



**PLANNING COMMISSION /
BOARD OF ZONING ADJUSTMENTS APPEAL FORM**

PJR-021

To: Board of Supervisors File No.: UPC18-0046
County of Sonoma, State of California

Appeal is hereby made by Palmer Creek Association

Mailing Address PO BOX 2302

City / State / Zip Healdsburg, CA, 95448

Phone: 510-693-3459 or 707-433-7617 Email: Cloud10@pacbell.net or toney_merritt@yahoo.com

The Sonoma County Planning Commission / Board of Zoning Adjustments on
(date) _____

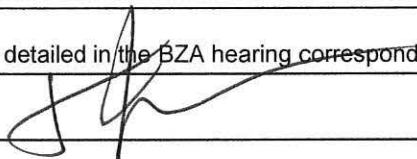
approved / denied a request by Evergreen Acres, LLC, Diana Coppersmith c/o Peter Coppersmith
Use Permit for 10,000 square feet of mixed light cannabis cultivation, 29,400 square feet of outdoor cannabis cultivation,
for conversion of 1.8 acres of timberland, and the construction of a 782,907-gallon water storage reservoir.

Located at 6699 Palmer Creek Road, Healdsburg, CA 95448

APN 069-040-026 Zoning: RRD Supervisorial District: 4

This appeal is made pursuant to Sonoma County Code Chapter Section 26-92-160 for the following specific reasons:


Our appeal is based on the reasons noted in the attached Supplemental Appeal letter
and as detailed in the BZA hearing correspondence and BZA hearing verbal comments.


TONEY PRUSSIAMERRITT

Appellant Signature _____, President, Palmer Creek Assn Date: July 6, 2021

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY PERMIT SONOMA STAFF

This appeal was filed with Permit Sonoma on this date 7/6/21
receipt of which is hereby acknowledged.

Permit Sonoma Staff Signature  Claudette Diaz

July 6, 2021

To: County of Sonoma
Permit & Resource Management Department
Planning Commission
Board of Supervisors

From: Palmer Creek Association, PO BOX 2302, Healdsburg, CA 95448

RE: Palmer Creek Association formally appeals the Board of Zoning Adjustments approval, on June 24, 2021, of the Cannabis Cultivation Land Use permit UPC18-0046 submitted by Evergreen Acres, LLC, Diana Coppersmith c/o Peter Coppersmith located at 6699 Palmer Creek Road, Healdsburg based on the following reasons:

1. Project fails to provide a verified and sustainable water supply.
2. Proposed irrigation pond has been designated the **sole** source of irrigation water dependent on only rainfall runoff. Project documentation fails to provide a detailed assessment of the designated runoff area.
3. Project access roads fail to meet Mitigated Negative Declaration, MND, cited Board of Forestry SRA Fire Safe regulations and standards.
Both the main access road, Palmer Creek Road, and the proposed evacuation route fail to meet basic BOF SRA standards as cited for compliance in the project MND to “ensure safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with §§1273.00 through 1273.09.”
4. Project fails to provide legal access easement rights over proposed evacuation route parcels.
Applicant failed to supply legal access rights over proposed evacuation route. Failure to have legal access rights prevents applicant authorization of access to others and the ability to maintain and improve road(s) on adjoining properties to comply with BOF SRA Fire Safe regulations.
5. Draft ISMND failed to address and identify all project impacts.
6. Statements made at the June 24, 2021 BZA hearing were inaccurate and contained factual errors.

Attached by reference BZA Hearing correspondence including but not limited to:

- *ISMND Response Part 1*, May 15, 2021. Submitted by Steve Imbimbo, Palmer Creek Residents
- *ISMND Response Part 2*, May 16, 2021. Submitted by Steve Imbimbo, Palmer Creek Residents
- *ISMND REVISION, Part 1, Riparian Setbacks*, May 21, 2021. Submitted by Steve Imbimbo, Palmer Creek Residents.
- *Our Response – draft ISMND*, May 16, 2021. Submitted by Laurel and Nic Anderson.

Citations to correspondence in the Permit Sonoma project file also includes:

- *Application Comments*, January 28, 2019. Submitted by Steve Imbimbo, Palmer Creek Residents
- *Application Revision Comments*, May 21, 2019. Submitted by Steve Imbimbo, Palmer Creek Residents
- *Application Revision Comments, Revised Irrigation Water Supply Assessment*, May 21, 2019. Submitted by Steve Imbimbo, Palmer Creek Residents

- *Application Revision II Comments*, July 3, 2019. Submitted by Steve Imbimbo, Palmer Creek Residents
- *Revised Preliminary Site Plan Comments*, November 1, 2019. Submitted by Steve Imbimbo, Palmer Creek Residents

Evergreen Acres Use Permit appeal

— March 22, 2022 —

Agenda

- Project current state update - questions for staff
- Fire Safe Roads Amended Exceptions to Standards
- Consideration of Neighbors' water rights and access easements
- Unenforceability of key BZA conditions
- Errors and omissions in water availability projections

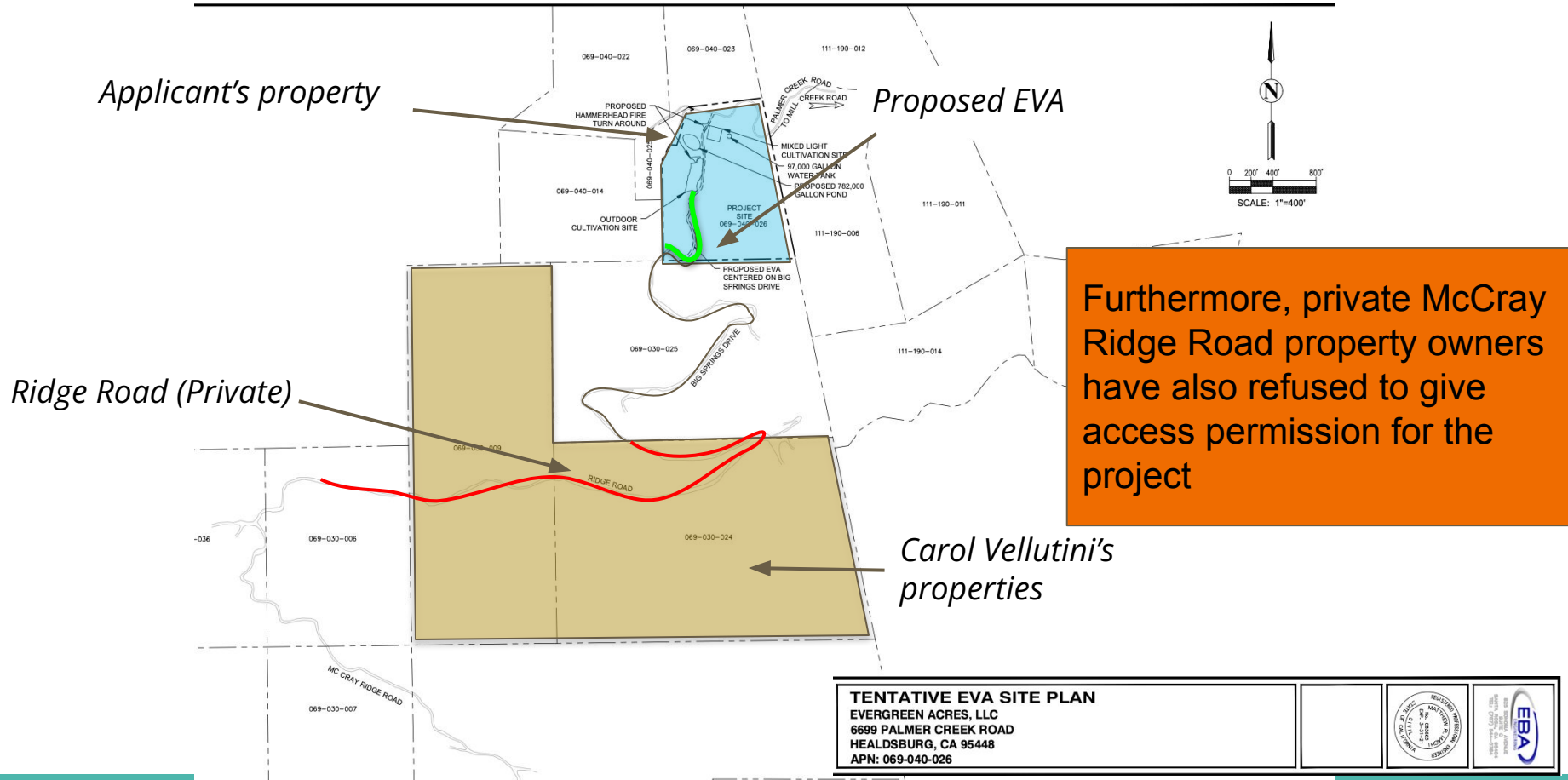
Questions for staff

- Has applicant changed or added to the Exceptions to Standards submitted on Jan 11, 2022?
- What is the status of PRMD review of the Amended ETS?
- Will PRMD continue to ask the applicant to prove access rights across all roads connecting his property to Sweetwater Springs? If they have, how have those rights been demonstrated?
- What is staff's current expectation of likely hearing date for the project? Is there a cut off date for the applicant to address deficiencies?
- If the applicant fails to provide appropriate proof of EVA access, will the staff report recommend the appeal be upheld?
- If the applicant fails to revise the site plan with proper stream setbacks, will the staff report recommend the appeal be upheld?
- Have other agencies been asked to comment on our expert hydrology report? If so may we see their comments?
- Mr Planson says he owns the neighboring property to the south. How does this impact his permit application?

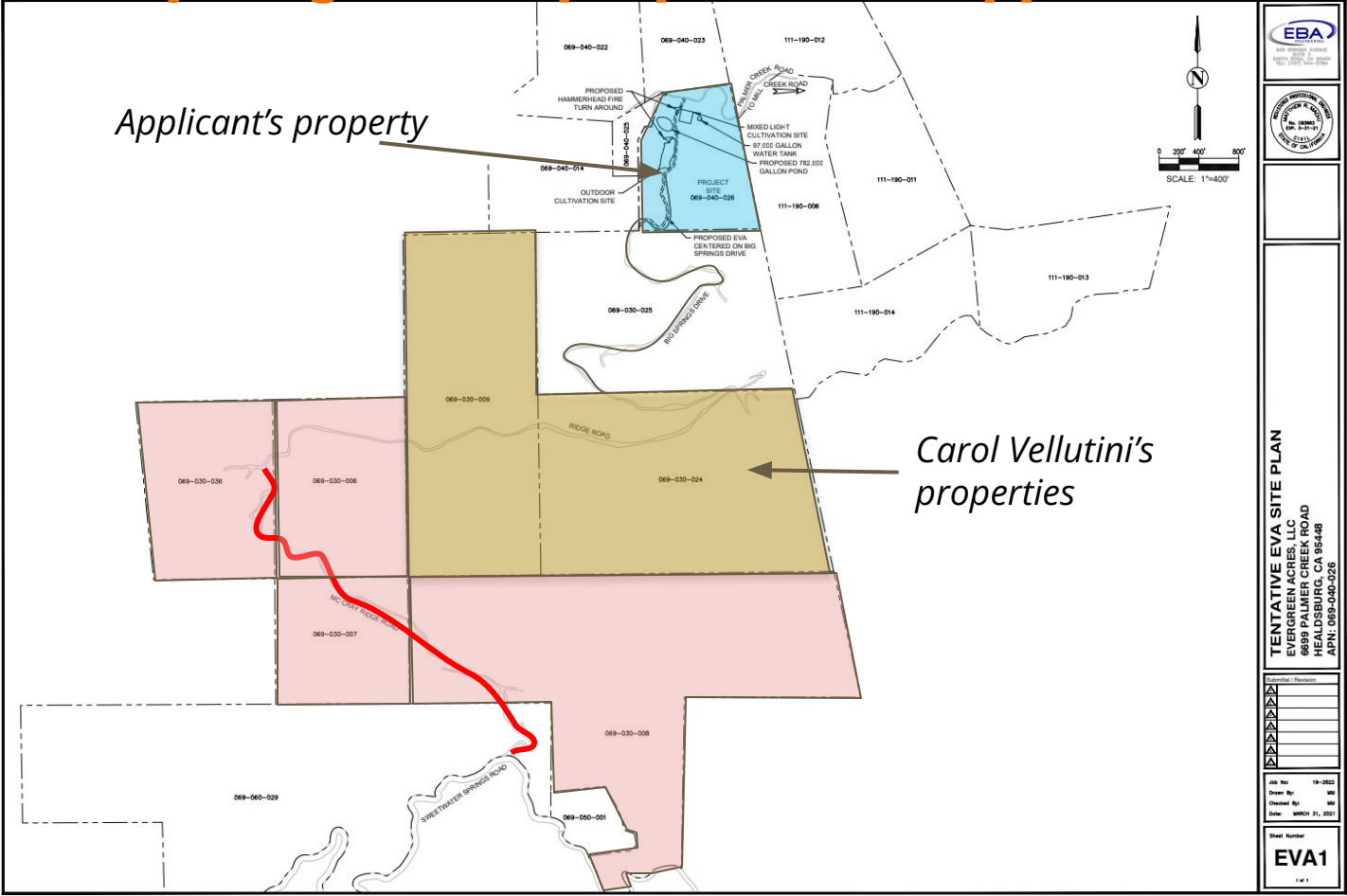


The current proposed ETS are - still - not viable

To reach Sweetwater, the EVA trespasses neighbors properties



McCray Ridge Road properties in opposition



Letters from each landowner found here:

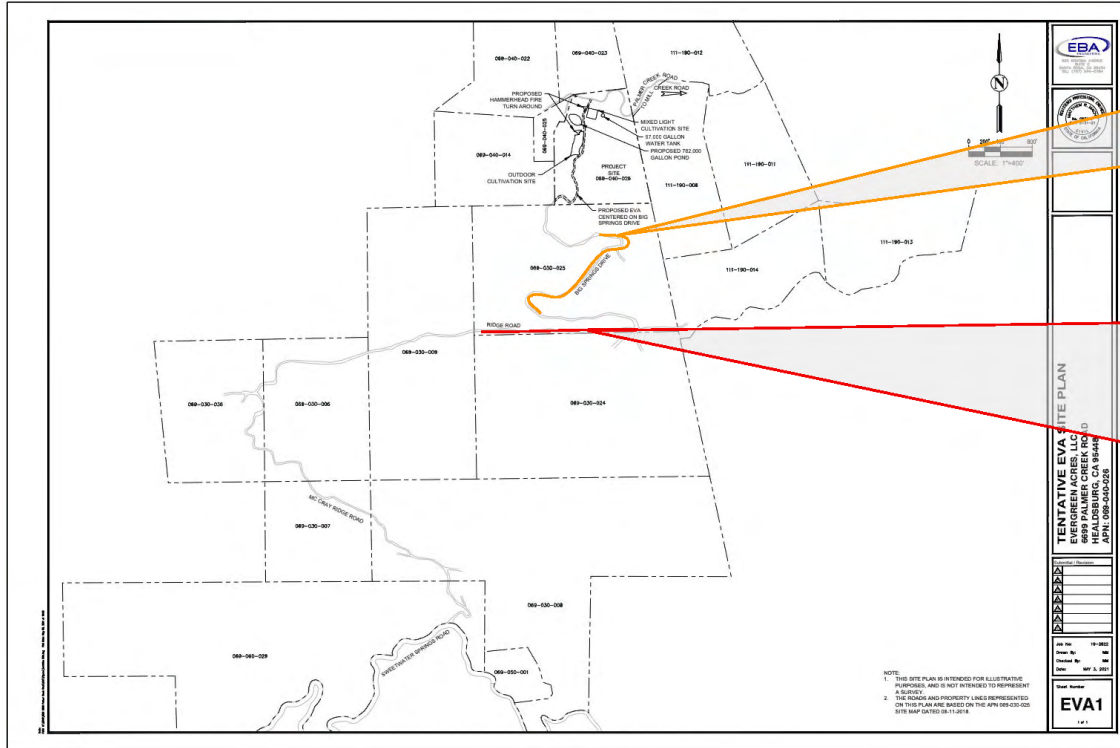
- [069-030-006](#)
- [069-030-036](#)
- [069-030-007](#)
- [069-030-008](#)

TENTATIVE EVA SITE PLAN
 EVERGREEN ACRES, LLC
 6699 PALMER CREEK ROAD
 CA 95446
 APN: 069-040-028

Revised / Revision

Job No. 19-2022
 Drawn By MW
 Checked By MW
 Date: MARCH 31, 2023

Submitted maps are not accurate as to location of key roads



Big Springs Drive is not the name of the applicant's driveway and should not be used on the site plan.

Most recent version of EVA map (Jan '22) has conveniently moved Ridge Road to AP 069-030-025; this road was previously (Mar '21) correctly shown on 069-030-024, where the applicant has no easement and is corroborated by LiDAR imagery

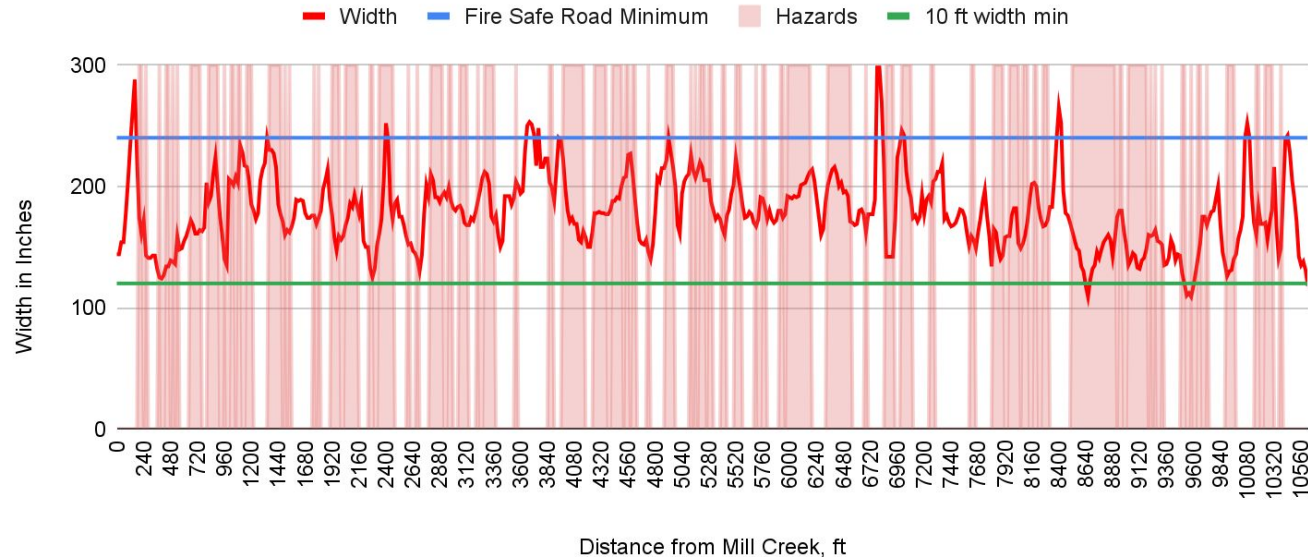
The Amended Pond Fill Analysis has multiple errors and contradictions -- water availability is likely much lower

- The Amended Pond Fill Analysis uses a run-off coefficient of 0.45. **BUT the applicant was instructed to use 0.25 by [PRMD in March 2019](#)** based on comments from Rick Rodgers with NOAA, which would lead to a nearly 50% reduction in estimated flow
- Applicant's hydrological analysis makes no adjustment for higher evaporation coefficients during drought years -- when average temperatures are higher and humidity lower.
 - Furthermore, [using 2022 actuals](#), the **pond would currently have 540,000 gallons less water and run out of water in July**
- The 97,000g water storage tank is intended to be filled from roof runoff. No house roof will be built for at least two years. The greenhouse will take at least a year to permit and build. Where is mixed light cultivation in water drawdown calcs? Where/when are the roofs to provide runoff to the tank?
 - ***If only terrace run off is available for the first few years, 97,000 should be subtracted from the initial fill estimate***

Palmer Creek Rd remains <10ft in wide in many places

- >40% of road length has unpassable hazards (drop off, large stumps, fence) that can't be corrected without substantial investment

Palmer Creek Road Overview



In fact, the applicant contradicts himself on the viability of widening the road

“Efforts to widen Palmer Creek Road would result in significant environmental impact. Palmer Creek parallels Palmer Creek Road at a distance of 100-200 feet for the majority of its length, with two bridge crossings. Most of Palmer Creek Road is cut into steep slopes above Palmer Creek and densely forested. **In order to widen Palmer Creek Road, significant cut and fill slopes would be required to daylight back to the existing grade. The required grading work would result in substantial soil disturbance, and vegetation clearing. Impacts would include:** (1) Tree removal with further impact to nesting birds, bats and other biological species. (2) Impacts to Palmer Creek and the Russian River Watershed including its salmon species and other biological resources. (3) Impacts to the neighborhood with a multiyear road project would include noise from heavy equipment, significant traffic impacts from construction on the existing road, and impacts to the air from prolonged use of construction equipment. (4) in the long term, the area would be significantly altered aesthetically and while the road is currently stable, such significant disturbance would raise the potential for future landslides and movement. While all efforts would be made to mitigate these impacts, at this scale they cannot be eliminated entirely. Overall, a **project to widen Palmer Creek Road would be challenging and have a negative impact.**”

From Amended ETS page 5

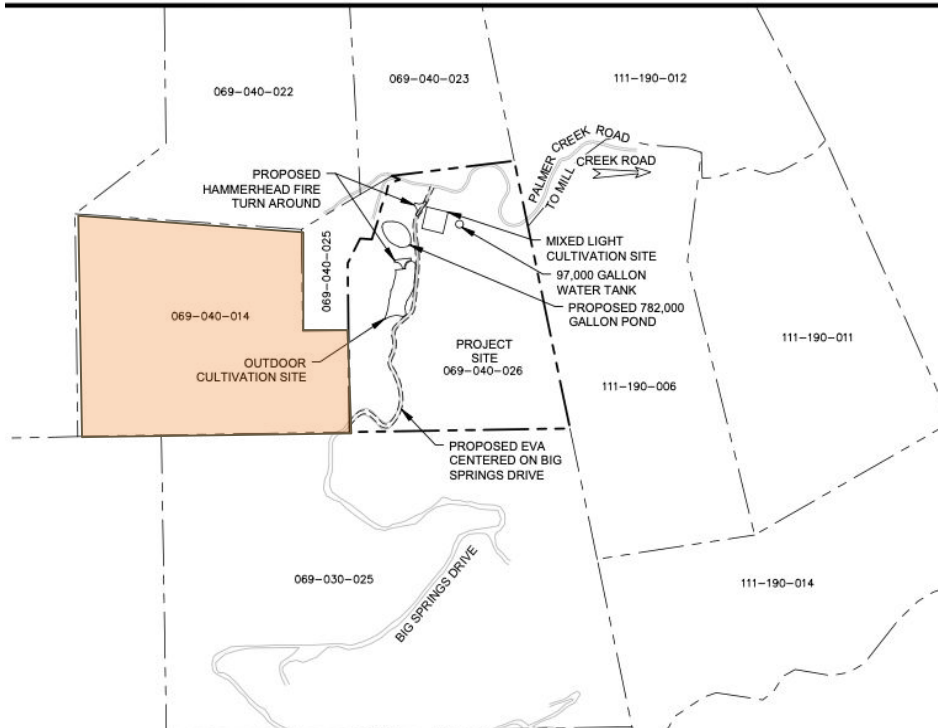
“The beneficial result of these several large operations and vehicle uses is that Palmer Creek Road has been **significantly widened by the many trips of large tracked heavy equipment**, large vehicles, and many other ancillary pieces of equipment resulting in new turnouts that have been established by the vehicle passing interactions.”

From Amended ETS page 5



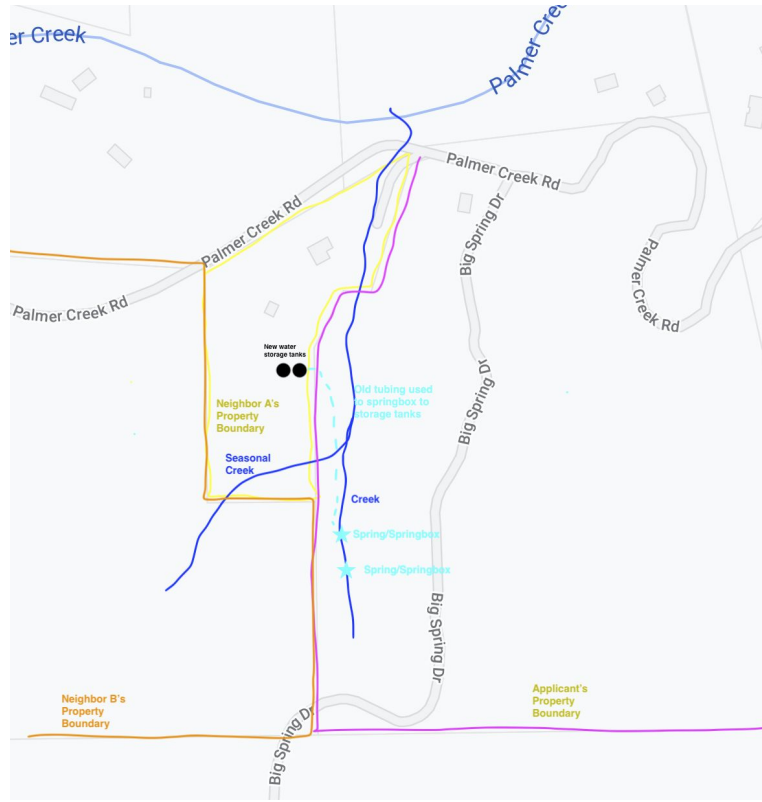
Consideration of Neighbors' water rights and access easements

Adjoining property access cut off by project's gates and location of grow



- Owners of parcel 069-040-014 have an access easement through applicant's property
- The proposed grow is sited across their access route.
- The [Larsons sent a letter to PRMD](#) in objecting to permitting of a project which would deprive them of access their property

Applicant refuses to provide access to neighbor for maintenance and use of their shared spring



- Owners of parcel 069-040-025 have deeded rights to the spring in blue
- Applicant has refused to acknowledge the neighbor's water right or grant access to the spring despite neighbor's council [sending notice to applicant](#)
- Rights holders have no way of monitoring spring diversion above their property boundary



Unenforceability of key BZA conditions

BZA Commissioners were explicit that only rainwater would be used to fill the pond

“Their sole source of water is from the pond for cultivation, they can't go over anything all they have is all they have. **If we also say that on site pond or other surface water storage and the water storage tank can only be filled by precipitation runoff** then they can only use what they can use it so nothing needs enforcement. So, what I was suggesting **in condition 74 was to say that their sole source of irrigation water for cannabis is the reservoir and it can only be filled by precipitation and run-off.**”

Commissioner Mauritsen (03:58:07)

Applicant water use assessment shows intent to use groundwater and stream diversion to fill pond in direct defiance of BZA conditions

*We understand the project applicant has a small irrigation use permit registration (SIUR) from the State Water Quality Control Board – Division of Water Rights (SWQCB-DWR). The SIUR permit **allows the property owner to draw water from the well or from any onsite surface water** at a rate of less than 10-gallons a minute (GPM) as long as it occurs outside of the forbearance period (March 1- October 31)....Therefore, consistent with the property owner's SIUR permit requirements, **rainy season groundwater withdraws (Nov. 1 – March 31) for the purpose of filling the irrigation pond should be allowed** and the project conditions levied by the BZA should be consistent with these established water usage rights governed by the SWQCB-DWR.*

Key conditions are open to violation and/or being undermined by proposed amendments

Condition	Key Concern
Pond Fill Level for establishing canopy size	<ul style="list-style-type: none">● Level is self reported, no verification of source of fill, no verification against annual rainfall totals● It would be impossible to ascertain if pond was filled with stream diversion rather than runoff
No use of groundwater	<ul style="list-style-type: none">● If “Red Flag Day” exception is approved, no limit on groundwater use remains at all
No trucking in of water	<ul style="list-style-type: none">● Challenging to prove if water has been trucked in unless neighbors police traffic in and out



Errors and omissions in water sustainability assessments

**The following issues
were highlighted in
the submitted
hydrology analysis**

1. Inaccurate Watercourse Designations and Inadequate Minimum Riparian Setbacks
2. Inadequate Analysis of Impacts on Groundwater Recharge
3. Inadequate Analysis of Impacts on Flow and Aquatic Habitat in Palmer Creek
4. Inadequate Analysis of Drought Effects on Water Supply and Project Feasibility
5. Incomplete Analysis of Stormwater Impacts on Dam Stability and Water Quality
6. Incomplete Analysis of Storage Reservoir Releases on Water Quality
7. No Analysis of Runoff Impacts to Adjacent Properties

We look forward to discussing this with you in a future meeting when comments have been returned from reviewers

Even staff has acknowledged how unsuitable this project is to the location

Dec 10, 2018 at 8:26 AM Tennis Wick <Tennis.Wick@sonoma-county.org> wrote:

Good morning, Colleagues. I visited with Steve Imbimbo at his Palmer Creek property recently. As you know, one accesses his property from the near end of Mill Creek Road, taking Palmer Creek Road, a windy narrow dirt road over an unengineered bridge where it shrinks down to barely eight feet wide. Two commercial grows are proposed next to and above the Imbimbo property amidst heavily wooded terrain. Water is so scarce the grows have trucked it in. The land has moderate to steep slopes, so one proposal calls for 18,000 cubic yards of grading. ***In my opinion, the county should not be approving any conditional uses in an area like this, whether the proposal calls for growing cannabis or fruit.*** It's a fire hazard with heavy veg

10/11/2019 18:26 From: Scott Davidson <scottd@migcom.com> To: Lauren Scott <lscott@migcom.com> Re: Planson Wetland Delineation Response

Yes, it creates the potential for impact and the agency we need to conclude the impact is less than significant (ACOE) or can be mitigated can't offer an opinion. ***Rather than have them spend time and money on the MND and alternative designs, there are enough challenges to the project that we should take it forward for denial.*** *Scott Davidson* *Director of Contract Planning Services

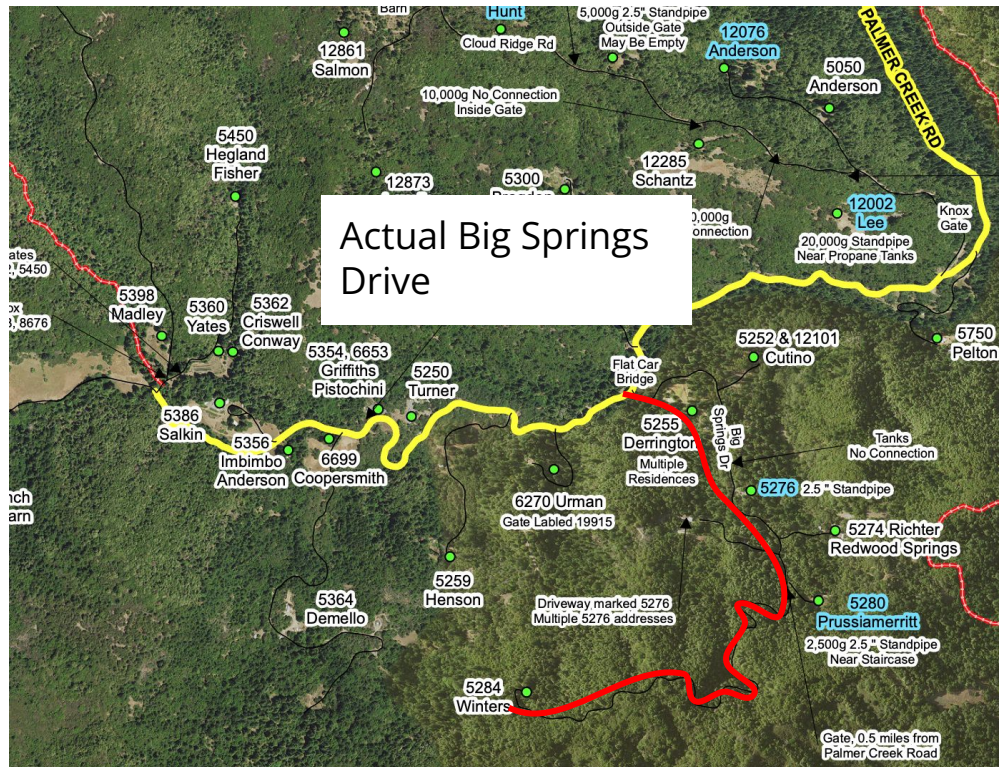
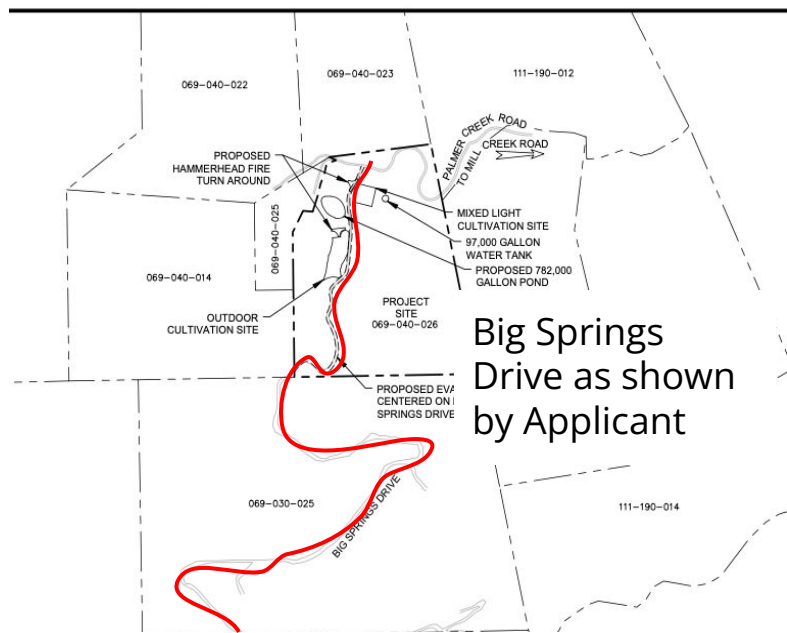
Concluding Remarks

At several points over the years this application has taken, staff counseled the applicant against trying to fit the project into this location. If it has been expensive and difficult, if it turns out not to be feasible, he can't say he wasn't warned.

Indeed, the Palmer Creek Community should be pitied for having put in so many hours learning and documenting, discussing and attending meetings, writing letters and raising money with no object but to keep an ill-advised, potentially damaging project from being sited in this fragile location.

Appendix

**Big Springs Drive is mislabeled on the application.
Neighbors who live on the REAL Big Springs Rd fear their
homes could be targets.**





[Carol Velutini Video](#)

Gary Larson
820 Quetta Avenue
Sunnyvale, CA 94087
408.245.3821
GaryLarson@comcast.net

July 11, 2019

Lauren Scott, Contract Planner
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403-2859

Re: AP# 069-040-014 Property Easement Concerns

Dear Ms. Scott:

I am the owner of the 40 acre parcel in Sonoma County off Palmer Creek Road in Healdsburg referenced above. It's been brought to my attention that there is an application for permit that has been submitted to the County for a cannabis operation on a parcel of property adjacent to mine. My concern is that the Applicant, Thomas Planson, CEO Evergreen Acres does not acknowledge my easement through his parcel in his application. The road, referred to as a legacy road in agency reports is actually the only access road to my property, which would otherwise be land locked.

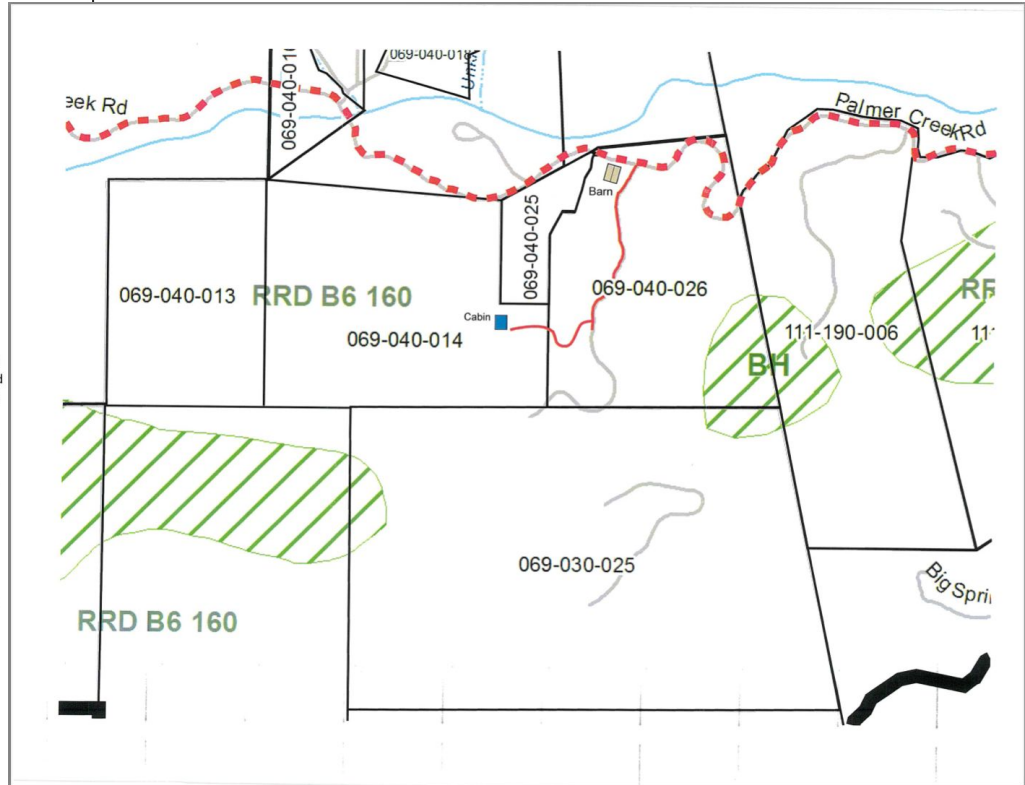
I've included copies of supporting documents from the 1970 purchase of the property which lists in the Parcel Two paragraph the easement and right of way. Further, those certain easements and rights of way for road and utility purposes as reserved in the Deed to Robert Blake, et al, by Deed recorded March 21, 1962, under Recorder's Serial No. G-85634, in Book 1879 of Official Records, page 271. Please also see the Mutual Grant of Easement for Exhibit A.

The purpose of this letter is to show the clear designation of access to my property through this easement as the only access to my property, and to have this legally acknowledged and documented in any and all permit processes and outcomes for Evergreen Acres and Mr. Planson.

Very Sincerely,



Gary Larson



LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY

INCORPORATED
3333 MENDOCINO AVENUE, SUITE 200
SANTA ROSA, CALIFORNIA 95403
FAX: 707 546-1340

TELEPHONE: (707) 523-1181

JEFFREY S. LYONS
DIRECT DIAL: (707) 568-2255
E-MAIL: jlyons@cfl.com

May 24, 2021

VIA EMAIL AND US MAIL

Peter Coopersmith Coopersmithmd@gmail.com
Diana Coopersmith Dianacoop1@comcast.net
Thomas Planson 718bklynboy@comcast.net
483 San Andreas Drive
Novato, CA 94945

Re: *5356 Mill Creek Road, Healdsburg*

Dear Mr. Coopersmith, Ms. Coopersmith, and Mr. Planson:

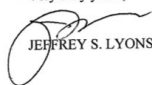
I represent Nic and Laurel Anderson, the owners of the above-referenced property ("Property"). The Andersons' property is adjacent to your property at 6699 Palmer Creek Road. My clients have concerns about others accessing their property and their deeded rights to water from the spring box located on your property.

Earlier this month, Mr. Planson and a surveyor came onto the Anderson property without notice to the Andersons. In the future, if you or anyone hired by you requires access to the Anderson property, for any reason, the Andersons must be notified in advance of the date, time, and purpose for the access. Please send an email to both nicranderson@gmail.com and laurel.anne.anderson@gmail.com and the Andersons will provide a response confirming receipt.

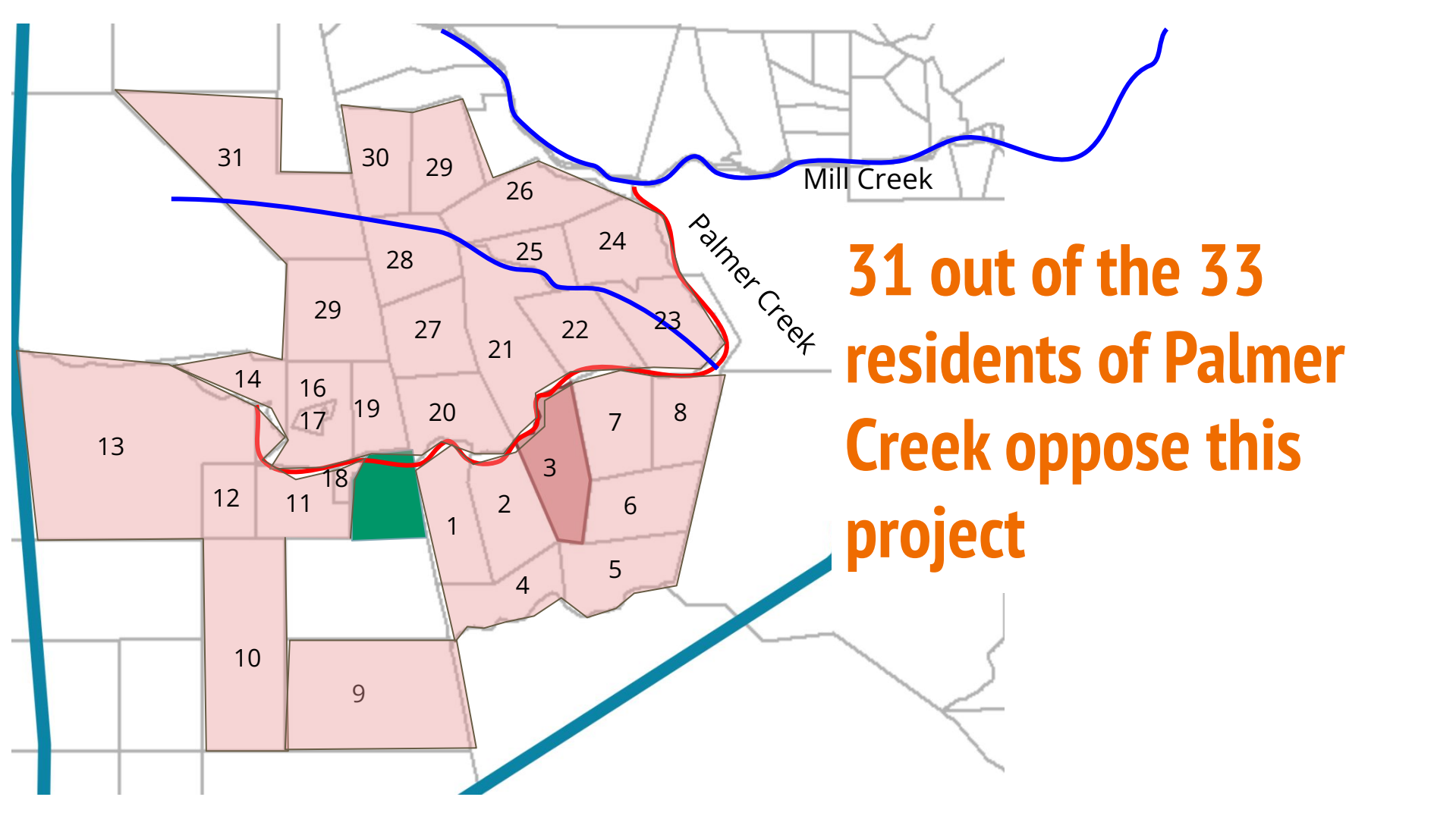
Also, as you are aware, the Andersons hold a deeded water right to the spring box on your property through a settlement agreement between Peter and Diana Coopersmith on the one hand, and the Andersons' predecessors in interest, the Symons, on the other. The Andersons' water system right is also confirmed in your Proposed Mitigated Negative Declaration/Initial Study File #UPC 18-0046. While the system is in need of maintenance and repair, the Andersons have no intent to abandon their rights to the water from it.

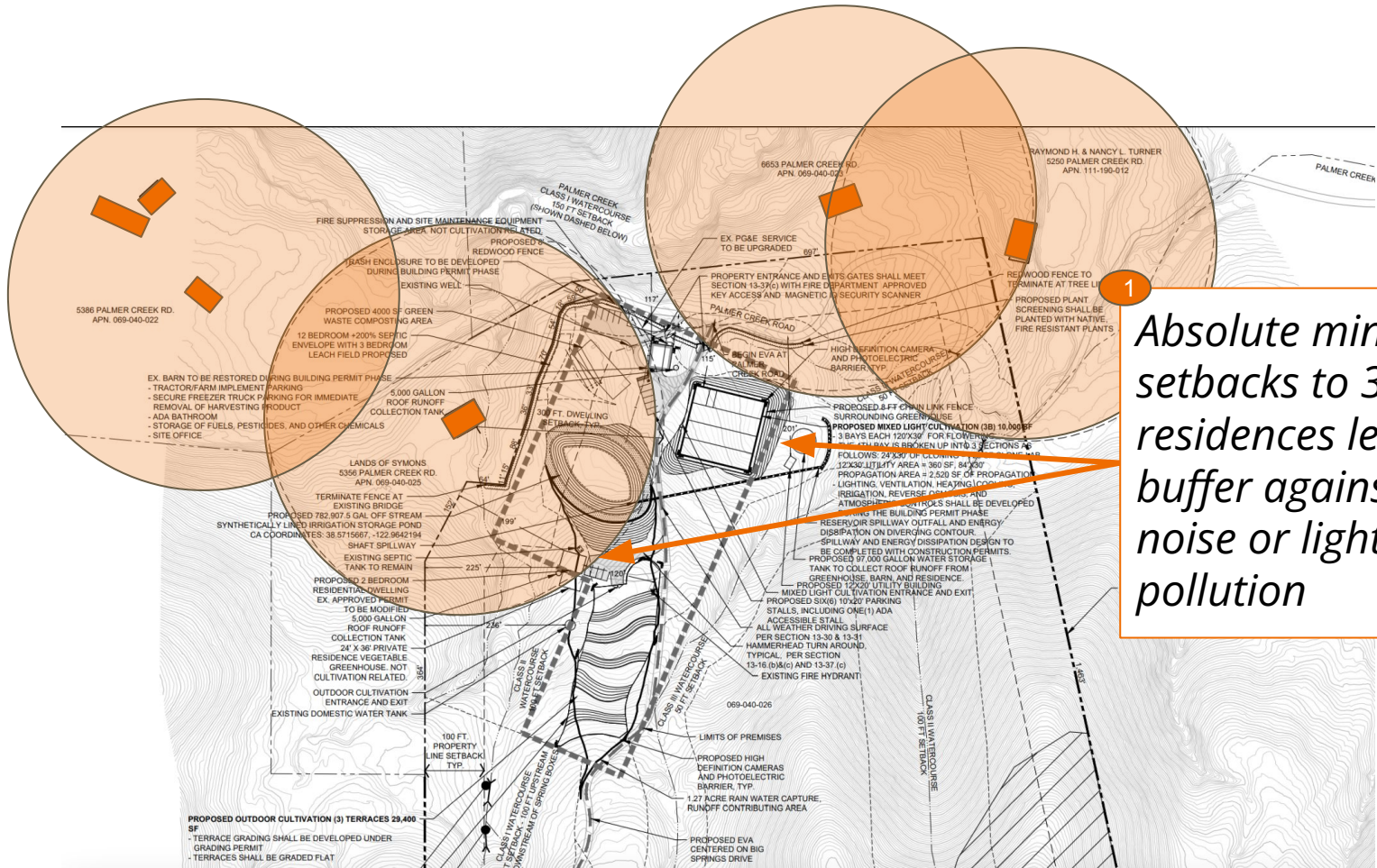
If you care to discuss this, please feel free to contact me or have your attorney do so.

Very truly yours,


JEFFREY S. LYONS

JSL:lh
c: Clients



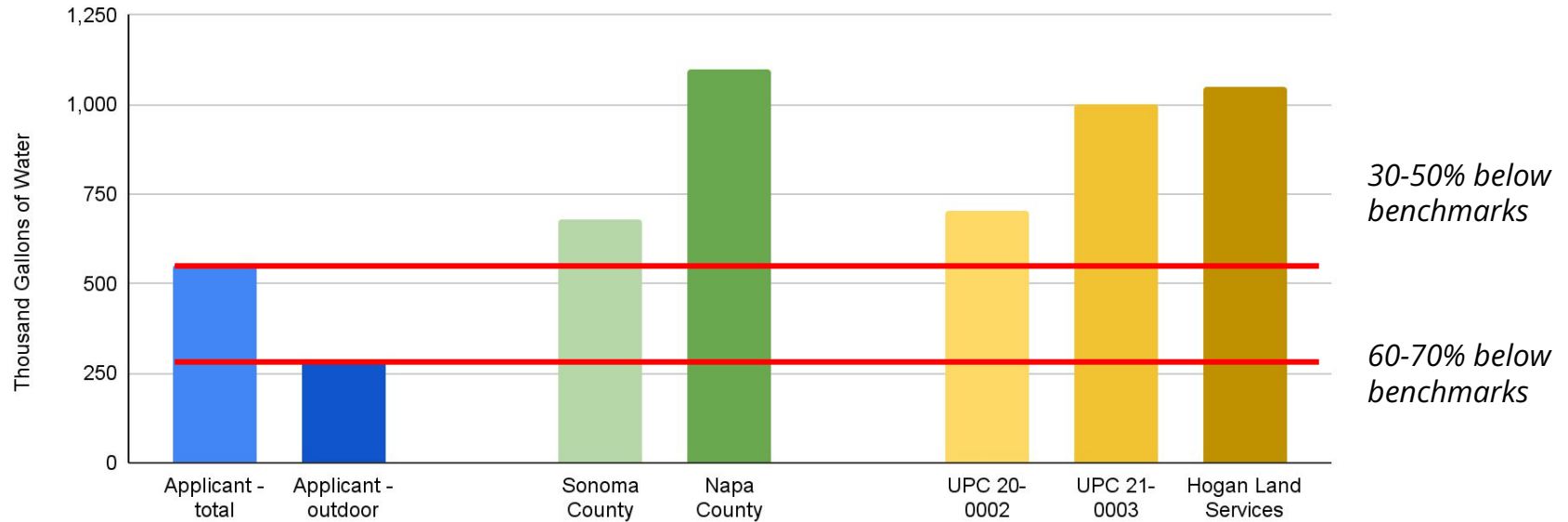


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Absolute minimum setbacks to 3 residences leave no buffer against odor, noise or light pollution

Additionally, project estimates of water need are 30-50% below comps and Sonoma's own benchmarks

Annual water use per acre of cultivation



High likelihood the project will either be pushed to seek remediation which would nullify the BZAs conditions of approval or be incentivized to circumvent those conditions



County of Sonoma
Permit & Resource Management Department

Exception - Same Practical Effect 14 CCR §1270.06

California Department of Forestry and Fire Protection Fire Safe Regulations, 14 California Code of Regulations, §1273.00, require developments in the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. Applicant hereby requests an exception to standards to provide the same practical effect pursuant to 14 California Code of Regulations §1270.06 due to environmental conditions and physical site limitations. A map of the development project area and licensed professional plans documenting the same practical effect alternative is included with this application as Exhibit A.

To have the same practical effect for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR 1273.00 through 1273.09

INDEMNIFICATION AGREEMENT*

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

Applicant Name: Thomas Planson

Applicant Signature: *Thomas A. Planson*

Owner Name: Thomas Planson

Owner Signature: *Thomas A. Planson*

File Number: UPC18-0046 APN: 069-040-026 Date: 01/11/22



County of Sonoma
Permit & Resource Management Department

Exception – Same Practical Effect 14 CCR §1270.06

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Applicant Name: Thomas Planson

Applicant Signature:

Owner Name: Thomas Planson

Owner Signature:

File Number: UPC18-0046

APN: 069-040-026

Date: 01/11/22

**** OFFICE USE ONLY ****

Submitted To CalFire: _____

Number of Pages: _____

*NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

Code Sections Requesting Exception:

X	1273.01	Width
	1273.02	Road Surface
	1273.03	Grades
	1273.04	Radius
	1273.05	Turnarounds
	1273.06	Turnouts
	1273.07	Road and Driveway Structures
X	1273.08	Dead-End Roads
	1273.09	Gate Entrances

Physical Site Limitations and Environmental Conditions:

Please see Appendix A.

Alternative Methods to Mitigate the Problem and Provide the Same Practical Effect Toward Defensible Space:

Please see Appendix B for Secondary Egress Description.

Please see Appendix C for Alternate Emergency Evacuation Route.

Please see Appendix D for Water Storage Description.

Please see Appendix E for Analysis of First Two Years of Reservoir Use.

Please see Appendix F for Fire Safety alternate measures

Right to Appeal: The Fire Marshal's acceptance of this Exception to Standards will be reviewed, heard and decided by the decision making body that makes the determination for the development project pursuant to Sonoma County Code Section 26-92 and for subdivisions Section 25-13.5. If the project approval or denial is appealed to the Board of Supervisors pursuant to Sonoma County Code Section 26-92-160 or for subdivisions 25-13.5, to approve the exceptions to standards, the Board of Supervisors must find that the exception(s) proposed meet the requirements set forth in 14 California Code of Regulations §1270.06 and §1271.00. A written copy of any decision granting an appeal within a State Responsibility Area shall be provided to the local CAL FIRE Unit headquarters within ten (10) after the decision is final.

Appendix A

Physical Site Limitations and Environmental Conditions

Palmer Creek Road is a private road maintained by the residents. The portion of Palmer Creek Road leading to the project property is approximately 2 miles long and widths ranging from 12 to 20 feet. Palmer Creek Road largely parallels Palmer Creek, which is a tributary of Mill Creek and a part of the Russian River Watershed. The majority of Palmer Creek Road is located adjacent to steep slopes and mature vegetation. Palmer Creek Road has been recently used for large vehicle ingress and egress in three notable capacities:

(1) Most notably, Palmer Creek Road was used by emergency vehicles, including fire fighting apparatus, during the 2020 LNU Lightning Fire Complex that burned much of the Palmer Creek Area. FireFighters were able to successfully utilize Palmer Creek Road as a part of the fire fighting effort and saved multiple structures in the Palmer Creek Area as a result, including structures on the project parcel.

(2) Multiple logging operations have taken place in the Palmer Creek Area over the past few years. The most intensive effort included dozens of logging truck trips per day for the Lundborg parcel at 5376 Mill Creek Road, Cal_Fire Permit # 1-21EM-00102. This logging effort transported over 1,000 truck loads of redwood timber for several months. These trucks interacted with passenger vehicles regularly without incident. Logging operations for Permit # 1-21EM-00308-SON, & Permit # 1-20EX-01515-SON also traversed Palmer Creek Road for several weeks interacting with passenger vehicles regularly without incident.

(3) PGE has contracted with Asplundh and have operated over 50 large pieces of heavy equipment including ancillary service vehicles on Palmer Creek Road 8 hours a day every day for several months in a massive power-line clearing effort interacting with passenger vehicles regularly without incident.

The beneficial result of these several large operations and vehicle uses is that Palmer Creek Road has been significantly widened by the many trips of large tracked heavy equipment, large vehicles, and many other ancillary pieces of equipment resulting in new turnouts that have been established by the vehicle passing interactions. Palmer Creek Road has been proven to be usable for large vehicles in emergency situations with passenger vehicle interactions and has only improved as a result.

Efforts to widen Palmer Creek Road would result in significant environmental impact. Palmer Creek parallels Palmer Creek Road at a distance of 100-200 feet for the majority of its length, with two bridge crossings. Most of Palmer Creek Road is cut into steep slopes above Palmer Creek and densely forested. In order to widen Palmer Creek Road, significant cut and fill slopes would be required to daylight back to the existing grade. The required grading work would result in substantial soil disturbance, and vegetation clearing. Impacts would include: (1) Tree removal with further impact to nesting birds, bats and other biological species. (2) Impacts to Palmer Creek and the Russian River Watershed including its salmon species and other biological resources. (3) Impacts to the neighborhood with a multiyear road project would include noise from heavy equipment, significant traffic impacts from construction on the existing road, and impacts to the air from prolonged use of construction equipment. (4) in the long term, the area would be significantly altered aesthetically and while the road is currently stable, such significant disturbance would raise the potential for future landslides and movement. While all efforts would be made to mitigate these impacts, at this scale they cannot be eliminated entirely. Overall, a project to widen Palmer Creek Road would be challenging and have a negative impact. With the Road having a proven record of serving its regular and emergency purposes, such impacts would be ill advised.

