marshes, chaparral or woodlands). Therefore, field surveys focused on identifying suitable on-site grassland habitat areas and potential presence of the other five species.

Franciscan onion (*Allium peninsulare* var. *franciscanum*),  
round-leaved filaree (*California macrophylla*)  
fragrant fritillary (*Fritillaria liliacea*)  
congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*)  
two-fork clover (*Trifolium amoenum*)

No special-status plant species were observed during the July 2017 field survey, which occurred during the typical blooming period of one of the target plant species- congested-headed hayfield tarplant. The survey also determined that on-site grassland habitat was of only marginally suitable quality due to past and current disturbance by historic grazing and current cultivation operations. Although habitat was determined to be of poor quality and

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<sup>8</sup> Eastside Environmental. 2017. Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016. August 2017.

<sup>9</sup> Sol Ecology. 2021. Rare Plant Survey Report Addendum to the August 2017 Biotic Assessment Report for 4233 Browns Lane, Petaluma, Sonoma County, California. May 19, 2021.

unlikely to support any special status plant species, an additional spring plant survey was recommended during the blooming periods of the other four species.

The Sol Ecology study included an updated CNDDDB plant occurrence record search and a late spring field survey, conducted on May 4, 2021, which is within the blooming window of four of the five special-status plant species with potential to occur in the Study Area (congested-headed hayfield tarplant, Franciscan onion, round-leaved filaree, and two-fork clover). Of these, tarplant is the most likely to occur onsite, as it can be found in disturbed and ruderal grassland habitats, whereas the other species are more commonly found in less disturbed, higher quality grasslands. No special-status plant species were identified in the Study Area during the field survey. The Sol Ecology report concluded that, given no special-status plant species were observed in the project area or surrounding habitat, it is unlikely the project will result in any impacts to special-status plant populations of their potential habitat. Of the target plant species, tarplant has the most potential to occur, but had negative survey results in two separate plant surveys conducted in different years within the plant's blooming period. The area where project activities are proposed has already been disturbed by historic grazing activities and the existing cannabis cultivation operation. In addition, the project footprint comprises less than three percent of the 100-acre parcel, preserving the native soils and seedbank on the majority of the site. As a result, the project would have a less than significant impact on special-status plant species and their potential habitat.

#### Special Status Animal Species:

The Eastside Environmental report identified 29 special-status non-avian wildlife species through a 5-mile radius record search of CNDDDB and USGS quadrangles. In addition, eight migratory bird species have potential to occur within the project area. Of the 29 non-avian species, only two have potential to occur in the project area, and the remaining 27 species are not expected to occur in the project area due to lack of suitable onsite habitat and distance from off-site suitable habitat areas. The two species with potential to occur are discussed below.

California red-legged frog (*Rana draytonii*)

American badger (*Taxidea taxus*)

The site is not located within designated critical habitat for California red-legged frog (CRLF), a federally Threatened species and a California Department of Fish and Wildlife Species of Special Concern. However, the project area lies within a watershed (Ellis Creek) with known occurrences of CRLF, and there is potential marginally suitable upland habitat in and near the project area. There is no aquatic habitat within the project area; the closest potentially suitable aquatic habitat for CRLF is located approximately 1,540 feet from the project area, consisting of a man-made agricultural reservoir filled with recycled water from the City of Petaluma. As CRLF are known to travel from 1-2 miles over upland areas from breeding ponds and migration corridors, the cultivation area has the potential to be utilized by CRLF, especially in the dry summer months when drip irrigation may provide moist refugia for the species. In addition, CRLF may migrate through the project area and/or utilize marginal upland habitat present in and around the project site, though the closest documented occurrence of CRLF is 1.46 miles from the project area. CRLF can also use cropland, such as nearby vineyards, as upland refugia during dry summer months due to available water from drip irrigation.

No CRLF were observed during the site survey; however, potentially significant impacts could occur to CRLF as a result of the project, if they were to be present within the project

site during project construction. **Mitigation Measures BIO-1, BIO-2, BIO-5 and BIO-6**, would ensure absence of the species within the project area, and would reduce potential impacts to CRLF to less than significant. The loss of a small amount of marginally suitable upland habitat within the 2.6-acre project site would not be expected to have a substantial adverse effect on the species and would be considered a less than significant impact.

The project area may also provide suitable habitat for the American badger, a CDFW species of special concern. There is moderate potential for American badger to occur onsite, as suitable open habitat with friable soils is present for foraging and denning surrounding the project area. Young are born in burrows dug in relatively dry, often sandy, soil, usually in areas with sparse overstory cover. Badgers prey upon a variety of mammals, insects, and reptiles, especially ground squirrels and pocket gophers, all of which may be available on the project site. The vineyard on the adjacent parcel to the west may also serve as potential habitat for the American badger.

No badgers or their burrows were observed during the site survey; however, potentially significant impacts could occur to badgers as a result of the project, if they were to be present within the project site during project construction. **Mitigation Measures BIO-1, BIO-3, BIO-5 and BIO-6** would ensure absence of the species within the project area, and would reduce potential impacts to badgers to less than significant. The loss of a small amount of marginally suitable habitat within the 2.6-acre project site would not be expected to have a substantial adverse effect on the species and would be considered a less than significant impact.

The project does not propose removal of trees, which could be used for bird nesting, and no ground-nesting bird species or burrows were observed on or near the project area during the site survey. However, if nesting birds were to be present near the project site, construction noise would have the potential to impact these species. **Mitigation Measures BIO-4-BIO-6** would reduce the impact to nesting birds to a less than significant level.

Level of Significance: Less than Significant with Mitigation Incorporated

Mitigation Measures:

**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:

- Taut silt fencing extending at least 24 inches above ground;
- Buried a minimum of six inches below ground surface and constructed with a lip so that animals cannot scale and go over the barrier;
- 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.
- Metal fence stakes used on the project site shall be capped to prevent wildlife mortality.
- 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;
- Exit points no more than 200 feet apart and flush to the ground to prevent species from accessing the construction site;



- 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.

**Mitigation Monitoring BIO 1: Install Wildlife Exclusion Fencing Prior to Construction.**

Prior to issuance of grading or building permits, Permit Sonoma staff shall: ensure that mitigation measures are listed on all site alteration, grading, building or improvement plans; shall confirm installation of wildlife exclusionary fencing by site visit or photographic documentation; and shall verify that a biological monitor has been retained by the applicant to be present onsite and to ensure that exclusion fencing is in place during initial site disturbance.

**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.

**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.

**Mitigation Monitoring BIO-2: and BIO-3: Pre-Construction Surveys.** Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that mitigation measures are listed on all site alteration, grading, building or improvement plans. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid

sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that den protection buffers are flagged and fenced off and active den monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

**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 (CFG) 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:
    - a. For projects within one-mile of an active nest tree, provide one-acre of land for each acre of development authorized (1:1 ratio).
    - b. 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).
    - c. 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).

**Mitigation Monitoring: BIO-4 Prevent Disturbance to Nesting Birds.** Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that nest protection buffers are flagged and fenced off and active nest monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

**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.

**Mitigation Monitoring BIO-5 Prohibition on Plastic Erosion Control Netting.** Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that mitigation measures are listed on all site alteration, grading, building or improvement plans. Prior to final of grading or building permits, Permit Sonoma staff shall confirm installation of wildlife friendly erosion control measures by site visit or photographic documentation.

**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.

**Mitigation Monitoring BIO-6 Environmental Awareness Training.** Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that mitigation measures are listed on all site alteration, grading, building or improvement plans. Prior to issuance of grading or building permits, the worker awareness training package shall be submitted to the County. Documentation of completed worker training (such as a sign-in sheet or report prepared by the biologist conducting the training) shall be submitted to the County within 24 hours after it has occurred.

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

Comment:

Field surveys conducted for the project confirmed that the only habitat type present within the project footprint was non-native annual grassland and that no sensitive natural communities occur in the project area. The Project parcel contains four unnamed seasonal water courses which have some associated riparian vegetation; one of these on the southeast corner of the property is a designated Riparian Corridor. The cannabis operation is approximately 1,900 feet from the designated Riparian Corridor and would not impact this habitat<sup>10</sup>. The closest watercourse is over 500 feet away from the project area boundary. Therefore, the project would not affect riparian habitat or any other sensitive natural community.

Significance Level: Less than Significant Impact

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

Comment:

A Biological Resources Report was prepared for the project site to identify wetlands that have the potential to occur on or in the vicinity of the project site<sup>11</sup>. The project site was surveyed to identify if any wetlands and waters potentially subject to jurisdiction by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or CDFW are present. The wetland assessment was based on the presence of wetland plant indicators, hydrology, and wetland soils, and found that there are no jurisdictional wetlands within the project area or buffer. There are two non-jurisdictional, man-made irrigation ponds on the parcel, approximately 800 feet east of the cultivation area. The ponds utilize reclaimed water from the City of Petaluma. Therefore, the project would not have a

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<sup>10</sup> Eastside Environmental, Inc. 2017. Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016. August 2017.

<sup>11</sup> Eastside Environmental, Inc. 2017. Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016. August 2017.

significant impact on wetlands.

Significance Level: Less than Significant Impact

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

Comment:

There is potential for the project site to serve as low-moderate value upland habitat for CRLF. However, no breeding or nursery sites for CRLF would be impacted. Further, CRLF would not be likely to use the project site as a movement corridor given its distance from known breeding sites and lack of a protected migration corridor, like a drainageway.

Trees, grassland, and structures on the site could provide roosting, nesting, or burrowing habitat for bats, birds, and badgers. Implementation of pre-construction surveys prior to initiation of construction activities would reduce the potential impact to a less than significant level.

