COUNTY OF SONOMA

APPROVED
December 6, 2022

SUMMARY REPORT

575 ADMINISTRATION DRIVE, ROOM 102A
SANTA ROSA, CA 95403

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATT December 6, 2022
SHE
BY Noelle Francis

Agenda Date: 12/6/2022 #65 **SEE MINUTES**

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Marina Herrera, Planner III, (707) 565-2397
Vote Requirement: Majority
Supervisorial District(s): Fourth

Title:
1:55 PM - UPC18-0046 Original Jurisdiction Cannabis Project Located at 6699 Palmer Creek Road

Recommended Action:
Exercise Original Jurisdiction over the project and adopt a Resolution adopting a Mitigated Negative Declaration and approving a commercial cannabis operation of 10,000 square feet of mixed-light cultivation, 17,825 square feet of outdoor cultivation and 2,520 square feet of propagation, the conversion of 1.8 acres of timberland to a non-timber growing use and the construction of a 2.3 acre-foot rainwater capture and storage reservoir on a 34.04-acre parcel located at 6699 Palmer Creek Road, Healdsburg; APN 069-040-026; Permit Sonoma File No. UPC18-0046; Supervisorial District 4. (Fourth District)

Executive Summary:
Evergreen Acres, LLC requests a five-year limited-term Use Permit for a commercial cannabis cultivation operation, including 10,000 square feet of mixed-light cannabis cultivation, 17,825 square feet of outdoor cannabis cultivation, the conversion of 1.8 acres of timberland to a non-timber growing use, and construction of a 2.3-acre-foot rainwater capture and storage reservoir. The project site is a 34.04-acre parcel, zoned Resources and Rural Development with a 160 acre density and combining zones for Riparian Corridor and Biotic Habitat located at 6699 Palmer Creek Road in Healdsburg; APN: 069-040-026.

On October 18, 2022, the Board of Supervisors assumed original jurisdiction over this project. As further discussed in this report, the project was approved by the Board of Zoning Adjustments on June 24, 2021, by a 3-2 vote. A subsequent appeal was then filed on behalf of the Palmer Creek Association (appellant) on July 6, 2021. The project subsequently underwent modifications related to water supply, emergency access, and new stream classifications by the Regional Water Board. As a result, the BZA's decision was vacated and the appeal mooted.

Discussion:
BACKGROUND
Application Processing
On November 7, 2018, an application for a conditional use permit was submitted for 10,000 square feet of mixed-light and 33,560 square feet of outdoor cannabis cultivation. The applicant did not enroll in the penalty relief program and no commercial cannabis is currently grown on site.

On November 19, 2018, Early Neighborhood Notification was sent to neighboring parcels within 1,000 feet of

parcel boundaries.

On December 19, 2018, the project was referred to the applicable agencies, including an AB 52 referral.

On March 15, 2019, a site inspection was conducted by the North Coast Regional Water Quality Control Board and Permit Sonoma Natural Resource Geologist to assess onsite watercourses and existing conditions.

On July 8, 2019, revised site plans amending the cultivation area to 29,400 square feet of outdoor cannabis cultivation were submitted.

On October 12, 2020, evidence of submission of a Cal Fire Post Fire Recovery Exemption permit for the removal of burned, dead, and dying trees as a result of the Walbridge Fire in August of 2020 was submitted.

From April 16 to May 17 2021, the Initial Study/Mitigated Negative Declaration (IS/MND) was circulated at the State Clearinghouse for public comment and review. Comments were received from California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture (CDFA), and members of the public. (SCH# 2021040407; Link to IS/MND the State Clearinghouse website: <https://ceqanet.opr.ca.gov/2021040407>)

On June 14, 2021, Public Notice was circulated for the June 24, 2021, Board of Zoning Adjustments Hearing.

On June 24, 2021, the Board of Zoning Adjustments conducted a Public Hearing on the project. The project was approved on a 3-2 vote.

On July 6, 2021, an appeal of the approval was filed by Toney Prussiamerritt on behalf of the Palmer Creek Association (appellant).

On March 7, 2022, a referral was sent by Permit Sonoma to the North Coast Regional Water Quality Control Board.

