



**Attachment 2**  
**DRAFT Board of Supervisors Conditions of Approval**  
**and Mitigation Monitoring Program**

**Date:** December 6, 2022 **File No.:** UPC18-0046  
**Site Address:** 6699 Palmer Creek Road, Healdsburg **APN:** 069-040-026  
**Applicant/Operator:** Evergreen Acres, LLC – Thomas Planson  
**Applicant Address:** 6699 Palmer Creek Road, Healdsburg CA 95448

**Business Owner:** Thomas Planson, Sole Owner

**Landowner(s):** Peter Coopersmith, Property Owner, 1521 Masonic Ave, San Francisco CA 94117  
Diana Planson, Property Owner, 483 San Andreas Drive, Novato CA 94945  
Thomas Planson, Property Owner, 6699 Palmer Creek Road, Healdsburg CA 95448

**Project Description:** Request for a five-year limited term Use Permit for 10,000 square feet of mixed-light cannabis cultivation, 17,825 square feet of outdoor cannabis cultivation, the conversion of 1.8 acres of timberland to a non-timber growing use, installation of a 97,000-gallon water storage tank, and construction of a 2.3 acre foot rainwater catchment and storage reservoir located on a 34.04-acre parcel zoned Resources and Rural Development (RRD) at 6699 Palmer Creek Road, Healdsburg.

Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed although the project description estimates general hours of operation from 7:00 AM to 5:00 PM Monday through Saturday.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following pre-operational conditions have been met.**

**CONDITIONS ON PLAN SETS:**

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

**FEES:**

2. Permit Processing and Development Fees. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. CEQA Filing Fee: Within five working days after project approval, the applicant shall pay a



mandatory Notice of Determination Filing Fee of \$2,598.00 (or latest fee in effect at the time of payment) for County Clerk processing. The fee will be charged against the project At-Cost deposit account and billed to the applicant, unless the applicant requests an alternate payment method, such as a check made out to the Sonoma County Clerk and submitted to Permit Sonoma in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges

4. Condition Compliance Fee: Within 90 days of project approval, and prior to issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$3,029.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
5. Department of Agriculture Monitoring Fee: The applicant/operator shall be responsible for payment of all site monitoring fees conducted to verify compliance with the ordinance, cultivation BMPs, and project conditions of approval. Inspections shall be conducted and fees shall be paid for each year over the effective term of the permit.
6. Well Monitoring Fee. Prior to issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Annual Well Monitoring fee of \$224.00 (or other amount consistent with the adopted fee schedule in effect at the time). The applicant/operator shall be responsible for payment of additional annual well monitoring fees for each year over the effective term of the permit. The annual well monitoring fee shall be paid by January 31 of each year the permitted operation is active.
7. Workforce Housing Fee: Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to Section 26-89-045 of the Sonoma County Code. No grading or building permits shall be issued until Workforce Housing Requirements have been met. Internal tenant improvements within existing legal commercial buildings are not subject to Workforce Housing Requirements.
8. Traffic Mitigation Fee: The Applicant, his or her personal representatives, and project consultants are advised that prior to issuance of a building permit for any new building or prior to any new use of an existing building, payment of a development fee (i.e., Traffic Mitigation Fee) shall be made to Permit Sonoma (PRMD) per Section 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.

**PLANNING:**

Contact Marina Herrera, Project Planner at (707) 565-2397 or [Marina.Herrera@sonoma-county.org](mailto:Marina.Herrera@sonoma-county.org)

9. Term of Permit. This is a limited term permit. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever inure to the benefit of the permit holder



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



as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the applicant/operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC18-0046 shall expire five years after issuance, unless the applicant/operator applies for and is granted a permit renewal. The applicant/operator must apply for permit renewal at least 90 days prior to expiration of the permit to avoid interruption of service. If the project is phased in accordance with an approved phasing plan, the five year term for the full permit will run from the date of issuance of the first Use Permit Certificate to operate.

10. Type(s) and Limitations of Use.

- a. This use permit allows 27,825 square feet of cannabis cultivation
  - i. 17,825 square feet of Outdoor
  - ii. 10,000 square feet of Mixed-Light
- b. This use permit does not allow onsite processing of cannabis.
- c. This use permit does not allow public access to any portion of the cannabis operation.
- d. This use permit does not include or authorize special events.
- e. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
- f. The use shall be operated in accordance with the proposal statement, operational plans, and site plans located in File No. UPC18-0046 as modified by these conditions.

11. Cultivation Area. The applicant/operator shall not increase cultivation area beyond 27,825 square feet (as described in Condition 10 above) at this location without prior written approval from Permit Sonoma staff. This permit does not include wholesale nursery cultivation.

12. Propagation Area. This use permit allows for 2,520 square feet of mixed-light propagation. The applicant/operator shall not increase propagation area beyond 2,520 square feet at this location without prior written approval from Permit Sonoma staff. Propagation area is separate from and does not include wholesale nursery cultivation.

13. Hours of Operation. Outdoor cultivation operations are allowed to occur 24-hours per day, as needed. Deliveries and shipping activities would be limited to the hours of 5:00 AM to 8:00 PM Monday through Friday.