Appendix B

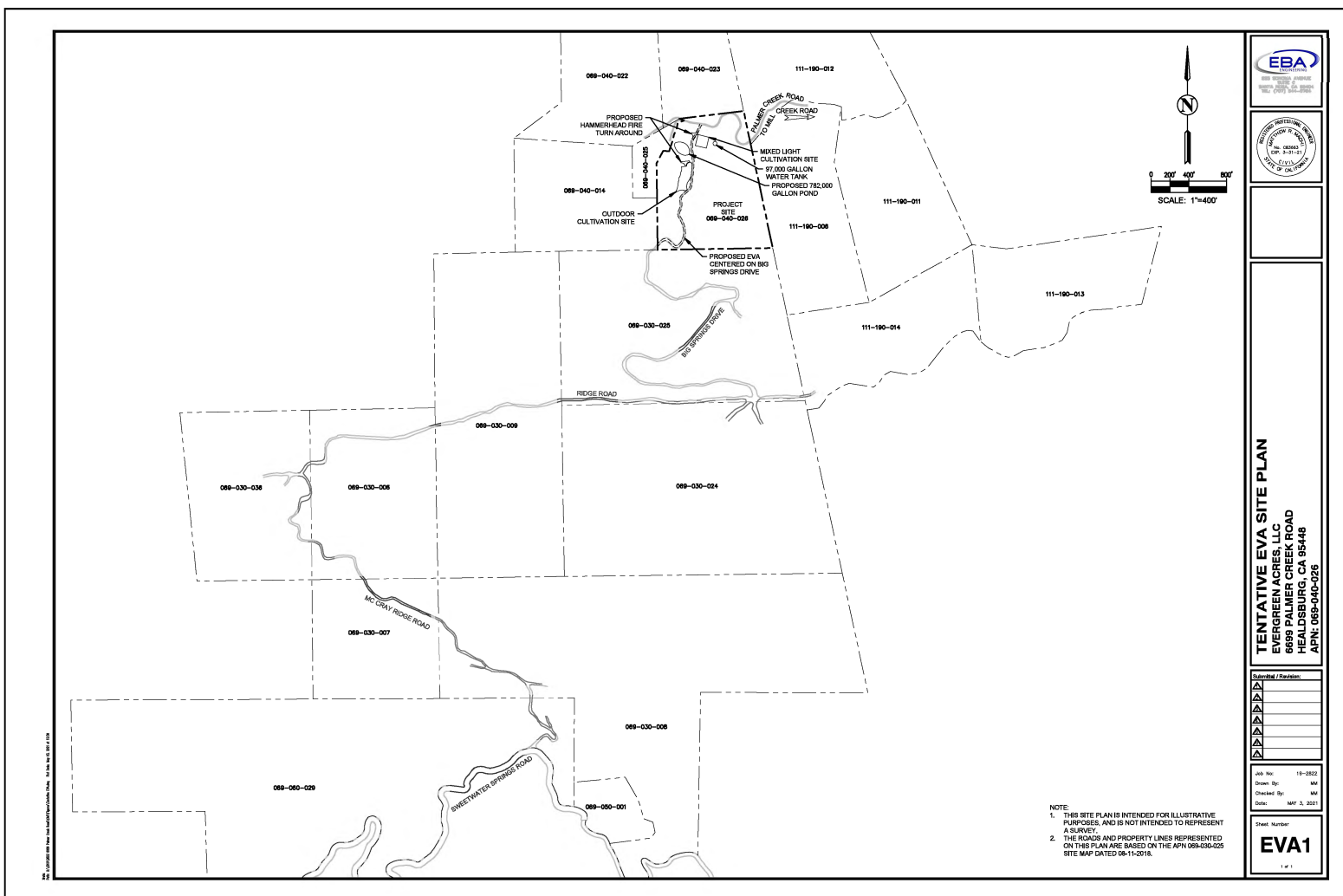
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The Project property has a secondary egress to Sweetwater Springs Road (a public road). The secondary egress begins on the Project property and runs in a generally southwesterly direction for approximately 3.2 miles and joins Sweetwater Springs Road. This secondary egress has been used by the owners of the Project parcel and the parcel to the south (currently owned by the Applicant) for many years. There are recorded easements over a portion of the road and the entire road has been used openly for over fifty years. The road is in very good condition. It varies in width between 12 & 20 feet. The road has been very well maintained and improved over the years.

Most recently during several emergency tree harvest operations permitted through Cal-Fire over the projects parcel and the parcel to the immediate south which is owned by the applicant. During the permitted emergency tree harvest's large tracked equipment and vehicles similar to Cal-Fire emergency apparatus worked for several weeks and in doing so greatly widened and improved the road.

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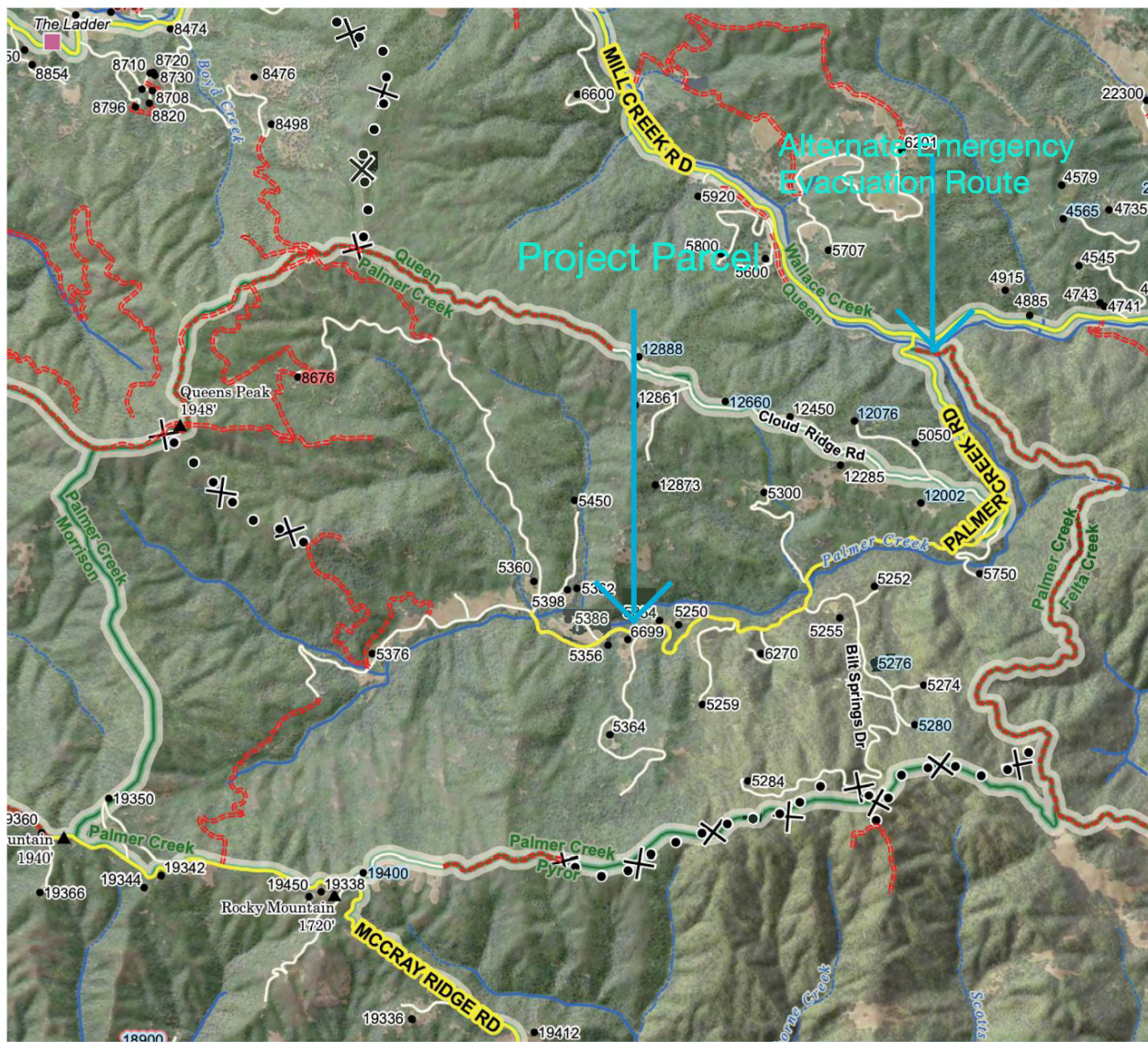
Map Of Secondary Egress Route



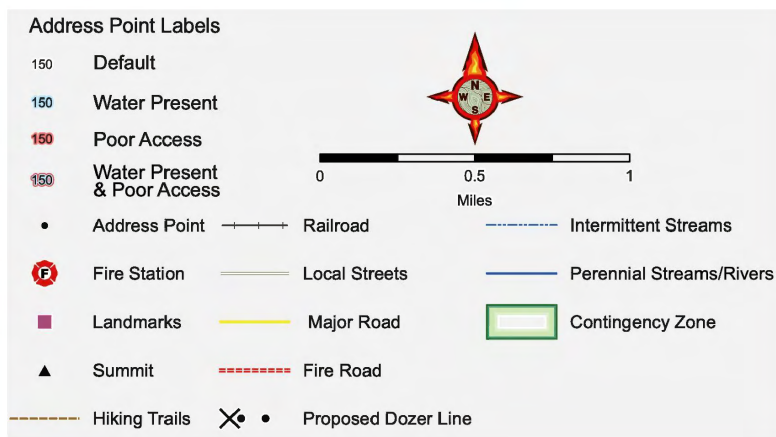
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Existing Alternate Emergency Evacuation Route

An alternate emergency evacuation route currently exists which traverses APN # 110-060-069 and is located at the intersection of Palmer Creek Road & Mill Creek Road. This alternate emergency evacuation route is well documented and clearly described within the attached map "Mill Creek Pre Attack Map". This route provides an alternate emergency evacuation so that Mill Creek Road is not a dead end. The route has existed for several years and is maintained in very good condition.



MILL CREEK PRE-ATTACK MAP



Appendix D

Water Storage Description

Description of Project Water Storage and Fire Suppression Use

The project proposes two primary water storage features: a 97,000-gallon water storage tank, and a 782,907.5-gallon reservoir. The primary use of these two features is for irrigation water storage; however, they will be accessible to emergency responders both directly and via multiple proposed hydrants.

The importance of these features for fire fighting cannot be over emphasized. The project site is approximately 6.5 miles from the intersection of Mill Creek Road and Westside Road and 7 miles from the nearest municipal hydrant at the Healdsburg Corporation Yard. The normal driving time from the Healdsburg Corporation Yard to the Project Site is 20 minutes. Assuming a fire truck with 1,000-gallon water storage capacity and 1,000 gallon per minute pumping capacity, a single fire truck could fight a fire for approximately 1 minute before needing to return for additional water. The round trip to refill with water would take at least an hour when considering travel time, rigging and unrigging of equipment, and filling time. This could be increased during unforeseen events. Under this scenario, a single fire truck could fight a fire for approximately 1 minute per hour.

The attached *Analysis of the First Two Years of Reservoir Use* in Appendix E demonstrates that under drought conditions, the reservoir is expected to reach its capacity and enter stabilized use within two years. Once stabilized, the overall water storage between the reservoir and main tank are estimated to have a minimum storage of approximately 250,000 gallons before being recharged by rainfall. This 250,000 gallons of storage is the minimum estimated water expected to be available for fire fighting use at any given time.

Assuming the same single fire truck now has access to the project's proposed water storage, the truck can hook up to the project hydrants and fight continuously for approximately 2 hours. This completely eliminates the time for travel, filling, and rigging. Under this scenario, a single truck can now accomplish the same result as 60 trucks needing to refill.

By creating these firefighting assets, the project has the potential to save lives and the property of the neighboring area. Furthermore, these assets act as force multipliers for emergency responders, allowing smaller crews to fight more efficiently and freeing up resources for efforts elsewhere. Overall, the proposed water features create more time fighting fires and less time on the road, allowing for the same or improved effect of wider through roads. Furthermore, it is noted in the public records that Robert Pennington has confirmed and verified the water analysis during a zoom meeting with the project applicant and the applicant's entire team on November 5th 2021.

Appendix E

Water analysis

MEMORANDUM

DATE: September 21, 2021 **JOB #:** 20-2822

PROJECT: Evergreen Acres, LLC
6699 Palmer Creek Road
Healdsburg, CA 95448
APN 069-040-026

PREPARED BY: Matthew Machi, PE
EBA Engineering
825 Sonoma Ave.
Santa Rosa, CA 95404
(707) 544-0784

OWNER: Thomas Planson
6699 Palmer Creek Road
Healdsburg, CA 95448

SUBJECT: Analysis of First 2 Years of Reservoir Use



This analysis is intended as an addendum to the original project Irrigation Water Supply Assessment dated October 10, 2018. This analysis is in review of the off-stream reservoir performance through the first two years when the reservoir has stabilized. This addendum uses the same assumptions as the original assessment, with the following additional assumptions:

1. The pond characteristics have been updated to match the construction level grading design. The pond remains in the same footprint and overall volume of 2.3 acres. The new reservoir characteristics are as follows:

Pond Characteristics		
Storage Volume (gal)	Depth (ft)	Water Surface Area (sf)
0	0	7,806
62,126	1	8,804
129,570	2	9,228
201,398	3	9,976
278,919	4	10,750
362,319	5	11,548
451,786	6	12,372
547,510	7	13,221
649,679	8	14,095
756,786	8.5	14,541

2. The runoff area has been increased from 53,393 sf to 55,288 sf based on the construction level topographic survey. The Runoff Coefficient remains at the original 0.45.
3. The project residence will not be built within the first two years, however the water tank will, which was not included in the 2018 assessment.
4. Cultivation irrigation use will not begin until the first growing season in May of 2022.
5. The following assessment begins with an empty reservoir, showing initial filling through stabilized volume. This assessment assumes consecutive drought years to be conservative.
6. This assessment adds the proposed 97,000-gallon water storage tank to the study, which has negligible evaporation and fills prior to the filling of the pond.

First 2 Years Pond Balance								
Month	(1) Irrigation Water Use (Gallons)	(2) Runoff Inflow (Gallons)	(3) Pond Evaporation (Gallons)	(4) Pond Volume (Gal)	(5) Pond Depth (ft)	(6) Water Surface Area (sf)	(7) Tank Volume (Gal)	(8) Total Stored Volume (Gal)
Dec 1, 2021				0	0.0	0	0	0
Dec 2021	0	166709	0					
Jan 1, 2022				69709	1.1	8852	97000	166709
Jan 2022	0	222108	6373					
Feb 1, 2022				285444	4.1	10812	97000	382444
Feb 2022	0	206976	11418					
Mar 1, 2022				481003	6.3	12631	97000	578003
Mar 2022	0	167735	22433					
Apr 1, 2022				626305	7.8	13895	97000	723305
Apr 2022	0	57451	36683					
May 1, 2022				647073	8.0	14073	97000	744073
May 2022	38000	0	49716					
Jun 1, 2022				561357	7.1	13339	97000	658357
Jun 2022	64000	0	54937					
Jul 1, 2022				442420	5.9	12286	97000	539420
Jul 2022	84000	0	55482					
Aug 1, 2022				302927	4.3	10980	97000	399927
Aug 2022	84000	0	43743					
Sep 1, 2022				175184	2.6	9703	97000	272184
Sep 2022	69000	0	30589					
Oct 1, 2022				75585	1.2	8889	97000	172585
Oct 2022	44000	54629	18645					
Nov 1, 2022				67569	1.1	8838	97000	164569
Nov 2022	29000	154389	9036					
Dec 1, 2022				183932	2.8	9794	97000	280932
Dec 2022	29000	196709	4701					
Jan 1, 2023				316940	4.5	11114	97000	413940
Jan 2023	29000	222108	8002					
Feb 1, 2023				502046	6.5	12818	97000	599046
Feb 2023	29000	206976	13536					
Mar 1, 2023				686487	8.1	14165	97000	763487
Mar 2023	29000	167735	25157					
Apr 1, 2023				756786	8.5	14541	97000	853786
Apr 2023	29000	57451	38388					
May 1, 2023				746848	8.5	14500	97000	843848
May 2023	38000	0	51224					
Jun 1, 2023				659624	8.0	14136	97000	756624
Jun 2023	64000	0	58219					
Jul 1, 2023				537404	6.9	13131	97000	634404
Jul 2023	84000	0	59312					
Aug 1, 2023				394092	5.4	11841	97000	491092
Aug 2023	84000	0	47173					
Sep 1, 2023				262919	3.8	10590	97000	359919
Sep 2023	69000	0	33397					
Oct 1, 2023				160522	2.4	9550	97000	257522
Oct 2023	44000	54629	20033					
Totals	936000	1905617	698219					

Page 3 of 4

Assuming that drought level rainfall is the limit of water inflow for the first two years, the overall water storage is estimated to have 164,589-gallons (approximately 6 months of reserve use) in surplus in the first year and stabilized with 257,522-gallons (approximately 8 months reserve use) in future years. The reservoir is expected to perform as required within the proposed construction schedule.

Please feel free to contact Matthew Machi of EBA Engineering at mmachi@ebagroup.com or (707) 544-0784, with any questions that you may have.

Very Respectfully,

Matthew Machi, P.E. 83663
Senior Engineer – Project Manager

Appendix F

Fire Analysis Report

Fire Analysis Report – 01/11/22 (Revision 2)

6699 Palmer Creek Road, Healdsburg – Cannabis Cultivation Proposal

1 – SONOMA COUNTY PROJECT BACKGROUND INFORMATION

File Number UPC-18-0046

Parcel Number 069-040-026

Zoning RRD B6 160 BH RC50/50

Planning area: 3-Healdsburg

2 - CODE

This report has been prepared by H&S Associates, Fire Code Consultants, to provide our recommendations summary of the proposed project at 6699 Palmer Creek Rd.

CODES AND STANDARDS

The following is a summary of applicable codes and standards for this project.

- 2019 California Fire Code
- 2019 Sonoma County Fire Code Ordinance
- Sec. 13-62. - Alternate fire protection measures.

- When authorized, pursuant to Section 13-23, any of the following alternate fire protection measures may be used as exceptions to the standards specified in this article if determined to have the same practical effect. The county fire warden/fire marshal may request additional fire protection measures pursuant to Section 13-63(a) through (c).
- 1. Increased emergency water supply requirements; and
- 2. Installation of a sprinkler system that meets the requirements of the National Fire Protection Association and any one (1) of the following:
 - a) Increased flammable vegetation clearance areas for buildings;
 - b) Increased flammable vegetation clearance areas for roads and driveways;
 - c) Use of fire-resistive vegetation;
 - d) Installation of fire-resistive exterior siding;
 - e) Use of fire-resistive deck and eave construction;
 - f) Construction of additional turnouts and turnarounds;
 - g) Creation of areas of safe refuge;
 - h) Installation of a centrally monitored fire alarm system;
 - i) Provision of a secondary means of ingress and egress to the parcel; and
 - j) Increased width and surface for emergency vehicle access.

NOTED CONDITIONS

Except for road width, the proposed site will be in compliance with all Sonoma County Fire Safe Standards, Vegetation Management practices, along with Department of Forestry and Fire Protection fire road access standards and provide all of the alternate fire protection measures with regard to Section 13-23.

- The irrigation pond, (747,948-gallon capacity) and main tank, (97,000-gal capacity) are used for irrigation. The overall water storage between the reservoir and main tank are estimated to have a minimum storage of approximately 250,000 gallons. This 250,000 gallons of storage is the minimum estimated water expected to be available for fire fighting use at any given time and will provide increased emergency water supply.
- The site will have greenhouses with no extraction, processing, or onsite storage as the greenhouse building will provide Increased flammable vegetation clearance areas and incorporate fire monitoring and sprinklers.
- The proposed residence will have its own 5000 gallons storage tank with wharf hydrant connection following all fire safe standards, utilize fire-resistive siding, utilize fire-resistive decking & eave construction, sprinkler systems, fire alarm systems, and provide Increased flammable vegetation clearance areas.
- The project site plan proposes to include multiple turnarounds and turnouts on the parcel around the barn, greenhouse, residence, and outdoor cultivation area.
- The project proposes multiple areas of safe refuge
- The project proposes the installation of centrally monitored fire alarm systems.

- The proposed site will implement fire- resistive vegetation throughout the parcel.
- The proposed site has shown in all documentation that they will meet all fire standards.
- The 97,000-gallon storage tank will have 4-5 wharf hydrants connected in multiple locations throughout the parcel and surrounding areas of Palmer Creek Road for fire fighting use.
- The project will have their own secondary egress route for self and employees.

CONCLUSION

The above Fire Code Analysis Narrative presents a level outline of the key requirements for the facility. The applicant has provided the evidence of all the fire service features for buildings, structures and premises that comply with 2019 Sonoma County Fire Code Ordinance and meets all Section 13-23 alternate fire protection measures that may be used as exceptions to the standards specified in this article or as mitigated practices if determined to have the same practical effect Including but not limited to Fire Apparatus access road, access to fire protection water supplies, building fire protection features, and same practical effect for fire safe standards . Regarding the existing secondary egress from the applicant's parcel out to Sweetwater Springs Road, I have personally driven the road in its entirety and can certify that it is in good condition and can act as a viable alternate emergency evacuation route if the need arises. The applicant has done an amazing job during his permitted tree harvest operations and in doing so has greatly improved the condition of this secondary egress.

Gina Petersen

Fire Code Specialist

H&S Associates, Fire Code Consultants



County of Sonoma
Permit & Resource Management Department

Exception – Same Practical Effect 14 CCR §1270.06

California Department of Forestry and Fire Protection Fire Safe Regulations, 14 California Code of Regulations, §1273.00, require developments in the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. Applicant hereby requests an exception to standards to provide the same practical effect pursuant to 14 California Code of Regulations §1270.06 due to environmental conditions and physical site limitations. A map of the development project area and licensed professional plans documenting the same practical effect alternative is included with this application as Exhibit A.

To have the same practical effect for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR 1273.00 through 1273.09

INDEMNIFICATION AGREEMENT*

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

Applicant Name: Thomas Planson

Applicant Signature: *Thomas A. Planson*

Owner Name: Thomas Planson

Owner Signature: *Thomas A. Planson*

File Number: UPC18-0046 APN: 069-040-026 Date: 01/11/22



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Owner Name: Thomas Planson

Owner Signature:

File Number: UPC18-0046 APN: 069-040-026 Date: 01/11/22

**** OFFICE USE ONLY ****

Submitted To CalFire: _____

Number of Pages: _____

*NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

Code Sections Requesting Exception:

X	1273.01	Width
	1273.02	Road Surface
	1273.03	Grades
	1273.04	Radius
	1273.05	Turnarounds
	1273.06	Turnouts
	1273.07	Road and Driveway Structures
X	1273.08	Dead-End Roads
	1273.09	Gate Entrances

Physical Site Limitations and Environmental Conditions:

Please see **Appendix A**.

Alternative Methods to Mitigate the Problem and Provide the Same Practical Effect Toward Defensible Space:

Please see **Appendix B** for Secondary Egress Description.

Please see **Appendix C** for Alternate Emergency Evacuation Route.

Please see **Appendix D** for Water Storage Description.

Please see **Appendix E** for Analysis of First Two Years of Reservoir Use.

Please see **Appendix F** for Fire Safety alternate measures

Right to Appeal: The Fire Marshal's acceptance of this Exception to Standards will be reviewed, heard and decided by the decision making body that makes the determination for the development project pursuant to Sonoma County Code Section 26-92 and for subdivisions Section 25-13.5. If the project approval or denial is appealed to the Board of Supervisors pursuant to Sonoma County Code Section 26-92-160 or for subdivisions 25-13.5, to approve the exceptions to standards, the Board of Supervisors must find that the exception(s) proposed meet the requirements set forth in 14 California Code of Regulations §1270.06 and §1271.00. A written copy of any decision granting an appeal within a State Responsibility Area shall be provided to the local CAL FIRE Unit headquarters within ten (10) after the decision is final.

Appendix A

Physical Site Limitations and Environmental Conditions

Palmer Creek Road is a private road maintained by the residents. The portion of Palmer Creek Road leading to the project property is approximately 2 miles long and widths ranging from 12 to 20 feet. Palmer Creek Road largely parallels Palmer Creek, which is a tributary of Mill Creek and a part of the Russian River Watershed. The majority of Palmer Creek Road is located adjacent to steep slopes and mature vegetation. Palmer Creek Road has been recently used for large vehicle ingress and egress in three notable capacities:

(1) Most notably, Palmer Creek Road was used by emergency vehicles, including fire fighting apparatus, during the 2020 LNU Lightning Fire Complex that burned much of the Palmer Creek Area. Firefighters were able to successfully utilize Palmer Creek Road as a part of the fire fighting effort and saved multiple structures in the Palmer Creek Area as a result, including structures on the project parcel.

(2) Multiple logging operations have taken place in the Palmer Creek Area over the past few years. The most intensive effort included dozens of logging truck trips per day for the Lundborg parcel at 5376 Mill Creek Road, Cal_Fire Permit # 1-21EM-00102. This logging effort transported over 1,000 truck loads of redwood timber for several months. These trucks interacted with passenger vehicles regularly without incident. Logging operations for Permit # 1-21EM-00308-SON, & Permit # 1-20EX-01515-SON also traversed Palmer Creek Road for several weeks interacting with passenger vehicles regularly without incident.

(3) PGE has contracted with Asplundh and have operated over 50 large pieces of heavy equipment including ancillary service vehicles on Palmer Creek Road 8 hours a day every day for several months in a massive power-line clearing effort interacting with passenger vehicles regularly without incident.

The beneficial result of these several large operations and vehicle uses is that Palmer Creek Road has been significantly widened by the many trips of large tracked heavy equipment, large vehicles, and many other ancillary pieces of equipment resulting in new turnouts that have been established by the vehicle passing interactions. Palmer Creek Road has been proven to be usable for large vehicles in emergency situations with passenger vehicle interactions and has only improved as a result.

Efforts to widen Palmer Creek Road would result in significant environmental impact. Palmer Creek parallels Palmer Creek Road at a distance of 100-200 feet for the majority of its length, with two bridge crossings. Most of Palmer Creek Road is cut into steep slopes above Palmer Creek and densely forested. In order to widen Palmer Creek Road, significant cut and fill slopes would be required to daylight back to the existing grade. The required grading work would result in substantial soil disturbance, and vegetation clearing. Impacts would include: (1) Tree removal with further impact to nesting birds, bats and other biological species. (2) Impacts to Palmer Creek and the Russian River Watershed including its salmon species and other biological resources. (3) Impacts to the neighborhood with a multiyear road project would include noise from heavy equipment, significant traffic impacts from construction on the existing road, and impacts to the air from prolonged use of construction equipment. (4) in the long term, the area would be significantly altered aesthetically and while the road is currently stable, such significant disturbance would raise the potential for future landslides and movement. While all efforts would be made to mitigate these impacts, at this scale they cannot be eliminated entirely. Overall, a project to widen Palmer Creek Road would be challenging and have a negative impact. With the Road having a proven record of serving its regular and emergency purposes, such impacts would be ill advised.

