



**Conditions of Approval and  
Mitigation Monitoring Program**

<b>Date:</b>	October 18, 2022	<b>File No.:</b>	UPC17-0048
<b>Site Address:</b>	12201 Hwy 12, Glen Ellen, CA 95442	<b>APN:</b>	053-100-016
<b>Applicant/Operator:</b>	Terra Luna Farms, LLC/J. Erich Pearson		
<b>Applicant Address:</b>	975 Corporate Center Pkwy, Santa Rosa, CA 95407		
<b>Business Owner(s):</b>	Same as Applicant/Operator		
<b>Landowner:</b>	Gordenker Turkey Farms		
<b>Landowner Address:</b>	756 Donner Ave, Sonoma, CA 94476		

**Project Description:** Request for a five-year limited-term Conditional Use Permit for 43,560 square feet of outdoor cultivation canopy and 10,890 square feet of outdoor propagation and vegetative area within a 2.2-acre fenced area on a 158.85-acre parcel zoned Land Intensive Agriculture (LIA). No processing would occur on-site. Permit would include self-distribution to transfer cannabis off-site for processing. There would be a maximum of 10 full-time and 5 seasonal employees. Operating hours would be 24-hours and 7 days a week, as needed, but would primarily occur during daylight hours within the growing season March through November. Shipping and delivery activities would be limited to between 5:00 a.m. and 8:00 p.m. The project site would not be open to the public.

**To continue the current use, evidence must be submitted to the file within 180 days of approval that all of the following conditions have been met.**

**CONDITIONS ON PLAN SETS:**

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

**FEES:**

2. Permit Processing and Development Fees. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. CEQA Filing Fee. Within five working days after project approval, the applicant 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. 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 Site Monitoring Fees. 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. Traffic Mitigation Fee. Prior issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit a Traffic Mitigation Fee to Permit Sonoma per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment shall be submitted to the Permit Sonoma Project Review Planner.

**PLANNING:**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_\_**  
**Contact Ken Compton, Project Planner at (707) 565-2829**

8. Term of Permit. This is a limited term permit and does not run with the land. No property interest, vested right, or entitlement to receive a future permit to operate a cannabis use shall ever inure to the benefit of the permit holder as such permits are revocable and shall expire (Section 26-88-250 (e)). This permit for cannabis uses shall be issued to the applicant/operator for a period not to exceed five years from the date of issuance of the Use Permit Certificate and shall be subject to permit renewals. The Use Permit Certificate for UPC17-0048 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.



9. Type(s) and Limitations of Use:

- a. This use permit allows for 43,560 square feet of cannabis cultivation.
- b. This use permit allows for self-distribution (Distributor-Transport Only). Distribution is restricted to transporting only cannabis cultivated onsite under this use permit.
- c. This use permit does not allow for onsite processing of cannabis.
- d. This use permit does not allow public access to the cannabis operation.
- e. This use permit does not include or authorize special events.
- f. This use permit does not allow any retail sales on-site or the delivery of cannabis to patients or the public.
- g. The use shall be operated in accordance with the proposal statement, operational plans, and site plans located in File No. UPC17-0048 as modified by these conditions.

10. Cultivation Area. This use permit allows for 0.00 square feet of indoor cultivation, 0.00 square feet of mixed light cultivation, 43,560 square feet of outdoor cultivation, and 0.00 square feet of wholesale nursery cultivation, for a total cannabis canopy area of 43,560 square feet. The applicant/operator shall not increase cultivation area beyond 43,560 square feet at this location without prior written approval from Permit Sonoma staff. Prior to issuance of a Use Permit Certificate to operate the use, a canopy plan shall be submitted to and approved by Permit Sonoma. This plan shall graphically depict all cannabis cultivation areas that contain flowering canopy and shall calculate the canopy area in square feet. The canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that may include, but is not limited to, shelves, garden benches, hedgerows, fencing, etc.