Significance Level before Mitigation: Less than Significant with Mitigation Incorporated

Mitigation Measure:

**Implement Mitigation Measure BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6**

Mitigation Monitoring:

**See Mitigation Monitoring BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6**

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

Comment:

The project would not violate any of the local policies or ordinance protecting biological resources, including the Sonoma County General Plan 2020 Land Use Element and Open Space and Resource Conservation Element Policy OSRC-8, Special-Status Species Habitat, Sensitive Natural Communities, Riparian Corridor (RC), Valley Oak Habitat (VOH) and Biotic Habitat (BH) Combining Zones, and County Code Chapter 11 Grading Ordinance: Section 11-14-070: Removal of trees and other vegetation, or the County Tree Protection Ordinance: Section 26-88-010m. No valley oak or other protected trees are proposed to be removed. The project does not propose the removal of any trees, special status habitat, sensitive natural communities, or encroach into riparian corridor setbacks.

Significance Level: Less than Significant Impact

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

Comment:

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

Significance Level: No Impact

## 5. CULTURAL RESOURCES:

Would the project:

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

Comment:

A Cultural Resources Study was prepared for the project in December 2020 prepared by Alta Archaeological Consulting (ALTA 2020). As part of the record search, the California Historical Resources Information System (CHRIS) and a Native American Sacred Lands File (SLF) Search through the Native American Heritage Commission were reviewed to determine if any known historic resources are present within the project area. The records search identified no previously recorded built environment cultural resources within the project area project area.<sup>12</sup>

The report also included review of 19<sup>th</sup> and 20<sup>th</sup> century maps, and identified no historic resources, including buildings or structures 50 years of age or older within the project parcel boundary. Additionally, no structures would be removed from the project site or parcel. Therefore, as no identified built environment or historical resources are located within the project area, the project would have no impact on such a resource. Prehistoric and historic period archaeological resources are evaluated in 5b below.

Significance Level: No impact

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

Comment:

Cultural resources records search results from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), an archaeological field survey, and a Native American Sacred Lands File (SLF) Search through the Native American Heritage Commission did not find any archaeological resources on the project site.

Archival research requested by ALTA Archaeological Consulting indicate that five studies have been conducted within a quarter mile radius of the project area, three of which intersected the project area.<sup>13</sup> None of these studies identified cultural resources. Additionally, there are no ethnographic sites described within one-quarter mile of the project area. The NWIC Record Search showed no prehistoric Native American Sites on the project site. ALTA Archaeological Consulting requested an SLF search through the Native American Heritage Commission (NAHC), the result of which was negative, indicating no

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<sup>12</sup> ALTA Archaeological Consulting. 2020. Archaeological Survey Report for 4233 Browns Lane, Petaluma, California (APN 068-010-016). December 2020.

<sup>13</sup> ALTA Archaeological Consulting.

sites included in the SLF are located on the project site. No cultural resources were observed during the course of the archeological field survey conducted by ALTA Archaeological Consulting.<sup>14</sup>

Construction is proposed within the cannabis operation boundaries. However, the study concluded that no known archaeological resources were identified within the project area, and the potential for encountering previously undiscovered archaeological resources during project construction is low.

In addition, the County also has a standard “accidental discovery” condition of approval that work be halted if unanticipated buried cultural resources are encountered during construction. The condition is applied to all use permits that involve ground disturbance, and requires that the following notes be printed on all grading and building permit plans involving ground disturbing activities:

“If prehistoric or historic archaeological resources, paleontological resources, or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The applicant shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

Therefore, the proposed project would not result in substantial adverse change in the significance of archaeological resource as defined in CEQA Guidelines Section 15064.5.

Significance Level: Less than Significant Impact

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

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<sup>14</sup> ALTA Archaeological Consulting.

Comment:

No human remains or burial sites are known in the vicinity of the project area. However, there is potential for earthwork and grading to result in the disturbance of previously unrecorded human remains, if present. The project's cultural resources study determined the probability of encountering archaeological resources, which include buried human remains, in the project area, is considered low.<sup>15</sup>

Implementation of the County's standard "accidental discovery" condition of approval, which shall be implemented in the event of an inadvertent discovery, would reduce the potential impact to less than significant as discussed above in Section 5b.

Significance Level: Less than Significant Impact

## 6. ENERGY:

### Would the project:

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

Comment:

This analysis evaluates the use of energy resources (e.g., fuel and electricity) associated with construction activities, as well as operation and maintenance of the project. For construction, the analysis considers whether construction activities would use large amounts of fuels or energy, and whether they would be used in a wasteful manner. For energy used during operation and maintenance, the analysis identifies energy use that would occur with implementation of the project to determine whether large amounts would be used and whether they would be used in a wasteful manner.

Construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for excavation, grading, and vehicle travel. The precise amount of construction-related energy consumption is uncertain. However, construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale (e.g., a 5,000 square foot building and (3) 1,000 square foot greenhouses, (8) 1,600 square foot greenhouses, and two paved parking spaces constructed over a single 6-month construction season). Therefore, project construction would not encourage activities that would result in the use of large amounts of fuel and energy in a wasteful manner; the impact would be less than significant.

During the operational phase, energy would be consumed through daily use of the greenhouse lighting, heating, and cooling equipment. Project operation would require compliance with the following Operating Standard for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(g)(3):

*Energy Use. Electrical power for indoor cultivation, mixed light operations, and processing including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use*

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<sup>15</sup> ALTA Archaeological Consulting.



*of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.*

The applicant has indicated that power for the operation would use 100 percent renewable power from the Sonoma Clean Power EverGreen Program through PG&E. Additionally, the project will use 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.

During the operational phase, energy would also be consumed through daily worker trips to the facility, and commercial truck trips associated with delivery of supplies and distribution. However, commute trips for a maximum of 10 employees and business deliveries would not be expected to result in the use of large amounts of fuel and energy in a wasteful manner; the impact would be less than significant.

While the long-term operation of the project would result in an increase in energy consumption compared to existing conditions, due to the small scale of the project and the renewable energy requirements, operation of the project would not use large amounts of energy and would not use it in a wasteful manner.

Significance Level: Less Than Significant Impact

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

Comment:

In 2003, the California Energy Commission (CEC), the California Power Authority, and the California Public Utilities Commission (CPUC) jointly adopted an Energy Action Plan (EAP) that listed goals for California's energy future and set forth a commitment to achieve these goals through specific actions (CEC 2003). In 2005, the CEC and CPUC approved the EAP II, which identified further actions to meet California's future energy needs, mainly focused on the energy and natural gas sectors (CEC 2005). Additionally, the CEC also prepared the State Alternative Fuels Plan in partnership with the California Air Resources Board and in consultation with the other state, federal, and local agencies. The alternative fuels plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production (CEC 2007).

Construction and operation of the project would not conflict with or obstruct implementation of either the EAP, EAP II, or the State Alternative Fuels Plan. Project construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale. As described under item 6a, above, Project operation would require compliance with renewable energy requirements for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(g)(3). No conflicts with a state or local plan for renewable energy or energy efficiency have been identified.

Significance Level: No Impact

## 7. GEOLOGY AND SOILS:

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Comment:

The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone or near a known active fault .<sup>16</sup>

Significance Level: No Impact

- ii. **Strong seismic ground shaking?**

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. The site's proximity to the Rodgers Creek fault (two miles east of project site), indicates that the intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as 'Violent' according to the County's General Plan Public Safety Element.<sup>17</sup>

By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code, which consider soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. All work would also be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy. Therefore, the potential impact from strong seismic ground shaking would be less than significant.

Significance Level: Less than Significant Impact

- iii. **Seismic-related ground failure, including liquefaction?**

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<sup>16</sup> California Geologic Survey. 2020. Earthquake Zones of Required Investigation Map. Accessed June 2022. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

<sup>17</sup> Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Earthquake Ground Shaking Hazard Areas Figure PS-1a." Accessed June 22, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>

Comment:

Strong ground shaking can result in liquefaction, the sudden loss of sheer strength in saturated sandy material, resulting in ground failure. The project site is not located within a high liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.<sup>18</sup>

Significance Level: Less than Significant Impact

**iv. Landslides?**

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. The project area is of minimal slope and is located in an area of Landslide Susceptibility Class 1 (zero landslide potential) on General Plan Public Safety Element Figure PS-1d.<sup>19</sup> The project is therefore considered to have a negligible potential for landslides.

Significance Level: Less than Significant Impact

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

Comment:

The project is proposing the construction of eleven (11) greenhouses and one (1) processing building. Construction of the processing building would require grading and excavation activities, including approximately 50 CY of cut and 300 CY of fill. The project would also install wooden fencing around the perimeter of the cultivation areas and project auxiliary structures.

As discussed in Section 10, Hydrology and Water quality, erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code), require implementation of Best Management Practices (BMPs) to reduce runoff from construction and during operation. Required inspection by Permit Sonoma staff would ensure that all grading and erosion control measures are constructed according to the approved plans.

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

During construction of the greenhouses and processing building, a combination of erosion control BMPs would be used on disturbed areas, including installing silt fencing and straw

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<sup>18</sup> Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Liquefaction Hazard Areas Fig. PS-1c." Accessed June 22, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>

<sup>19</sup> Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Deep-seated Landslide Hazard Areas." Accessed June 22, 2022 . <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Deep-seated-Landslide-Hazard-Areas/>

waddles and spreading straw on disturbed soil surfaces.

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

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

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

Significance Level: Less than Significant Impact

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

Comment:

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

Significance Level: Less than Significant Impact

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

Comment:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. According to the Natural

Resources Conservation Service's (NCRS) Web Soil Survey Tool,<sup>20</sup> the project area contains Diablo Series clay soils (DbD and DbE), which have moderate to high potential for expansion.

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

Significance Level: Less than Significant Impact

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

Comment:

The project site is not served by public sewer. A new onsite septic system would treat the domestic wastewater resulting from the project's maximum of 10 onsite employees. Soils analysis, percolation, and wet weather testing may be required to obtain the required permits. Preliminary documentation provided by the applicant indicates that the soils on site can support a septic system. The implementation of County standards during permitting of the proposed on-site wastewater disposal system would result in a less than significant impact related to wastewater disposal.