Appendix B

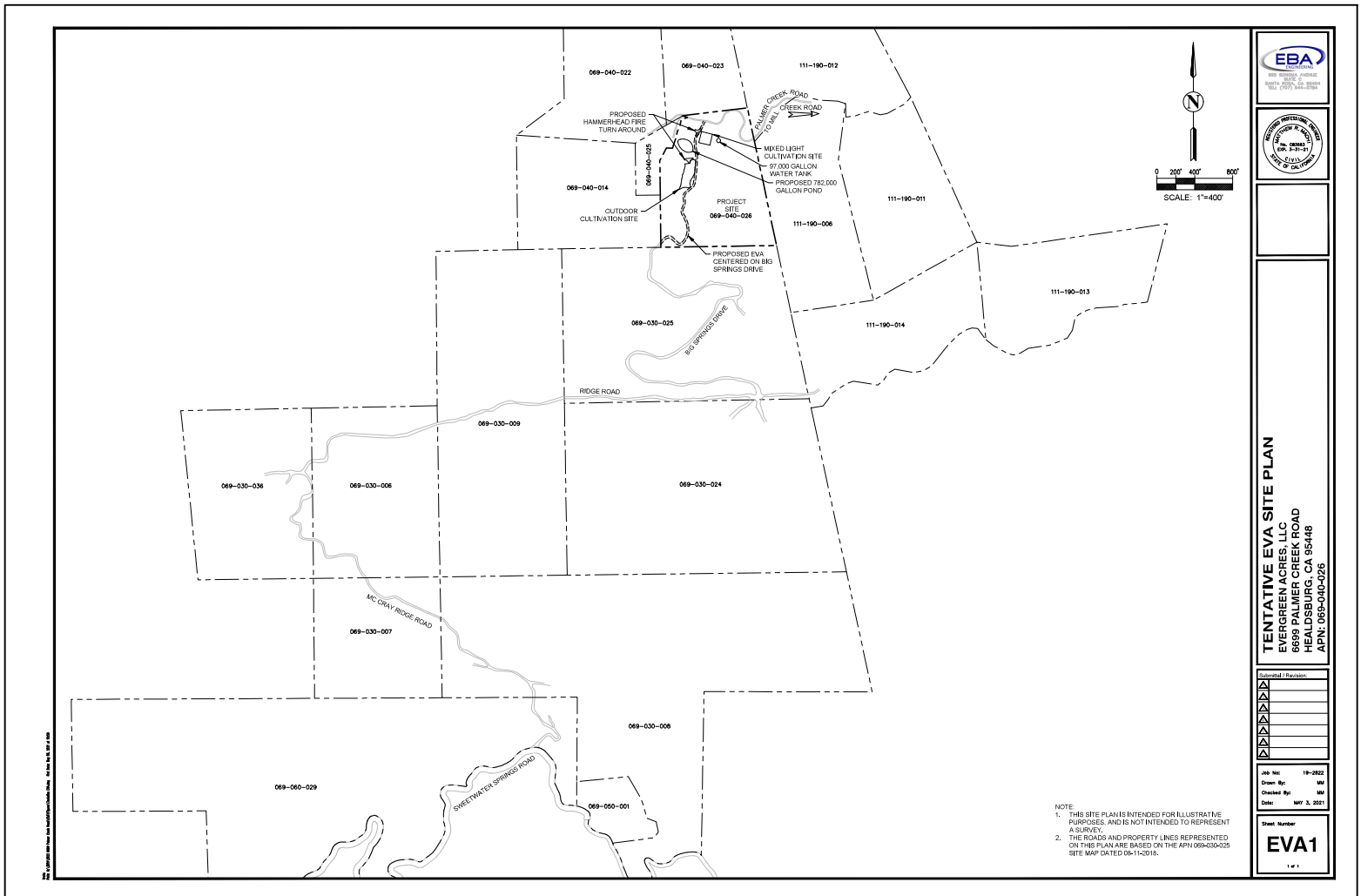
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Map Of Secondary Egress Route



TENTATIVE EVA SITE PLAN
 EVERGREEN ACRES, LLC
 6899 PALMER CREEK ROAD
 PALM DESERT, CA 92466
 APN: 069-040-026

Revisions	

Job No: 19-2322
 Drawn By: MW
 Checked By: MW
 Date: MAY 3, 2021

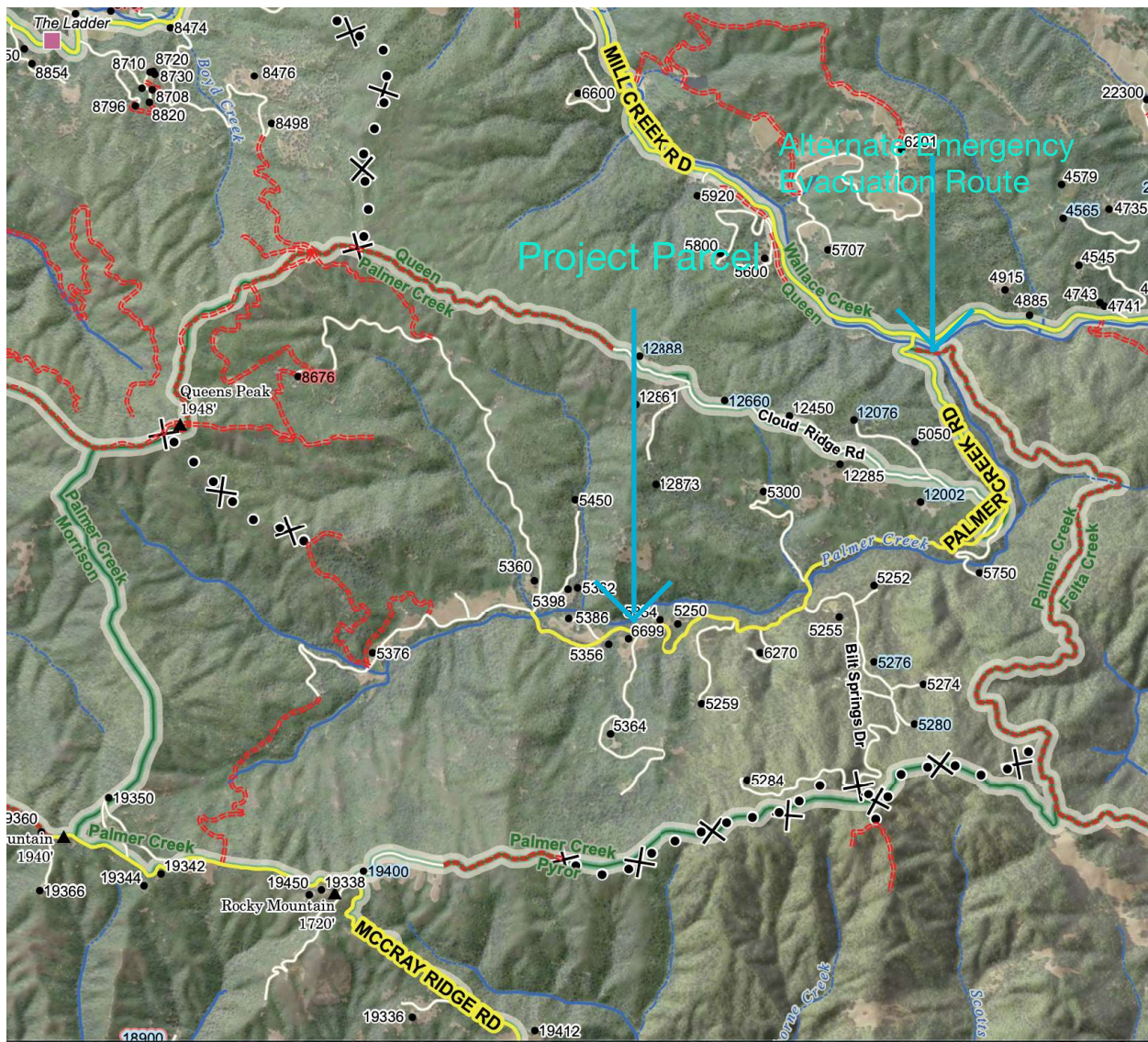
Sheet Number
EVA1
 1 of 1

NOTE:
 1. THIS SITE PLAN IS INTENDED FOR ILLUSTRATIVE PURPOSES, AND IS NOT INTENDED TO REPRESENT A SURVEY.
 2. THE ROADS AND PROPERTY LINES REPRESENTED ON THIS PLAN ARE BASED ON THE APN 069-030-025 SITE MAP DATED 08-10-2018.

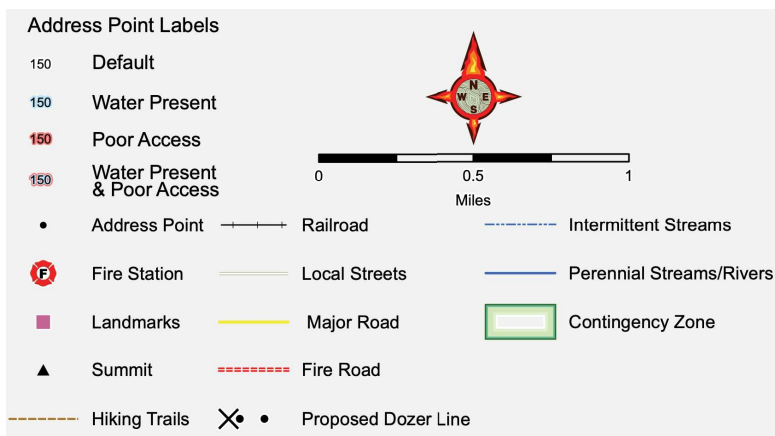
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MILL CREEK PRE-ATTACK MAP



Appendix D

Water Storage Description

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Appendix E

Water analysis

MEMORANDUM

DATE: September 21, 2021 **JOB #:** 20-2822

PROJECT: Evergreen Acres, LLC
6699 Palmer Creek Road
Healdsburg, CA 95448
APN 069-040-026

PREPARED BY: Matthew Machi, PE
EBA Engineering
825 Sonoma Ave.
Santa Rosa, CA 95404
(707) 544-0784

OWNER: Thomas Planson
6699 Palmer Creek Road
Healdsburg, CA 95448

SUBJECT: Analysis of First 2 Years of Reservoir Use



This analysis is intended as an addendum to the original project Irrigation Water Supply Assessment dated October 10, 2018. This analysis is in review of the off-stream reservoir performance through the first two years when the reservoir has stabilized. This addendum uses the same assumptions as the original assessment, with the following additional assumptions:

1. The pond characteristics have been updated to match the construction level grading design. The pond remains in the same footprint and overall volume of 2.3 acres. The new reservoir characteristics are as follows:

Pond Characteristics		
Storage Volume (gal)	Depth (ft)	Water Surface Area (sf)
0	0	7,806
62,126	1	8,804
129,570	2	9,228
201,398	3	9,976
278,919	4	10,750
362,319	5	11,548
451,786	6	12,372
547,510	7	13,221
649,679	8	14,095
756,786	8.5	14,541

2. The runoff area has been increased from 53,393 sf to 55,288 sf based on the construction level topographic survey. The Runoff Coefficient remains at the original 0.45.
3. The project residence will not be built within the first two years, however the water tank will, which was not included in the 2018 assessment.
4. Cultivation irrigation use will not begin until the first growing season in May of 2022.
5. The following assessment begins with an empty reservoir, showing initial filling through stabilized volume. This assessment assumes consecutive drought years to be conservative.
6. This assessment adds the proposed 97,000-gallon water storage tank to the study, which has negligible evaporation and fills prior to the filling of the pond.

First 2 Years Pond Balance								
Month	(1) Irrigation Water Use (Gallons)	(2) Runoff Inflow (Gallons)	(3) Pond Evaporation (Gallons)	(4) Pond Volume (Gal)	(5) Pond Depth (ft)	(6) Water Surface Area (sf)	(7) Tank Volume (Gal)	Total Stored Volume (Gal)
Dec 1, 2021				0	0.0	0	0	0
Dec 2021	0	166709	0					
Jan 1, 2022				69709	1.1	8852	97000	166709
Jan 2022	0	222108	6373					
Feb 1, 2022				285444	4.1	10812	97000	382444
Feb 2022	0	206976	11418					
Mar 1, 2022				481003	6.3	12631	97000	578003
Mar 2022	0	167735	22433					
Apr 1, 2022				626305	7.8	13895	97000	723305
Apr 2022	0	57451	36683					
May 1, 2022				647073	8.0	14073	97000	744073
May 2022	36000	0	49716					
Jun 1, 2022				561357	7.1	13339	97000	658357
Jun 2022	64000	0	54937					
Jul 1, 2022				442420	5.9	12286	97000	539420
Jul 2022	84000	0	55492					
Aug 1, 2022				302927	4.3	10980	97000	399927
Aug 2022	84000	0	43743					
Sep 1, 2022				175184	2.6	9703	97000	272184
Sep 2022	69000	0	30599					
Oct 1, 2022				75585	1.2	8889	97000	172585
Oct 2022	44000	54629	18645					
Nov 1, 2022				67569	1.1	8838	97000	164569
Nov 2022	29000	154399	9036					
Dec 1, 2022				183932	2.8	9794	97000	280932
Dec 2022	29000	166709	4701					
Jan 1, 2023				316940	4.5	11114	97000	413940
Jan 2023	29000	222108	8002					
Feb 1, 2023				502046	6.5	12818	97000	599046
Feb 2023	29000	206976	13536					
Mar 1, 2023				666487	8.1	14165	97000	763487
Mar 2023	29000	167735	25157					
Apr 1, 2023				756786	8.5	14541	97000	853786
Apr 2023	29000	57451	38388					
May 1, 2023				746848	8.5	14500	97000	843848
May 2023	36000	0	51224					
Jun 1, 2023				659624	8.0	14136	97000	756624
Jun 2023	64000	0	58219					
Jul 1, 2023				537404	6.9	13131	97000	634404
Jul 2023	84000	0	59312					
Aug 1, 2023				394092	5.4	11841	97000	491092
Aug 2023	84000	0	47173					
Sep 1, 2023				262919	3.8	10590	97000	359919
Sep 2023	69000	0	33397					
Oct 1, 2023				160522	2.4	9550	97000	257522
Oct 2023	44000	54629	20033					
Totals	936000	1905617	698219					

Assuming that drought level rainfall is the limit of water inflow for the first two years, the overall water storage is estimated to have 164,589-gallons (approximately 6 months of reserve use) in surplus in the first year and stabilized with 257,522-gallons (approximately 8 months reserve use) in future years. The reservoir is expected to perform as required within the proposed construction schedule.

Please feel free to contact Matthew Machi of EBA Engineering at mmachi@ebagroup.com or (707) 544-0784, with any questions that you may have.

Very Respectfully,

Matthew Machi, P.E. 83663
Senior Engineer – Project Manager

Appendix F

Fire Analysis Report

Fire Analysis Report – 01/11/22 (Revision 2)

6699 Palmer Creek Road, Healdsburg – Cannabis Cultivation Proposal

1 – SONOMA COUNTY PROJECT BACKGROUND INFORMATION

File Number UPC-18-0046

Parcel Number 069-040-026

Zoning RRD B6 160 BH RC50/50

Planning area: 3-Healdsburg

2 - CODE

This report has been prepared by H&S Associates, Fire Code Consultants, to provide our recommendations summary of the proposed project at 6699 Palmer Creek Rd.

CODES AND STANDARDS

The following is a summary of applicable codes and standards for this project.

- 2019 California Fire Code
- 2019 Sonoma County Fire Code Ordinance
- Sec. 13-62. - Alternate fire protection measures.

- When authorized, pursuant to Section 13-23, any of the following alternate fire protection measures may be used as exceptions to the standards specified in this article if determined to have the same practical effect. The county fire warden/fire marshal may request additional fire protection measures pursuant to Section 13-63(a) through (c).
- 1. Increased emergency water supply requirements; and
- 2. Installation of a sprinkler system that meets the requirements of the National Fire Protection Association and any one (1) of the following:
 - a) Increased flammable vegetation clearance areas for buildings;
 - b) Increased flammable vegetation clearance areas for roads and driveways;
 - c) Use of fire-resistive vegetation;
 - d) Installation of fire-resistive exterior siding;
 - e) Use of fire-resistive deck and eave construction;
 - f) Construction of additional turnouts and turnarounds;
 - g) Creation of areas of safe refuge;
 - h) Installation of a centrally monitored fire alarm system;
 - i) Provision of a secondary means of ingress and egress to the parcel; and
 - j) Increased width and surface for emergency vehicle access.

NOTED CONDITIONS

Except for road width, the proposed site will be in compliance with all Sonoma County Fire Safe Standards, Vegetation Management practices, along with Department of Forestry and Fire Protection fire road access standards and provide all of the alternate fire protection measures with regard to Section 13-23.

- The irrigation pond, (747,948-gallon capacity) and main tank, (97,000-gal capacity) are used for irrigation. The overall water storage between the reservoir and main tank are estimated to have a minimum storage of approximately 250,000 gallons. This 250,000 gallons of storage is the minimum estimated water expected to be available for fire fighting use at any given time and will provide increased emergency water supply.
- The site will have greenhouses with no extraction, processing, or onsite storage as the greenhouse building will provide Increased flammable vegetation clearance areas and incorporate fire monitoring and sprinklers.
- The proposed residence will have its own 5000 gallons storage tank with wharf hydrant connection following all fire safe standards, utilize fire-resistive siding, utilize fire-resistive decking & eave construction, sprinkler systems, fire alarm systems, and provide Increased flammable vegetation clearance areas.
- The project site plan proposes to include multiple turnarounds and turnouts on the parcel around the barn, greenhouse, residence, and outdoor cultivation area.
- The project proposes multiple areas of safe refuge
- The project proposes the installation of centrally monitored fire alarm systems.

- The proposed site will implement fire- resistive vegetation throughout the parcel.
- The proposed site has shown in all documentation that they will meet all fire standards.
- The 97,000-gallon storage tank will have 4-5 wharf hydrants connected in multiple locations throughout the parcel and surrounding areas of Palmer Creek Road for fire fighting use.
- The project will have their own secondary egress route for self and employees.

CONCLUSION

The above Fire Code Analysis Narrative presents a level outline of the key requirements for the facility. The applicant has provided the evidence of all the fire service features for buildings, structures and premises that comply with 2019 Sonoma County Fire Code Ordinance and meets all Section 13-23 alternate fire protection measures that may be used as exceptions to the standards specified in this article or as mitigated practices if determined to have the same practical effect Including but not limited to Fire Apparatus access road, access to fire protection water supplies, building fire protection features, and same practical effect for fire safe standards . Regarding the existing secondary egress from the applicant's parcel out to Sweetwater Springs Road, I have personally driven the road in its entirety and can certify that it is in good condition and can act as a viable alternate emergency evacuation route if the need arises. The applicant has done an amazing job during his permitted tree harvest operations and in doing so has greatly improved the condition of this secondary egress.

Gina Petersen

Fire Code Specialist

H&S Associates, Fire Code Consultants

SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

JOSEPH D. PETTA
Attorney
Petta@smwlaw.com

October 27, 2021

Crystal Acker
Supervising Planner
Permit & Resource Management Department
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Ben Nicholls
Division Chief
Cal Fire LNU Headquarters
1199 Big Tree Road
St. Helena, CA 94574

Re: CEQA and State Responsibility Area Fire Safe Regulation Violations re:
Alleged Secondary Emergency Access Route for Evergreen Acres Project,
UPC18-046

Dear Ms. Acker and Mr. Nicholls:

On behalf of the Palmer Creek Association, we provide the County of Sonoma (“County”) and Department of Forestry and Fire Protection, Sonoma-Lake-Napa Unit (“Cal Fire”) the following comments on the cannabis cultivation project (“Project”) proposed by Evergreen Acres, LLC / Thomas Planson (“Applicant”) at 6699 Palmer Creek Rd, Healdsburg, CA and the associated Mitigated Negative Declaration (“MND”) prepared by the County. Palmer Creek Association has appealed the Board of Zoning Adjustments’ (“BZA”) June 24, 2021 approval of a use permit for the Project (UPC18-0046). Please include these comments in the record for the Board of Supervisors appeal hearing currently scheduled for December 7, 2021. This firm and our client reserve the right to submit additional comments on the Project application, and any staff report prepared for the appeal hearing, on or before December 7.

Among the MND’s many legal inadequacies is the fact that it proposes to mitigate the Project’s significant impacts on wildfire hazard by providing State and local fire officials and the community emergency use of a legally inaccessible “secondary emergency access” road. This alleged “access” would run south from the Project site across several adjoining private properties and eventually connect with Sweetwater Spring Road via Ridge Road and McCray Ridge Road. See MND at 55-56, proposing Mitigation Measure HAZ-1 to secure “an Emergency Vehicle Access easement to the community residents, Sonoma County emergency response, and CAL FIRE” between the Project and Sweetwater Spring Road.

On April 1, 2021 the County sent Cal Fire notice pursuant to California Code of Regulations, title 14, section 1270.06(a) that the County had granted the Applicant an “exception to standards” due to the fact that the northerly access to the Project via Mill Creek Road and Palmer Creek Road would not comply with the state Board of Forestry and Fire Protection’s

State Responsibility Area Fire Safe Regulations (tit. 14, Cal. Code Regs. §§ 1270 et seq.). Exhibit A, Exception to Standards Packet, submitted to Cal Fire on April 1, 2021. The County's notice states that an "exception to standards" is justified because the Applicant will "secure a second Fire Apparatus [EVA] to another alternate route" as depicted in the attachment to the County's notice--namely, Sweetwater Springs Road via Ridge Road and McCray Ridge Road.

However, neither the Applicant nor the County has legal access rights to the private properties between the proposed Project site and Sweetwater Spring Road. On September 17, 2021, we requested pursuant to the California Public Records Act that the County provide all records relating to the purported "secondary emergency access" referenced in the MND. On October 22, 2021, the County provided an unrecorded, executed grant of easement from the Applicant (Assessor's Parcel Number 069-030-026) and his immediate southerly neighbor, Vasco DeMello (APN 069-030-025), granting access to these two parcels only, to County fire personnel for purposes of providing emergency access to the Project site. Exhibit B, copy of unrecorded "Easement Grant Deed" to County. Notably, the route depicted on "Exhibit C" to the Easement Grant Deed shows the purported secondary emergency access road passing through three more separate, private parcels (APN 069-030-009, 069-030-006 and 069-030-036) before merging with McCray Ridge Road, and another four parcels before merging with Sweetwater Springs Road. Yet, the County did not provide evidence of any access right for State, local or community emergency use across any of these parcels.

Moreover, the County's April 1, 2021 notice to Cal Fire and the Applicant's "Easement Grant Deed" to the County (fully executed on May 1, 2021) contain conflicting depictions of the purported secondary emergency access route. Whereas the County's notice to Cal Fire shows the route passing through APN 069-030-024 and 069-030-009, both privately owned by Carol Vellutini, the Easement Grant Deed shows the route passing directly from Mr. DeMello's APN 069-030-025 to Ms. Vellutini's APN 069-030-009, thus avoiding her other parcel, APN 069-030-024.

The California Environmental Quality Act ("CEQA") prohibits unstable descriptions of a project. *Stopthemillenniumhollywood.com, et al. v. City of Los Angeles* (2019) 39 Cal.App.5th 1. On this basis alone, the County's and Applicant's conflicting representations to Cal Fire and the public about the route for the proposed secondary emergency access violate CEQA. The County's and Applicant's shifting representations of the purported access route's physical location also casts substantial doubt upon the truthfulness of the Applicant's depiction of the route contained in the Easement Grant Deed.

Furthermore, Ms. Vellutini has denied the existence of any legal access to or from the Applicant's and Mr. DeMello's parcels across her property. See Exhibit C, October 13, 2021 letter to County from Ms. Vellutini's attorney, Ron Dering. Without the possibility of legal access rights, neither the Applicant nor the County can guarantee "unobstructed traffic circulation during a wildfire emergency," as required by section 1273 of the SRA Fire Safe Regulations. Moreover, the lack of legal rights to the proposed secondary emergency access route means that the County's Mitigation Measure HAZ-1 (MND at 55-56) is infeasible and

unenforceable, and thus a further violation of CEQA. Pub. Resources Code § 21081.6(b) (“A public agency *shall provide* the measures to mitigate or avoid significant effects on the environment are *fully enforceable* through permit conditions, agreements, or other measures.”).

By omitting Ms. Vellutini’s APN 069-030-024 from the route depicted in the Easement Grant Deed and purporting to secure passage over Ms. Vellutini’s APN 069-030-009 instead, the Applicant appears to be relying on a 1973 easement crossing that parcel (book 2810, page 484, Official Records of Sonoma County). However, this easement is not located where the Easement Grant Deed depicts it, and in fact it is unclear if any presently navigable *road* exists in this location. The County reached the same conclusion in 2018 in connection with Mr. DeMello’s application at the time to grow commercial cannabis on his own parcel, immediately south of Mr. Planson’s (UPC17-067). Mr. DeMello claimed access to APN 069-030-009 based on the 1973 easement. Ms. Vellutini’s attorney at the time challenged Mr. DeMello’s unfounded claims that the easement would provide access to his parcel. Exhibit D, Letter from Jeffrey Lyons, Clement, Fitzpatrick & Kenworthy LLP, to Vasco DeMello, Tatum Trantham, and Cody Leck, June 14, 2018; Letter from Mr. Lyons to Curtis & Associates, July 26, 2018.

Ultimately, Mr. DeMello’s own surveyor admitted that the site map he prepared for Mr. DeMello was “never intended ... to depict the actual location of any easements.” Based on the foregoing correspondence, County planning staff declined even to put Mr. DeMello’s project to County decisionmakers. On August 6, 2018 County staff advised Mr. DeMello and his associates that the location of the purported easement over APN 069-030-009 was “in question” and thus “needs to be resolved with an Order from the Court” before any use permit could be approved. Further, even if Mr. DeMello were to obtain a court order in his favor, “a third access easement is required across APN 069-030-036 to reach McCray Ridge Road.” Exhibit E, August 6, 2018 Letter from County Planner Georgia McDaniel to Arthur Deicke. On February 15, 2019, County staff again informed Mr. DeMello that he “ha[d] not proved that the parcel has easement rights,” that there was no evidence that “the physical road is within the easement” recorded in 1973, and that “[a]fter consultation with County Counsel and the County Surveyor, our determination is that you have not sufficiently demonstrated legal access to the property.” Exhibit F, February 15, 2019 Letter from County Planner McDaniel to Mr. DeMello.

Based on the Easement Grant Deed, the Applicant for UPC18-046 now appears to be asserting legal access to Ms. Vellutini’s APN 069-030-009 via Mr. DeMello’s parcel, based on the same 1973 easement the County determined was inadequate when Mr. DeMello himself claimed it provided access to his parcel.

CEQA mandates that the MND *accurately and consistently* describe the design and location of Project components. The MND fails this basic requirement. Further, because the Project unlawfully relies on the purported “secondary emergency access” to mitigate the Project’s significant wildfire evacuation impacts without any evidence that legal access exists or could be obtained, the Project and its associated MND violate CEQA and the SRA Fire Safe Regulations, and would be overturned by a Court. For this and numerous other legal questions

Crystal Acker
October 27, 2021
Page 4

raised by our client's appeal, we urge the Board of Supervisors to sustain the appeal and deny any proposed use permit for the Project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph "Seph" Petta

cc:

Tennis Wick, Director, Permit Sonoma
Scott Orr, Deputy Director of Planning
Lauren Scott, Assistant Planner
Linda Schiltgen, Deputy County Counsel
Steve Mosiurchak, County Fire Marshal
Members of Sonoma County Board of Zoning Adjustments
Members of Sonoma County Board of Supervisors
Ron Dering, Esq.

Attachments:

Exhibit A: Exception to Standards Packet, submitted to Cal Fire on April 1, 2021
Exhibit B: Copy of unrecorded "Easement Grant Deed" to County
Exhibit C: October 13, 2021 letter to County from Ms. Vellutini's attorney, Ron Dering
Exhibit D: Letter from Jeffrey Lyons, Clement, Fitzpatrick & Kenworthy LLP, to Vasco DeMello, Tatum Trantham, and Cody Leck, June 14, 2018; Letter from Mr. Lyons to Curtis & Associates, July 26, 2018
Exhibit E: August 6, 2018 Letter from County Planner Georgia McDaniel to Arthur Deicke
Exhibit F: February 15, 2019 Letter from County Planner McDaniel to Mr. DeMello

1430552.3



Two Moon Vineyard
19400 McCray Ridge Rd.

Concerns over Access Plans for Palmer Creek Commercial Growers to Claim Transport Across Private Property

- Opening my driveway to someone running businesses that require full time employees and frequent loads of tons of water and soil would require me to alter my property in a way that I do not believe the easement rules have in mind.
- McCray Ridge Rd. is a county, one-lane, dirt road, not built for commercial traffic. It is so small and so remote no one will deliver to me: no post, no paper, no Fed Ex, no UPS. The gravel truck will only deliver ½ ton loads no matter how much I order; the propane company especially trains new drivers how to manage the twists and turns up McCray Ridge.
- The unnamed spur off McCray Ridge Rd. that crosses my property is a private driveway next to my home and a path through my 10-acre vineyard. I maintain it as access to my home and vineyard and to control rain runoff in the winter. I keep down dust as much as possible by driving slowly and no more often than necessary.
- Commercial trucks travelling though my property could likely introduce new pests or diseases that also could affect the quality of my grapes. I grow expensive fruit and cannot afford to have its worth devalued or my earnings depreciated.
- My vineyard supports itself and two employees. The grapes are Sustainably Grown, which increases their value. Good farming practices involve strict dust control, among many other factors. Significant traffic on the driveway would result in significant dust. Further traffic dust could hinder the quality of my grapes and thus depreciate their value.
- My farm is not fully organic; I spray against whatever dangers arise each season. That includes the use of pesticides. Spray frequencies are determined by weather and needs of the vineyard. Spray cycles cannot be regulated exactly: any plan-to-spray-today is often unpredictably delayed by heat or wind. And exposure to the vineyard is prohibited during and for 12 hours after each spray.
- My understanding is that the new growers will have to truck in water every day, and “occasionally” use my driveway to transport it to their properties. Neither my road nor the longer McCray Ridge Rd. will withstand that kind of use, even if it were to be used it only now and then.
- We property owners keep McCray Ridge Rd. passable. As it is now structured, it will not withstand significant traffic. McCray Ridge homeowners will not take responsibility for ourselves; we will not be responsible for passage of commercial cannabis growers.
- If access to a cannabis farm crosses my property, it puts my personal safety at risk. The value of the cannabis could be a lure to thieves or unknown workers

and their unknown friends who could pass directly beside my home. Frankly, the risk of home invasion creates a fear I thought I would never have to consider. Even with an alarm system, my home could be destroyed before any help would have time to arrive.

- According to my map program, the drive from the two growing locations on Palmer Creek Rd. to the water pickup area is 8.4 miles and takes 20 min. My property to the same place is 12 miles and takes 32 min. Plus, it must take 20 minutes or so to drive between the 2 addresses via the growers' chosen paths. Clearly, there is no justifiable reason to create a route through my property.

There are also varying versions of reality between my easement plan and others:

- My Grant Deed reserves the easement right to the property adjoining mine only.
- The road on the parcel map Mr. de Mello turned in with his application does not match the road our surveyor mapped years ago to design our vineyard. I believe that map was filed among my permit data in the county planning office. I don't know which parcel map Evergreen Acres is using.
- Curtis and Co., Surveyors created deMello's map to present to the county permit office that shows a road going across the bottom of his property and connecting to the western section of parcel 069-030-009, which he has named "Ridge."
- The only road that now actually exists is the one that has been there for the more than 45 years I have been an owner of this property. It crosses parcel 069-030-024, for which no one has an easement. Thus, no one can get to my property from Palmer Creek without trespassing, even if a purported easement across my property were proved valid.
- Until this non-existent road crosses the new growers' own properties as well as the parcel that will not grant easements, any desire to cross mine is a moot point. Any crossing involves trespassing.
- Anyone leaving my property south will trespass across parts of several other privately owned parcels connecting down to the badly maintained Sweetwater Springs Rd. None of the property owners is willing to approve any kind of commercial farming that would affect their private land.

Julie Simpson

Two Moon Vineyard
19400 McCray Ridge Rd.
PO Box 165
Guerneville, CA 95446

March 16, 2022

To whom it may concern:

As owners of 19450 McCray Ridge Road in Guerneville, CA, it has come to our attention that our road is being considered as an evacuation route for a new business operation on a nearby property.

While we understand many applications have been made by the individual requesting changes, we have not been contacted by anyone, other than concerned neighbors who feel this is a bad idea. We agree.

When we purchased our property in 1989, we did so because of its serene location, away from noise and traffic. Our neighbors on McCray Ridge Road value the privacy the area provides and have worked hard to maintain this peaceful setting.

After the Walbridge Fire many trees along the road were killed. While many fallen trees have been removed, there remain several dead and dying trees that may fall and make the road impassable, especially after windy conditions.