14. Employees. This use permit allows for a maximum of 8 employees, including 6 full time employees and 2 seasonal employees, to be shuttled on and offsite by an electric vehicle.

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



16. Security Plan. The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma). This shall, at a minimum, include video surveillance, of which recordings will be kept for at least 30 days, perimeter fencing, controlled access gates, locking doors, security lighting, and alarms. Weapons and firearms are prohibited. Cash shall be limited at the location to a minimum needed for the daily operations only and shall be placed in a secure location (e.g., locked drawer, safe, or similar storage cabinet with a locking mechanism).
17. Security Log. **A log of security incidents shall be maintained, and an annual report shall be submitted to Permit Sonoma by January 31 of each year the permit is active.** The reporting shall be provided in a format agreed to by Permit Sonoma staff.
18. Odor Control System. The applicant/operator shall install and maintain an odor control air filtration and ventilation system in each building containing cannabis products to control off-site odor generated by the cannabis operation. This requirement shall apply to all permanent structures used in the operation, including mixed light greenhouses, processing, and product storage structures. Verification of compliance shall be required prior to issuance of the Use Permit Certificate or operation of the use, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
19. Odor Monitoring Log. **A log of odor incidents, complaints received, odor control equipment inspection results, and actions taken to resolve any odor issue shall be kept and an annual report shall be submitted to Permit Sonoma by January 31 of each year the permit is active.** The reporting shall be provided in a format agreed to by Permit Sonoma staff. Odor complaints received shall be documented, along with the complaint resolution and the timeframe required to address the odor issue and shall be included in the annual report.
20. Odor Complaints/Additional Odor Control Measures. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it is determined by staff that complaints are valid and additional control is warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. Additional measures may include daily inspections and additional reporting. Such inspections could include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor and determine the source, and completion of a checklist verifying that all filtration equipment is functioning properly, that filters have been replaced on schedule, and that routine maintenance is completed on schedule.
21. Inspection. The operation shall be subject to inspections by appropriate local and state agencies, including but not limited to Agriculture/Weights & Measures and Permit Sonoma. Inspections may occur at random times for conformance with the County Code and permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the operator to immediately cease operations.
22. Energy Use. The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service. The applicant/operator shall not install any new electrical utility lines on site.



23. Water Conservation Plan. Prior to issuance of a Use Permit Certificate to operate, a Water Conservation Plan shall be implemented by the applicant/operator and verified by staff. The Plan includes all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible.
24. Greenhouse Gas Reduction Plan. Prior to issuance of a Use Permit Certificate to operate, a Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be implemented by the applicant/operator and verified by staff. The Greenhouse Gas Reduction Plan includes all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible, including but not limited to:
  - a. All lighting installed as part of the operation must use energy-efficient LED bulbs.
  - b. The applicant shall use an electric vehicle to transport all employees to and from the site to reduce emissions as proposed in the project application. Proof of electric vehicle ownership/rental and information on the shuttle plan shall be submitted to Permit Sonoma prior to vesting the use permit.
25. Design Review. Prior to issuance of building, grading, or other development permits, all exterior modifications to the site, including landscaping, parking lot improvements, fencing, lighting, driveway improvements, and installation of water tanks for irrigation or fire suppression, shall be subject to administrative design review. Razor wire and similar fencing is not permitted.
26. Signage. The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
27. Lighting. Prior to issuance of a Use Permit Certificate to operate, an exterior lighting plan, including security lighting, shall be submitted for review by Permit Sonoma staff. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. Verification of lighting installation in compliance with standards shall be required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
28. Parking. The operation shall maintain on-site parking spaces, including two at the residence and five at the greenhouse, including at least 1 van-accessible space. This number of spaces was determined to be adequate as the project proposes to shuttle employees on and off site. Parking shall comply with all accessibility requirements
29. Permanently installed generators. Permanently installed emergency generators shall not be used to power the indoor or mixed light growing of cannabis plants. The prohibition includes indoor and mixed light propagation and vegetative plant production. Permanent emergency generators can be used only during power shut offs and other emergencies when on-grid power is not available. During those specified times, a permanently installed generator can be used to power supporting and accessory activities, such as employee uses, processing, and product storage, and to power



public safety functions, such as security lighting, cameras, alarms, and fire sprinklers. Permanently installed emergency generators can be used during emergency and non-emergency conditions to power well pumps for irrigation and/or fire suppression for all cultivation uses.

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

- i. Location away from overhanging vegetation, and 30-foot non-combustible space around the generator site.
- ii. Generator noise emissions shall be less than 70 decibels as measured at any point 25 feet from the generator when operating at full power (this typically can be obtained with a Level II acoustic enclosure from the generator manufacturer). A generator sound level specification sheet must be submitted with the building permit application to verify compliance with this standard. If a separate structure is required or proposed to meet this standard, the structure may be subject to additional permits.
- iii. Self-test cycles shall be programmed to run on a weekday between the hours of 10:00 am and 2:00 pm.
- iv. A completed and signed Declaration of Use (Form BPC-061) shall be submitted along with the Building Permit describing the proposed use of the generator. The form requires a Site Plan specific to the Declaration that clearly identifies the building(s)/use(s) the emergency generator will support, and clearly identifies where cannabis operations will occur. This information can be hand-drawn on an existing site plan or on an aerial.