Significance Level: Less than Significant Impact

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

Comment:

No surveys for paleontological resources have been conducted for the site. See Section 5.b, Cultural Resources, for a discussion of the standard conditions of approval for accidental discovery. These conditions would reduce the impact of construction activities on unknown paleontological resources to a less than significant level by addressing discovery of unanticipated buried resources.

Significance Level: Less than Significant Impact

## **8. GREENHOUSE GAS EMISSIONS:**

**Would the project:**

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

Comment:

Section 15064.4 of the State CEQA Guidelines assists lead agencies in determining the

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<sup>20</sup> United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). 2020. Web Soil Survey. Accessed June 22, 2022.  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

significance of the impacts of GHG emissions. Section 15064.4 gives lead agencies the discretion to assess emissions quantitatively or qualitatively. The CEQA Guidelines do not establish a threshold of significance. Lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or other experts, so long as any threshold chosen is supported by substantial evidence.

The Bay Area Air Quality Management District's (BAAQMD) 2022 CEQA Air Quality Guidelines establish four potential thresholds for analyzing the GHG emissions associated with land use development projects: (1) whether buildings use natural gas; (2) whether there is wasteful or inefficient use of energy; (3) Whether vehicle miles traveled (VMT) is below Office of Planning and Research's (OPR) thresholds and; (4) whether the project is consistent with a local GHG reduction strategy.

Project construction activities would result in a temporary source of additional greenhouse gas emissions (estimated to be less than 10 MTCO<sub>2e</sub>), primarily in the form of carbon dioxide from exhaust emissions associated with haul trucks, construction worker commute vehicles, and construction equipment. Project construction activities are limited in scope and duration, consisting of improvements to develop 26,984 square feet of greenhouse space, a processing building, and paved parking (ADA and loading space). The project would not involve construction activities associated with higher-level greenhouse gas emissions such as use of a significant amount of heavy construction equipment, substantial earth-moving activities, or import/export of a significant amount of material. The addition of construction-related greenhouse gas emissions to the annualized operational emissions would remain substantially below the BAAQMD operational threshold.

Although cannabis facilities can consume energy and water in quantities that may be higher (on a square-footage basis) than other general light industrial land uses, the proposed project would not generate significant GHG emissions from these sources. As described in section 3, the project would provide electrical power through a combination of on-grid 100 percent renewable energy (Sonoma Clean Power, which is rated at 57lbs of CO<sub>2</sub> per Mega Watt Hour (MGH)), an on-site zero net energy renewable energy system, or purchase of carbon offsets for power obtained from non-renewable resources, as required pursuant to County Code Section 26-88-254(g)(3). This requirement would reduce GHG emissions from the project's energy and water sources, consistent with State reduction goals. The site will utilize minimal amounts of electricity on motion detector security lighting and cameras as well as install energy efficient lighting. The project will also utilize ultra-low flow fixtures, and will treat wastewater onsite for re-use.

As discussed in Air Quality Sections 3.a and 3.b, the proposed project would be much smaller in scale than other screened land uses and would be well below the emission threshold for ozone precursors. Additionally, the project will not be open to the public and would only employ a maximum of 10 people; therefore, GHG emissions from traffic are expected to be low. Emissions from the permanent on-site generator will be below the emission thresholds given the infrequency of emergency use. Additionally the project does not propose natural gas appliances.

Significance Level: Less than Significant Impact

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

Comment:

The County does not have an adopted Climate Action Plan but has adopted a Climate Change Action Resolution (May 8, 2018) which resolved to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050, and noted twenty strategies for reducing GHG emissions, including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of good and services. The project has proposed to incorporate many GHG reduction strategies, including: 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.

By incorporating multiple GHG reduction strategies, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Significance Level: No Impact

## **9. HAZARDS AND HAZARDOUS MATERIALS:**

**Would the project:**

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

Comment:

Small amounts of hazardous materials such as fuel, solvents, lubricants, paint and cleaning materials would be used during construction of the project. During construction activities, any on-site hazardous materials that may be used, stored, or transported would be required to follow standard protocols (as determined by the U.S. EPA, California Department of Health and Safety, and Sonoma County) for maintaining health and safety. Proper use of materials in accordance with local, State, and federal requirements, and as required in construction documents, would minimize the potential for accidental releases or emissions from hazardous materials.

The project would store over 55 gallons of diesel fuel onsite for use in operating a skid steer and farm machinery used for seasonal mowing of high grasses and replacement of raised bed soils. LIG Remedies has obtain a California Environmental Reporting System (CERS) ID (#108461689) for storage and use of diesel fuel for farming equipment. Installation, operation, and maintenance of a diesel tank would be subject to Sonoma County's Certified Unified Program Agency (CUPA) requirements, including implementation of a Hazardous Materials Business Plan to be approved by the County, and compliance with the California Fire Code. Required compliance with Sonoma County requirements and the California Fire Code would reduce the potential hazard from use of the diesel tank. Non-cannabis hazardous materials, including diesel fuel would be stored in either a general storage structure located near the new processing building or in the new processing building, both of which would be fully enclosed structures. The project would produce minor quantities of

hazardous materials that would be disposed of at the Sonoma County Household Toxics Facility located at 500 Meham Road, Petaluma. The project would maintain isopropyl alcohol and cleaning solvents below the threshold for requirement of a Hazardous Materials Business Plan (HMBP).

Plant nutrients, fertilizers, fungicides, and approved algacides may be used during the cultivation operation. Quantities of bulk nutrients are normally transported and stored in plastic containers and then diluted with water for use on plants. Plant nutrients and fertilizers would be stored in a secure storage room without exposure to weather, sunlight or wind. These materials would be stored on pallets and/or shelving to minimize the possibility of spills and leaks going undetected. Liquid products would be stored in secondary containment, where needed. Generally, there is no disposal of agricultural chemicals since they are applied to and taken up by the plants. Any disposal of unused plant chemicals would be minor and the material would be taken to an appropriate solid waste disposal location as identified in product disposal instructions (most are safe for landfill disposal).

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

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

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

Significance Level: Less Than Significant Impact

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

Comment:

Small amounts of hazardous materials would be used during construction and operation of the project (See Section 9.a above). Proper use of materials in accordance with local, State, and federal requirements, and as required in the construction documents, would minimize the potential for accidental releases or emissions from hazardous materials. Caltrans and the California Highway Patrol regulate the transportation of hazardous materials and wastes, including container types and packaging requirements, as well as licensing and training for truck operators, chemical handlers, and hazardous waste haulers. The California Division of Occupational Safety and Health (Cal-OSHA) enforces hazard communication program regulations which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health



and safety plans to protect workers and employees.

Storage, handling, and transportation of propane and other liquefied petroleum fuels are regulated by both the State of California Fire Code and Cal-OSHA. Businesses that utilize hazardous materials in California are required to develop and implement a Hazardous Materials Business Plan, which includes information on the location, type, quantity, and health risks of hazardous materials as well as employee training and emergency response plans designed to manage the potential hazards associated to storage, handling, and transportation of facility-specific hazardous materials.

Because the applicant and its contractors would be required to comply with existing and future hazardous materials laws and regulations addressing the transport, storage, use, and disposal of hazardous materials, the potential to create a significant hazard from accidental conditions would be less than significant.

Significance Level: Less Than Significant Impact

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

Comment:

No existing or proposed schools are within one-quarter mile of the project site. The nearest schools are Harvest Christian School (approximately 1.2 miles away) and the River Montessori Charter School (approximately 1.6 miles) southwest of the project site.

Significance Level: No impact

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

Comment:

The provisions in Government Code Section 65962.5 are commonly referred to as the Cortese List. There are no known hazardous material sites within or adjacent to the project limits, based on review of Cortese List of Data Resources<sup>21</sup> sites from the following databases on June 27, 2022.

1. The State Water Resources Control Board Geotracker database,<sup>22</sup>
2. The Department of Toxic Substances Control EnviroStor database,<sup>23</sup> and

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<sup>21</sup> California Environmental Protection Agency (CalEPA). 2021. Cortese List Data Resources. Accessed June 27, 2022. <https://calepa.ca.gov/sitecleanup/corteselist/>

<sup>22</sup> State Water Resources Control Board (SWRCB). 2021. Geotracker Database. Accessed June 27, 2022.

[https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITE\\_S,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITE_S,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29)

<sup>23</sup> Department of Toxic Substances Control (DTSC). 2021. EnviroStor Database. Accessed June 27, 2022.

[https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITE\\_S,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITE_S,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29)

3. The California Integrated Waste Management Board Solid Waste Information System (SWIS).<sup>24</sup>

According to the GeoTracker database, there is a LUST (leaking underground storage tank) cleanup site for potential diesel and gasoline contamination, the Muzinich Property (frmr) site (#T0609740936), located at 405 Browns Lane approximately ½-mile west of the project site. The cleanup status of the site is “Completed – Case Closed” as of November 10, 1999. The project would not create a significant hazard by being located near the LUST site, which does not presently create a significant public or environmental hazard.

Significance Level: No Impact

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

Comment:

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan, or within two miles of the Petaluma Municipal Airport or other Public Use Airport.

Significance Level: No Impact

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

Comment:

The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. Given the minimal traffic associated with the project (estimated at a maximum of 21 Average Daily Trips (ADT) from up to 10 employees), the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes.

The project parcel has two potential routes for ingress and egress. Primary access to the site is provided via an existing private graveled access road, Periera Road, at the end of Browns Lane (a public road). Secondary emergency ingress and egress is provided via an unnamed access road terminating at 601 Stage Gulch Road, this access is for emergency vehicles only. No employees live on-site and generally no more than five of the ten employees would be on site during hours of operation. Evacuation from the project site would not add substantial new employee traffic to the roadways or interfere with an existing emergency response or evacuation plan. Refer to Section 17 - Transportation, for further discussion of emergency access and project traffic.