11. Propagation Area. This use permit allows for 10,890 square feet of outdoor propagation. The applicant/operator shall not increase propagation area beyond 10,890 square feet at this location without prior written approval from Permit Sonoma staff.

12. Canopy Plan. The applicant/operator shall be responsible for submission of a current canopy plan for each year over the effective term of the permit. The canopy plan shall be submitted by June 1 of each year the permitted operation is active.

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.

14. Employees. This use permit allows for a maximum of 10 full-time and 5 seasonal employees.

15. 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.



16. 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.
17. 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).
18. 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.
19. 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.
20. 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.
21. Signage. The project approval does not include any signage. A separate administrative design review application will be required if any exterior signage is proposed.
22. Water Conservation Plan. Prior to issuance of a Use Permit Certificate to operate, a Water Conservation Plan shall be implemented by the applicant/operator and verified by staff. The Plan includes all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible, including but not limited to: use of high-efficiency drip irrigation systems to conserve resources and reduce runoff; scheduling irrigation for early morning hours to reduce evaporation loss; and utilizing non-flushable, ADA portable restrooms at the cultivation site.
23. Greenhouse Gas Reduction Plan. Prior to issuance of a Use Permit Certificate to operate, a Greenhouse Gas Reduction Plan to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project shall be implemented by the applicant/operator and verified by staff. The Greenhouse Gas Reduction Plan submitted includes all reasonably feasible

measures to reduce greenhouse gas emissions to the maximum extent feasible, including: hiring of employees within the local community to reduce distance of employee trips; encouraging employee carpooling to reduce the number of vehicle trips; elimination or reduction of petrochemical based fertilizers for cultivation; consolidation of deliveries to the site; and use of local vendors to reduce distance of material transport.

24. Exterior Modification. Prior to issuance of building, grading, or other development permits, all exterior modifications to the site, including landscaping, parking lot improvements, fencing, lighting, the installation of additional water tanks for fire suppression, driveway improvements, and signage, shall be subject to administrative design review. Razor wire and similar fencing is not permitted.
25. 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.
26. 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.
27. Maintenance of On-Site Agricultural Use. The applicant/operator shall maintain a primary agricultural use on the parcel. Currently, primary agricultural uses include cattle grazing on the project parcel and vineyard cultivation. Failure to maintain a primary agricultural use shall be considered a violation of this use permit, subject to revocation or modification.
28. 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.
29. Buildings and Code Violations. No new construction of buildings and/or accessory structures, with the exception of temporary hoop houses, to be used for cannabis cultivation or operation is allowed with the issuance of this Use Permit. All code violations shall be addressed and finalized prior to issuance of a Use Permit Certificate to operate.

30. 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.

#### **Mitigation Measures from MND:**

Mitigation Measure BIO-1: Nesting Bird Avoidance or Conduct Preconstruction Surveys

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds or roosting bats on and near the project site as a result of construction-related vegetation removal and site disturbance:

- a) To avoid impacts on nesting birds or roosting bats, 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 before 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 nesting bird and roosting bat survey no more than seven (7) days before



- initiation of work. The qualified biologist conducting the surveys shall be familiar with local nesting birds and roosting bats' ecology. 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 or roosting bats, no further mitigation would be required. However, if project activities are delayed by more than seven days, an additional nesting bird and roosting bat survey shall be performed.
- c) If pre-construction nesting bird and roosting bat 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 must 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 miles 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, County, or other agency upon request. 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) If any maternity roosting is observed during the pre-project survey, a no-work buffer at a size determined by the biologist shall be installed around the roost to protect the roost for the duration of the season. If the biologist documents any long-term and/or permanent bat roosts observed within the project site that are likely to be impacted by project activities, the biologist shall consult with CDFW to determine appropriate minimization measures, including, but not limited to: passive bat exclusion and installation of bat roost boxes.
- e) 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 or roosts. The report shall include recommendations required for the establishment of protective buffers as necessary to protect nesting birds and roosting bats. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a grading permit.