30. Use Permit Certificate. A Use Permit Certificate with these conditions, approved proposal statement, and approved plans shall be maintained on site and made available to county officials upon request.
31. Operational Requirements. The operation shall conform to the standards established by County Code Sections 26-88-250 through 26-88-256, and all other applicable requirements for the specific type of use and those of the underlying base zone.
32. Conformance with Statutes. This use shall be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations, including but not limited to state and/or county track and trace programs, state licensing, occupational safety requirements, health permits and regulations, and cannabis business taxes. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of this use permit, subject to revocation or modification.
33. Code Violations. All code violations shall be abated, and all applicable penalty fees paid prior to issuance of a Use Permit Certificate to operate.
34. Accidental Discovery of Cultural Resources. In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find



and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff will notify and consult with the culturally affiliated tribal representative from tribes known to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a Permit Sonoma Project Review staff person, tribal representatives, and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma will consult with the tribe(s) on the mitigation/protection plan and provide appropriate time for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma and agreed to by Tribe(s). Measures may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

35. Minor Timberland Conversion. Prior to conversion of timberland to a non-timber growing use as part of project implementation and prior to operation of the outdoor cultivation area and/or building permit issuance for the greenhouses, the applicant shall obtain a Minor Timberland Conversion Permit from Permit Sonoma.

**BUILDING:**

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

**BUILDING PERMIT REQUIREMENTS PRIOR TO PROJECT OPERATION:**

36. The applicant/operator shall apply for and obtain building-related permits from Permit Sonoma for any new construction or changed of occupancy (i.e. barn). The necessary applications appear to include, but may not be limited to, an accessibility report and building permit(s). Construction inspections shall have occurred and the building permit(s) finalized prior to occupancy of new or remodeled structure(s). A signed Declaration of Use that complies with the associated Use Permit application shall be submitted with the building permit application package.
37. Due to the scope of this commercial project, the California Business and Professions Code requires plans and calculations to be prepared by California licensed design professionals (e.g., architects, engineers, etc.). The cover sheet of plans shall identify the full scope of work and shall include an architectural analysis of the proposed project, including occupancies of all spaces, areas, area and



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height limitations, occupant load factors, occupant loads, exit system requirements, emergency egress, fire-rated construction details, fire separation requirements, and fixture requirements. All buildings shall comply with the prescriptive requirements of all applicable codes, including Energy and CALGreen.

38. Application materials shall be consistent with Permit Sonoma's Building/Grading Permit Application Submittal Checklist (Form # CSS-003).
39. If any changes to plans, drawings, documents or specifications are required pursuant to any conditions specified herein, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. These changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for the change.
40. In order to determine proper fire separations, the intended occupancies and uses of the facility shall be clearly stated on the plans; similarly, the approved use and occupancy of the adjacent spaces in the buildings shall be shown. A detail of the wall assembly separating those spaces shall be shown on the plans. Plans shall include an analysis of proposed occupant load, area and height limitations, emergency egress and fire rated construction details.
41. All fertilizers, pesticides, corrosives, flammables, explosives, and/or toxic materials that may be stored or used at the facility shall be defined, scoped, and quantified. A control area analysis shall be prepared by the applicant/operator and provided to the project planner for any of the above materials which exceed code-prescribed thresholds.
42. Mechanical, electrical, and plumbing plans shall be fully detailed. Plumbing system materials used to convey concentrated byproducts of water reuse process equipment shall be identified and detailed from point of inlet to point of discharge. Path of reclaimed condensate systems and associated storage and conveyance equipment shall be identified and detailed.
43. All permanently installed equipment shall be identified in the appropriate section of the mechanical, electrical, and plumbing plan sheets. Product information shall be included to verify that installation and use of equipment is consistent with the manufacturer's listing and/or recommendations.
44. The applicant/operator must comply with California Building Code section 11B-202.3, which requires that alterations to existing elements or spaces comply with the accessibility requirements of CBC 11B Division 2. For this purpose, a change of use is considered to be an alteration.
45. All buildings, structures, sidewalks, curbs, and related facilities, intended for use by the public or employees, shall be accessible to and usable by persons with disabilities. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per California Building Code requirements. Plans shall include details of the path of travel from accessible parking to the area of alteration. All facilities serving the area of alteration shall be made accessible. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code, as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the California Building Code, to retrofitting of the existing structure.





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

**GRADING AND STORM WATER SECTION (PERMIT SONOMA)**

**Contact Grading and Storm Water at (707) 565-2268.**

**GRADING PERMIT REQUIREMENTS PRIOR TO PROJECT OPERATION:**

50. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
51. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.



52. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.
53. The applicant shall provide grading plans for the proposed pads & access roads (if determined necessary by the grading permit questionnaire, form GRD-002), prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
54. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
55. Residue or polluted runoff from the cannabis production/processing areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
56. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.



57. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
58. Drainage easements are required to convey storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the grading/site plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless otherwise approved by the Department of Transportation and Public Works.
59. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
60. The applicant is responsible to contact the California Division of Safety of Dams and obtain any necessary permits or waivers for proposed work. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
61. A separate grading permit is required for the proposed irrigation reservoir.

**NATURAL RESOURCES GEOLOGIST:**

**Contact Natural Resources at 707-565-1352.**

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

Water:

62. Prior to issuance of a Use Permit Certificate for outdoor cultivation and prior to **building or grading permit issuance for the greenhouses, the applicant shall provide documentation to Permit Sonoma for review and approval to demonstrate that a minimum reservoir fill level of 374,000 gallons** (250,000 gallons for fire suppression, 124,000 gallons for irrigation of outdoor cultivation) has been reached.
63. Prior to **occupancy/operation of the greenhouses**, the applicant shall provide documentation to Permit Sonoma for review and approval to **demonstrate the 97,000 gallon storage tank is full and sufficient water is stored onsite for fire suppression (250,000 gallons) and irrigation needs (464,000 irrigation needs for 27,825 square feet of cultivation area).**
64. **Prior to issuance of the grading permit to construct the reservoir**, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well or other water source serving this project and any required monitoring well or water meter to collect



groundwater level measurements and water meter readings. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by Permit Sonoma Project Review staff and County Counsel prior to recordation.

65. **Prior to issuance of the grading permit to construct the reservoir**, Water well(s) serving this project shall be equipped with a groundwater level measuring tube and port, or electronic groundwater level measuring device, subject to approval by Permit Sonoma Professional Geologist.
66. **Prior to issuance of the grading permit to construct the reservoir**, Totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist.
67. **Groundwater use for irrigation and fire suppression is prohibited and cannot be used to fill the reservoir or storage tank.** Any use of groundwater for other than domestic residential uses and landscaping shall be grounds for revocation.
68. Totalizing water meter(s) shall be installed to measure all surface water diverted for the use, subject to approval by Permit Sonoma Professional Geologist.
69. A Site Plan showing the location of the well(s) with the groundwater level measuring device(s), water storage tanks, and reservoirs, and the location of all water meter(s) shall be submitted to PRMD. The monitoring well(s) shall be marked with a measuring reference point. The well's Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) well completion reports (with owner information redacted, as is publicly available through California DWR).
70. The irrigation supply system that pumps water from the onsite reservoir shall be inspected and approved by Permit Sonoma Professional Geologist.
71. An approved Lake and Streambed Alteration Agreement with CDFW shall be provided to the Permit Sonoma Professional Geologist.
72. A water right or small irrigation use registration with the State Water Resources Control Board shall be provided to the Permit Sonoma Professional Geologist.
73. A separate grading permit is required for the proposed irrigation reservoir. The grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations, including provisions of the State Water Resources Control Board's Cannabis Cultivation Policy specific to off-stream reservoir design and function.

#### **OPERATIONAL REQUIREMENTS:**

##### **Water:**

74. An onsite reservoir and/or other surface water storage shall be the **sole** source of irrigation water for cannabis cultivation. Irrigation water from any surface water source shall be diverted in a manner that is consistent with any associated water right or registration with the State Water Resources Control Board.



75. In each year the project is operational, annually between April 1 and April 15 of each year, data documenting the amount of water available in the irrigation reservoir and water tank and the estimated cannabis irrigation water use for the year shall be submitted to Permit Sonoma. If the water available that year is not sufficient to meet the water supply needs for the operation, then the operator shall propose a modified cultivation plan with reduced canopy area proportional to the available irrigation water in storage, subject to review and approval by Permit Sonoma. No planting can occur until Permit Sonoma has approved the modified cultivation plan.
76. The location of the wells, and groundwater elevations, quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a plan for reducing groundwater use on the parcel or within the basin, subject to review and approval by PRMD.
77. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma Project Review staff at least once every five years.
78. Groundwater use for the project limited to domestic residential and employee uses and landscaping, shall not exceed 0.5-acre feet per year, In the event that average water use over 3 years for the Use Permit exceeds 0.5-acre feet per year, the applicant shall provide a Water Supply Plan to reduce groundwater use, subject to review and approval by Permit Sonoma. In the event that average groundwater use over 3 years exceeds 0.5-acre feet per year by more than 10%, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce net groundwater use.
79. The use of trucked water for cannabis cultivation irrigation or to fill the fire suppression tank is prohibited.
80. All Statements of Diversion and Use submitted to the State Water Resources Control Board shall be provided to PRMD by January 31 of the following year.
81. Use of reverse osmosis filtration systems for treatment of irrigation water is prohibited.
82. Use of evaporative cooling systems for climate control within the mixed light greenhouse is prohibited.