Significance Level: Less Than Significant Impact

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<sup>24</sup> Cal Recycle. 2021. Sites Identified with Waste Constituents above Hazardous Waste Levels Outside the Waste Management Unit. Accessed June 27, 2022. <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>

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

Comment:

According to the Permit Sonoma GIS Tool,<sup>25</sup> the project is located in a State Responsibility Area, with a Fire Hazard Severity Zone designated as Moderate and bordered by a High Fire Hazard Severity Zone. The project is located in a rural agricultural area characterized by non-native annual grasslands, vineyard and other agricultural crops, minimal riparian vegetation, and rural residential properties. See Section 20, Wildfire, for a discussion of risks related to wildland fire.

The applicant would be required to comply with the following Development Standard for commercial cannabis cultivation facilities contained in County Zoning Section 26-88-254(f)(16):

*The applicant shall prepare and implement a fire prevention plan for construction and ongoing operations and obtain any permits required from the fire and emergency services department. The fire prevention plan shall include, but not be limited to: emergency vehicle access and turnaround at the facility site(s), vegetation management and fire break maintenance around all structures.*

Prior to approval of a grading permit, the County shall review the project *Fire Safety and Evacuation Plan* and ensure that coordination with appropriate County emergency staff is established.

In addition, the project would be required to comply with and State Fire Safe Regulations (14 CCR 1270.00 et seq.), which establish minimum wildfire protection standards for the State Responsibility Area (SRA) and very high fire hazard severity zones.

Permit Sonoma Fire Prevention staff reviewed the project and conducted a site inspection as recently as June 3, 2022 and noted a Board of Forestry Exception to Standards would be necessary due to insufficient road width. Pursuant to Section 26-88-254(f)(16) of the County Code and State Fire Safe Regulations (14 CCR 1270.00 et seq.), the applicant submitted a Request for Fire Safety Plan and Exception Standards for the road width. The Sonoma County Fire Marshal reviewed these plans and determined that they provided the same practical effect as the State Fire Safe Regulations toward providing defensible space. The Exception was sent to CalFire September 16, 2022 by the Sonoma County Fire Marshal. Therefore, the project would not be likely to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Significance Level: Less than Significant Impact

## **10. HYDROLOGY AND WATER QUALITY:**

**Would the project:**

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<sup>25</sup> Sonoma County. 2022. Permit Sonoma GIS, Cannabis Site Evaluation. Accessed June 13, 2022. <http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

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

Comment:

The project parcel contains four seasonal intermittent water courses that drain south into Ellis Creek within the Petaluma River watershed.<sup>26</sup> The Petaluma River is on the 303d list of impaired water bodies for sediment and nutrient levels<sup>27</sup>.

The closest water course is approximately 730 feet to the south of the project site. The project would result in grading for parking improvements, a processing building, multiple greenhouses, and associated hardscape and landscaping estimated at 0.6 acres of soil disturbance and 26,984 square feet of new impervious surfaces. Construction activities have the potential to degrade water quality as a result of erosion caused by earthmoving activities during construction or the accidental release of hazardous construction chemicals.

A construction project disturbing one or more acres of soil is required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit Order 2009-0009-DWQ for Discharges of Storm Water Runoff Associated with Construction Activity. Construction activities subject to this permit include clearing, grading, stockpiling, excavation, and reconstruction of existing facilities involving removal and replacement. The General Permit requires submittal of a Notice of Intent (NOI) package, and development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which, in addition to other requirements, must include Best Management Practices (BMPs) to protect the quality of stormwater runoff.

On October 17, 2017, the State Water Resources Control Board adopted the Cannabis Cultivation Policy (Cannabis Policy) and the Statewide Cannabis General Order WQ 2017-0023-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The Cannabis Policy and Cannabis General Order include requirements to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. The Order requires submittal of a Site Management Plan describing BMPs to protect water quality, and may also require a Site Erosion and Sediment Control Plan, Disturbed Area Stabilization Plan, and/or Nitrogen Management Plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll. Most commercial indoor cannabis cultivation operations are conditionally exempt, but must enroll in the program to obtain documentation of their conditionally exempt status. Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits.

The Sonoma County Department of Agriculture/ Weights & Measures has prescribed cannabis cultivation Best Management Practices related to pesticide and fertilizer storage, pesticide use, fertilizer use, riparian protection, water use and storage, waste management,

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<sup>26</sup> Eastside Environmental. 2017. Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California, 94952, Sonoma County, APN 068-010-016. August 2017.

<sup>27</sup> State Water Resources Control Board (SWRCB). 2020. TMDL Integrated Report, 2014-2016. "303(d) List and 305(b) Report." Accessed June 27, 2022.  
[https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)

erosion control/grading and drainage, and items related to indoor cultivation.

Sonoma County also requires the project applicant to prepare a grading and drainage plan (Erosion Prevention and Sediment Control Plan) in conformance with Chapter 11 (Construction Grading and Drainage Ordinance) and Chapter 11A (Storm Water Quality Ordinance) of the Sonoma County Code and the Sonoma County Storm Water Low Impact Development Guide, all of which include performance standards and Best Management Practices for pre-construction, construction, and post-construction to prevent and/or minimize the discharge of pollutants, including sediment, from the project site. Required inspections by Permit Sonoma staff ensure that all grading and erosion control measures are constructed according to the approved plans.

All of the above ordinance requirements and adopted best management practices are specifically designed to maintain potential water quality impacts at a less than significant level during and post construction.

Significance Level: Less than Significant Impact

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

Comment:

The project is located in a Groundwater Availability Class 3 (Marginal groundwater) area and is located in the Petaluma Valley Groundwater Basin, a Medium Priority groundwater basin designated under the Sustainable Groundwater Management Act (SGMA). According to Sonoma County General Plan Policy WR-2e and County Policy 8-1-14, development of property with the intent to use groundwater within a Groundwater Availability Class 3 area or a Medium or High Priority SGMA basin requires a completion of a hydrogeologic assessment through Permit Sonoma. The project proposes the use of City of Petaluma recycled water for cannabis cultivation and an existing private groundwater well onsite for potable water supply. Completion of a hydrogeologic assessment was not required due to the negligible amount of groundwater the project would use for domestic purposes.

The project would use City of Petaluma recycled water for cannabis irrigation. Recycled water would be applied to cannabis plants, and any process wastewater would be treated onsite and reused in the cultivation operation or disposed of in an onsite wastewater disposal system. The project would also keep at least 29,500 gallons of water stored at any given time that would be available for fire suppression purposes onsite; these tanks would be filled with recycled water. The project would use an estimated 200 gallons of recycled water per week for cannabis irrigation. The project would use an existing onsite groundwater well to provide potable water for domestic, including employee, uses. Domestic water use by the maximum 10 project employees is anticipated to be negligible.

Project conditions of approval prohibit the use of groundwater for cannabis irrigation. Additionally, the following will be required: onsite storage of 20,000 gallons of recycled irrigation water for cannabis cultivation; an authorized agreement with the City of Petaluma for the use of recycled water; an annual log of all recycled water use; and annual groundwater monitoring and reporting.

In order to reduce use of water resources, all cannabis projects are required to submit a

Water Conservation Plan. The Water Conservation Plan submitted by the applicant includes the following measures to reduce water demand and enhance water resource recovery to the maximum extent feasible: regularly checking for and repairing leaks, using dry cleaning methods, installation of low flow fixtures, and utilize a recycle water system for project operations.

As described above, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Significance Level: Less than Significant Impact

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

**i. Result in substantial erosion or siltation on- or off-site?**

Comment:

The project would not alter an existing stream, river, drainage channel or wetland feature. Grading would occur only in the northern portion of the parcel. Construction grading activities would be subject to a grading permit, which requires installation of adequate stormwater treatment measures to prevent soil erosion during construction, such as silt fencing, straw wattles, and soils discharge controls at construction site entrance(s). Compliance with the County grading regulations is aimed at capturing and treating all project runoff onsite, thereby reducing the potential for soil erosion and sediment delivery from the site.

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

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

Significance Level: Less than Significant Impact

**ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

Comment:

The project would not alter an existing stream, river, drainage channel or wetland feature, and the project site is not located within a 100-year flood plain. The project proposes construction of multiple greenhouses, a processing building, and paved ADA-accessible and delivery parking areas, all of which constitute new impervious surfaces. During project construction, silt fencing and straw wattles would be installed around all construction areas, and straw would be spread on all disturbed surfaces, which would reduce runoff during construction. During project operations, the project would incorporate the County Agricultural Commissioner's BMPs, which included but are not limited to leaving vegetative barriers along the property boundary and interior watercourses, avoiding soil disturbance between November 1 and April 15, applying straw or mulch to cover disturbed soils, and obtaining the appropriate permits from PRMD for grading or drainage alteration activities. All surfaces onsite would be stabilized appropriately. Although the project would include approximately 25,000 square feet of new impervious surface (i.e., processing building, greenhouses, and paved ADA-accessible and delivery parking areas), the runoff produced from new impervious surfaces would not be constitute a substantial amount of runoff and implementation of the County Agricultural Commissioner's erosion control BMPs would result in a less than significant impact with regard to flooding onsite or offsite.

Significance Level: Less than Significant Impact

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

Comment:

As mentioned in 10.c.ii, runoff produced by new impervious surfaces would not be substantial and the project site would be maintained to control runoff and reduce the potential for erosion. Permit Sonoma Grading and Stormwater Section staff reviewed the project referral on July 24, 2020 and provided conditions of approval to ensure project compliance with the County Construction Grading and Drainage Ordinance (Zoning Code Chapter 11) and the Storm Water Quality Ordinance (Zoning Code Chapter 11A). The project would require a grading permit, which would not be issued until all recommended feasible stormwater treatment options have been incorporated into project design in compliance with all applicable standards of the County Code.