Since McCray Ridge Road is maintained by the homeowners, it would be an added financial hardship for us to keep the road in good drivable condition if additional traffic is added, especially if those who promise to maintain it are derelict.



We are also concerned about the water resources that will be needed for such a project, and the impact it may have on our water availability.

We have been told the applicant has made claims that McCray Ridge Road has been used in the past as an evacuation route during times of emergencies, we do not have any knowledge of that claim, and do not believe it to be true.

We would hope that all those officials with the authority to approve changes to our neighborhood would seriously consider the wishes of the people living here. Moving forward, we hope that those whose properties are adversely affected by these changes are given adequate opportunity to express their concerns.

Thank you for your consideration.

Sincerely,



Javier Valencia & Charles Christianson
19450 McCray Ridge Road
Guerneville, CA 95446

March 16, 2022

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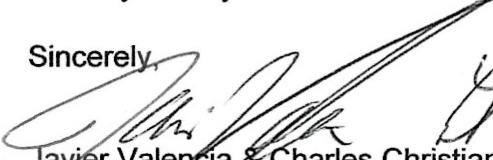

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Thank you for your consideration.

Sincerely,



Javier Valencia & Charles Christianson
19450 McCray Ridge Road
Guerneville, CA 95446

David Reed
POB 1005
Guerneville CA 95446
APN 069-030-007

March 1, 2022

To: Lynda Hopkins
Susan Gorin
James Gore
Chris Coursey
David Rabbitt
Sonoma County Board of Supervisors

Re: Evergreen Acres, LLC , UPC18-0046
Site Address: 6699 Palmer Creek Road, Healdsburg CA 95448
APN: 069-040-026

To the Board of Supervisors:

069-030-007

I am the owner of property situated on McCray Ridge Road (APN XX), between Sweetwater Springs and McCray Ridge in Healdsburg, CA. It has come to my attention that the applicant - Thomas Planson - has represented to PRMD that he will be constructing and maintaining an Emergency Evacuation Route from his property at 6699 Palmer Creek to Sweetwater Spring Road utilizing a jeep trail on his neighbor's property, as well as McCray Ridge Road to access Sweetwater Springs. The applicant has circulated materials suggesting he has the right to use the jeep trail on APN 069-030-024 and APN 069-30-009 for this purpose where no such easement exists.

I am dismayed and concerned by the level of trespass and destruction of property that has already occurred on parcels owned by our neighbor Carol Vellutini (APN 069-030-024, APN 069-30-009) in an effort to demonstrate the existence of a compliant road. I therefore wish to inform the Board and the Planning Department that I - as the owner of the parcel through which the applicant would have to pass to access Sweetwater Springs - decline to provide an easement to the use of McCray Ridge Road to the applicant for any purposes connected with this use permit.

I would like it entered in the record for the permit appeal that such an easement on McCray Ridge Road to Sweetwater Springs does not exist and will not be granted by me.

Thank you,

David Reed 3/17/2022
David Reed

Bryce Austin
19412 Sweetwater Springs Rd.
Guerneville CA 95446

October 19, 2021

To:
Lynda Hopkins
Susan Gorin
James Gore
Chris Coursey
David Rabbitt
Sonoma County Board of Supervisors

Re: Evergreen Acres, LLC, UPC18-0046
Site Address: 6699 Palmer Creek Road, Healdsburg CA 95448
APN: 069-040-026

To the Board of Supervisors:

I am the owner of property situated on McCray Ridge Road (APN 069-030-008), between Sweetwater Springs and McCray Ridge in Guerneville, CA. It has come to my attention that the applicant - Thomas Planson - has represented to PRMD that he will be constructing and maintaining an Emergency Evacuation Route from his property at 6699 Palmer Creek to Sweetwater Springs Road utilizing a jeep trail on his neighbor's property, as well as McCray Ridge Road to access Sweetwater Springs. The applicant has circulated materials suggesting he has the right to use the jeep trail on APN 069-030-024 and APN 069-30-009 for this purpose where no such easement exists.

I am dismayed and concerned by the level of trespass and destruction of property that has already occurred on parcels owned by our neighbor Carol Vellutini (APN 069-030-024, APN 069-30-009) in an effort to demonstrate the existence of a compliant road. I therefore wish to inform the Board and the Planning Department that I - as the owner of the parcel through which the applicant would have to pass to access Sweetwater Springs Road - decline to provide an easement to the use of McCray Ridge Road to the applicant for any purposes connected with this use permit. I do not consent to this easement.

I would like it to be entered into the record for the permit appeal that such an easement on McCray Ridge Road to Sweetwater Springs Road does not exist and will not be granted by me.

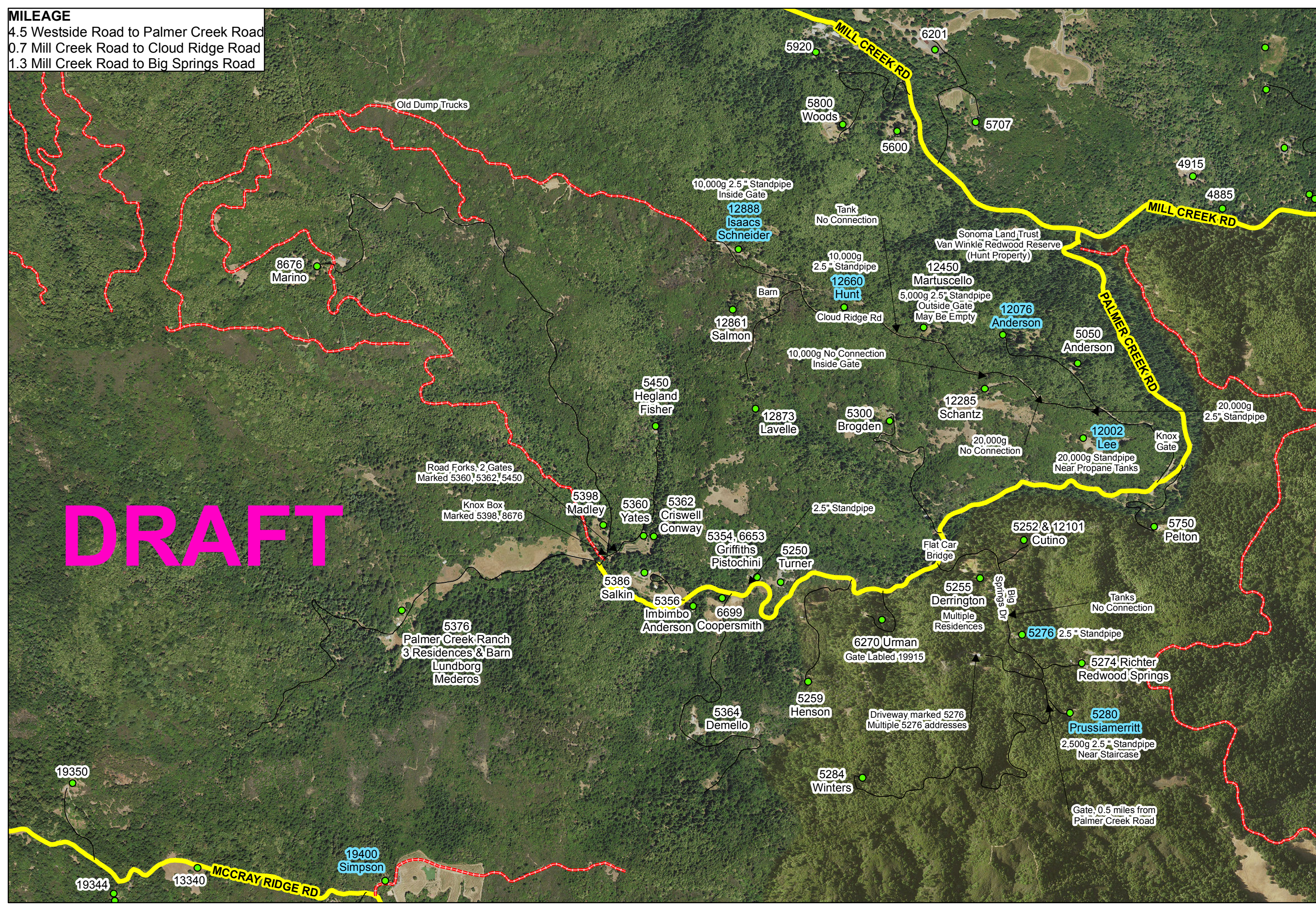
Thank you,

Bryce Austin
Bryce Austin

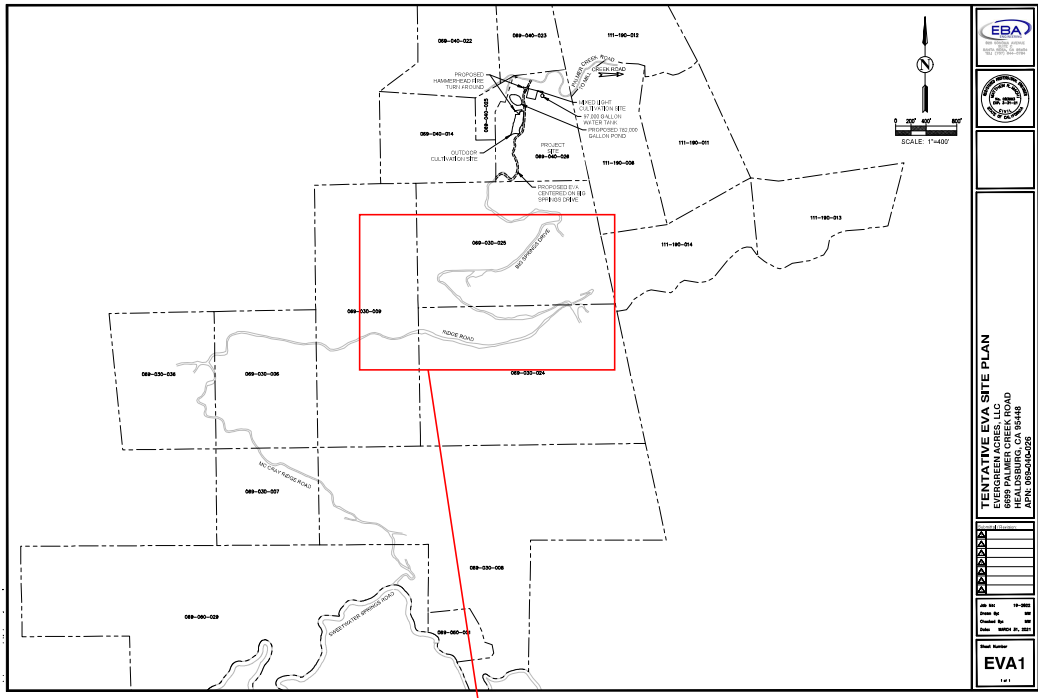
MILEAGE
 4.5 Westside Road to Palmer Creek Road
 0.7 Mill Creek Road to Cloud Ridge Road
 1.3 Mill Creek Road to Big Springs Road



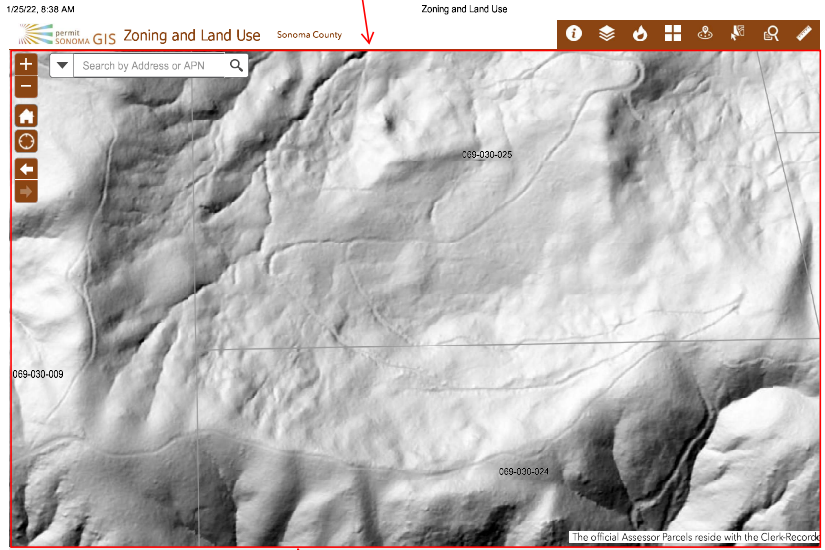
**PALMER CREEK ROAD
 COMMUNITY PREPAREDNESS**



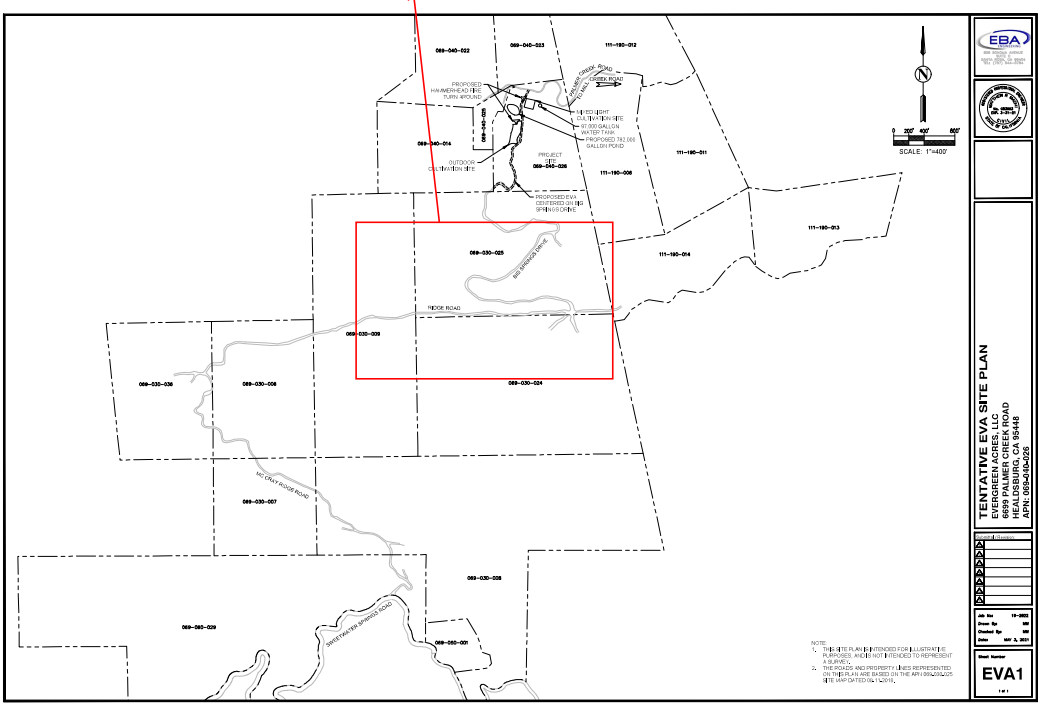
DRAFT



Original EVA Map accurately matches LIDAR image of access roads.



Current LIDAR image map from Permit Sonoma



Amended EVA Map does not match LIDAR image of access roads.



March 4, 2019

VIA EMAIL

Evergreen Acres, LLC
Attn: Thomas Planson
483 San Andreas Drive
Novato, CA 94945

Re: Notice of Project Status
File No.: UPC18-0046
Site Address: 6699 Palmer Creek Road, Healdsburg
APN: 069-040-026

Dear Mr. Planson,

In addition to the items outlined in Permit Sonoma's initial Notice of Project Status, the following issues have been raised during the referral period and additional processing of the application (full copies of the referral responses and draft conditions were also sent via email on February 7, 2019 and are enclosed).

1. Water Resources.

The Natural Resources Geologist has requested:

- a. An updated discussion of how the proposed reservoir will be filled and the contributing area map for the reservoir
- b. An updated site plan with location of the onsite spring, the spring's easement, watercourses, and riparian setbacks
- c. Documentation of the easement for the on-site spring
- d. Documentation classifying the water courses found on-site

The NOAA Fisheries West Coast Region provided the following comments on the hydrogeologic report:

- a. The report did not explain how the cumulative impact area (in irregularly shaped area) was calculated. Inappropriate delineation of the cumulative impact area can greatly influence the hydrogeologic analysis, since the physical properties that affect groundwater can change significantly over short distances.
- b. In the final calculations the report only utilized an average annual precipitation (55 inches), which is an overly optimistic future condition. A proper water balance assessment should include an evaluation of dry, average, and wet years (especially dry years, when impacts to streamflow are greatest). When analyzing potential impacts of



stream dewatering on ESA-listed salmonids, analyses should consider dry year conditions and incorporate future climate change projections where appropriate.

- c. The level of rainfall runoff assumed within the two analyses (5.3 Groundwater Recharge and Appendix B: Irrigation Water Supply Analysis) are inconsistent and seem overly optimistic. The analysis in Appendix B states a rainfall runoff coefficient of 0.45. While the groundwater recharge analysis in Section 5.3 does not utilize or state a runoff coefficient, back-calculating the variable from the provided analysis produces a coefficient of 0.35. Both of these values exceed the range of 0.05 – 0.25 for “woodland agricultural land” as suggested by the California Regional Water Quality Control Board.

The North Coast Regional Water Quality Control Board and has noted the following items:

- a. Evidence of consultation with the Army Corps of Engineers and Department of Fish and Wildlife is required to assess project compliance with the Water Code.
- b. Permits and mitigations likely required for project compliance with the Water Code are a Water Quality Certification for Instream Work and a Construction Storm Water General Permit.
- c. Fee payment is needed.
- d. Cannabis cultivators shall not use off-stream storage reservoirs and ponds to store water for cannabis cultivation unless they are sited and designed or approved by a qualified professional in compliance with Division of Safety Dams (DSOD), county, and/or city requirements, as applicable.
- e. The buried culvert near the entrance of the site will require a Water Quality Certification for Instream work for replacement and must be sized for a 100-year storm event.

This project is also located in a Class 4 groundwater basin.

Policy WR-2e (formerly RC-3h) of the General Plan states: **Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or sub-basin. Procedures for proving adequate groundwater should consider groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project.**

The applicant needs to address the above concerns and requests for additional information and show how the project complies with General Plan Policy WR-2e. The hydrogeologic report and application should be revised to incorporate the comments from Natural Resources, NOAA Fisheries, and the North Coast Regional Water Quality Control Board.



2. **Biotic Resources.** Palmer Creek is a known habitat for threatened steelhead (*Oncorhynchus mykiss*) and endangered Coho Salmon (*O. kisutch*). NOAA Fisheries West Coast Region has reviewed the application and commented that water use and storage by the project specifically groundwater pumping, may reduce streamflow volume and impair water quality in Palmer Creek. Low streamflow throughout the Mill Creek watershed is a constant concern during drier years. The National Marine Fisheries Service, which is responsible for implementing the Endangered Species Act, is concerned that the cultivation project, as proposed, may impact streamflow in Palmer Creek.

General Plan Open Space and Resource Conservation Element OSRC-7 states **“protect and enhance the County’s natural habitats and diverse plant and animal communities.”**

The applicant should provide a rationale for how the project will not impact Coho salmon and their habitat. The applicant should also address the biotic impacts from construction traffic and traffic associated with the daily operation of the proposed project.

3. **Traffic and Access.**

General Plan Circulation and Transit Policy CT-6g: Require that new development provide project area improvements necessary to accommodate vehicle and transit movement in the vicinity of the project, including capacity improvements, traffic calming, right-of-way acquisition, access to the applicable roadway, safety improvements, and other mitigation measures necessary to accommodate the development.

Legal access to the property has not been shown to Permit Sonoma. If any improvements (grading, etc.) or construction of a new road are required, access easements need to allow any improvements that are conditions of approval. In order to demonstrate legal access, the applicant must provide either a court order or a signed settlement agreement with the property owners over whose property the proposed access runs. Palmer Creek runs approximately two miles from Mill Creek Road before it hits the project site.

Among other requirements, the Sonoma County Fire Department requires the following (see attached):

“All existing roads providing access to new commercial cannabis operations with structures shall be provided with an access road not less than 20 feet in width. Access roads may be allowed to be reduced to 12 feet in width with turnouts as approved by the fire code official.”

In order to complete the CEQA analysis for this project, we need to understand what, if any, roadway improvements are needed. Within 30-days of this letter, please arrange a site inspection with the Fire Department by submitting a site inspection fee of \$394 at Permit Sonoma. This fee is based on an hourly rate of \$197 and reflects an estimated 2-hour minimum for project review.



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitsSonoma.org



Based on Fire Department input, please submit revised project plans that include on and off-site improvements needed to address Fire Department requirements, and either provide letters from the Archaeologist, Biologist, or Hydrologist who completed the most recent environmental studies stating that the changes necessary to address Fire Department concerns do not alter the conclusions related to environmental resources; or submit additional studies identifying potential impacts to biological, archaeological, and water resources and identify mitigation measures that would reduce those impacts to less than a significant level.

4. **Grading and Stormwater.** Among other conditions, the Grading and Stormwater Section has asked for a drainage report for the proposed project (which shall include all applicable items contained in the DRN-006 handout), prepared by a civil engineer currently registered in the State of California and grading plans for the proposed pad and access roads (if determined necessary by the grading permit questionnaire, form GRD-002). The Section's full comments and conditions are attached.
5. **Cultural Resources.** The Northwest Information Center has recommended a qualified archaeologist conduct further archival and field study to identify cultural resources.

Sincerely,

Lauren Scott

Lauren Scott
Contract Planner

cc: Emily Farrant



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



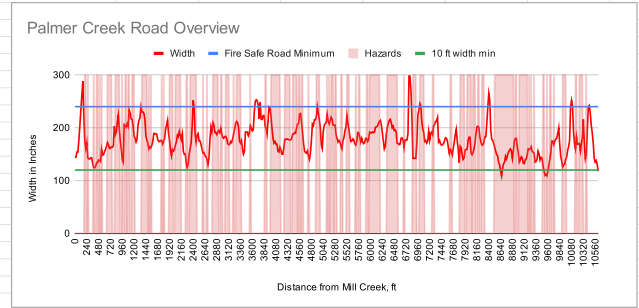
Pond Fill Analysis adjusted for 2022 actual rainfall totals.
 No stored water will be available as of first week of July, 2022
 Runoff totals still based on inflated runoff coefficient of 0.45.

		First 2 Years Pond Balance									
		(1)	(2)	(3)	(4)	(5)	(6)	(7)			
Month		Irrigation Water Use (Gallons)	Runoff Inflow (Gallons)	Pond Evaporation (Gallons)	Pond Volume (Gal)	Pond Depth (ft)	Water Surface Area (sf)	Tank Volume (Gal)	Total Stored Volume (Gal)		
	Dec 1, 2021				0	0.0	0	0	0		
	Dec 2021	0	166709	0						Actual Stored Gals	Deficit Stored Gals
	Jan 1, 2022		24,275		69709	1.1	8852	97000	166709	166,709	0
5.40	0.61	0	222108	6373	87,611						
	Feb 1, 2022		0	7,538	285444	4.1	10812	97000	382444	184,611	-197,833
5.03	0.00	0	206976	11418	80,073						
	Mar 1, 2022		19,897	12,678	481003	6.3	12631	97000	578003	177,073	-400,930
4.07	0.50	0	167735	22433	87,283						
	Apr 1, 2022				626305	7.8	13895	97000	723305	184,283	-539,022
	Apr 2022	0	57451	36683							
	May 1, 2022				647073	8.0	14073	97000	744073		
	May 2022	36000	0	49716							
	Jun 1, 2022				561357	7.1	13339	97000	658357		
	Jun 2022	64000	0	54937							
	Jul 1, 2022				442420	5.9	12286	97000	539420		
	Jul 2022	84000	0	55492							
	Aug 1, 2022				302927	4.3	10980	97000	399927		
	Aug 2022	84000	0	43743							
	Sep 1, 2022				175184	2.6	9703	97000	272184		
	Sep 2022	69000	0	30599							
	Oct 1, 2022				75585	1.2	8889	97000	172585		
	Oct 2022	44000	54629	18645							
	Nov 1, 2022				67569	1.1	8838	97000	164569		
	Nov 2022	29000	154399	9036							
	Dec 1, 2022				183932	2.8	9794	97000	280932		
	Dec 2022	29000	166709	4701							
	Jan 1, 2023				316940	4.5	11114	97000	413940		
	Jan 2023	29000	222108	8002							
	Feb 1, 2023				502046	6.5	12818	97000	599046		
	Feb 2023	29000	206976	13536							
	Mar 1, 2023				666487	8.1	14165	97000	763487		
	Mar 2023	29000	167735	25157							
	Apr 1, 2023				756786	8.5	14541	97000	853786		
	Apr 2023	29000	57451	38388							
	May 1, 2023				746848	8.5	14500	97000	843848		
	May 2023	36000	0	51224							
	Jun 1, 2023				659624	8.0	14136	97000	756624		
	Jun 2023	64000	0	58219							
	Jul 1, 2023				537404	6.9	13131	97000	634404		
	Jul 2023	84000	0	59312							
	Aug 1, 2023				394092	5.4	11841	97000	491092		
	Aug 2023	84000	0	47173							
	Sep 1, 2023				262919	3.8	10590	97000	359919		
	Sep 2023	69000	0	33397							
	Oct 1, 2023				160522	2.4	9550	97000	257522		
	Oct 2023	44000	54629	20033							
	Totals	936000	1905617	698219							

Currently **539,022** gals less than estimated. 26% of estimate

Total water use for April - June equals **183,885** gals.
 Water storage available as of April 1, 2022 is **184,283** gals.
No water available as of first week of July, 2022.