**FIRE:**

**Contact Fire Prevention at 707-565-2191.**

83. Prior to initiation of the use, the project must submit a Fire Prevention Plan demonstrating compliance with all fire safety laws, including the California Department of Forestry and Fire Protection Fire Safe Regulations, 14 CCR §1270 et seq. and the California Fire Code as adopted with local amendments in Sonoma County Code Chapter 13, subject to review and approval by the Sonoma County Fire Marshal. The Plan must be accompanied by plans, engineering calculations, and



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other data necessary to determine compliance with the provisions of the codes and must be in compliance with the following conditions: *(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17.)*

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

84. Prior to operation, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
85. The subject property (or properties) shall be in full compliance with Building Code regulations, California Department of Forestry and Fire Protection Fire Safe Regulations, 14 CCR §1270 et seq., the California Fire Code as adopted with local amendments in Sonoma County Code Chapter 13, and Hazardous Materials regulations
  - a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, California Department of Forestry and Fire Protection Fire Safe Regulations, 14 CCR §1270 et seq., the California Fire Code as adopted with local amendments in Sonoma County Code Chapter 13, and Hazardous Materials regulations.
  - b. The Building (s) shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.

**OPERATIONAL REQUIREMENTS**

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

**Emergency Planning and Response**

87. A Fire Protection plan must be provided and must provide information about the property, including but not limited to the following. (See Chapter 4 of the California Fire Code and <http://sonomacounty.ca.gov/FES/Fire-Prevention/Cannabis/>):
  - a. Emergency Contacts
  - b. Address
  - c. Property owner
  - d. Site map with property lines
  - e. Fire access roads including gates
  - f. Water supplies and hydrants
  - g. Location of hazardous materials
  - h. Utilities
  - i. Buildings and intended use



- j. Employee training for proper use of regulated materials in the fire code:
  - i. When required by the local fire jurisdiction, special processing of cannabis may require the facility to have identified trained staff, including a main point of contact to oversee and train employees in the special process.
  - ii. This process shall have on-site training records for review and a manual to address emergencies associated with the special process. (Example is extraction equipment)

#### **Access**

88. Prior to operation the applicant and/or operator shall at a minimum to facilitate locating an emergency and to avoid delays in response, and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide for unobstructed traffic circulation during an emergency, and shall construct and maintain roads, as required by California Department of Forestry and Fire Protection, 14 CCR §1270 et seq. and the California Fire Code with local amendments as adopted in Sonoma County Code Chapter 13. The following shall be approved by the fire code official prior to operation.
- a. All roadway structures, such as bridges and crossings, that are part of an emergency access shall have their allowable weight limit (as determined by an engineer qualified to evaluate roadway structures) posted as required by the California Fire Code as adopted and amended by Sonoma County Code.
  - b. Based on the submitted written exception request, by complying with the following provisions, the project will result in the same practical effect as a roadway access that is 20 feet in width.
    - i. Applicant must continue to support the community second Fire Apparatus EVA (Emergency Vehicle Access) to another alternate route, see Exhibit in Exception.
    - ii. The existing and approved CalFire EVA shall be maintained to provide year round unobstructed access for Conventional Vehicles and Fire Apparatus.
    - iii. Applicant shall provide access to a reservoir with a storage capacity of estimated 756,786 gallons with an average of 160,000 gallons in the low season of irrigation water for extended firefighting and a minimum of 97,000 in a storage tank for a minimum total quantity of 250,000 gallons
    - iv. Applicant will continue to work with neighbors on clearing vegetation along Palmer Creek.
    - v. Applicant will comply with defensible space requirements for all new structures.
    - vi. Applicant will provide area of safe refuge in a location approved by the fire code official.
    - vii. Applicant will provide a map of the EVA to local fire officials for emergency response planning.
  - c. All roadways and building shall be identified by approved road signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by California Department of Forestry and Fire Protection, 14 CCR §1274 et seq.



Water Supply:

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

Vegetation Management:

90. To reduce intensity of a conflagration near the proposed project, vegetation management shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and California Department of Forestry and Fire Protection, 14 CCR §1276.00. .

**HEALTH (Permit Sonoma):**

**Contact Permit Sonoma Health at (707) 565-1924**

**PRIOR TO BUILDING PERMIT ISSUANCE:**

**NOTE:**

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

**Water:**

91. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab. The applicant shall submit a copy of the State Certified Lab report to the Project Review Health Specialist for review. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well deconstruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

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

92. Prior to the issuance of building permits and vesting the Use Permit, the applicant must apply for a water supply permit from the State Division of Drinking Water if more than 25 persons per day for 60 days within a year may be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements. The Applicant shall submit: A copy of the clearance letter





to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD, Project Review-Health. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required. The Applicant shall submit: Documentation (a well completion log) of a 50-foot annular seal on the water well serving the project.

**Septic:**

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

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

If permits for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.

The applicant shall submit final clearance from the Well and Septic Section that all required septic and process wastewater system testing and design elements have been met to the Project Review Health Specialist.