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

Significance Level: Less than Significant Impact

**iv. Impede or redirect flood flows?**

Comment:

The project would not alter an existing stream, river, drainage channel or wetland feature. No portion of the project is within a 100-year flood zone or Special Flood Hazard Area

(SFHA).<sup>28</sup>

Significance Level: No Impact

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

Comment:

The project is not located within a 100-year flood zone or in an areas that would be subject to flooding as a result of dam or levee failure (Sonoma General Plan Figure PS-1f).<sup>29</sup> The project site is not located near a large isolated body of water that may be affected by a seiche, or within an area mapped as being at risk to tsunamis.

Significance Level: No Impact

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

Comment:

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

The project site is located in a medium priority groundwater basin, the Petaluma Valley Groundwater Basin, as defined under the Sustainable Groundwater Management Act (SGMA). The project proposes the use of groundwater only for domestic uses including employee hand washing and emergency rinse stations. The Permit Sonoma Natural Resources Geologist reviewed the project proposal on July 21, 2020 and on February 25, 2021. No conflicts with a water quality control plan or sustainable groundwater management have been identified.

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

Significance Level: Less than Significant Impact

## **11. LAND USE AND PLANNING:**

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<sup>28</sup> Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Flood Hazard Areas Fig. PS-1e." Accessed June 28, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>

<sup>29</sup> Sonoma County. 2008. General Plan 2020 Safety Element. Dam Failure Inundation Hazard Areas, Figure PS-1f. Accessed September 23, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Dam-Failure-Inundation-Hazard-Areas/>



**Would the project:**

**a) Physically divide an established community?**

Comment:

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

Significance Level: No Impact

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

Comment:

The General Plan Land Use and Sonoma Mountain Area Plan designation for the parcel is Land Extensive Agriculture. This land use designation is intended to protect lands used for animal husbandry and the production of food, fiber, and plant materials and maintain parcel sizes conducive to continued agricultural production. The Sonoma Mountain Area Plan includes broad goals and policies related to encouraging growth that maintains the existing range of types of communities in the Planning Area while also retaining large parcels for agricultural uses.

The Zoning Designation for the project site is also Land Extensive Agriculture, which allows commercial cannabis cultivation (up to 1 acre of cultivation area), including ancillary processing operations, with a use permit (Sec. 26-06-020(t)).

Specific General Plan Policies adopted for the purpose of avoiding or mitigating environmental effects are evaluated in this document under the corresponding areas; for example, policies related to noise are evaluated in Section 12 Noise. General Plan Policies relevant to the Land Use and Planning section are listed below:

*Policy LU-11f:* Encourage conservation of undeveloped land, open space, and agricultural lands, protection of water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains.

No housing or residential units would be constructed as part of the project, which could result in an incompatible future use due to nuisance complaints. The existing residential development will remain, but not be expanded. The project will result in permanent loss of approximately .6 acres (26,984 square feet) of potential farmland, within the footprint of the processing building, parking area, and access improvements, which equates to about .6 percent of the total land acreage (100-acres). Although the proposed greenhouses and processing building are intended for cannabis cultivation and processing, both could be utilized for and be compatible with a future traditional agricultural use on the parcel.

*Policy LU-12g:* Design discretionary projects in any commercial or industrial categories in harmony with the natural and scenic qualities of the local area. Give natural landscapes precedence over man made features.

No portion of the project would be visible from public roadways or viewsheds as the cannabis operation is in a relatively remote area and screened by topography.

*Policy AR-2a:* Apply agricultural land use categories based on the capability of the land to produce agricultural products. Unless allowed by the Public Facilities and Services Element, limit extension of sewer service to these lands except by out-of-district agreement to solve a health and safety problem.

The project would not require extension of sewer service, as the project would include an on-site septic system for wastewater disposal.

*Policy AR-4a:* The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

The primary use of any parcel within one of the three agricultural land use categories must involve agricultural production and related processing, support services, and visitor serving uses. Allowed non-agricultural land uses must be conducive to continued agricultural production. Livestock grazing occurs and will continue on approximately 91 acres of land, about 91 percent of the total land acreage. Grazing use (or other comparable agricultural use) be continued as long as the permit is active.

Approval of cannabis use permits requires compliance with multiple Development Criteria and Operating Standards from the Zoning Code intended to avoid and minimize potential environmental impacts (Sec. 26-88-250 and 254). No conflicts with Development Criteria or Operating Standards have been identified. A Board of Forestry exception to road width standards was submitted and reviewed by the Sonoma County Fire Marshal and demonstrated safe access for emergency vehicles concurrently with civilian evacuation and unobstructed traffic circulation in the event of a wildfire emergency.

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

Significance Level: Less than Significant Impact

## **12. MINERAL RESOURCES:**

**Would the project:**

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

Comment:

The project site is not located within a known mineral resource deposit area.<sup>30</sup> Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

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

Significance Level: No Impact

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

Comment:

The project site is not located within an area of locally important mineral resource recovery site and the site is not zoned MR (Mineral Resources).<sup>31</sup> No locally important mineral resources are known to occur at the site.

Significance Level: No Impact

### 13. NOISE:

**Would the project result in:**

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

Comment:

County noise standards for non-transportation operational noise are provided in Table NE-2 of the General Plan (Table 5 below). These thresholds may be adjusted based on site-specific conditions, such as a very high or very low ambient noise level, specific types of noise (e.g., dog barking, simple tone noises), or short-term noise sources permitted to occur no more than six days per year (e.g., concerts, special events).

<b>Hourly Noise Metric, dBA<sup>(B)</sup></b>	<b>Daytime (7 AM - 10 PM)</b>	<b>Nighttime (10 PM - 7 AM)</b>
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50

<sup>30</sup> Sonoma County. 2020. Aggregate Resources Management Plan. Accessed September 27, 2022.

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>

<sup>31</sup> Sonoma County. 2020. Aggregate Resources Management Plan. Accessed September 27, 2022.

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>

L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

Source: Sonoma County General Plan Noise Element Table NE-2  
(A) Pursuant to General Plan Policy NE-1C, the noise standards apply at the exterior property line of any adjacent noise sensitive land use.  
(B) The sound level exceeded n% of the time in any hour. For example, L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

The proposed project would include stationary noise sources such as heating, ventilation, and air conditioning (HVAC) equipment, alarm system, a well pump, agricultural equipment (e.g., a skid steer), and an emergency back-up generator, all of which would operate 100 feet or greater from adjacent property lines. Mobile noise sources would include delivery trucks and passenger vehicles, which would generate noise primarily during the daytime. Additionally, there would be a temporary increase in noise due to construction.

A Noise Impact Analysis was prepared by LSA April 2022, to determine potential noise impacts associated with the project. The closest sensitive receptor to the project site, measured from the property line, is a single-family residence 310 feet to the northeast of the nearest property line (570 feet from the cannabis operation). Two long term (96-hour) and two short term (15 minute) measurements were gathered to establish the current ambient noise environment as shown in Table D from the noise study below. The locations where data was collected are shown in Figure 5 below. This information was used to establish a baseline. Noise level associated with the projected typical daily noise from the proposed project operation and occasionally used equipment (emergency backup generator and skid steer) were calculated in order to determine potential noise impacts associated with the project, was then modeled using software (SoundPLAN).



**Table D: Long-Term and Short-Term Ambient Noise Level Measurements**

Location	Measured Short- Term Noise Level (dBA L <sub>eq</sub> )	Daytime Noise Levels <sup>1</sup> (dBA L <sub>eq</sub> ) Weekday/Weekend	Average of Four (4) Quietest Daytime Hours (dBA L <sub>eq</sub> ) Weekday/Weekend	Average of Four (4) Quietest Working Hours (dBA L <sub>eq</sub> )	Nighttime Noise Levels <sup>3</sup> (dBA L <sub>eq</sub> ) Weekday/Weekend	Average of Four (4) Quietest Nighttime Hours (dBA L <sub>eq</sub> ) Weekday/Weekend
LT-1: Located on the northern portion of the project site. Used to determine noise levels	--	39.8 – 55.2 / 40.8 – 57.9	41.5 / 41.7	45.5	39.3 – 47.5 / 37.8 – 45.2	39.4 / 37.9
LT-2: Located 400 feet southeast of the project site, on the northernmost portion of the	--	37.0 – 56.6 / 38.2 – 54.3	39.3 / 39.0	43.4	37.1 – 44.1 / 37.1 – 43.4	37.3 / 37.3
ST-1: Located 310 feet northeast of the project site, across from the driveway of the property at the terminus of Gregory Road. <sup>4</sup>	Measurement 1: 40.4 Measurement 2: 40.9	33.6 – 49.0 / 34.6 – 51.7	35.3 / 35.5	39.3	39.3 – 47.5 / 31.6 – 39.0	33.2 / 31.7
Source: Compiled by LSA. (September 22-23, 2020).						
<sup>1</sup> Daytime Noise Levels = noise levels during the hours of 7:00 a.m. to 7:00 p.m.						
<sup>2</sup> Typical Working Hours Noise Levels = noise levels during the hours of 8:00 a.m. to 5:00 p.m.						
<sup>3</sup> Nighttime Noise Levels = noise levels during the hours of 10:00 p.m. to 7:00 a.m.						
<sup>4</sup> Hourly and Daily Noise levels at ST-1 were estimated using the noise profile of the long-term measurement location, LT-1. Two (2) 15 minute measurements were gathered to confirm a consistent noise measurement.						
dBA = A-weighted decibels						
L <sub>dn</sub> = day-night average noise level L <sub>eq</sub> =equivalent continuous sound level						

Assuming that all equipment used in average daily operations would run simultaneously for 30 minutes or more in a given hour, the noise study determined the project noise level contribution to the northeast residence would be 31.5 dBA  $L_{eq}$ . This generated noise level would not exceed the ambient level by 10 or more decibels. Therefore, the standards in Table NE-2 (50 dBA  $L_{eq}$  during daytime hours and 45 dBA  $L_{eq}$  during nighttime hours) would remain applicable, and noise level contributions would remain below the applicable daytime and nighttime noise level standards. In addition to typical daily noise sources, the project may occasionally use a skid steer, and an emergency backup generator in the event the power grid is down. With the assumption all equipment is running simultaneously for a period of 30 minutes or more in a given hour, the project noise level contribution to the northeast residence would be 40.2 dBA  $L_{eq}$ , which would not exceed ambient levels by 10 or more decibels. Therefore, the standards in Table NE-2 (50 dBA  $L_{eq}$  during daytime hours and 45 dBA  $L_{eq}$  during nighttime hours) would remain applicable, and noise level contributions would remain below the applicable daytime and nighttime noise level standards. The project noise level contribution at the northern residence was determined to be below the applicable daytime and nighttime noise level standards, and further, that operation of the proposed project would not result in a perceptible noise increase at any surrounding receptor. Therefore, project operations would comply with County Requirements.