Mitigation Monitoring BIO-1: The County shall not issue permit(s) for ground-disturbing activities until after the applicant submits evidence that the site has been surveyed by a qualified biologist to ensure that no active bird nest disturbance or destruction would occur as a result of the project. If the survey determines protective buffers are necessary, the County shall



not issue a permit for ground-disturbing activities until the applicant provides evidence that nest protection buffers are fenced off and active nest monitoring has been initiated. Additionally, the County shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitats or species, which shall be noted on the final project plans. Preconstruction surveys shall be performed within seven (7) days of initiation of project activities.

**GRADING & STORM WATER:**

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

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

31. Grading and/or building permits require review and approval by the Grading & Storm Water Section of Permit Sonoma prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
32. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, submitted with the grading and/or building permit application (if applicable) and be subject to review and approval by the Grading & Storm Water Section of Permit Sonoma. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, and 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.
33. 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 Permit Sonoma for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit Sonoma'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.
34. The applicant/operator shall provide grading plans (if determined necessary by the grading permit questionnaire – 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.

35. As part of the grading plans, the applicant/operator 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, and 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.
36. Residue or polluted runoff from the cannabis cultivation activities shall not be allowed to drain directly to the storm drain system, waterway(s), or adjacent lands. Production shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
37. 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.
38. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
39. Any waterway setbacks, including but not limited to, building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.
40. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner as to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading/site plans.
41. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation and the lowest structural component or soffit of the culvert.
42. 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/operator 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.

43. Any proposed fuel dispensing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is more. Any surface water flow from the fuel dispensing area shall not be permitted to enter the storm drain system without receiving appropriate treatment. The fuel dispensing area shall be covered with a roof that must extend beyond the fuel dispensing area a minimum of two feet (or more as may be regulated otherwise). The roof cover shall not drain onto the fuel dispensing area.
44. 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 Permit Sonoma prior to issuance of any grading permit for the proposed project.
45. A roiling permit from Permit Sonoma shall be obtained prior to start of work within any active waterway.

**NATURAL RESOURCES GEOLOGIST:**

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

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

**PRIOR TO VESTING THE USE PERMIT:**

46. Prior to issuance of a Use Permit Certificate to operate, an Easement shall 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.
47. Prior to issuance of a Use Permit Certificate to operate, a separate, dedicated monitoring well for this project shall be approved by Permit Sonoma staff. The well labeled Well 2 in the October 2017 Groundwater Report by PJC and Associates may serve as the dedicated monitoring well.

If Well 2 is unavailable, a separate, dedicated monitoring well is required for this project. The monitoring well is required to be drilled under permit of this department and shall be of a depth, screening and development comparable to the supply well. The monitoring well shall be located as far away from other wells, ponds and wastewater disposal fields as is consistent with



being in the same aquifer as the primary well and being accessible by street vehicle. The monitoring well location shall be approved by Permit Sonoma in advance of construction. The monitoring well shall be marked with a water level measuring reference point, and the GPS coordinates (in NAD83 California State Plane II or WGS 84 lat./long.) of the monitoring well shall be submitted to Permit Sonoma.

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

48. Prior to issuance of a Use Permit Certificate to operate, water well(s) serving this project shall be equipped to enable regular groundwater level monitoring, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
49. Prior to issuance of a Use Permit Certificate to operate, a Site Plan showing the location of all onsite well(s), groundwater wells with level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to Permit Sonoma for review and approval. Up to date description of the project water supply specifying which well(s) fills water storage tanks and what uses are served by storage tanks. The monitoring well(s) shall be marked with a measuring reference point. The well's Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) completion reports (with owner information redacted, as is publicly available through California DWR).

#### OPERATIONAL REQUIREMENTS:

50. Groundwater and Streamflow Monitoring and Reporting.
  - h. Groundwater levels and quantities of groundwater extracted for the use shall be measured monthly on the last day of each month. Data shall be reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Data should be provided on template monitoring forms provided by Permit Sonoma.
  - i. Streamflow at Calabazas Creek at the Dunbar Road bridge crossing shall be measured monthly on the last day of June, July, August, September and October. Streamflow data shall be reported, with groundwater monitoring data, to Permit Sonoma in January of the following year. Measurements shall be conducted by or under the direction of a Qualified Professional, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.