**Solid Waste:**

94. Prior to building permit issuance and project operation, the applicant shall submit a design for trash enclosures, recycling areas, and a secured cannabis green waste area for review and approval by Project Review Health. If trash service is curbside, the refuse trucks must have at least a 34-foot turning radius at the end of the street, driveway, or alternative collection point. The applicant shall submit a design for trash enclosures, recycling areas, and cannabis green waste area for review and approval by the PRMD Building Plan Check Section. If refuse collection is "curbside", include a detail of the area turnaround.

**Noise:**

95. Prior to building permit issuance, and the start of construction, a Construction Noise Monitoring Plan shall be submitted to the Permit Sonoma Project Review Health Specialist and found to be acceptable. Implementation of the on-going Noise Monitoring Program shall be required during construction of the project. The applicant shall submit a Construction Noise Monitoring Plan to the Project Review Health Specialist.

**Vector Control:**



96. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (contact 707-285-2200) shall be submitted prior to bringing the public onto a property with reservoir. The applicant shall submit a copy of the Mosquito and Vector Control Plan and an acceptable letter from the Marin-Sonoma Mosquito and Vector Control District to the Project Review Health Specialist.

**PRIOR TO OCCUPANCY:**

**Water:**

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

**Septic:**

99. Prior to project operation, all wastewater plumbing shall be connected to sewage disposal systems that have been constructed under permits for the proposed use by the Permit Sonoma Well and Septic Section. The applicant shall submit a final clearance from the Well and Septic Section to the Project Review Health Specialist, that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

**CONSTRUCTION REQUIREMENTS:**

100. Portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on the construction sites, but in no case shall they be serviced less than once per three days when 24-hour operations are conducted, and once per seven days when only daytime operations are conducted. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State, or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.

**OPERATIONAL REQUIREMENTS:**

**Water:**

101. The applicant shall have the backflow prevention assembly tested by an American Water Works Association Certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
102. A safe, potable water supply shall be provided and maintained.



**Noise:**

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

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

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

**Solid Waste:**

105. All garbage and refuse on the site shall accumulate or be stored in non-absorbent, water-tight, vector-resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight-fitting lids. No refuse container shall be filled beyond its capacity and the ability to completely close and secure the lid. Any garbage or refuse on the site shall accumulate or be stored for no more than seven consecutive calendar days and shall be properly disposed of at a County Transfer Station or County Landfill prior to the end of the seventh day.

**Odor Control:**

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



**TRANSPORTATION & PUBLIC WORKS:**

The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact Permit Sonoma at (707) 565-3711

**PRIOR TO PROJECT OPERATION:**

**Intersections of Roads and Driveways:**

107. The Applicant shall not construct, install or place any monuments and/or signs resulting from this proposal within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at the intersection of Palmer Creek Road and Mill Creek Road.

**MITIGATION MEASURES FROM REVISED MND, DATED 10/28/22**

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

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

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust, track out, 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. Hoods, fans, and fabric filters shall be installed and used to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.
- e. Apply asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
- f. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- g. 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.
- h. 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.



- i. 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.
- j. Track out 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 track out within 4 hours of when the Construction Coordinator identifies such excessive track out, and shall not allow more than one quart of track out to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.
- k. Visible emissions of fugitive dust shall not be allowed during cleanup of any track out that exceeds 20 percent opacity as determined by the Environmental Protection Agency in Method 203B - Opacity Determination for Time-Exception Regulations (August 2017). Track out is defined 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 considered track out.

**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 alterations, grading, building, or improvement plans prior to issuance of grading or building permits. The applicant shall submit documentation to Permit Sonoma staff to verify that a Construction Coordinator has been designated and that appropriate signage has been posted on-site and visible from Palmer Creek Rd. to include the Coordinator's phone number. Documentation may include photographic evidence or a site inspection, at the discretion of Permit Sonoma staff.

**109. Mitigation Measure BIO-1 Conduct Pre-Construction Herptile Surveys**

The project site has a moderate potential to support California giant salamanders and due to the proximity of Palmer Creek, has the potential to provide dispersal habitat for special status herptile species (amphibians and reptiles), Foothill Yellow Legged Frog (FYLF), and Western Pond Turtle (WPT). To avoid impacts to these species, the following measures shall be implemented:

- a) To prevent special-status amphibians from entering the project area, a wildlife exclusion fence must be installed along the perimeter of the construction or grading area beginning early April of the year of construction. This fence must be maintained during project activities. The exclusion fence must be installed such that the fabric is a minimum of 46 inches above ground and the fabric must be buried 4-6 inches below ground. The exclusion fence post must be located on the work side of the fence with the fabric on the outside of the area relative to the stakes.
- b) Pre-construction surveys shall be performed by a qualified biologist within 24 hours of initiation of project activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, and grading).



- c) If any of these species are found, work must not commence until the USFWS and CDFW are notified and shall not resume until it is determined what, if any, further actions must be followed to prevent possible take of the species. No take of these species shall result from project construction and impact avoidance measures shall be implemented in compliance with FESA, CESA and the California Fish and Game Code.
- d) No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period, however, construction activities may resume 24 hours after the end of the rain event.
- e) No work shall be conducted within 50 feet of a drainage feature at any time 30 minutes before sunrise or sunset.
- f) Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the identification and sensitivity status of the special-status species potentially occurring in the cultivation area.
- g) A qualified biologist experienced in the identification and life history of special status amphibians shall be onsite during all construction and ground disturbance activities.
- h) During post-project operations, cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of special status amphibians and other wildlife.