The project would result in a temporary noise increase during construction, mostly related to engine noise and back-up beepers associated with operation of construction equipment and transport of construction materials. This impact would cease when construction of the project is completed. The County's General Plan and Zoning code do not establish construction-related noise standards. Therefore, construction activities would not generate noise levels in excess of applicable standards. However, implementation of Mitigation Measures NOISE-1 and NOISE-2 would reduce the noise impact from construction activities and hauling to less than significant.

Significance Level: Less than Significant with Mitigation Incorporated

#### Mitigation

##### **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.

#### Mitigation Monitoring

##### **Mitigation Monitoring NOISE-1 Construction Noise Sound Barrier:**

Prior to issuance of building or grading permits, the applicant shall submit documentation from the Noise Consultant confirming the fence perimeter around the project provides a sufficient construction noise barrier.

#### Mitigation

##### **Mitigation 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.

#### Mitigation Monitoring

#### **Mitigation Monitoring NOISE -2 Construction Operation**

Prior to issuance of grading or building permits, Permit Sonoma staff shall verify that the NOISE-2 measures are included on all site alteration, grading, building or improvement plans. The applicant shall submit documentation to Permit Sonoma staff that a Construction Coordinator has been designated and that appropriate signage has been posted including the Coordinator's phone number. Documentation may include photographic evidence or a site inspection, at the discretion of Permit Sonoma staff.

Any noise complaints not immediately resolved by the Coordinator shall be investigated by Permit Sonoma staff. If violations are found, a noise consultant may be required at the applicant's expense to evaluate the problem and recommend corrective actions. Continuing or unresolved noise violations may result in an enforcement action and/or revocation or modification proceedings, as appropriate.

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

##### Comment:

According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration "The nature of cannabis cultivation uses does not involve vibration or ground borne noises, except for potential impacts related to construction of related structures. These impacts would be from conventional construction equipment and would be short-term and temporary, limited to daytime hours.

The project would include construction activities that may generate minor ground borne vibration and noise from conventional construction equipment, but no intensive vibratory noise would occur, such as pile-driving or jackhammering. All construction noise would be short-term, temporary, and limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground

borne vibration or ground borne noise levels.

Significance Level: Less than Significant Impact

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

Comment:

The project site is not within the Airport Referral Area, as designated by the Sonoma County Comprehensive Airport Land Use Plan.<sup>32</sup> The project site is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport. The project, therefore, would not expose people working in the project area to excessive noise levels.

Significance Level: No Impact

## 14. POPULATION AND HOUSING:

**Would the project:**

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

Comment:

The proposed project does not include the construction of new housing, nor would it generate significant new demand for housing in the area (a maximum of 10 employees, including full-time and part-time staff, is proposed). This increase in employment opportunities is not anticipated to result in an indirect increase in population as it is anticipated that employees would be existing residents of the area. Therefore, the project would not induce substantial population growth in the area.

Significance Level: Less Than Significant Impact

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

Comment:

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

Significance Level: No Impact

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<sup>32</sup> Sonoma County. 2020. Sonoma County Airport Referral Area. Accessed June 29, 2022.  
<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/>



## 15. PUBLIC SERVICES:

Would the project:

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

Comment:

The proposed project does not involve the construction of new housing. The project would create a modest demand for new employees, but the increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of Sonoma County. Therefore, the project would not necessitate the need for construction of any new public facilities or the alteration of any public facilities and would cause no effects on the performance objectives for any public services.

Significance Level: Less Than Significant Impact

**i. Fire protection?**

Comment:

The project is located within the State Responsibility Area (SRA), under CalFire jurisdiction. The parcel is located in the Lakeville Volunteer Fire Department Fire Protection District. The nearest fire station to the site is the Lakeville Volunteer Fire Department which is 4 minutes (2.5 miles) from the project site.

The County Fire Marshal reviewed the project description and plans multiple times since February 2018, that require the project to comply with the Fire Code and comply with the Fire Code and the Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, emergency water supply, hazardous materials management, and management of flammable or combustible liquids and gases. Final conditions and the Board of Forestry Exception to Standard were provided to CalFire August 16, 2022

The Fire Marshal has also required a Fire Protection Plan that documents fire access roads, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management. These conditions have been determined to provide for the Same Practical Effect (14 CCR §1270.06) regarding the California Department of Forestry and Fire Protection Fire Safe Regulations, requirements for developments within the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. This Exception for the Same Practical Effect (14 CCR §1270.06) was accepted by Sonoma County Fire Marshal August 16, 2022 and submitted to CalFire. The project as proposed would not require construction of new or expanded fire protection facilities, therefore project impacts on fire protection by the Sonoma County Fire District would be considered less-than-significant.

Significance Level: Less Than Significant Impact

**ii. Police?**

Comment:

The Sonoma County Sheriff would continue to serve the project area. No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (up to 10 employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Additionally, the project would be required to comply with the security development standard for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(f)(21), including implementation of a site security plan. The project would not necessitate or facilitate construction of new police protection facilities resulting in environmental impacts in order to maintain acceptable service ratios or response times.

Significance Level: Less Than Significant Impact

**iii. Schools, parks, or other public facilities?**

Comment:

No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (up to 10 employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the project would not introduce new school age children in the project area and would not necessitate or facilitate construction of new schools resulting in environmental impacts.

Significance Level: No Impact

**iv. Parks?**

Comment:

No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (up to 10 employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the project would not introduce new school age children in the project area and would not necessitate or facilitate construction of new schools resulting in environmental impacts.

Significance Level: No Impact

**v. Other public facilities?**

Comment:

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

Significance Level: No Impact

## 16. RECREATION:

Would the project:

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

Comment:

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

Significance Level: No Impact

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

Comment:

The proposed project does not involve or require the construction of recreational facilities. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. No impact would occur.

Significance Level: No Impact

## 17. TRANSPORTATION:

Would the project:

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

Comment:

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

The project applicant submitted a "Cannabis Trip Generation" form as required by the County. Due to the small number of employees and low number of peak hour trips, no traffic study is required by the Sonoma County Guidelines for Traffic Impact Studies screening criteria, and no study was requested by the Transportation and Public Works Traffic

Engineer during the project referral. No more than 10 employees would be located onsite at any time. The Cannabis Trip Generation estimated the peak average during the outdoor cultivation harvest and processing period would be 21 daily trips including 5 trips during each of the morning and evening peak commute hours.

Regional access to the project site would be from Highway 116, which is a State Highway, to Browns Lane, a county maintained local road, according to the County Maintained Road System Map<sup>33</sup>. Periera Road is a private paved road and is not county-maintained and Browns Lane is classified as a County road, neither have traffic volume data available. Traffic volume data available for a similarly classified County Road, South Ely Road, located off of Browns Lane. Average Daily Traffic is calculated to be 1,019 for South Ely Road<sup>34</sup>. Traffic data is not available for the portion of Highway 116 that connects to Browns Lane, however there is data for Lakeville Rd which is connected to Highway 116 and classified as a minor arterial road. According to Sonoma County Traffic Surveys Map the Average Daily Traffic for Lakeville Road is 18,053. Given the minimal number of peak hour trips that would be generated by the project and the existing volumes of vehicles on local roadways, the project would have a less than significant impact on level of service standards.

Browns Lane, the nearest county-maintained road, does not have bicycle or pedestrian facilities in the project vicinity, and there are no paved shoulders on either side of the road. The project does not propose any improvements to bicycle or pedestrian facilities. Further, no bicycle or pedestrian improvements are proposed for Browns Lane.<sup>35</sup>

The area is not served by public transit. The closest public transit stop is served by Sonoma County Transit at the intersection of Washington Street and Lakeville Street in Petaluma, 4.2 miles from the project site.

Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.

Significance Level: Less than Significant Impact

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

Comment:

Traffic impacts under CEQA have traditionally been assessed based on increases in intersection delays measured by Level of Service (LOS). However, with the passage of SB 743, transportation impacts under CEQA are to be measured based on the vehicle miles traveled (VMT) generated by a project (effective July 1, 2020).

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<sup>33</sup> Sonoma County. 2020. General Plan Road Inventory, "County Maintained Road Postmile System Map." Accessed August 16, 2022

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

<sup>34</sup> Sonoma County Department of Transportation & Public Works. 2020. Traffic Surveys. Accessed August 16, 2022.

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

<sup>35</sup> Sonoma County. 2010. Sonoma County Bicycle and Pedestrian Plan. Bikeway Map. Accessed August 16, 2022 <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Bicycle-and-Pedestrian-Plan/Bikeways-Map/>

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

The Cannabis Trip Generation form completed by the applicant on August 11, 2020 stated the project would generate a maximum of 21 trips per day during the outdoor cannabis harvest period (trip number would be even lower during most of the year), which is far below the threshold, indicating a less than significant impact.

Significance Level: Less than Significant Impact

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

Comment:

The project would not increase hazards because it would not change the existing alignment of public roadways (i.e., Browns Lane, Periera Road, and the driveway) that provide access to the project site. Driveway geometry would be improved for vehicles entering and exiting the project site by widening and improving the angle for access. All cultivation activities would occur in the parcel interior; no farm equipment would use the public roadway. Browns Lane is not a pedestrian or bicycle route; therefore, incompatible interactions between construction equipment and bicyclists or pedestrians are not expected to occur. Temporary construction-related impacts would cease upon completion of project construction and would be considered a less than significant impact.