Distance	Width	Fire Safe Road Min	10 ft width min	Turn out	Cliff	Other notes	Hazards	In	ft
0	144	240	120					0 Average	179 15
20	144	240	120					0 Min	109 9
40	154	240	120					0 Max	298 25
60	154	240	120					0	
80	177	240	120					0	
100	204	240	120					0	
120	234	240	120					0	
140	261	240	120					0	
160	288	240	120					0	
180	223	240	120					0	
200	174	240	120					0	
220	161	240	120			tree		1	
240	172	240	120					1	
260	143	240	120			1 tree		1	
280	141	240	120					0	
300	141	240	120					0	
320	143	240	120					0	
340	143	240	120					0	
360	132	240	120					0	
380	125	240	120			1 tree		1	
400	124	240	120					0	
420	127	240	120					0	
440	134	240	120			1		1	
460	134	240	120			1		1	
480	139	240	120					0	
500	138	240	120			tree		1	
520	136	240	120					0	
540	159	240	120			1		1	
560	148	240	120					0	
580	149	240	120					0	
600	155	240	120			1		0	
620	159	240	120			1		0	
640	165	240	120			1		0	
660	172	240	120			1		1	
680	168	240	120			1		1	
700	161	240	120			1		1	
720	161	240	120			1		1	
740	164	240	120			1		1	
760	163	240	120			1		0	
780	166	240	120			1		0	
800	203	240	120			1		0	
820	187	240	120			1		1	
840	192	240	120			1		1	
860	210	240	120			tree		1	
880	224	240	120			1		1	
900	200	240	120			culvert		1	
920	175	240	120					0	
940	160	240	120					0	
960	140	240	120			tree		1	
980	135	240	120					0	
1000	206	240	120					0	
1020	204	240	120			1		1	
1040	201	240	120			1		1	
1060	208	240	120					0	
1080	203	240	120			1		1	
1100	234	240	120			1		1	
1120	228	240	120					0	
1140	217	240	120					0	
1160	216	240	120			1 tree		1	
1180	204	240	120			1		1	
1200	185	240	120					1	
1220	180	240	120			1		0	
1240	173	240	120			1		0	
1260	178	240	120			1		0	
1280	205	240	120			1		0	
1300	214	240	120			1		0	
1320	219	240	120					0	
1340	240	240	120					0	
1360	230	240	120			1		1	
1380	230	240	120			1		1	
1400	227	240	120			1		1	
1420	216	240	120			1		1	
1440	185	240	120			1		1	
1460	177	240	120			1		1	
1480	171	240	120					0	
1500	160	240	120			tree		1	
1520	164	240	120			1		0	
1540	162	240	120			tree		1	
1560	167	240	120			1		0	
1580	174	240	120			1		0	
1600	189	240	120			1		0	
1620	188	240	120			1		0	
1640	189	240	120			1		0	
1660	188	240	120					0	
1680	178	240	120					0	
1700	174	240	120					0	
1720	174	240	120					0	
1740	176	240	120					0	
1760	176	240	120			1		1	
1780	169	240	120					0	
1800	174	240	120			1		1	
1820	180	240	120			1		0	
1840	198	240	120			1		0	
1860	205	240	120			1		0	
1880	214	240	120					0	
1900	189	240	120					0	
1920	176	240	120			1		1	
1940	158	240	120			1		1	
1960	147	240	120			1		1	
1980	159	240	120			1		1	
2000	156	240	120			1		0	
2020	159	240	120					0	
2040	168	240	120			tree		1	
2060	174	240	120			1		1	



4200	150	240	120	1		0
4220	150	240	120	1		0
4240	162	240	120	1		0
4260	178	240	120		1	1
4280	178	240	120		1	1
4300	179	240	120		1	1
4320	178	240	120		1	1
4340	178	240	120		1	1
4360	177	240	120 half		1	1
4380	177	240	120 Half			0
4400	180	240	120			0
4420	188	240	120		pole	1
4440	188	240	120		1	1
4460	191	240	120		1	1
4480	190	240	120		1	1
4500	200	240	120 half		1	1
4520	207	240	120			0
4540	208	240	120		1	1
4560	226	240	120		1	1
4580	227	240	120			0
4600	210	240	120		1 culvert	1
4620	190	240	120		1	1
4640	170	240	120	1		0
4660	156	240	120	1		0
4680	153	240	120	1		0
4700	152	240	120	1		0
4720	156	240	120	1		0
4740	146	240	120		bank	1
4760	140	240	120	1		0
4780	152	240	120	1		0
4800	177	240	120	1		0
4820	207	240	120	1		0
4840	204	240	120			0
4860	215	240	120			0
4880	215	240	120			0
4900	221	240	120		1	1
4920	240	240	120		1 culvert	1
4940	228	240	120		1	1
4960	216	240	120		1	1
4980	200	240	120			0
5000	168	240	120	1		0
5020	161	240	120	1		0
5040	194	240	120	1		0
5060	204	240	120	1		0
5080	208	240	120			0
5100	210	240	120			0
5120	226	240	120		1	1
5140	213	240	120			0
5160	207	240	120		1 tree	1
5180	213	240	120			0
5200	220	240	120		1	1
5220	216	240	120		1	1
5240	205	240	120 half		1	1
5260	205	240	120			0
5280	205	240	120		pole	1
5300	187	240	120		1	1
5320	180	240	120			0
5340	173	240	120	1		0
5360	176	240	120			0
5380	173	240	120			0
5400	165	240	120		1	1
5420	160	240	120		1	1
5440	176	240	120			0
5460	181	240	120	1		0
5480	194	240	120	1		0
5500	201	240	120	1		0
5520	223	240	120		1 culvert	1
5540	209	240	120		1	1
5560	198	240	120		1	1
5580	184	240	120			0
5600	174	240	120	1		0
5620	175	240	120	1		0
5640	179	240	120	1		0
5660	177	240	120	1		0
5680	170	240	120	1		0
5700	167	240	120		logs	1
5720	173	240	120			0
5740	191	240	120			0
5760	190	240	120		1	1
5780	183	240	120		1	1
5800	173	240	120			0
5820	180	240	120			0
5840	173	240	120			0
5860	170	240	120			0
5880	172	240	120			0
5900	180	240	120			0
5920	180	240	120		1	1
5940	174	240	120		tree	1
5960	177	240	120			0
5980	192	240	120		1	1
6000	191	240	120		1	1
6020	190	240	120		1	1
6040	192	240	120		1	1
6060	191	240	120		1	1
6080	192	240	120		1	1
6100	201	240	120		1	1
6120	202	240	120		1	1
6140	203	240	120		1	1
6160	208	240	120		1	1
6180	212	240	120		1	1
6200	214	240	120			0
6220	205	240	120			0
6240	190	240	120			0
6260	175	240	120			0
6280	160	240	120 half			0
6300	165	240	120 Half			0

8440	196	240	120			0			
8460	178	240	120			0			
8480	176	240	120			0			
8500	170	240	120			0			
8520	163	240	120			1			
8540	156	240	120			1	Fence		
8560	149	240	120			1	Fence		
8580	147	240	120			1	Fence		
8600	134	240	120			1	Fence		
8620	130	240	120			1	Fence		
8640	118	240	120			1	Fence		
8660	109	240	120			1	Rock		
8680	123	240	120			1	Pole		
8700	132	240	120	1	1	1			
8720	135	240	120	1	1	1			
8740	146	240	120	1	1	1			
8760	141	240	120	1	1	1			
8780	148	240	120		1	1			
8800	154	240	120		1	1			
8820	157	240	120			1	Fence		
8840	160	240	120			1	Fence		
8860	156	240	120			1	Fence		
8880	142	240	120			1	Fence		
8900	157	240	120			1	Fence		
8920	175	240	120			0			
8940	180	240	120			1	building		
8960	180	240	120			1	building		
8980	163	240	120			0			
9000	152	240	120			0			
9020	135	240	120			1	tree		
9040	139	240	120		1	1			
9060	145	240	120		1	1			
9080	143	240	120		1	1			
9100	133	240	120		1	1	culvert		
9120	132	240	120		1	1			
9140	139	240	120		1	1			
9160	141	240	120		1	1			
9180	148	240	120		1	1			
9200	160	240	120			0			
9220	159	240	120			1	tree		
9240	160	240	120			0			
9260	164	240	120			1	tree		
9280	155	240	120			0			
9300	154	240	120			0			
9320	152	240	120			1	culvert		
9340	135	240	120			0			
9360	136	240	120			0	Driveway		
9380	141	240	120			0	Driveway		
9400	156	240	120			0			
9420	151	240	120			0			
9440	139	240	120			0			
9460	144	240	120			0			
9480	143	240	120			0			
9500	128	240	120			1	tree		
9520	120	240	120			1	bank		
9540	110	240	120			0			
9560	112	240	120			0			
9580	109	240	120			1	tree		
9600	118	240	120			0			
9620	129	240	120			0			
9640	141	240	120	1	1	1			
9660	153	240	120	1	1	1			
9680	175	240	120			0			
9700	175	240	120			0			
9720	168	240	120			1	culvert		
9740	174	240	120			0			
9760	179	240	120			0			
9780	180	240	120			0			
9800	190	240	120			0			
9820	200	240	120			0			
9840	169	240	120			0			
9860	146	240	120			0			
9880	137	240	120			0			
9900	126	240	120	1	1	1			
9920	130	240	120			1	tree		
9940	131	240	120			1			
9960	140	240	120			1	culvert		
9980	144	240	120			0			
10000	157	240	120			0			
10020	164	240	120			0			
10040	175	240	120			0			
10060	240	240	120			0			
10080	252	240	120			0			
10100	240	240	120			0			
10120	193	240	120			0			
10140	170	240	120			0			
10160	160	240	120	1	1	1			
10180	183	240	120	1	1	1			
10200	169	240	120			0			
10220	169	240	120			0	driveway		
10240	170	240	120			1	Fence		
10260	156	240	120			1	Fence		
10280	170	240	120			1	Fence		
10300	180	240	120			1	Fence		
10320	216	240	120			0			
10340	167	240	120			0			
10360	141	240	120			0			
10380	149	240	120	1	1	1			
10400	195	240	120			0			
10420	239	240	120			0			
10440	242	240	120			0			
10460	228	240	120			0			
10480	205	240	120			0			
10500	190	240	120			0			
10520	171	240	120			0			
10540	142	240	120			0			

Gary Larson
820 Quetta Avenue
Sunnyvale, CA 94087
408.245.3821
GaryLarson@comcast.net

July 11, 2019

Lauren Scott, Contract Planner
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403-2859

Re: AP# 069-040-014 Property Easement Concerns

Dear Ms. Scott:

I am the owner of the 40 acre parcel in Sonoma County off Palmer Creek Road in Healdsburg referenced above. It's been brought to my attention that there is an application for permit that has been submitted to the County for a cannabis operation on a parcel of property adjacent to mine. My concern is that the Applicant, Thomas Planson, CEO Evergreen Acres does not acknowledge my easement through his parcel in his application. The road, referred to as a legacy road in agency reports is actually the only access road to my property, which would otherwise be land locked.

I've included copies of supporting documents from the 1970 purchase of the property which lists in the Parcel Two paragraph the easement and right of way. Further, those certain easements and rights of way for road and utility purposes as reserved in the Deed to Robert Blake, et al, by Deed recorded March 21, 1962, under Recorder's Serial No. G-85634, in Book 1879 of Official Records, page 271. Please also see the Mutual Grant of Easement for Exhibit A.

The purpose of this letter is to show the clear designation of access to my property through this easement as the only access to my property, and to have this legally acknowledged and documented in any and all permit processes and outcomes for Evergreen Acres and Mr. Planson.

Very Sincerely,



Gary Larson

EXHIBIT "A"PARCEL ONE:

Commencing at the most southerly corner of Parcel Three, as said parcel is described in the deed executed by Alfred Keith Stebbins to Harold R. Sanns, et ux, recorded February 10, 1958, under Recorder's Serial No. P-34707; running thence from the point of commencement, South 85° 27' East, 1255.00 feet to a point on the westerly line of the parcel of land conveyed to Robert Blake, a single man, et al, by deed recorded March 21, 1962, under Recorder's Serial No. G-85634, in Book 1879 of Official Records, page 271, said point being at the intersection of the two courses "South 61° 01' West, 582 feet" and "North 550 feet, more or less", as setforth in said deed to Blake; running thence along the westerly line of said Blake parcel, South 550 feet, more or less, to the southwest corner thereof; thence along the southerly line of said Blake parcel, East 260 feet, more or less, to the southeasterly corner thereof; thence South 550 feet, more or less, to a point on the southerly line of the Northeast quarter of Section 4, T. 8 N., R. 10 W., M.D.B&M.; thence along said southerly line, west to a point which bears East 862.8 feet from the center of said Section 4, said point also being the southeast corner of that certain parcel of land conveyed to Louis B. Lundborg, by deed recorded February 23, 1962, under Recorder's Serial No. G-82590, in Book 1874 of Official Records, page 432; running thence north along the easterly line of said Lundborg parcel, a distance of 1205 feet, more or less, to the northeast corner thereof and the point of commencement.

PARCEL TWO:

- a) An easement and right of way for road and utility purposes, over a strip of land 15 feet in width in its existing location, being generally North-erly of the following described line:

Commencing at the most northwesterly corner of the parcel of land conveyed to Robert Blake, et al, by deed recorded March 21, 1962, under Recorder's Serial No. G-85634, in Book 1879 of Official Records, page 271; running thence from the point of commencement along the northerly line of said parcel, North 61° 01' East, 582 feet; thence North 84° 08' East, 687 feet, the easterly terminus of said line. Said easement and right of way being known as Palmer Creek Road.

Those certain easements and rights of way for road and utility purposes as reserved in the Deed to Robert Blake, et al, by Deed recorded March 21, 1962, under Recorder's Serial No. G-85634, in Book 1879 of Official Records, page 271.

A.P. 69-040-14

LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY

INCORPORATED
3333 MENDOCINO AVENUE, SUITE 200
SANTA ROSA, CALIFORNIA 95403
FAX: 707 546-1360

TELEPHONE: (707) 523-1181

JEFFREY S. LYONS
DIRECT DIAL: (707) 568-2255
E-MAIL: jlyons@cfk.com

May 24, 2021

VIA EMAIL AND US MAIL

Peter Coopersmith Coopersmithmd@gmail.com
Diana Coopersmith Dianacoop1@comcast.net
Thomas Planson 718bklynboy@comcast.net
483 San Andreas Drive
Novato, CA 94945

Re: *5356 Mill Creek Road, Healdsburg*

Dear Mr. Coopersmith, Ms. Coopersmith, and Mr. Planson:

I represent Nic and Laurel Anderson, the owners of the above-referenced property ("Property"). The Andersons' property is adjacent to your property at 6699 Palmer Creek Road. My clients have concerns about others accessing their property and their deeded rights to water from the spring box located on your property.

Earlier this month, Mr. Planson and a surveyor came onto the Anderson property without notice to the Andersons. In the future, if you or anyone hired by you requires access to the Anderson property, for any reason, the Andersons must be notified in advance of the date, time, and purpose for the access. Please send an email to both nicranderson@gmail.com and laurel.anne.anderson@gmail.com and the Andersons will provide a response confirming receipt.

Also, as you are aware, the Andersons hold a deeded water right to the spring box on your property through a settlement agreement between Peter and Diana Coopersmith on the one hand, and the Andersons' predecessors in interest, the Symons, on the other. The Andersons' water system right is also confirmed in your Proposed Mitigated Negative Declaration/Initial Study File #UPC 18-0046. While the system is in need of maintenance and repair, the Andersons have no intent to abandon their rights to the water from it.

If you care to discuss this, please feel free to contact me or have your attorney do so.

Very truly yours,


JEFFREY S. LYONS

JSL:lh
c: Clients

September 14, 2021
Job No. 5041.02

Mr. Thomas Planson
Evergreen Acres LLC
483 San Andreas Dr.
Novato, CA 94945

Subject: Supplemental Water Use Assessment
6699 Palmer Creek Road, Healdsburg, CA

Mr. Planson:

Hurvitz Environmental Services, Inc. (HES) is pleased to submit this Supplemental Water Use Assessment for the conditionally approved cannabis cultivation project at the subject property. The purpose of this Supplemental Water Use Assessment Report is to provide; 1) additional detail on the pond water capture potential; 2) additional assessments and recommendations related to the anticipated groundwater usage rates at the site; 3) and recommendations relative to overall water use and storage practices onsite. This Assessment letter was also prepared to supplement a September 10, 2021, "Pond Fill Analysis Memorandum" prepared by EBA Engineering (**Appendix A**).

Pond Water Use Assessment

The property owner has recently been awarded a conditional use permit by the Sonoma County Board of Zoning Adjusters (BZA) for 1-acre of cannabis cultivation. The irrigation source for the approved cannabis project was proposed to be from a 2.3 acre-foot engineered pond that has yet to be constructed. Since project approval by the BZA, the applicant has re-engineered the proposed irrigation pond to have an additional 1.32 acre-feet capacity bringing the total pond capacity to 3.62 acre-feet. This was achieved by deepening the pond to a maximum depth of 26.5 feet. Discussions on the pond engineering design are presented in the Grading Plans prepared by EBA Engineering and presented as **Appendix B** of this Assessment Report. The purpose of enlarging the pond was to give more storage capacity for cannabis irrigation as well as for potential fire mitigation needs. According to the "Pond Fill Analysis Memorandum" prepared by EBA, the precipitation runoff from the tarped and terraced outdoor cultivation area, combined with rainwater capture from the greenhouse roof (14,400 ft²) and the existing barn (1,500 ft²) will provide ample water for the approved cannabis irrigation. In fact, the "Pond Fill Analysis Memorandum" shows exactly how much water will be captured on a monthly basis and compares those volumes with how much water will be used for irrigation and how much will be lost to evaporation. The result of the detailed rainwater capture and usage analysis demonstrates that the project can meet its water demand completely through the rainwater capture.

One thing that is not mentioned in the “Pond Fill Analysis Memorandum” and that has been proposed by the property owner is to incorporate a greywater system into the project design. The project applicant is specifically proposing to capture all greywater from the existing sinks and shower in the barn and from irrigation tail water from the greenhouse. Greywater will also be captured from the primary residence, once developed. The captured greywater will be processed through an engineered treatment system and distributed for use as cannabis irrigation water. We understand that the greywater treatment system that is being designed will be able to retain and re-use approximately 90% of the captured greywater. While it is difficult to assess how much water this equates to, we think this project design is important to point out since it demonstrates a high level of water use efficiency by the property owner and also reduces the amount of annual rainwater needed to irrigate the cannabis.

Groundwater Usage Rate Assessment

Residential and employee water usage will come from the sites domestic well. The BZA had previously approved the well for domestic use and has allotted a usage rate of 0.5 acre-feet per year. However, we understand that the zoning for the 34.4-acre parcel would allow for the development of one primary residence as well as an Accessory Dwelling Unit (ADU) without the need for BZA approval. Based on water usage rates published in Policy 8-2-1 of the Sonoma County Code, the estimated water usage rate for a primary residence is 0.5 acre-feet/year and the water usage rate for an ADU is estimated at 0.25 acre-feet/year. Therefore, based on the property zoning and the Sonoma County published water usage rates, the subject property owner should be allowed a domestic water usage rate of at least 0.75 acre-feet/year. This is important to the overall project not only because the property owner plans to develop a primary residence and convert the existing barn into an ADU, but this will also affect the amount of water that can be re-captured through the proposed greywater system which can eventually be used for project irrigation.

While domestic well water is also proposed for project employees, the overall usage rate (0.07 acre-feet/year) is generally considered de minimis and should not affect the water usage rates allowed from the domestic well. Further, a portion of the domestic water use (black water) will be distributed to the sites septic system and therefore will be subject to aquifer return flow. Previous studies in Sonoma County have shown that aquifer return flow from in-ground septic systems can be as high as 80%. Therefore, it is anticipated that aquifer return flow from septic tank inflow will negate the effects of the employee groundwater usage (0.07 acre-feet/year).

Water Use and Storage Practices

As discussed herein, the project operator will utilize a 3.62-acre-foot pond for cannabis irrigation. The pond will be filled with captured rainwater. Residential and employee water use will come from the sites domestic well. However, we understand the project applicant has a small irrigation use permit registration (SIUR) from the State Water Quality Control Board – Division of Water Rights (SWQCB-DWR). The SIUR permit allows the property owner to draw water from the well or from any onsite surface water at a rate of less than 10-gallons a minute (GPM) as long as it occurs outside of the forbearance period (March 1- October 31). The States forbearance period is specifically designed and implemented by the SWQCB-DWR to protect aquatic habitats when stream flows are at their lowest. In fact, the SWQCB-DWR has developed the Tessman Instream

Flow Requirements (minimum baseflows needed to support aquatic habitats) for all watersheds in the area and generally considered winter water withdraws to be insignificant in maintaining those minimum flow rates. Therefore, consistent with the property owner's SIUR permit requirements, rainy season groundwater withdraws (Nov. 1 – March 31) for the purpose of filling the irrigation pond should be allowed and the project conditions levied by the BZA should be consistent with these established water usage rights governed by the SWQCB-DWR.

We understand that the project owner has contacted the local fire agencies and has made them aware that the pond will be available to all fire suppression agencies when needed. Therefore, it may be wise to consider allowing the property owner to pump from the well to the pond when a red flag warning has been declared for the area. The well currently pumps at a rate of approximately 7gpm and could produce as much as 10,000 gallons/day. The pumping of groundwater during red flag warnings would not equate to an overwhelming amount of water each year but it would allow the property owner to ensure emergency water was available to the community when needed, without jeopardizing his ability to cultivate cannabis onsite.

Conclusions and Recommendations

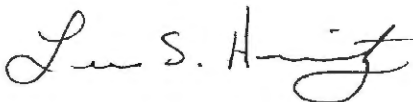
The approved cannabis farm at the subject property has been deemed sustainable from a water use perspective and will generally operate as a net zero groundwater increase project. Recent changes to the project design include enlarging the irrigation pond, and incorporating a greywater treatment and re-use system, both of which will provide additional water resources for the cannabis operations as well as potential fire-fighting resources for the community.

We recommend that the property owner be allotted 0.75 acre-feet of domestic water use from the site well for the development of a primary residence and ADU which is consistent with allowable water use rates based on property zoning. We also recommend that Sonoma County consider aligning with the SWQCB-DWR permit guidelines and allow the property owner to utilize the domestic well to top off the water levels in the pond as long as it is occurring outside of the SWQCB-DWR established forbearance period. Finally, Sonoma County may also want to consider allowing the property owner to pump water to the pond when red flag warnings have been issued for the area as to ensure that sufficient water is available for fire suppression activities.

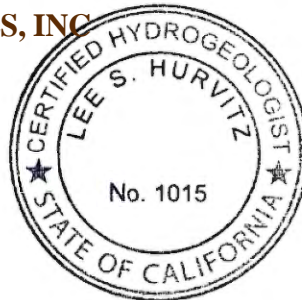
We appreciate the opportunity to provide you with these services. Please do not hesitate to contact us at your convenience, should you have any questions or comments regarding this report or our recommendations.

Sincerely,

HURVITZ ENVIRONMENTAL SERVICES, INC



Lee S. Hurvitz, PG# 7573 CHG #1015
Certified Hydrogeologist



Partial EMAILs FROM SHEET 1 OF PRA All have an X in the column: NOT RELEVANT (To PRA request)
A number on the paragraph means there is a pdf of the conversation in the production.
Yes means attachment included in pdf.

12/10/2018 5:40:18 PM Re: Palmer Creek From: Scott Davidson <scottd@migcom.com> To: Tennis Wick <Tennis.Wick@sonoma-county.org>

Re: THOUGHTS ON PALMER CREEK USES Thanks Tennis, this is very helpful. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com On Mon, Dec 10, 2018 at 8:26 AM Tennis Wick <Tennis.Wick@sonoma-county.org> wrote: > Good morning, Colleagues. > > > I visited with Steve Imbimbo at his Palmer Creek property recently. As > you know, one accesses his property from the near end of Mill Creek Road, > taking Palmer Creek Road, a windy narrow dirt road over an unengineered > bridge where it shrinks down to barely eight feet wide. Two commercial > grows are proposed next to and above the Imbimbo property amidst heavily > wooded terrain. Water is so scarce the grows have trucked it in. The land > has moderate to steep slopes, so one proposal calls for 18,000 cubic yards > of grading. > > > In my opinion, the county should not be approving any conditional uses in > an area like this, whether the proposal calls for growing cannabis or > fruit. Itâ€™s a fire hazard with heavy ve

12/12/2018 1:57 Re: Palmer Creek From: Scott Davidson <scottd@migcom.com> To: Lauren Scott <lscott@migcom.com>

Fwd: THOUGHTS ON PALMER CREEK USES

More information re: the Palmer Creek project. I'll try to arrange a site visit on Thursday. Can you contact the applicant to see if they can meet me there some time between 1:00 and 2:30? Following the site visit, we need to talk about our assessment of the project. Based on County feedback, I think we want to encourage them to withdraw before spending a lot of time and money on an application that may be difficult to support. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com -----

Forwarded message ----- From: Scott Davidson <scottd@migcom.com> Date: Tue, Dec 11, 2018 at 5:53 PM Subject: Re: THOUGHTS ON PALMER CREEK USES To: Jennifer Barrett <Jennifer.Barrett@sonoma-county.org> Cc: <Georgia.McDaniel@sonoma-county.org>, Tennis Wick <Tennis.Wick@sonoma-county.org>, Traci Tesconi <Traci.Tesconi@sonoma-county.org>, Sita Kuteira <Sita.Kuteira@sonoma-county.org> We could exempt it from CEQA as a project that can't be

12/17/2018 17:17 Re: UPC18-0046_0 From: Winfield Klein <winfield@kleinarch.design> To: lscott@migcom.com; Re: Evergreen Acres Planning Application Question

Hi Lauren, I am the architect for the Evergreen Acres application and I am trying to help my client respond to comment #9 on the attached notice. Below are a couple questions I am hoping you could answer regarding this comment. 1. By entitlement do you mean planning approval and use permit to build the residence? If not, can you please explain? 2. I assume entitlement just includes planning approval and doesn't include a building permit. Is that correct? 3. If we would like to pursue entitlements with this application, are there more drawings and information for the residence that we would be required to submit? 4. If we don't pursue entitlements, would a use permit (or permit beyond the standard building permit) be required to permit the residence? Thank you, Winfield Klein
Architecture + Design 1011 2nd St., Suite 205 Santa Rosa, CA 95404 (707) 364-3589

12/17/2018 20:06 Re: UPC18-0046_0 From: Lauren Scott <lscott@migcom.com> To: Scott Davidson

<scottd@migcom.com> Re: Fwd: Evergreen Acres Planning Application Question

Hi Scott, The architect for UPC18-0046 (the site visit you conducted last week), has a question regarding the entitlements comment for the single-family home on the property. Can you direct me on how to respond? I don't know the answers to his questions. Thanks, *Lauren Scott* *Assistant Planner* *MIG, Inc.* 2635 N. First Street, Suite 149 San Jose, CA 95134

12/17/2018 20:41 Re: UPC18-0046_0 From: Scott Davidson <scottd@migcom.com> To: Lauren Scott <lscott@migcom.com> Re: Re: Evergreen Acres Planning Application Question

See blue text below. To answer his questions, you'll need to do a little more research. We should probably discuss. Can it wait until our Thursday call or do you want to talk sooner? *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com

12/20/2018 16:41 UPC18-0046_0 From: Traci Tesconi <Traci.Tesconi@sonoma-county.org> To: Scott Davidson <scottd@migcom.com> FW: UPC18-0046 Referral - 6699 Palmer Creek Road, Healdsburg, CA Please refer to emails from Tennis regarding this area. Adequate access and water provided for the site must be demonstrated based on what is known for this area. Sincerely, Traci Tesconi Project Review Section Manager _____ Permit SONOMA 2550 Ventura Avenue, Santa Rosa, CA 95403 e-mail address: (707) 565-1948 direct line (707) 565-1103 fax

WHERE IS THIS EMAIL? From: Lucia Fincher Sent: Wednesday, December 19, 2018 4:25 PM To: Becky VerMeer <Becky.VerMeer@sonoma-county.org>; So. Co. Fire and Emergency Services; Rex Dengler; So. Co. Assessor; So. Co. Economic Development Board; Steven Schmitz <steven@sctransit.com>; Suzanne Smith <suzanne.smith@scta.ca.gov>; 4th District Commissioners; So. Co. District 4 Director; 'Bryan Much' <nwic@sonoma.edu>; 'Jerry Roy Jr. (JRoyJr@recology.com)' <JRoyJr@recology.com>; 'NOAA Fisheries - Cannabis rel

Traci, I don't see e-mails from Tennis, can you re-send? *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com On Thu, Dec 20, 2018 at 8:41 AM Traci Tesconi <Traci.Tesconi@sonoma-county.org> wrote: > Please refer to emails from Tennis regarding this area. Adequate access > and water provided for the site must be demonstrated based on what is known > for this area. > > > > Sincerely, > > > Traci Tesconi > > Project Review Section Manager >

Hi Emily, Happy New Year to you as well! Thank you for providing the new planning applications signed by all property owners. Can you add the information provided in this email thread (regarding tree removal, lights, building height, greenhouse square footage, etc) into the narrative so that it's all in one place? Thanks, *Lauren Scott* *Assistant Planner* *MIG, Inc.* 2635 N. First Street, Suite 149 San Jose, CA 95134

On Wed, Jan 2, 2019 at 11:26 AM Emily Farrant <emily@twoleavesllc.com> wrote: > Hi Lauren, > > Apologies for the double email - I forgot to address the architect > questions as well. Please see comment

Hi Lauren, Of course. I'll get it over to you as soon as possible! Cheers Emily

Hi Lauren, The attached narrative is up to date with the current information. Let me know if you have any questions! Cheers Emily [image: twoleaves-elog] Emily Farrant Co-Founder P: +1 (707) 346-7700

E: emily@twoleavesllc.com <emily@twoleavesllc.com> W: www.twoleavesllc.com
<<http://www.twoleavesllc.com/>>

Hi Lauren, In reviewing this application, I noticed that this project is adjacent to another project (UPC17-0067). As these proposed projects are on adjoining parcels, both projects have a similar issue of needing to prove legal access. According to my records, that has not yet been proven for UPC17-0067. This project will not require a traffic study based upon the Cannabis Trip Generation information provided, but please note that legal access should be verified. I've enclosed the DTPW proposed conditions of approval since these will not change. Regards, Laurel Putnam | Engineering Technician IV County of Sonoma | Transportation and Public Works - Traffic Engineering & Land Development 2300 County Center Drive, Suite B100 | Santa Rosa, CA 95403 Tel. (707) 565-2231 |

Hi Lauren, Thank you for your email. Gabe and I are going to meet tomorrow morning to review the easements again that were submitted for the 5364 Palmer Road project (UPC17-0067). Kind regards, Georgia Georgia McDaniel, MCP, RLA Planner III Direct: 707-565-4919 [Permit Sonoma logo] From: Laurel Putnam Sent: Tuesday, January 08, 2019 9:27 AM To: 'Lauren Scott' <lscott@migcom.com> Cc: Leonard Gabrielson <Leonard.Gabrielson@sonoma-county.org>; Georgia McDaniel <Georgia.McDaniel@sonoma-county.org>; Traci Tesconi <Traci.Tesconi@sonoma-county.org>; Blake Hillegas <Blake.Hillegas@sonoma-county.org>; Arielle Kohn <Arielle.Kohn@sonoma-county.org>; Lucia Fincher <Lucia.Fincher@sonoma-county.org> Subject: UPC18-0046, 6699 Palmer Creek Rd, Healdsburg

1st fire comments for this planning referral this cannabis cultivation proposal. Scope of Work Request for a Use Permit for 33,560 square feet of outdoor cultivation and 10,000 square feet of mixed light cultivation to occur on a 34.04-acre parcel zoned RRD B6 160 BH RC50/50. The applicant also proposes constructing a 1,710 square foot residence, a 747,948-gallon pond for irrigation, and remodeling an existing 1,628 square foot barn. Additional information: * No drying, curing or trimming will be conducted on site. * Cannabis will be harvested fresh frozen directly into freezer trucks and transported to an off-site facility for processing. * Fresh frozen vendors will be set up when contract cultivation orders are established. * No material will be stored on-site. * Four greenhouses with a total area of 10,000 sq. ft. for cultivation are proposed. Comments None 1.3 hr. Thank you. Martin L. Price Fire Plans Examiner Permit Sonoma Fire Prevention Division 2300 County Center Drive, Suite 220B Santa R

Hello all- I want to check in on the verification of legal access for the property. The Department of Transportation and Public Works has also requested that legal access should be verified. Please keep me updated on the progress for this. Have a great weekend! Best, *Lauren Scott* *Assistant Planner* *MIG, Inc.