**110. Mitigation Measure BIO-2 Nesting Bird Avoidance**

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 (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. If construction-related activities are scheduled to occur during the nesting season (February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven days, an additional nesting bird survey shall be performed.
- b) If pre-construction nesting bird surveys result in the location of active nests, no site



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

#### **Mitigation Monitoring BIO-2**

The County shall not issue permit(s) for ground disturbing activities during the nesting bird season (February 1 through August 31) until after the site has been surveyed by a qualified biologist to ensure that no active bird nest disturbance or destruction would occur as a result of the project.

#### **111. Mitigation Measure BIO-3 Conduct Pre-Construction Special Status Animal Survey**

The project site has a moderate potential to support the American badger (*Taxidea taxus*) and North American porcupine (*Erethizon dorsatum*). Additionally, existing trees on the project site have the



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potential to provide habitat for special status bat species. To avoid impacts to special status plant and animal species, the following measures shall be implemented:

- a) Mitigation Measure BIO-3A.1: No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, A qualified biologist will conduct a survey to determine if American badger den sites are present at the site. If dens are found, they will be monitored for badger activity. If the qualified biologist determines that dens may be active, the entrances of the dens will be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance activities. The den entrances will be blocked to an incrementally greater degree over the 3 to 5-day period. After the qualified biologist determines that badgers have stopped using active dens, the dens will be hand-excavated with a shovel to prevent re-use during construction. No disturbance of active dens will take place when cubs may be present and dependent on parental care, as determined by a qualified biologist.
- b) Mitigation Measure BIO-3A.2: Prior to commencing construction activities at the project site, a qualified biologist shall conduct a survey for the North American porcupine. If this species is found, work must not commence until CDFW is notified and shall not resume until it is determined what, if any, further actions must be followed.
- c) Mitigation Measure BIO-3B.1: Pre-Construction Survey for Roosting Bats. A survey of the vacant building and any trees with cavities, cervices, or peeling bark within 50 feet of the project site will be conducted by a qualified biologist no less than 30 days before the start of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading). A qualified biologist is a biologist with experience in day and night surveys for roosting bats, bat ecology, and bat species present in the project area. If construction activities are delayed by more than 30 days, an additional bat survey will be performed. The survey may be conducted at any time of year but should be conducted in such a way to allow sufficient time to determine if special-status bats or maternity colonies are present on the site, provide replacement habitat (if required), and exclude bats during the appropriate time of year (e.g. outside the maternity season from March 1 to August 31). The results of the survey will be documented. If no signs of bats are detected during the habitat suitability survey, no further surveys are warranted. If signs of bat occupancy (e.g., guano pellets or urine staining) are detected, Mitigation Measure BIO-3B.2 shall apply.
- d) Mitigation Measure BIO-3B.2: Acoustic Survey. If suitable habitat is present and signs of bat occupancy are detected, a follow-up dusk emergence survey should be conducted no less than 30 days prior to construction activities or removal of potential habitat during the spring or summer months, when bats would be detected. A dusk survey will determine the number of bats present and will also include the use of acoustic equipment to determine the species of bats present. For removal of roost habitat, the 30 days allows time for the exclusion and replacement of roost habitat in the step described below. The results of the survey will be documented. If an active roost is observed within the project site, Mitigation Measure BIO-3b.3 shall apply.





- e) Mitigation Measure BIO-3B.3: Roost Buffer. If a day roost of a special-status bat or a maternity colony of any species of bat is detected and is found sufficiently close to work areas to be disturbed by construction activities, the qualified biologist will determine the extent of a construction-free buffer zone, in consultation with CDFW, to be established around the roost. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted. Monitoring will be required to ensure compliance with relevant California Fish and Game code requirements. Monitoring dates and findings will be documented. If an active roost cannot be avoided by construction activities, Mitigation Measure BIO-3B.4 shall apply.
- f) Mitigation Measure BIO-3B.4: Exclusion and Replacement Roost Habitat. If day roosts of a special-status bat or maternity colony of any species of bat are detected and cannot be avoided, replacement roost habitat appropriate for the species will be provided, as determined by the qualified biologist, prior to removal of the roost. Outside of the maternity season, a day roost may be removed after individual bats are safely evicted under the direction of a qualified bat biologist. Eviction will occur between September 1 and March 31 but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey is not available, or bats are in torpor. The eviction method for the vacant building will be determined by the qualified biologist. The replacement roost habitat will be monitored for two years and the criteria for success will be the occupancy of the replacement roost structure. If the roost structure is not occupied after two years, CDFW will be consulted on what adaptive management measures will be implemented. Monitoring dates and findings will be documented.