Significance Level: Less than Significant Impact

**d) Result in inadequate emergency access?**

Comment:

Development on the site must comply with all emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13) and the Fire Safe Standards, including emergency vehicle access requirements. Primary emergency vehicle access is provided via Browns Lane to Periera Road. Secondary emergency egress is provided via an unnamed access road that runs along the eastern boundary of the property and terminates at 601 Stage Gulch Rd. The primary access road (Periera Road) is equipped with two locked gates that will be fitted with Knox Boxes, there are 4 existing turnouts that will be widened to a minimum of 22 feet, and 4 existing emergency vehicle turnarounds, with space for emergency vehicle parking in the existing graveled area.

The Fire Marshal has also required a Fire Protection Plan that documents fire access roads, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management. These conditions have been determined to provide for the Same Practical Effect (14 CCR §1270.06) in regards to the California Department of Forestry and Fire Protection Fire Safe Regulations, requirements for developments within the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian

evacuation concurrently. This Exception for the Same Practical Effect (14 CCR §1270.06) was accepted by Sonoma County Fire Marshal on August 16, 2022 and submitted to CalFire. Project development plans would require review by a Fire Inspector during the building permit process to ensure compliance with emergency access issues.

Significance Level: Less than Significant Impact

**e) Result in inadequate parking capacity?**

Comment:

Sonoma County Code Section 26-86 does not include any specific parking requirements for cannabis cultivation land uses. The project would not be open to the public, and parking onsite would be designated for employees and delivery trucks arriving on a scheduled basis. The project would develop a parking area near the proposed processing building for employee parking and emergency access. Parking would be provided in an existing graveled area that would accommodate up to 10 vehicles. Further, one ADA-compliant parking space and one delivery space would be provided adjacent to the processing building.

Significance Level: Less than Significant Impact

## **18. TRIBAL CULTURAL RESOURCES:**

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:**
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5030.1(k), or**
  - ii) A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Comment: A cultural resources records search results from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission indicate that there are no known Tribal Cultural Resources (TCR) or unique archaeological resources associated with TCR's located within the project boundaries.

California Native American Tribes were notified according to Public Resources Code section 21080.3.1 on July 7, 2020. The request for consultation period ended on August 4, 2020. Three Tribes responded to the AB 52 notification.

No Tribe requested further information and no Tribe requested formal consultation. As described under Cultural Resources Section 5.c, the County standard "Accidental Discovery" Condition of Approval applies to previously undiscovered TCR's or unique archaeological resources that may be accidentally encountered during project implementation. No impacts to Tribal cultural resources are anticipated.

Significance Level: Less than Significant Impact

## 19. UTILITIES AND SERVICE SYSTEMS:

**Would the project:**

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

Comment:

As discussed throughout this document, domestic wastewater disposal would be provided by new onsite septic system and potable water would be provided by an existing private well. The new greenhouses, processing building, and accessory structures would need to be connected to the existing PG&E power transmission infrastructure onsite.

Project construction would temporarily alter storm water flows at the project site due to ground disturbing activities; however, there are no existing storm water drainage facilities onsite, as Periera Road is a private road, and the project site is located in a rural area with limited public infrastructure. Grading of the site for project development may alter the natural topography and may alter the drainage pattern and increase storm water runoff. Construction impacts have been analyzed in Section 3, Air Quality, Section 7, Geology and Soils, and Section, 10 Hydrology and Water Quality. With the incorporation of the BMPs described in Section 10, the project would not result in an increase in storm water flows offsite.

Although the project would include new impervious surfaces (i.e., greenhouses, processing building, ADA parking area, and delivery truck parking area), increased drainage from this small addition of impervious surface would not significantly increase stormwater flows on the project site. Therefore, the proposed project would not require nor result in construction of new storm water facilities. Associated storm water drainage impacts would be less than significant. Development would only be permitted after Permit Sonoma reviews storm water drainage development plans designed by a storm water engineer to ensure adequate management of stormwater drainage facilities on the site.

While the project would require a new septic system, construction of this system is not expected to cause significant environmental effects. Construction and operation of the new septic system would be subject to the project use permit conditions of approval and the septic permit(s) required by the County. Operation of the existing onsite well for non-process, potable water similarly is subject to County well permit requirements and Cannabis Ordinance requirements. The requirements of these permits would ensure the new septic system is properly installed and would not result in significant environmental effects from construction or operation.

The project would connect to existing overhead electrical lines and would not require the construction of new electric power facilities. The project would not result in the relocation or construction of new or expanded storm water drainage, electric power, natural gas, or telecommunications facilities.

Significance Level: Less Than Significant Impact

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

Comment:

As discussed throughout Section 10.b, Hydrology and Water Quality, the project would use treated recycled water from an onsite City of Petaluma recycled water hydrant for cultivation. The existing cultivation operation uses bottled water purchased from offsite for employee use. The project proposes to use an existing private groundwater well onsite for domestic uses, including employee drinking water and employee use of plumbed sinks and flushing toilets. The project's domestic water use for 10 employees is expected to be negligible.

Though the project is located within a Class 3 (Marginal groundwater) Groundwater Area, the County has determined the project applicant does not need to submit a hydrogeologic report due to the negligible amount of groundwater that would be used by the project for domestic purposes. As detailed in Section 10.b, the County has reviewed the project referral and provided project conditions of approval, including prohibiting the use of groundwater for cannabis irrigation, and requiring all of the following: onsite storage of 20,000 gallons of recycled irrigation water for cannabis cultivation; an authorized agreement with the City of Petaluma for the use of recycled water; an annual log of all recycled water use; and annual groundwater monitoring and reporting. With implementation of these conditions of approval, the project would be unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time. There would be sufficient water supplies available to serve the project.

Significance Level: Less than Significant Impact

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

Comment:

The project site would be served by new septic system installed and serviced by a licensed septic system contractor. The County Project Review Health Specialist reviewed the project referral on July 28, 2020 and provided conditions of approval stating the project would be required to obtain permits for a process wastewater disposal system and a separate domestic sewage disposal system. The system would require design by a registered civil engineer or registered environmental health specialist. Soils analysis, percolation, and wet weather testing may be required to ensure the sewage system is properly sited and the sewage system would meet peak flow discharge from all sources granted in the use permit. Further, the project is required to apply for annual wastewater discharge requirements with the San Francisco Bay RWQCB. The proposed project would not be served by public wastewater and would not impact the capacity of public facilities.

Significance Level: No Impact



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

Comment:

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. Sonoma County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in compliance with local and state regulations. The project would not conflict with implementation of such programs.

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

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

Significance Level: Less Than Significant Impact

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

Comment:

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

Significance Level: No Impact

## 20. WILDFIRE:

According to the Sonoma GIS tool, the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as Moderate and surrounded by FHSZ designated as High.<sup>36</sup> As noted in the General Plan Public Safety Element (p. PS-14): *the Moderate Fire Hazard Severity Zone includes: a) wildland areas of low fire frequency supporting modest fire behavior; and b) developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability. High Fire Hazard Severity Zone includes: a) wildland areas supporting medium to high fire behavior and roughly average burn probabilities; and b) developed/urbanized areas with more limited non-burnable surfaces and moderate vegetation cover.*

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

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

Comment:

According to the Permit Sonoma GIS tool the proposed project is located in the State Responsibility Area, within a Fire Hazard Severity Zone (FHSZ) designated as Moderate, bordered by a High Fire Severity Zone<sup>37</sup>. The project would not impair implementation of an adopted emergency response plan. There is no separate emergency evacuation plan for the County, and the project would not change existing circulation patterns or effect emergency response routes.

Construction and operation at the site must conform with adopted State standards as determined and implemented by CALFIRE and Sonoma County Fire officials intended to reduce the risk associated with wildfire. The Fire Marshall has required the applicant to lengthen the existing turnouts along the private road accessing the parcel, inclusive of four turnouts. The Fire Marshall has required the existing entrance gate to the parcel to be widened to 20 feet. Additionally, the Fire Marshal has required 29,500 gallons of recycled water be stored in holding tanks on site, and a fire department connection be available on the existing recycled water hydrant for firefighting purposes. The Fire Marshal has also required a Fire Protection Plan that documents fire access roads, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management.

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<sup>36</sup> Sonoma County. 2020. Permit Sonoma GIS, Cannabis Site Evaluation. Accessed June 13, 2022. <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

<sup>37</sup> Permit Sonoma GIS, Cannabis Site Evaluation. Accessed September 10, 2020.

The Sonoma County Fire Marshal reviewed these plans and determined that they provided the same practical effect as the State Fire Safe Regulations toward providing defensible space. The Exception was sent to CalFire September 16, 2022 by the Sonoma County Fire Marshal. Therefore, the project would not be likely to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Therefore, the proposed project would not conflict with or impair an adopted emergency response plan or emergency evacuation plan. Project development plans would be required to be reviewed by a Department of Fire and Emergency Services Fire Inspector during the building permit process to ensure adequate emergency access is provided to the site.

Significance Level: Less than Significant Impact

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

Comment:

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site itself is relatively flat and is located within a rural area surrounded by open fields, planted vineyard, some riparian vegetation, and gently sloping hillsides. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

According to the Permit Sonoma GIS tool the proposed project is located in the State Responsibility Area, within a Fire Hazard Severity Zone (FHSZ) designated as Moderate, bordered by a High Fire Severity Zone. Projects located in High and Very High Fire Severity Zones are required by state and county code to have a detailed vegetation management plan developed and reviewed by the Sonoma County Fire Prevention Division before a building permit can be issued. This requirement does not apply to projects located in a Moderate Zone. However, all construction projects must comply with County Code Fire Code (Chapter 13) and Fire Safe Standards, including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site. Construction and operation at the site must conform with adopted State standards as determined and implemented by CALFIRE and Sonoma County Fire officials intended to reduce the risk of wildfire to less than significant.