1/21/2019 18:37 We should have an answer to you by Wednesday! [image: twoleaves-elogo] Emily Farrant Co-Founder P: +1 (707) 346-7700 E: emily@twoleavesllc.com <emily@twoleavesllc.com> W: www.twoleavesllc.com <<http://www.twoleavesllc.com/>>

1/22/2019 19:52 from: Lauren Scott <lscott@migcom.com> To: Laurel Putnam <Laurel.Putnam@sonoma-county.org>

Good morning Laurel, I've been communicating with the applicant and their lawyer regarding legal access. Their site plan indicates they will use a driveway to access Palmer Creek Road although google maps names that driveway as Big Spring Dr (see the aerial attachment). Will the applicants only need to provide a title report or easement for Big Spring Dr? Best, *Lauren Scott* *Assistant Planner* *MIG,

Inc.*

1/22/2019 20:40 From: Laurel Putnam <Laurel.Putnam@sonoma-county.org> Lauren, DTPW is not requesting verification of legal access; however for the County to grant a commercial use for the property, PRMD should be requiring proof of legal access. The County Surveyor (Leonard [Gabe] Gabrielson) is the County Surveyor who has been copied on this email. You should communicate with him as to what will be required to prove legal access. Regards, Laurel Putnam | Engineering Technician IV County of Sonoma | Transportation and Public Works - Traffic Engineering & Land Development

1/22/2019 20:52 From: Georgia McDaniel <Georgia.McDaniel@sonoma-county.org> To: Laurel Putnam <Laurel.Putnam@sonoma-county.org>, 'Lauren Scott' <lscott@migcom.com> Re: RE: UPC18-0046, 6699 Palmer Creek Rd, Healdsburg

Gabe, Do you want me to send Lauren a copy of what we prepared for 5364 Palmer Creek Road? It describes what is required to prove legal access. Kind regards, Georgia Georgia McDaniel, MCP, RLA Planner III Direct: 707-565-4919

Hi Lauren, Per Traci's and Gabe's request, attached is the wording that Gabe and I created for proving legal access. The language can be easily revised to apply to 6699 Palmer Creek Road since I believe the applicant is only looking at access along Palmer Creek Road. Kind regards, Georgia Georgia McDaniel, MCP, RLA Planner III Direct: 707-565-4919 [Permit Sonoma logo]

1/24/2019 19:23 Good morning all, I have spoken with the County regarding the project access. All applicants must prove that their property either directly accesses the public right of way or have an easement that goes from their property to a public right-of-way. It looks like the project will access Palmer Creek Rd from Big Spring Rd, which also connects to other parcels. When I spoke with Perry on the phone he indicated that there was no recorded easement for this road. Access for the property should also be recorded in the parcel's title report, so access can also be shown that way or an easement will need to be obtained. Kind regards, *Lauren Scott* *Assistant Planner * *MIG, Inc.* 2635 N. First Street, Suite 149 San Jose, CA 95134 This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, posting, fo

1/30/2019 0:40 From: Scott Davidson <scottd@migcom.com> To: perry@perrylaw.net Les, Thanks for taking time to talk about access requirements for this site. **As we also discussed, there is an issue with the proposed home and barn remodel (it creates an ADU)** that we should discuss in greater detail. For the access issue, the Cannabis Ordinance does not specify that proof of access is required, but the cannabis permit submittal checklists include the following requirement. 7. ~ Proposal Statement. This shall be a written statement that should include descriptions of how the operation meets all of the Development Criteria and Operating Standards in Section 26-88-254 of the Sonoma County Code including the following information: a. Description of the Existing Use and Property ~ List and identify on site plan any existing easements (if private road show right to use for commercial purposes). This requirement can be found in the attached "Medical Cannabis Cultivation Permit Application Requirements (PJR 123)". Similar requirements exist for Cannabis Supply Chain Businesses (PJR 124). We will

1/30/2019 18:56 From: Emily Farrant <emily@twoleavesllc.com> To: Lauren Scott

<lscott@migcom.com>

Great - thank you! [image: twoleaves-elog] Emily Farrant Co-Founder P: +1 (707) 346-7700 E: emily@twoleavesllc.com <emily@twoleavesllc.com> W: www.twoleavesllc.com <<http://www.twoleavesllc.com/>> On Mon, Jan 28, 2019 at 9:29 AM Lauren Scott <lscott@migcom.com> wrote: > Hi Emily and Thomas, > > I wanted to pass on the conditions from the Fire Department. Please read > through them and let me know if you have any questions. The main concern > seems to be with access, and the bridge/crossing. > > Kind regards, > > *Lauren Scott* > > *Assistant Planner *

2/1/2019 17:30 From; Steve Imbimbo <steve.imbimbo@gmail.com> To: lscott@migcom.com
Lauren, Please find attached our referral response letter and supporting attachments detailing our deepest concerns with the project documentation as presented in the Land use application UPC18-0046 located at 6699 Palmer Creek Road, Healdsburg. Attachments #6 & 7 will follow in another email. Can you confirm if and when you will make a site visit to confirm the actual site conditions? As the attached letter and documentation shows, there are numerous misrepresentations and omissions in the project documents that significantly impair proper review and project suitability. Feel free to contact me with any questions. Thanks you, Steve Imbimbo For Palmer Creek Residents

2/22/2019 23:33 From: Traci Tesconi <Traci.Tesconi@sonoma-county.org> To: Scott Davidson <scotttd@migcom.com>, Elizabeth Tyler <etyler@migcom.com>
I have a message from Les Perry to call him per your direction. What is this regarding ? Sincerely, Traci Tesconi Project Review Section Manager _____ Permit SONOMA 2550 Ventura Avenue, Santa Rosa, CA 95403 e-mail address: (707) 565-1948 direct line (707) 565-1103 fax OFFICE HOURS: PRMD's Public Lobby is open Monday through Friday from 8:00 AM until 4:00 PM, except Wednesdays, open from 10:30 AM to 4:00 PM. [cid:image001.png@01D10815.B2E347F0] From: Lauren Scott [mailto:lscott@migcom.com] Sent: Tuesday, January 22, 2019 11:53 AM To: Laurel Putnam <Laurel.Putnam@sonoma-county.org> Cc: Leonard Gabrielson <Leonard.Gabrielson@sonoma-county.org>; Georgia McDaniel <Georgia.McDaniel@sonoma-county.org>; Traci Tesconi <Traci.Tesconi@sonoma-county.org>; Blake Hillegas <Blake.Hillegas@sonoma-county.org>; Arielle Kohn <Arielle.Kohn@sonoma-county.org>; Lucia Fincher <Lucia.Fincher@sonoma-county.org> Subject: Re: UPC18-0046, 6699 Palmer Creek Rd, Healdsburg Good morning Laurel, I've been communicating w

2/24/2019 20:19 From: Scott Davidson <scotttd@migcom.com> To: Traci Tesconi <Traci.Tesconi@sonoma-county.org>

We've told him he needs to provide proof of access (e.g. an easement), he has indicated that he has never had to provide this information in the past and wants relief from the requirement. He may also have questions about ADUs, but I think we've resolved that issue already. Let me know if you want to discuss. Thanks. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com

3/1/2019 21:59 From: Scott Davidson <scotttd@migcom.com> To: Lauren Scott <lscott@migcom.com>
Re: Fwd: Palmer Creek Recommendation for Approval
FYI and the file. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com ----- Forwarded message ----- From: Steve Imbimbo <steve.imbimbo@gmail.com> Date: Fri, Mar 1, 2019 at 1:44 PM Subject: Palmer Creek Recommendation for Approval To: <beangomez@mac.com> Cc: James Gore <James.Gore@sonoma-county.org>, Jenny Chamberlain <Jenny.Chamberlain@sonoma-county.org>, Stuart Tiffen <

Stuart.Tiffen@sonoma-county.org>, Tennis Wick <tennis.wick@sonoma-county.org>, Lauren Scott <lscott@migcom.com>, Scott Orr <Scott.Orr@sonoma-county.org>, <traci.tesconi@sonoma-county.org>, <Andrew@sonomawest.com>, Laura Anderson <lauraoanderson2016@gmail.com>, Cecile Isaacs <cecile.isaacs@gmail.com>, Nancy & Ray Turner <tomamini@sonic.net>, Toney (and Nancy) PrussiaMerritt <diogi5@mindspring.com>, Joan Conway <sophiesfiveacres@gmail.com>, Horace Criswell <farmerhorace@gmail.com>, Jean Hegland <jahegland@gmail.com>, Douglas Fisher <pacerc8901c@gmail.com>

3/11/2019 23:26 From: Robert Pennington <Robert.Pennington@sonoma-county.org> To: 'Lauren Scott' <lscott@migcom.com> Re: FW: Land Use UPC18-0046 Referral Response

Hello Lauren, Could you add this document to the project file? Also, I think it is worth sharing with the applicant. When I talked with Thomas today he expressed surprise that the adjacent parcel has a right to use the spring on the project parcel. Best, Robert

From: Steve Imbimbo

[mailto:steve.imbimbo@gmail.com] Sent: Monday, March 11, 2019 4:17 PM To: Robert Pennington

<Robert.Pennington@sonoma-county.org> Subject: Re: Land Use UPC18-0046 Referral Response

Hi Robert, I've attached what I have. This was part of a larger legal issue between the two property owners regarding a road easement as well. Eventually in 2006 a lot line adjustment was done to rid the road easement issue. The original driveway to our parcel was through the Coopersmith's property and then across where the irrigation pond is proposed. Please let me know if you need anything else, Steve
On Mon, Mar 11, 2019 at 3:59 PM Robert Pennington wrote: Hello Steve, Do you have a copy of the 2005 settlement that requires the project parcel to

5/1/2019 22:29 From: Lauren Scott <lscott@migcom.com> To: Scott Davidson <scottd@migcom.com>
Re: Tomorrow's Check-in

Hi Scott, I'm hoping to discuss UPC18-0046 on our call tomorrow and wanted to send you the following notes and attachments before the call.

1. *Watercourse classification:* After a site visit, Robert Pennington classified both watercourses on either side of the larger outdoor cultivation area as Class II (attached). However, the waterboard biologist who was on the same site visit did not classify the watercourse to the east of the larger cultivation area as Class II, he identified it as a Class III. The applicant has revised their site plan to show the Class II watercourse to the west but has left the watercourse to the east as a Class III.
2. *Potential Wetlands On-site:* The waterboard biologist identified two potential wetlands onsite. One is where the irrigation pond is proposed and the other is next to or potentially within the mixed light cultivation area.
3. *Other Waterboard Concerns:* The waterboard report (attached) noted that stream crossing are not properly I

5/13/2019 17:21 From: Scott Davidson <scottd@migcom.com> To: Milan Nevajda <Milan.Nevajda@sonoma-county.org>, Traci Tesconi <Traci.Tesconi@sonoma-county.org> Re: Resource Mapping

Milan and Traci, We prepared a matrix summarizing many of the resources that are mapped in your GIS tool (attached). I have extracted from that matrix the 36 UPCs that are located within a High or Very High Fire Hazard Severity Zone. Of these, 23 projects are in a groundwater Zone 4 and 10 are in a Groundwater Zone 3.

- *Very High Fire Severity Zones*: 10 Applications are in, or have at least of the property designated as Very High Fire Hazard as designated for the SRA. Of these:
 - o 5 are in a groundwater Zone 4 (or have at least part of the property within a groundwater Zone 4)
 - o 4 are in a groundwater Zone 3 (or have at least part of the property within a groundwater Zone 3)
 - o 1 is in a groundwater Zone 1
- *High Fire Severity Zones*: 26 Applications are in or have at least of the property designated as High Fire Hazard as designated for the LRA, SRA and/or Federal Responsibility

Area. Of these: o 18 are in a groundwater Zone 4 (or have at least part of the property within a groundw

5/13/2019 21:47 From: Scott Davidson <scottd@migcom.com> To: Milan Nevajda <Milan.Nevajda@sonoma-county.org>, Traci Tesconi <Traci.Tesconi@sonoma-county.org> Re: Resource Mapping

Milan and Traci, I've taken a look at our non-cannabis applications and found 6 applications that are located within a High or Very High Fire Hazard Severity Zone. Of these, 2 projects are in a groundwater Zone 4 and 3 are in a Groundwater Zone 3. - *Very High Fire Severity Zones*: 3 Applications are in or have at least a portion of the property designated as Very High Fire Hazard. Of these: o 1 (Grist Winery) is in a groundwater Zone 4 o 2 (a cellular site and a Lot Line Adjustment) are in a groundwater Zone 3 - *High Fire Severity Zones*: 3 Applications are in or have at least a portion of the property designated as High Fire Hazard as designated for the LRA, SRA and/or Federal Responsibility Area. Of these: o 1 (dormant Winery) is in a groundwater Zone 4 (or has at least part of the property within a groundwater Zone 4) o 1 (quarry on Lakeville Highway) is in a groundwater Zone 3 o 1 is in a groundwater Zone 1 Let me know if you have questions. Thanks. *Scott Davidson* *Director

5/23/2019 21:19 From Scott Davidson <scottd@migcom.com> To: Lauren Scott <lscott@migcom.com> Re: Sonoma Fire Safety

Lauren, Here is a resource mapping tool that identifies properties in a SRA Fire Hazard Area 3 or 4 and properties in a groundwater Zone 3 or 4. This will be the beginning of our property assessment. I'm also forwarding a Fire Risk Assessment matrix Milan initiated and Traci and I provided notes on. Finally, I will be sending you a couple of e-mails I sent to Milan with a synopsis of our findings related to cannabis and non-cannabis projects that could be impacted. Once you've looked at these, give me a call. Thanks. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com

5/30/2019 20:23 From: Thomas Planson <718bklynboy@comcast.net> To: Lauren Scott <lscott@migcom.com>

Hey Lauren, Sure that's fine. Lets shoot for Monday between 12-12:30, I'll have 30 - 40 min to jump into the call and discuss details and get you and Scott up to speed. I will have all and any necessary updates available to you before then. Just to give you a brief outline here within I want to highlight on a few items. I will draft a formal response to your letter and provide all necessary documentation to support. As I mentioned, most of everything in your letter has been addressed and is actively and currently being addressed. We have responded and are working directly with water board on delineation etc, the site plan has been updated to meet all the requirements from the water board inspection report. **I believe you are mistaken regarding the classifications to the water courses east and west of the outdoor cultivation area. The water course to the west has been established as class II, the water course to the east of the outdoor has been established as Class III! Not class II as you say. That's incorrect.**

5/31/2019 18:15 From: Lauren Scott <lscott@migcom.com> "Mcintee, Connor@Waterboards" <Connor.Mcintee@waterboards.ca.gov> Re: Re: Evergreen Acres LLC Inspection Report

Hi Connor, I'm trying to prep for a call with the applicant and wanted to check to make sure you did not receive a formal response by May 30 as well as get some clarification on a few issues. The applicant believes he has addressed or is currently addressing all issues outlined in the report. **He sent the attached letter, however, I have not received any other documentation. Have any of the issues/concerns identified in the report been addressed? Additionally, the report classified the stream**

channel to the west of the outdoor cultivation area as a Class II with a section of the watercourse (near the domestic water supply and point S1C1) classified as Class I. On the site map included in the report, it does not show any points for the watercourse on the east side of the outdoor cultivation area and please correct me if I'm wrong, but I didn't see a discussion of that eastern stream channel in the discussion. The applicant believes the RWQCB classified the stream channel to the east of the outdoor cultivation a

5/31/2019 18:22 From: "Mcintee, Connor@Waterboards" <Connor.Mcintee@waterboards.ca.gov> To: Lauren Scott <lscott@migcom.com> Re: RE: Evergreen Acres LLC Inspection Report
Hi Lauren, I think that we should talk about this on the phone, I have a couple details I would like to share with you. Please call me if you have a moment. My direct line is 707-576-2499. To directly answer your question, I have not received a formal response. Connor Connor McIntee Environmental Scientist North Coast Regional Water Quality Control Board 5550 Skylane Blvd., Santa Rosa, CA 95403 P: (707)-576-2499 **If you are interested in subscribing to the North Coast Cannabis Discharge Regulatory Program email listserv, you can signup here: From: Lauren Scott <lscott@migcom.com> Sent: Friday, May 31, 2019 11:15 AM To: Mcintee, Connor@Waterboards <Connor.Mcintee@waterboards.ca.gov> Cc: Robert Pennington <robert.pennington@sonoma-county.org> Subject: Re: Evergreen Acres LLC Inspection Report Hi Connor, I'm trying to prep for a call with the applicant and wanted to check to make sure you did not receive a formal response by May 30 as well as get some clarification on a few issues. The applicant believes he

6/4/2019 16:56 From Lauren Scott <lscott@migcom.com> To: Scott Davidson <scottd@migcom.com>
Hi Scott, Attached is the excel fire matrix, high fire risk projects are on tab 2. *Lauren Scott* *Assistant Planner* *www.migcom.com T

6/5/2019 16:29 From: Scott Davidson <scottd@migcom.com> To: Milan Nevajda <Milan.Nevajda@sonoma-county.org>, James Williams <James.Williams@sonoma-county.org>, Steve Mosiurchak <steve.mosiurchak@sonoma-county.org>, Traci Tesconi <Traci.Tesconi@sonoma-county.org> Re: None
All, I'm forwarding an updated Fire Matrix that includes a tab for projects located on properties with a "High Fire Risk" (Zone 3), as well as the tab for "Very High Fire Risk" (Zone 4) properties that we previously discussed. There were 26 high fire risk area projects in our original assessment (all of them Cannabis Projects), but 5 have been withdrawn and one has been approved. Please let me know what the next steps should be. Thanks. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com

7/15/2019 17:56 From: Scott Davidson <scottd@migcom.com> To: Arielle Kohn <Arielle.Kohn@sonoma-county.org> Re: Re: UPCs on Palmer Creek Road
We only have one project on Palmer Creek Road (UPC18-0046), Georgia is handling the other one (I think it's UPC17-0067). I think this meeting may be about more than just the Palmer Creek projects, I think we were looking to meet with Milan and Sita to discuss our response to fire safety concerns. If I am mistaken, please let me know. Thanks. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com On Mon, Jul 15, 2019 at 10:38 AM Arielle Kohn <Arielle.Kohn@sonoma-county.org> wrote: > Good morning Scott, >>>>
> Could you please provide me the project numbers on your two UPCs located > at Palmer Creek Road?
> I'm working on setting up a meeting. >>>> Thank you, >>>> *Arielle Kohn* >> *Planning Secretary* >> County of Sonoma >> 2550 Ventura Avenue, Santa Rosa, CA 95403 >> Direct: 707-565-

1947 *|* >> Office: 707-565-1900

Hi Arielle, Scott D is correct. It is about the two UPC on Palmer Creek Rd, as well as a broader County-wide discussion on projects in very high and high fire danger areas and water scarce/marginal water availability areas. MIG Planners are handling most, with Georgia handling one. Milan, Jennifer Klein, and Sita need to attend this meeting with Scott D, Georgia, and myself. Understanding that Sita can leave when we discuss specific projects that are of a conflict. Traci

7/19/2019 19:20 From: Kyreen Gonzalez <Kyreen.Gonzalez@sonoma-county.org> To: "Scott Davidson (scottd@migcom.com)" <scottd@migcom.com> RE: MIG files

Hi Scott, At the bottom of the 2nd tab "MIG by File Number" tab are the files we spoke about. Kyreen Gonzalez Planning Secretary County of Sonoma 2550 Ventura Avenue, Santa Rosa, CA 95403 Direct: 707-565-1737 | Office: 707-565-1900 | Fax: 707-565-1103

7/31/2019 21:53 From: Scott Davidson <scottd@migcom.com> To: Elizabeth Tyler <etyler@migcom.com> Re: Meeting Notes

Libby, Here are my notes from today. *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com

73 Yes 10/11/2019 18:26 From: Scott Davidson <scottd@migcom.com> To: Lauren Scott <lscott@migcom.com> Re: Re: **Planson Wetland Delineation Response**

Yes, it creates the potential for impact and the agency we need to conclude the impact is less than significant (ACOE) or can be mitigated can't offer an opinion. **Rather than have them spend time and money on the MND and alternative designs, there are enough challenges to the project that we should take it forward for denial.** *Scott Davidson* *Director of Contract Planning Services* 800 Hearst Avenue Berkeley, California 94710 510-845-7549 | www.migcom.com On Fri, Oct 11, 2019 at 11:14 AM Lauren Scott <lscott@migcom.com> wrote: > Hi Scott, >> The water board sent a letter to the applicant for UPC18-0046 stating that > the wetland delineation submitted was inadequate (see attached). While the > water board input is helpful, if the wetland delineation cannot be verified > by the Army Corps and the applicant is not moving the development well away > from the potential wetlands, this is still a fatal flaw, correct? >> Best, >> *Lauren Scott* >> *Assistant Planner* >>> www.migcom.com

72 No 10/19/2019 2:18 From: Elizabeth Tyler <etyler@migcom.com> To: "ScottD@migcom.com" <scottd@migcom.com> RE: Re: Sonoma County Coordination Meeting

Another note - I believe that **Milan suggested we meet with the applicant on UPC18-0046 to discuss the fatal flaw issues.. It sounded like he wanted to be involved.** On Fri, Oct 18, 2019 at 7:05 PM Elizabeth Tyler <etyler@migcom.com> wrote: > Meant to cc you, to see if you had anything else to add for Lauren. > Thanks! >> ----- Forwarded message ----- > From: Elizabeth Tyler <etyler@migcom.com> > Date: Fri, Oct 18, 2019 at 7:04 PM > Subject: Re: Sonoma County Coordination Meeting > To: Lauren Scott <lscott@migcom.com> >>> Hi Lauren: >> Sorry for the delay. Please see CAPS below. Scott feel free to add > anything. >> Thanks! >> Libby >> On Fri, Oct 18, 2019 at 3:50 PM Lauren Scott <lscott@migcom.com> wrote: >>> Hi Libby, >>>> Was there any feedback from the county on the questions I had? >>>> Best, >>>> *Lauren Scott*

71 No 10/23/2019 19:42 From: Sou Garner <sgarner@migcom.com> To: Scott Davidson <scottd@migcom.com> RE: Re: MIG Hot Files need updating today

Hannah-I just worked off of Scott's table and updated my project. On Wed, Oct 23, 2019 at 12:04 PM

Scott Davidson <scottd@migcom.com> wrote: > Hannah, > > Here's the updated list. Let me know if you have questions. Thanks. > > > *PROJECT FILE* > > *PLANNER* > > *ADDRESS* > > *STATUS* > > *ISSUES* > > *NEXT STEPS* > > UPE16-0102, Flax Vineyards > > MIG > > 6677 Westside Rd. > > Condition Compliance > > Returned to County for processing > > No longer a MIG application > > UPC18-0046, Palmer Creek > > MIG (Lauren) > > 6699 Palmer Creek Rd. > > Condition Compliance > > **Application Incomplete, sent applicant letter identifying project issues > (fire safety, access, wetlands, riparian setbacks, General Plan Policy > conflicts)** > > Sent letters on May 29, 2019 and June 18, 2019 identifying project > challenges. Had a phone call with the applicant to encourage them to > withdraw. > > UPC18-0037, Los Alamos 2 > > MIG (Scott) >

69 Yes 3/20/2020 19:28 From: Lauren Scott <lscott@migcom.com> To: Scott Orr <Scott.Orr@sonoma-county.org> RE: Re: UPC18-0046 Initial Study Comments

Hi Scott, Libby said you would like to review the comments on the neg dec again so bumping this back up in your inbox. Hope you are staying healthy and safe! Lauren On Thu, Feb 20, 2020 at 3:01 PM Lauren Scott <lscott@migcom.com> wrote: > Hi Scott, > > Libby asked that I send you our comments/notes on the UPC18-0046 initial > study that was prepared by the applicant so that you could better advise on > the next steps. A summary of our comments is below: > > - **Missing analysis necessary to support the findings. A lot of > sections have one-off statements and then a finding of no impact but none > of the middle discussion explaining why aspects of the project would result > in a less than significant impact.** > > - Sections like bio, noise, and hydro just have copied and pasted > **summary text from the technical reports that doesn't really answer the > checklist question or provide the right analysis.** > > - There are mitigation measures added without any discussion in the > comment as to wh

THEN NO EMAILS UNTIL 6/10/2020 21:40!

66 7/6/2020 22:21

SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

JOSEPH D. PETTA
Attorney
Petta@smwlaw.com

January 27, 2022

Via Electronic Mail Only

Lauren Scott
Associate Planner
MIG
100 Adobe Canyon Road
Kenwood, CA 95452
E-Mail: lscott@migcom.com

Re: Proposed Cannabis Permit, UPC18-046, 6699 Palmer Creek Road,
Healdsburg

Dear Ms. Scott:

On behalf of the Palmer Creek Association, I am submitting the enclosed analysis by Greg Kamman, Senior Ecohydrologist, into the administrative record for the pending Evergreen Acres, LLC permit application for a cannabis operation at 6699 Palmer Creek Road, Healdsburg (UPC18-046). As the analysis explains, the Project as proposed is infeasible based on mandatory setbacks due to existing waterways on the Property. The Mitigated Negative Declaration adopted by the Board of Zoning Adjustments (currently under appeal, along with the proposed use permit) is likewise deficient under the California Environmental Quality Act ("CEQA") for numerous reasons, including failure to adequately describe mitigation for water quality and biological resource impacts and to ensure such mitigation will reduce the Project's impacts to less than significant.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph "Seph" Petta

Attachment

cc: Scott Orr, scott.orr@sonoma-county.org
Linda Schiltgen, linda.schiltgen@sonoma-county.org



Hydrology | Hydraulics | Geomorphology | Design | Field Services

January 4, 2022

Mr. Joseph D. Petta,
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

Subject: Review of Initial Study/Mitigated Negative Declaration
SCH No. 2021040407
Evergreen Acres, LLC (UPC18-00046)

Dear Mr. Petta:

I am a hydrologist with over thirty years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology. I have been providing professional hydrology and geomorphology services in California since 1989 and routinely manage projects in the areas of surface- and groundwater hydrology, water supply, water quality assessments, water resources management, and geomorphology. Most of my work has been in the Coast Range watersheds of California, including Sonoma County. My areas of expertise include: characterizing and modeling watershed-scale hydrologic and geomorphic processes; evaluating surface- and ground-water resources/quality and their interaction; assessing hydrologic, geomorphic, and water quality responses to land-use changes in watersheds and causes of stream channel instability; assisting and leading in the development of CEQA environmental compliance documents and project environmental permits; and designing and implementing field investigations characterizing surface and subsurface hydrologic and water quality conditions. I earned a Master of Science degree in Geology, specializing in sedimentology and hydrogeology as well as an A.B. in Geology from Miami University, Oxford, Ohio. I am a Certified Hydrogeologist (CHg) and a registered Professional Geologist (PG) in the state of California.

I have been retained by Shute, Mihaly & Weinberger LLP (SMW) to review the Initial Study/Mitigated Negative Declaration (IS/MND) for the Evergreen Acres, LLC cannabis cultivation project located at 6699 Palmer Creek Road, Healdsburg, California, and evaluate if the project may impact surrounding properties and the environment. As part of this work, I have reviewed the IS/MND and technical appendices. Based on my review of these materials, it is my professional opinion that the IS/MND is

inadequate in evaluating the potential significant impacts of project actions on hydrology, water quality and biological resources. The rationale for this opinion is based on multiple findings presented below.

1. Inaccurate Watercourse Designations and Inadequate Minimum Riparian Setbacks

The IS/MND has designated a pair of watercourses as Class III when they should be designated Class II. In addition, all areas falling within the riparian setback zone as indicated in the IS/MND, are too narrow. The rationale for these conclusions is as follows.

The IS/MND designates the Eastern and Northeastern watercourses within the project parcel as Class III watercourses. Page 17 of Attachment A to the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy¹ provides the following definitions for watercourses.

- Intermittent watercourse (Class II):
 1. In the absence of diversions, water is flowing for three to nine months during a typical year,
 2. Provides aquatic habitat for non-fish aquatic species,
 3. Fish always or seasonally present within 1,000 feet downstream, and/or
 4. Water is flowing less than three months during a typical year and the stream supports riparian vegetation.
- Ephemeral watercourse (Class III): In the absence of diversion, water is flowing less than three months during a typical year and the stream does not support riparian vegetation or aquatic life. Ephemeral watercourses typically have water flowing for a short duration after precipitation events or snowmelt and show evidence of being capable of sediment transport.

All watercourses within the project area flow to Palmer Creek, a tributary to Mill Creek, where threatened steelhead (*Oncorhynchus mykiss*) and endangered coho salmon (*O. kisutch*) are found seasonally, if not year-round. The Mill Creek watershed is defined as a “Core” recovery area in the 2012 Coho Recovery Plan prepared by the National Marine Fisheries Service. The flow paths of the Eastern and Northeastern watercourses, occur within 1,000 feet upstream of Palmer Creek. Thus, pursuant to SWRCB Cannabis Cultivation Policy definitions, they should be designated as Class II watercourses, not the Class III designations indicated in the IS/MND and Project Site Plans.