#### 112. Mitigation Measure BIO-4 Invasive Species Management Plan

A qualified biologist shall implement an invasive species management plan in consultation with CDFW. At a minimum, the management plan shall require non-native and invasive species to be removed in the time periods established by the invasive species management plan. On an annual basis, a qualified biologist shall prepare a status report of the invasive species management plan. This report shall be sent to Permit Sonoma and made available to CDFW. To avoid impacts of invasive species to special status species, at a minimum the following measures shall be implemented:

- a) All animals observed onsite including WPT & FYLF shall be allowed to leave work sites voluntarily without being harassed (except for American bullfrog which may be culled whenever positively identified by a qualified biologist).
- b) Vehicle speeds should be limited to 5 mph all year, with 3 mph limit during amphibian breeding and migration season from October 1-June 1.
- c) Avoid ground disturbance including trenching, grading, or road scraping to a depth of greater than 10" without first clearing the site from a qualified biologist to avoid disturbing estivating amphibians.
- d) All roadways and culverts should be inspected once before major rain events and once



after to ensure that all erosion control materials are effective and not discharging sediment to waterbodies or stream channels.

- e) All containers and other vessels left outside unattended should be checked before use to ensure that no animals are inside.
- f) Vessels including buckets should be turned over on their sides when stored for long periods of time to allow animals to escape.
- g) No holes greater than 6" deep should be left exposed and uncovered to avoid making "pitfall traps" into which animals can enter but cannot escape.
- h) If holes such as post holes must be left for more than 24 hours they should be checked daily to ensure no animals are inside.
- i) Only native species should be planted wherever revegetation is required such as along the sides of roadcuts.
- j) Use of anticoagulant rodenticides or pesticides should not be used under any circumstances.
- k) Fishing or hunting is not allowed in or around the waterbody.
- l) Only non-lead ammunition shall be used for culling.

**Mitigation Monitoring:**

**Mitigation Monitoring BIO-1**

Prior to issuance of any grading permit(s), the applicant must provide Permit Sonoma the results of all pre-construction surveys and invasive species plans, and any measures recommended by the biologist to avoid sensitive habitat or species, which must be noted on the final project plans.

**Mitigation Monitoring BIO-2**

The County shall not issue permit(s) for ground disturbing activities during the nesting bird season (February 1 through August 31) until after the site has been surveyed by a qualified biologist to ensure that no active bird nest disturbance or destruction would occur as a result of the project.

**Mitigation Monitoring BIO-3**

Prior to issuance of any grading permit(s), the applicant must provide Permit Sonoma the results of all pre-construction surveys and invasive species plans, and any measures recommended by the biologist to avoid sensitive habitat or species, which must be noted on the final project plans.

**Mitigation Monitoring BIO-4**

The applicant shall implement the invasive species plan. On an annual basis a qualified biologist shall prepare a status report of the invasive species management plan. This report shall be sent to Permit Sonoma and made available to CDFW.

113. **Mitigation Measure CULT-1:** A Mishewal Wappo Tribal Monitor shall be retained to be on site to monitor all project-related ground disturbing construction activities (i.e., grading, excavation,



potholing, etc.) within previously undisturbed soils. In the event the Tribal Monitor identifies tribal cultural resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 50 feet of the discovery and to determine if it is a tribal cultural resource under CEQA in consultation with Permit Sonoma and, if necessary, the qualified archaeologist. Construction activities can continue in areas 50 feet away from the find and not associated with the cultural resource location. If the discovery proves to be significant, additional work such as testing or data recovery may be warranted. Any resources found should be treated with appropriate dignity and respect. At the completion of monitoring activities, all artifacts of Native American origin shall be returned to the Mishewal Wappo Tribe through the tribal monitor.

**Mitigation Monitoring CULT-1:** Prior to issuance of building or grading permits, the applicant shall provide appropriate agreements with an Mishewal Wappo Tribal monitor to Permit Sonoma for review and approval. Prior to final inspections and use permit certificate issuance the applicant shall provide documentation in writing including photos demonstrating that the mitigation was implemented during construction activities.

approval.

114. **HYD-1 Sediment Control:** The applicant shall engage appropriately qualified, licensed professional(s) to develop design and construction plans, along with an implementation schedule to repair and/or replace stream crossings and legacy roads identified in the North Coast Regional Water Quality Control Board's report as potential points of sediment discharge to receiving waters.

**Mitigation Monitoring HYD-1:** The applicant must submit documentation to Permit Sonoma that all water quality concerns related to stream crossings and legacy roads identified by the North Coast Regional Water Quality Control Board have been addressed to the satisfaction of the North Coast Regional Water Quality Control Board.

115. **Mitigation Measure NOISE-1 Construction Operation:**

All plans and specifications or construction plans shall include the following notes:

- 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 the Construction 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 Construction Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b) All internal combustion engines used during construction shall be equipped with intake and exhaust mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. 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 8:00 a.m. and 5:00 p.m., Monday through Saturday. 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.

**Mitigation Monitoring NOISE-1 Construction Operation:**

Permit Sonoma staff shall verify that the NOISE-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.

Any noise complaints not immediately resolved by the Construction 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.

**GENERAL CONDITIONS:**

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

116. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
117. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g., lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.
118. This permit may be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such



revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

119. If this use permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