As discussed in section 9.f, Hazards and Hazardous Materials, the project would not impair the implementation of, or physically interfere with, the County's adopted emergency operations plan because traffic associated with the project would be minimal. The project would not result in a significant change in existing circulation patterns, and project traffic would have no measurable effect on emergency response routes (primarily Highway 116).

There are two existing residences on the project parcel, but none within the cannabis operation boundary. Generally no more than 5 of the 10 proposed employees would be on site at any given time as employee shifts would be staggered. Therefore, the project would have a less than significant impact regarding exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Significance Level: Less than Significant Impact

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

Comment:

According to the Permit Sonoma GIS tool the proposed project is located in the State Responsibility Area, within a Fire Hazard Severity Zone (FHSZ) designated as Moderate, bordered by a High Fire Severity Zone. Operation of the proposed project would require maintenance of associated infrastructure; however, it would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Proposed infrastructure improvements would include improvements such as the widening of existing turnouts, that do not meet the 22 foot wide minimum, and installation of a 20 foot gate at the primary entrance to the parcel. The project would include the installation of fire breaks around the new processing building and greenhouses, and maintenance of the existing private access road and parking area. Pacific Gas and Electric will continue to manage maintenance of the distribution utility facilities on the project parcel.

A site inspection as early as June 3, 2022, necessitated the applicant implement additional fire prevention methods to comply with the California Department of Forestry and Fire Protection Fire Safe Regulations. The Fire Marshal required the applicant to expand the existing turnouts to a minimum of 22 feet wide, install a larger primary entrance gate, at least 20 feet wide, to ensure safe access for emergency fire apparatus and civilian evacuation concurrently. The Fire Marshal has also required a Fire Protection Plan that documents fire access roads, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management. These conditions have been determined to provide for the Same Practical Effect (14 CCR §1270.06) regarding the California Department of Forestry and Fire Protection Fire Safe Regulations, requirements for developments within the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. This Exception for the Same Practical Effect (14 CCR §1270.06) was accepted by Sonoma County Fire Marshal September 16, 2022, and submitted to CalFire. The project components include an on-site water supply source and water storage to provide required fire suppression, turn outs, existing turnaround space for emergency vehicles and inclusion of required design aspects in order to comply with the state Fire Safe Standards and the County Fire Code (Chapter 13). In addition, Zoning Code Development Standards require implementation of a fire prevention plan and vegetation management. Installation and maintenance of the proposed minor infrastructure improvements are not anticipated to exacerbate fire risk or result in temporary or ongoing environmental impacts.

Significance Level: Less than Significant Impact

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

Comment:

The project site is not located in an area at high risk for flooding, such as a 100-year flood hazard area. Additionally, drainage patterns at the project site would remain essentially the same as under existing conditions.

The project site is located on gently sloping ground surfaces and is not located within a deep seated landslide area, or on a mapped landslide complex or debris flow source area. It is unlikely that a landslide would occur on-site as a result of runoff, post-fire slope instability, or drainage changes. Therefore, it is not anticipated that the project would expose people or structures to significant risks including flooding or landslides as a result of runoff, post fire- instability, or drainage changes.

Significance Level: Less than Significant Impact

## 21. MANDATORY FINDINGS OF SIGNIFICANCE:

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

Comment:

Potential project impacts on special-status plant and fish/wildlife species and habitat are addressed in Section 4, Biological Resources. Implementation of the required mitigation measures (**Mitigation Measures BIO-1 through BIO-6**) would reduce these potential impacts to less than significant.

Significance Level: Less than Significant Impact

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

Comment:

Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

There are 5 other related projects within a 2-mile radius of the project parcel. This includes 4 cannabis operations (2 to the southeast, and 2 to the north) that have been issued ministerial permits from Sonoma County’s Agriculture Weights and Measurements Department (APC21-0071, APC20-0042, APC21-0070, APC20-0110) for up to 10,000 square feet of cultivation each. The other related project (UPC17-0032) is southeast of the project parcel, and has not receive approval for a Use Permit from the County yet, and similarly proposes to utilize City of Petaluma recycled water for irrigation.

Project-related construction activities are relatively minor and would result in limited, minimal, and short-term impacts. Further, the relatively large average parcel size in the surrounding area (northeast of Highway 116) reduces potential for cumulative aesthetic impacts related to additional construction or commercial activity that could occur in the area. Such future uses would be separated enough to diminish the visual impact of the overall

viewshed from any particular location.

The project would contribute to cumulative impacts related to air quality, biological resources, greenhouse gas, and noise, but County standards, BMPs, and mitigations would ensure that the project's cumulative contributions would not be considerable.

Significance Level: Less than Significant Impact

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

Comment:

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

Significance Level: Less than Significant Impact

## References

1. Sonoma County. 2008. Sonoma County General Plan 2020. Scenic Corridors, "Sonoma County Agricultural Preservation & Open Space District." Accessed June 9, 2022. [https://www.sonomaopenspace.org/wp-content/uploads/Scenic\\_ANSI\\_D\\_05152017.pdf](https://www.sonomaopenspace.org/wp-content/uploads/Scenic_ANSI_D_05152017.pdf)
2. Caltrans. 2020. Map Viewer website, "California Scenic Highways." Accessed June 9, 2022. <https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>
3. Sonoma County. 1978. Sonoma Mountain Area Plan. Accessed June 9, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Area-and-Specific-Plans/Area-and-Specific-Plans/>
4. Sonoma County. 2020. Visual Assessment Guidelines and Procedure. Accessed June 9, 2022. <https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>
5. Sonoma County. 2020. Permit Sonoma GIS, Cannabis Site Evaluation. Accessed June 13, 2022. <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>
6. California Department of Conservation. 2020. California Important Farmland Finder. Accessed June 9, 2022. <https://maps.conservation.ca.gov/DLRP/CIFF/>
7. Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May 2017. Accessed June 9, 2022. [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)
8. Eastside Environmental. 2017. Biotic Assessment for a California Commercial Medical Cannabis Cultivation Facility 4233 Browns Lane, Petaluma, California 94952 Sonoma County APN 068-010-016. August 2017.
9. Sol Ecology. 2021. Rare Plant Survey Report Addendum to the August 2017 Biotic Assessment Report for 4233 Browns Lane, Petaluma, Sonoma County, California. May 19, 2021.
10. ALTA Archaeological Consulting. 2020. Archaeological Survey Report for 4233 Browns Lane, Petaluma, California (APN 068-010-016). December 2020.
11. California Geologic Survey. 2020. Earthquake Zones of Required Investigation Map. Accessed June 22, 2022. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>
12. Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Earthquake Ground Shaking Hazard Areas Figure PS-1a." Accessed June 22, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>

13. Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Liquefaction Hazard Areas Fig. PS-1c." Accessed June 22, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>
14. Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Deep-seated Landslide Hazard Areas." Accessed June 22, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Deep-seated-Landslide-Hazard-Areas/>
15. United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). 2020. Web Soil Survey. Accessed June 22, 2022. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
16. California Geological Survey (CGS). 2021. Geologic Map of California. Accessed June 22, 2022. <https://maps.conservation.ca.gov/cgs/gmc/>
17. California Department of Water Resources (DWR). 2014. California's Groundwater Bulletin 118. Petaluma Valley Groundwater Basin. Accessed June 22, 2022. [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2\\_001\\_PetalumaValley.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2_001_PetalumaValley.pdf)
18. University of California Museum of Paleontology (UCMP). 2021. UCMP Locality Search. Accessed June 22, 2022. <https://ucmpdb.berkeley.edu/loc.html>
19. California Environmental Protection Agency (CalEPA). 2021. Cortese List Data Resources. Accessed June 27, 2022. <https://calepa.ca.gov/sitecleanup/corteselist/>
20. State Water Resources Control Board (SWRCB). 2021. Geotracker Database. Accessed June 27, 2022. [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29)
21. The Department of Toxic Substances Control (DTSC). 2021. EnviroStor Database. Accessed June 27, 2022. [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29)
22. Cal Recycle. 2021. Sites Identified with Waste Constituents above Hazardous Waste Levels Outside the Waste Management Unit. Accessed June 27, 2022. <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>
23. State Water Resources Control Board (SWRCB). 2020. TMDL Integrated Report, 2014-2016. "303(d) List and 305(b) Report." Accessed June 27, 2022. [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)
24. EcoAtlas. 2020. Bay/Delta Ecoregion Map. Accessed September 13, 2022. [www.ecoatlas.org](http://www.ecoatlas.org)



25. Sonoma County. 2008. Sonoma County General Plan 2020. Public Safety Element, "Flood Hazard Areas Fig. PS-1e." Accessed June 28, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>
26. Sonoma County. 2008. General Plan 2020 Safety Element. Dam Failure Inundation Hazard Areas, Figure PS-1f. Accessed September 23, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Dam-Failure-Inundation-Hazard-Areas/>
27. Sonoma County. 2020. Aggregate Resources Management Plan. Accessed September 27, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>
28. Sonoma County. 2016. Sonoma County Cannabis Ordinances. "Negative Declaration - Medical Cannabis Land Use Ordinance," page 20.
29. Sonoma County. 2020. Sonoma County Airport Referral Area. Accessed June 29, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/>
30. Sonoma County. 2020. General Plan Road Inventory, "County Maintained Road Postmile System Map." Accessed August 16, 2022. <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=e75eb5e4cb314249a6c78a0609146963>
31. Sonoma County Department of Transportation & Public Works. 2020. Traffic Surveys. Accessed August 16, 2022. <https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1>
32. Sonoma County. 2010. Sonoma County Bicycle and Pedestrian Plan. Bikeway Map. Accessed August 16, 2022. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Bicycle-and-Pedestrian-Plan/Bikeways-Map/>