- j. If the County determines that groundwater levels are declining in the local groundwater basin or that streamflow in Calabazas Creek is negatively impacted by project specific or cumulative groundwater extraction, then the applicant shall submit and implement a Water Conservation Plan, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
51. Groundwater and Streamflow Monitoring Meter Calibration
- k. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Professional Geologist or Environmental Health Specialist staff at least once every five years.
52. Groundwater Use Limitation
- l. Groundwater use for the project use (File Number UPC17-0048) shall not exceed 4.5-acre-feet per year. In the event that average water use over 3 years for the Use Permit exceeds 4.5-acre-feet per year, the applicant shall provide a Water Conservation Plan to reduce groundwater use, subject to review and approval by Permit Sonoma. In the event that average groundwater use over 3 years exceeds 4.5-acre-feet per year by more than 10%, Permit Sonoma shall bring this matter to the BZA for review of additional measures to reduce net groundwater use.
53. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

**FIRE AND EMERGENCY SERVICES:**

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

**Occupancy and Operation**

54. Prior to operation, written approval that the required improvements and comments have been addressed and/or corrected shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.
55. The subject property (or properties) shall be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
- m. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.

**Operational Permits**

56. 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

57. A Fire Protection plan shall be provided and shall include information about the property including, but not limited to, the following. See Chapter 4 of the California Fire Code and <https://permitsonoma.org/divisions/firepreventionandhazmat/servicesandfees/permitsandinspections/cannabis>

- a. Emergency Contacts
- b. Address
- c. Property owner
- d. Site map with property lines
- e. Fire access roads including gates
- f. Water supplies and hydrants
- g. Location of hazardous materials
- h. Utilities
- i. Buildings and intended use
- j. Employee training for use of regulated materials in the fire code:
  - i. When required by the local fire jurisdiction, special processing of cannabis may require the facility to have identified trained staff, including a main point of contact to oversee and train employees in the special process
  - ii. This process shall have on-site training records for review and a manual to address emergencies associated with the special process (an example is extraction equipment)

### Access

58. Prior to operation the applicant/operator shall at a minimum facilitate locating an emergency, avoid delays in response and provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide and unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by the Board of Forestry Fire Safe Regulations (14 CCR 1270.00) 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, including the following:

- a. A road providing access to the commercial cannabis site and any new building construction shall be not less than 20 feet in width. Access roads may be allowed to be

reduced to 12 feet in width with turnouts as approved by the fire code official or if an exception to standards is applied for pursuant to Board of Forestry Regulations Title 14.

- b. All roadways and building shall be identified by approved road signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.

### Water Supply

59. 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

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

### ENVIRONMENTAL HEALTH:

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

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

### HEALTH (Permit Sonoma):

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

### PRIOR TO PROJECT OPERATION:

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

### Water

62. Prior to project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab.

The applicant/operator shall submit a copy of the State Certified Lab report to the Project Review Health Specialist for review.



If the analysis shows contamination, the applicant/operator will be required to treat the well per County requirements and then to re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant/operator may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

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

63. Prior to project operation, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of one gallon per minute for each project activity such as each commercial facility, special events, and each tasting room, and for each residence, or second unit, conducted during the dry season (July 15 through October 1). (*Testing procedures for 1-2 project activities = 8-12 hour test, 3-4 activities = 18-24 hour test, and 72 hour test for 5 or more activities*). Applicant shall submit: A final clearance from the Well and Septic Section that approved well and/or spring yield tests (during the dry weather test period if applicable) have been accepted and the results approved, to the Project Review Health Specialist.

### Septic

64. Prior to project operation, ADA compliant portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on the outdoor cannabis cultivation with natural light only 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 permittee 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. Applicant shall submit: Copies of the signed portable toilet rental and service agreement for one year and the invoice with paid rental and service fees for the commercial operation.