1.1 Incorrect watercourse designation of Northeastern watercourse

Designation of the Northeastern watercourse as Class II is further substantiated by field observations and determination by California Regional Water Quality Control Board (RWQCB) staff. Per his April 18, 2019, Inspection Report, RWQCB Environmental Scientist Connor McIntee classifies

¹ State Water Resources Control Board (SWRCB), 2019, Cannabis Cultivation Policy, Principals and Guidelines for Cannabis Cultivation. As adopted by the State Water Board on February 5, 2019 and the Office of Administrative Law on April 16, 2019, 117p.

the Northeastern watercourse draining to culvert C3² as a Class II watercourse. The locations of culvert C3 and the Northeastern watercourse are indicated on Figure 1. Correcting the Northeastern watercourse designation to a Class II watercourse requires that the riparian setback be increased from 50- to 100-feet, as discussed below in Section 1.3. This change will also necessitate reevaluating impacts and design of the mixed light cultivation area and other infrastructure, which fall within a 100-foot Northeastern watercourse riparian setback.

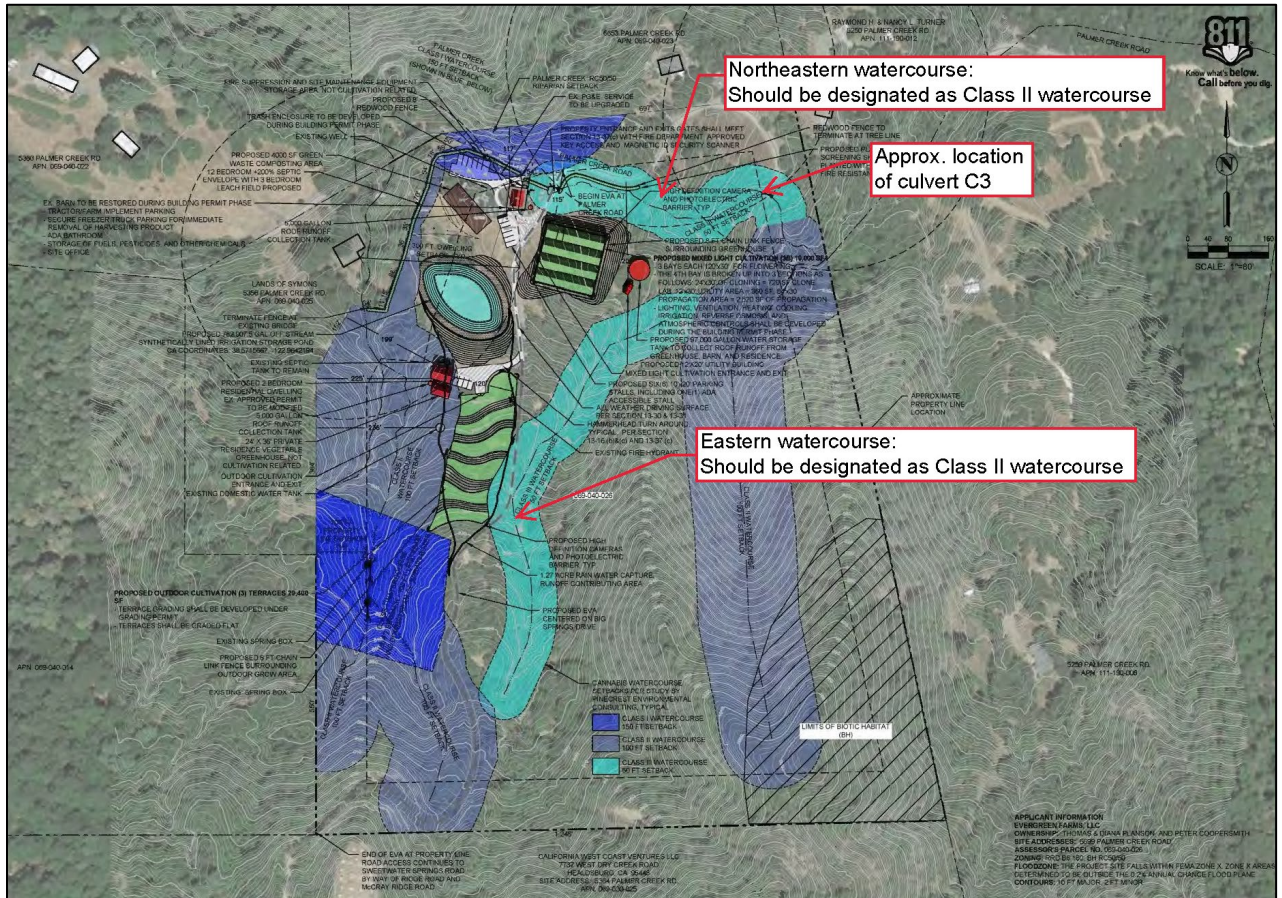


FIGURE 1: Project Site Plan (modified from Figure 3 of IS/MND).

1.2 Incorrect watercourse designation of Eastern watercourse

As noted above, the Eastern watercourse should also be designated Class II pursuant to the SWRCB Cannabis Cultivation Policy definitions. This designation is further supported by my review of project documents that indicate the Eastern watercourse is a Class II watercourse. The IS/MND does not provide justification for designating the Eastern drainage as a Class III watercourse – it simply

² Culvert C3, a 24” diameter corrugated metal pipe, is located near the eastern property boundary where flow from the Northeastern watercourse flows off-site.

appears as such on Project Plans and IS/NMND figures with no explanation on how the designation was derived. In his initial Project referral response letter (January 24, 2019), Sonoma County Natural Resources Geologist Robert Pennington provided the following statement.

“Based on information provided in the Biotic Assessment and LiDAR derived topography of the site, the watercourses east and west of the outdoor cultivation area (which flow north into Palmer Creek) are expected to be Class I or II watercourses.

Riparian setbacks associated with these drainages are expected to limit the footprint of the proposed outdoor cultivation area. In order to define the watercourses, it is requested that a Professional Forester, Professional Geologist or qualified biologist, with experience in watercourse classification, classify all drainage features within 200 feet of the proposed cultivation areas³. In addition, a letter of concurrence from the Waterboard is requested that accepts the proposed channel classification. In lieu of hiring a qualified professional to complete the channel classification, a site visit with a Permit Sonoma staff geologist or biologist, and Waterboard staff may serve as the basis of channel classification.”

As follow up to Mr. Pennington’s recommendation for a site visit to designate channel classifications, he and RWQCB Environmental Scientist Connor McIntee conducted a Project site inspection including the watercourse east of the outdoor cultivation area on March 15, 2019. In his Natural Resources Geologist Response – Use Permit letter (also dated January 24, 2019)), Mr. Pennington stated that the stream channels east and west of the proposed outdoor cultivation area have significant surface flow, bed and banks, and morphology consistent with Class II channels and recommended that these watercourses should be classified as Class II with 100-foot riparian setbacks under the SWRCB Cannabis Cultivation Policy. This recommendation and determination were included in Contract Planner Lauren Scott’s Permit Sonoma Project Memo (dated May 29, 2019), which includes the following statement and directive under Section 2 (Watercourse Classification), *“The Natural Resource’s Geologist concluded that the evidence indicates that the channels east and west of the proposed outdoor cultivation site should be classified as Class II watercourses, which require 100-foot riparian setbacks.*

Currently, the outdoor cultivation area is within the riparian setback for the Class II watercourse to the east. The irrigation pond is proposed within the setback for the Class II Watercourse to the west. To comply with the watercourse setbacks the project must, at a minimum, move or reduce the cultivation areas and pond to outside the riparian setbacks for the Class II watercourses.”

As seen in the LIDAR imagery as provided through the Permit Sonoma ActiveMap GIS website (Figure 2), and as used by Robert Pennington for his initial watercourse classifications, the Eastern watercourse channel clearly exhibits the *“significant surface flow, bed and banks, and morphology*

³ Mr. Pennington’s request for classification of drainages within 200-feet of the outdoor cultivation area eliminates any confusion between the subject watercourse and the watercourse located further east closer to the eastern property boundary, the latter of which is located over 425-feet from the outdoor cultivation area.

consistent with Class II channels” that was confirmed in Mr. Pennington’s March 15, 2019, site inspection and as stated in his subsequent findings.

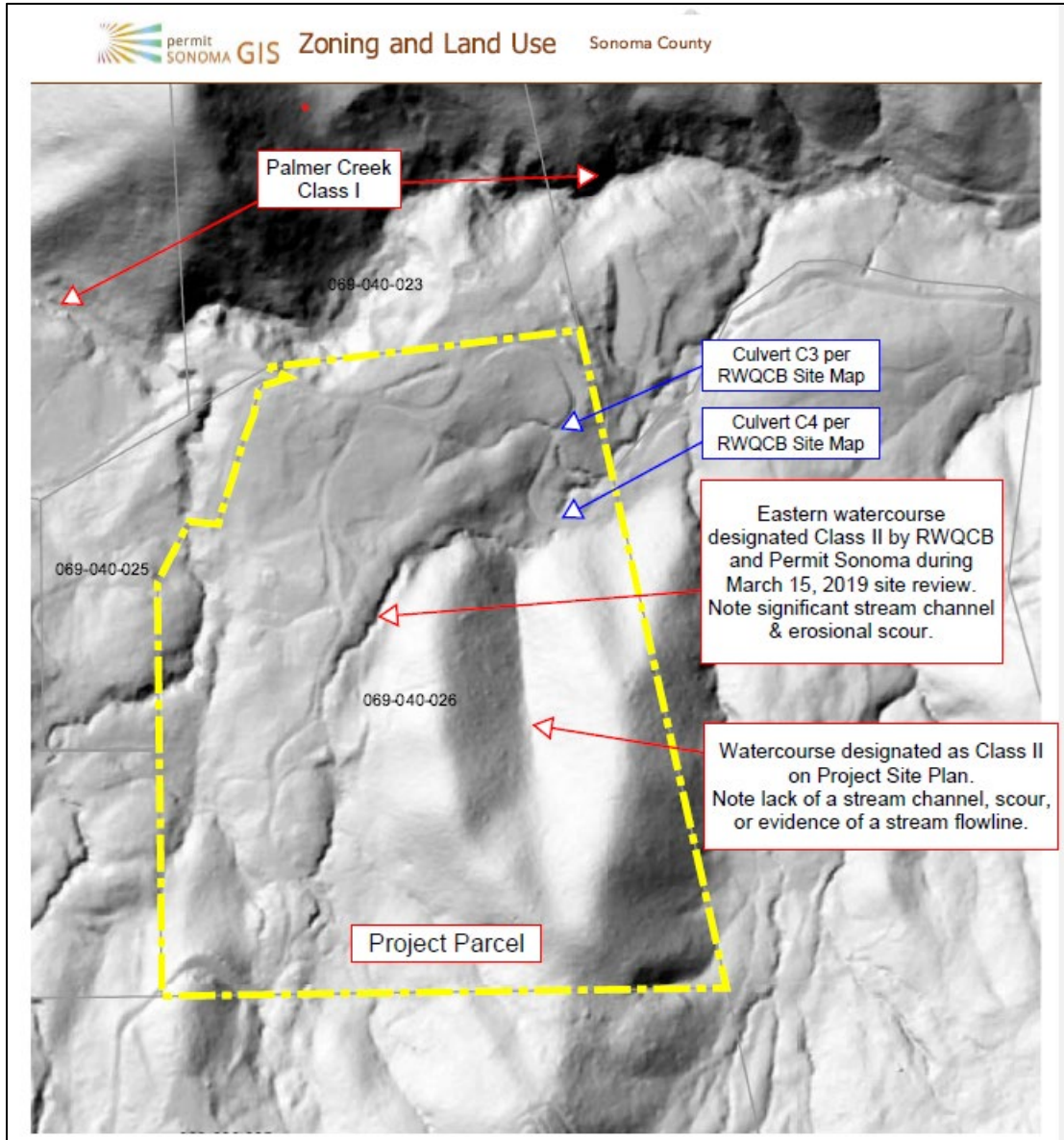


FIGURE 2: Permit Sonoma LiDAR imagery of Project site.

1.3 Riparian setback widths mapped incorrectly

Page 31 of Attachment A to the State Water Board (SWRCB) Cannabis Cultivation Policy provides minimum riparian setback distances for watercourse classes per Table 1 and states that cannabis cultivators are required to comply with the minimum riparian setbacks for all land disturbance, cannabis cultivation activities, and facilities. This section of the Policy states that riparian setbacks

shall be measured from the waterbody’s bankfull stage (i.e., high flow water levels that occur every 1.5 to 2.0 years) or from the top edge of the waterbody bank (i.e., top of bank) in incised channels, whichever is more conservative.

TABLE 1: Minimum Riparian Setbacks along designated watercourses.

Common Name	Watercourse Class	Setback Distance*
Perennial watercourses, waterbodies (e.g., lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established riparian vegetation zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	V	N/A

* - Per SWRCB Cannabis Cultivation Policy (pg. 31 of Attachment A), the riparian setbacks shall be measured from the waterbody’s bankfull stage (high water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative.

Based on my review, it appears that the riparian setback zones mapped on Project plans and IS/MND figures are measured from the centerline of creek alignments, not from the bankfull stage line or top of bank alignment. Thus, the riparian setback zones are narrower than if delineated using the bankfull stage line or top of bank. An example of the difference between the relative position of the creek centerline versus top of bank alignment is provided in the December 18, 2020, survey of the Western watercourse by Curtis Engineering (Figure 3). This survey maps the creek flow/center line and top of bank alignments along the Western watercourse immediately west of the proposed reservoir and outside of the Project area. It provides an example of the topographic information (i.e., delineation of top of bank) necessary to establish proper riparian setbacks. It also demonstrates that riparian setbacks would extend further from the creek centerline if the top of bank alignment is used as the setback reference point. Whether determined by ground survey or LiDAR maps, an accurate delineation of creek channel top of bank was not presented in the IS/MND for watercourses within the Project area as required to delineate riparian setbacks. If mapped correctly within the Project area, the riparian setbacks would extend further from the creek centerline and impinge on the proposed cultivation areas and possibly other proposed infrastructure, requiring these project elements be reduced in size or relocated. Therefore, the IS/MND does not accurately map riparian setbacks, which is necessary to fully identify potential project impacts within the riparian setbacks.

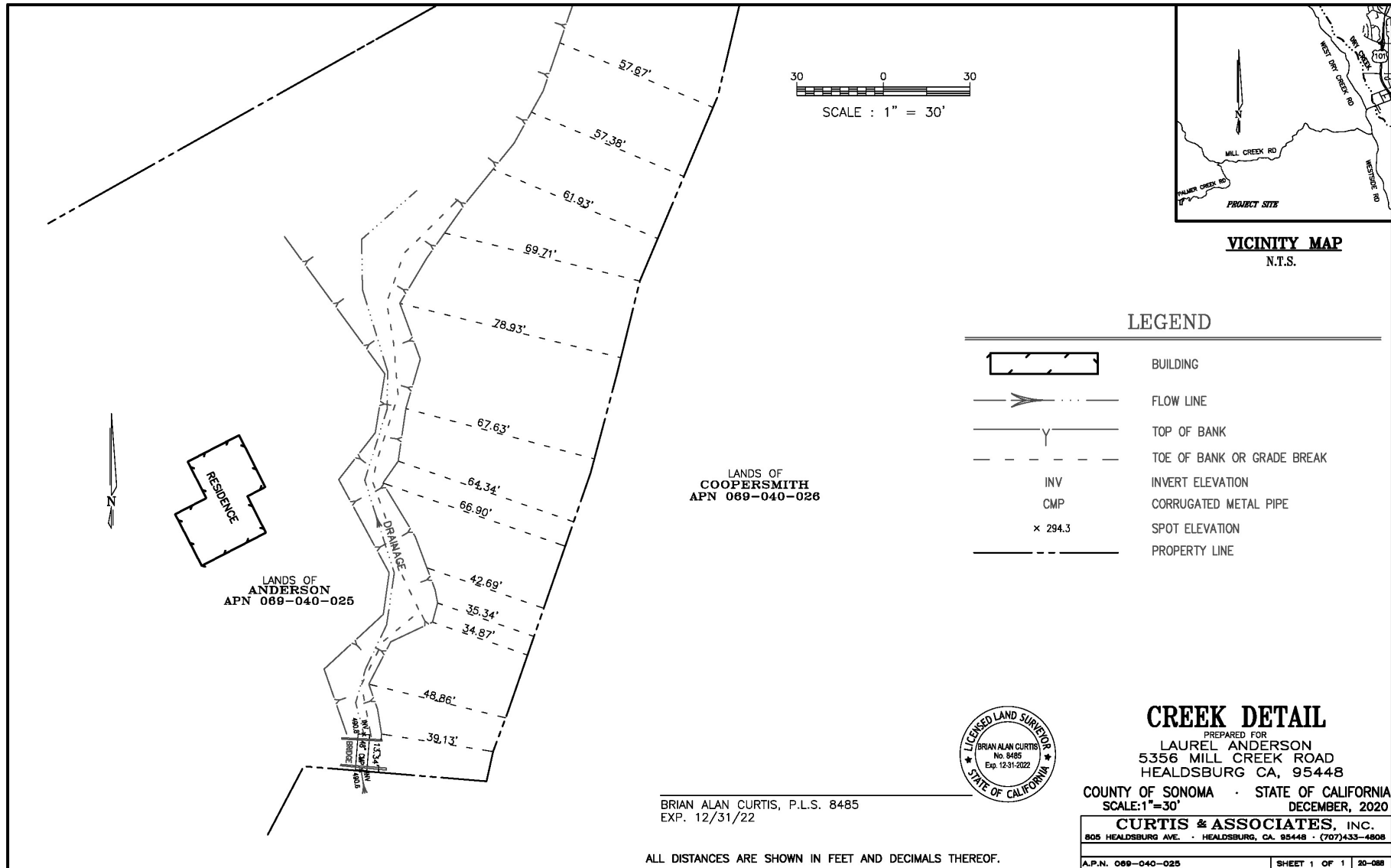


FIGURE 3: Survey of creek details on Western watercourse (Curtis & Associates, 2020)

2. Inadequate Analysis of Impacts on Groundwater Recharge

Based on review of on-site water well data provided in Hurvitz Environmental's (Hurvitz) Hydrogeologic Assessment Report (Mach 8, 2019), the static water level in the domestic well installed in July 2018 is at a level very close to the elevation of the nearby Palmer Creek channel. Based on my experience and expertise in hydrogeology, this suggests that groundwater beneath the project property has the potential to discharge directly into the creek and augment stream flow. This process is what maintains perennial flow in Palmer Creek. In fact, Hurvitz, acknowledging the potential for a direct hydraulic connection between well and creek, completed an analysis to evaluate how domestic well pumping would impact groundwater discharge to the creek.

However, the IS/MND does not evaluate how project-induced changes in land cover and drainage will impact recharge at the site. Under existing conditions, a portion of rainfall that falls on the site and does not run off infiltrates site soil, with a portion going to groundwater recharge. Increases in impervious surface area, accelerating runoff via drainage improvements, lining of ponds, and reduction in vegetation density are all characteristics that reduce the potential for groundwater recharge. The IS/MND does not provide any analysis on how modifying the land cover (e.g., conversion from vegetated slope to terraced cultivation areas, creation of impervious surface area, etc.) or changing the rate and volume of runoff will affect the amount of groundwater recharge. Reducing the amount of groundwater recharge at the site reduces the amount of groundwater available to augment Palmer Creek flow – a potential significant impact to the aquatic habitat beneficial use of the Creek. Thus, it is my opinion that the IS/MND should be considered incomplete as it does not address this potential impact on Palmer Creek.

3. Inadequate Analysis of Impacts on Flow and Aquatic Habitat in Palmer Creek

Like the impact of reduced groundwater recharge, the capture and consumptive use of surface water runoff by the storage pond will reduce water that otherwise would have flowed to Palmer Creek. Reduced runoff to Palmer Creek may reduce creek flow rates and have an adverse impact on aquatic habitat in the Creek, especially during summer and dry years when flows are limited in the Creek and its tributaries. The California Department of Fish and Wildlife (2004⁴) and National Marine Fisheries Service (2012⁵) have identified several factors that limit coho survival in the watershed including insufficient spring and summer baseflows. Understanding how the project may change the volume and duration of flow within Palmer Creek is important given the presence of threatened and endangered salmonids and their reliance on creek flow. However, the IS/MND does not provide any evaluation on how project-induced reductions in runoff will impact flow in Palmer Creek; HYD-1 only addresses

⁴ California Department of Fish and Game, 2004, Recovery strategy for California Coho Salmon. Report to the California Fish and Game Commission, Species Recovery Strategy 2004-1.

https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/region_1/2010/ref3678.pdf

⁵ National Marine Fisheries Service, 2012, Final Recovery Plan for Central California Coast Coho Salmon Evolutionary Significant Unit, Southwest Region, Santa Rosa, California.

<https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho>

sediment control, not impacts to water supply (see IS/MND, p. 30). Therefore, the IS/MND should be considered incomplete for not evaluating the potential significant impact of reduced creek flow on the aquatic habitat in Palmer Creek.

4. Inadequate Analysis of Drought Effects on Water Supply and Project Feasibility

The IS/MND has submitted a series of irrigation water supply assessment reports to evaluate how the off-stream storage reservoir would perform under normal and dry water year types. The first assessment report was completed by Atterbury & Associates, Inc. (Atterbury) and is dated October 9, 2018. This assessment was revised and resubmitted by Atterbury on March 6, 2019, in response to comments from NOAA, who noted that the runoff coefficient used in the original assessment (0.45) exceeded the range of 0.05-0.25 for “woodland agricultural land” as suggested by the State Water Resources Control Board in their 2011 runoff coefficient guidance document⁶. The revised March 6, 2019, analysis acknowledged this correction and applied a watershed runoff coefficient of 0.25 to the revised analysis. Neither of these studies evaluated a multi-year drought period - they only provided results for a single normal and dry year type.

On September 21, 2021, EBA Engineering (EBA) submitted a third water supply assessment report, which is intended as an addendum to Atterbury’s first (October 9, 2018) irrigation water supply assessment. The EBA assessment is intended to evaluate reservoir performance through the first two years “*when the reservoir has stabilized*”. The EBA assessment assumes the first two years of reservoir use occur during dry year types. However, the EBA report assumes a runoff coefficient of 0.45, which overestimates runoff supply to the reservoir and does not acknowledge the correction that prompted the 2019 Atterbury revision. Thus, the EBA water supply assessment is incorrect and does not support any associated conclusions in the IS/MND and both the EBA report and IS/MND should be rendered incomplete.

California is currently experiencing a long-term drought. In seven of the last ten years, Santa Rosa has experienced below average rainfall, with 2011 and 2021 being extremely dry. The IS/MND does not provide a valid analysis of project viability during a multi-year drought period. Atterbury’s 2019 reservoir water supply assessment (which uses the correct runoff coefficient) indicates a 2.2-foot drop in pond level over a representative dry year period (January through December). This indicates that more water storage is consumed for irrigation than is replenished over a dry year. As a result, it is likely that the project will not have sufficient carry-over reservoir storage to meet the full project irrigation demands during successive dry years. This also suggests there will be no excess runoff from the reservoir drainage area available to Palmer Creek, which relates to the flow and aquatic impacts discussed in item 3 above.

⁶ State Water Resources Control Board, 2011, Runoff Coefficient (C) Fact Sheet, The Clean Water Team Guidance Compendium for Watershed Monitoring and Assessment. 5.1.3 FS-(RC), 2p. Available at: https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/513.pdf

5. Incomplete Analysis of Stormwater Impacts on Dam Stability and Water Quality

The IS/MND and supporting Water Supply & Wastewater Management Plan appendix prepared by Pinecrest Environmental Consulting, Inc. does not address the planning and design of a reservoir spillway or potential impacts to receiving watercourses. The IS/MND states that the project reservoir will be constructed with a piped outlet to an energy dissipator. However, small reservoir dams typically require an emergency spillway outlet to accommodate overflow when the reservoir fills and overtops during extreme rainfall events. Dam overtopping events can lead to dam erosion or failure that contribute sediment to downstream receiving waters. The storage reservoir spillway and associated potential impacts on the environment are not addressed in the IS/MND, even after the following comments to the IS/MND were raised by resource and regulatory agencies.

In his July 29, 2020 email response to the Project Wetland Delineation, the RWQCB engineer Maurice T. Washington, Ph.D. stated, *“Reservoirs shall be designed with an adequate overflow outlet that is protected and promotes the dispersal and infiltration of flow and prevents channelization. All off-stream storage reservoirs and ponds shall be designed, managed, and maintained to accommodate average annual winter period precipitation and storm water inputs to reduce the potential for overflow.”* A comment and recommendation from CDFW personnel on the IS/MND in their May 13, 2001, letter included, *“The reservoir, dam, plumbing and spillway shall be designed by a qualified professional. The design should account for 1) hydrological stability, 2) erosion prevention, and 3) any necessary infrastructure such as spillway design to account for overflow. Reservoir plans including water supply and spillway details shall be included in the ISMND.”*

Regardless of whether the storage reservoir is constructed to contain precipitation and runoff from an average annual winter period, there will inevitably be a large magnitude storm event that will fill and overtop the reservoir dam. The reservoir structure and dam as depicted on Project plans and IS/MND figures will be subjected to large amounts of overflow that cannot be absorbed by infiltration, resulting in discharge into site watercourses. Such large amounts of overflow will increase the likelihood of dam erosion and failure during storm events. In order to reduce dam erosion and accommodate overflow, spillway construction typically requires creation of a rock or earthen channel that contains and directs overflow into an adjacent watercourse. Outflow from the proposed project reservoir would likely be directed to the Eastern and/or Northeastern drainage, which would necessitate creation of a drainage feature through their riparian setback areas.

The IS/MND does not acknowledge such a spillway drainage feature or provide analysis or mitigation for associated impacts to riparian setback areas. Instead, the IS/MND (pg. 64, c. ii.) states, *“The water storage reservoir would be required to obtain the necessary permits from the California Division of Safety of Dams, which oversees the design, construction, and maintenance of dams.”* In the Responses to Comment C-4 (“UPC18-0046 Response to Comments”, page 25), the County provides the following statement pertaining to reservoir storage design: *“The proposed 2.4-acre feet capacity reservoir is expected to have a height under 25 feet, below the threshold height regulated by the State (Water Code 6002) and will therefore be subject to County review. A grading plan, subject to review and approval by the Grading & Storm Water Section of the Permit Sonoma, will be required for the reservoir (Sec 11.14.030). The grading plan shall be designed by a civil engineer, currently registered in the State of*

California, and designed in accordance with the Sonoma County Water Agency Flood Control Design Criteria, with a spillway design flood for the 100-year design discharge, with a minimum freeboard of 2 feet.” The approaches presented in these statements defer impact analysis of spillway construction, which should be addressed in the IS/MND.

6. Incomplete Analysis of Storage Reservoir Releases on Water Quality

As designed, the main source of water to the storage reservoir will be stormwater runoff from the outdoor cultivation area, as well as the residence driveway and parking area directly above the pond. Runoff from these areas will carry sediments, pesticides, fertilizer, herbicides, and vehicle oil/fluid residues into the pond. Per water operations, these constituents will be recycled through irrigation of cultivation areas, and likely carried by storm runoff back into the pond. The use of a pond liner as designed will prohibit any soil filtration and lead to concentration of undesirable water quality constituents. This will result in degraded water being discharged into the site watercourses and Palmer Creek during wet periods when water drains out of the storage reservoir. This could lead to degraded water quality on Palmer Creek, which, in turn, could adversely impact aquatic habitat and domestic water supplies.

In the RWQCB initial *CEQA Project Review and Comment* for the Project, dated January 14, 2019, the State’s antidegradation policy is presented, and states, *“The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board’s Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high-quality waters.”*

Sonoma County also addresses the discharge of degraded water from cannabis activities for the Project in the January 15, 2019 *Permit Resource Management Department, Grading & Storm Water Section, Memorandum* (i.e., Condition #6). It states, *“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.”* A further restriction on the Project pond discharge is stated in CDFW’s comment on the IS/MND, which states (page 10), *“In addition, the reservoir shall be designed to be capable of being drained completely without discharging water to any river, lake, or stream.”*

The outfall for the proposed pond spillway is currently above and inside the 100-foot setbacks for the Eastern and Northeastern Class II streams. No analysis is provided in the IS/MND to show that the designated discharge area can support and absorb such frequent and large amounts of degraded

overflow, including complete draining of the pond, without discharging directly into the site watercourses and into Palmer Creek. No IS/MND discussion or review is provided of the continuous impacts of large quantities of degraded water on the high-quality waters of Palmer Creek.

7. No Analysis of Runoff Impacts to Adjacent Properties

All Project watercourses ultimately drain onto and through adjacent properties before discharging to Palmer Creek. The January 15, 2019, *Permit Resource Management Department, Grading & Storm Water Section, Memorandum* for this application includes the following conditions:

- Condition #3 – “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.”
- Condition #9 – “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.”

Based on Project plans and figures contained in the IS/MND, there are considerable proposed changes to land use, storage, and drainage patterns that will affect the magnitude and timing of runoff moving through the Project site. However, the IS/MND does not provide any hydrologic or hydraulic analyses that quantifies how these changes will impact runoff onto adjacent properties. The IS/MND also limits erosion control measures to on-site drainages and does not address how changes in runoff may impact receiving channel stability or water conveyance structures (e.g., culverts, bridges, etc.) on adjacent properties. Therefore, the IS/MND should be considered incomplete until the potential impacts of Project actions on adjacent properties are evaluated and mitigated, if necessary.

Please feel free to contact me with any questions regarding the material and conclusions contained in this letter.

Sincerely,



Greg Kamman, PG, CHG
Senior Ecohydrologist