### Solid Waste

65. Prior to 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. The refuse trucks must have at least a 34-foot turning radius at the end of the street, driveway, or alternative collection point.



Applicant shall submit: A design for trash enclosures, recycling areas, and cannabis green waste area for review and approval by the Permit Sonoma Building Plan Check Section. If refuse collection is "curbside," include a detail of the area turnaround.

## Water

66. Prior to project operation, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2016 California Plumbing Code and subsequent editions adopted by Sonoma County.

Applicant shall submit: A copy of the Cross Connection Control Specialist's initial report to the Project Review Health Specialist for review.

67. Prior to project operation, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by Permit Sonoma.

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.

## Solid Waste

68. Prior to project operation, the applicant shall 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.

Applicant shall submit: A copy of an approval letter or email from the Cannabis/Solid Waste Section of the Division of Environmental Health to the Project Review Health Specialist.

## OPERATIONAL REQUIREMENTS:

### Water

69. The property owner or applicant/operator 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.

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

### Septic





71. The permit holder shall provide portable toilets meeting the following minimum requirements:

- n. An adequate number of portable toilets shall be provided.
- o. Portable hand washing facilities shall be provided with all portable toilets.
- p. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
- q. 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.
- r. If complaints are received by Permit Sonoma, the frequency and thoroughness of the portable toilet maintenance shall be increased as directed by Permit Sonoma. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
  - i. The holding tank does not leak or overflow.
  - ii. Toilet paper is promptly replaced when the dispenser runs out.
  - iii. Water, paper towels, and soap are promptly replaced when the hand washing units run out.
  - iv. Reliance upon portable toilets shall not create a public nuisance.

**Noise**

72. 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.



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

#### **Solid Waste**

74. All garbage and refuse on this site shall be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days and shall be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.

#### **Odor Control**

75. No Cannabis drying, aging, trimming or packing facilities are allowed under this Use Permit and therefore no odor control plan was required.

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

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

#### **Intersections of Roads and Driveways:**

76. The applicant/operator shall not utilize State Route 12 as direct access to the property for the proposed use. The proposed Trinity Road access through APN 053-100-017 is the only permitted access point for uses associated with this land entitlement.
77. Prior to project operation, the applicant/operator shall construct a driveway entrance that conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Trinity Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's main entry to Trinity Road) meets these requirements:
- s. A minimum throat width of twenty four (24) feet.
  - t. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Trinity Road. A 1:10 pavement taper shall be constructed on both



sides of the entrance if required per County Code Section 13-32 (b). Entrance curve radii may be reduced with the approval of Sonoma County Fire Prevention.

- u. The minimum sight distance for vehicles entering and exiting the entry shall be in accordance with current AASHTO requirements for the speed traveled on Trinity Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
- v. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
- w. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
- x. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.

78. Prior to project operation, the applicant/operator shall improve any other driveway entry utilized by the project such that it conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Trinity Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's alternate entry to Trinity Road) meets these requirements:

- y. A minimum throat width of twenty (20) feet.
- z. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Trinity Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per County Code Section 13-32 (b). Entrance curve radii may be reduced with the approval of Sonoma County Fire Prevention.
- aa. The minimum sight distance for vehicles entering and exiting the entry shall be in accordance with current AASHTO requirements for the speed traveled on Trinity Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
- bb. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
- cc. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.

dd. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details.

79. The applicant/operator shall maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.

80. Prior to project operation, driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18-inch culvert under the driveway, if applicable.

**Emergency Vehicle Access:**

81. The applicant/operator shall locate driveway gates a minimum distance of 30 feet from the edge of the public road traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

**Encroachment Permit:**

82. The applicant/operator shall obtain an Encroachment Permit issued by Permit Sonoma prior to constructing any improvements within County road right-of-way.

**GENERAL OPERATIONAL CONDITIONS:**

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

83. 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.

84. 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.



85. 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.
86. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.