On March 11, 2022, a site inspection was conducted which included the following agencies: the North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife and the Sonoma County Department of Agriculture/Weights & Measures.

On May 11, 2022, a final inspection report was received from the North Coast Regional Water Quality Control Board.

On June 6, 2022, revised project documents were submitted as a result of the redesignations of onsite watercourses.

On October 18, 2022, the Board of Supervisors assumed Original Jurisdiction over the project.

On October 28, 2022, a draft Initial Study/Mitigated Negative Declaration was published for public review and submitted to the State Clearinghouse for State Agency review (SCH# 2022100651; Link to IS/MND on State Clearinghouse website: <https://ceqanet.opr.ca.gov/2022100651>). The public review period is 30 days from

publication and ended on November 28, 2022.

PROJECT DESCRIPTION

Previous Action

The Use Permit and associated Mitigated Negative Declaration (MND) were approved by the Board of Zoning Adjustments by a 3-2 vote on June 24, 2021. A subsequent appeal was filed by the Palmer Creek Association. To address appeal comments, a referral was sent to the North Coast Regional Water Quality Control Board with the intent to direct attention to the location and classification of watercourses on the property and the applicable setbacks associated with those watercourses under the State Water Board's Cannabis General Order, which regulates the discharge of waste from cannabis cultivation activity to waters of the state.

The North Coast Regional Water Quality Control Board conducted a site visit on March 11, 2022, and provided a subsequent final inspection report on May 11, 2022. This report reclassified the onsite watercourse designations from Class III (ephemeral) to Class II (intermittent) and imposed a requirement for greater stream setbacks to protect onsite and downstream biological resources, which, in turn, required significant changes to the project in order to comply with the larger setbacks. Due to significant project changes, the BZA's decision was vacated and thus the appeal of the original project was moot. On October 18, 2022, the Board of Supervisors assumed Original Jurisdiction over the project as modified. The Board of Supervisors hears projects de-novo whether under original jurisdiction or on appeal. Documentation submitted by the appellants is included as Attachment 14.

Site Characteristics

The 34.04 acre project parcel is located on Palmer Creek Road, to the west of Highway 101 and the City of Healdsburg and approximately 1.5 miles to the east of Austin Creek State Recreation Area (Attachment 3 Vicinity Map; Attachment 4 Aerial Map). Access to the project site is from Palmer Creek Road, via an existing driveway (Attachment 7 Site Plan).

The majority of the project parcel is presently undeveloped, however there is a 1,628 square foot barn located near the entrance of the project site. The property also contains an onsite well, a 5,000 gallon water tank, septic tank, and dirt/gravel driveway. A majority of the parcel is heavily forested with smaller cleared areas of pastureland/open grassland.

The majority of the parcel contains mixed conifer/hardwood forest consisting of Coast Redwood, Douglas Fir, Coast Live Oak, Black Oak, Madrone, and Big Leaf Maple. The northern portion of the parcel near Palmer Creek Road contains two open areas, consisting of mixed annual and perennial grassland.

The site is located in a Groundwater Availability Class 4 - Areas with low or highly variable water yield and is located in the Mill Creek Watershed which is designated as a critical watershed area.

The subject property and surrounding properties were impacted by the Walbridge Fire in August of 2020. The fire damaged 1.8 acres of trees onsite which have been removed from the property under a Cal Fire Post Fire Recovery Permit. The conversion of this timberland will require a less than 3 acre conversion zoning permit. While the trees have already been removed under the recovery permit, a minor timberland conversion permit is still required to permanently convert the site to a non-timber use.

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located in the State Responsibility Area, and is designated as a High Fire Hazard Severity Zone. The site is designated as Tier 3 - Extreme on the California Public Utilities Commission Fire Threat Map.

The maximum elevation of the site ranges from approximately 1,000 feet above mean sea level at the southeast corner to 640 feet above mean sea level at the northeast corner. The project site drains from south to north and contains two primary drainages. One drainage is composed of a single primarily Class II (intermittent) stream channel that flows north along the west property boundary and contains several small branches. A perennial spring is located along this drainage channel, which qualifies as a Class I (perennial) feature. A second north flowing stream is located in the center of the property, which qualifies as a Class II (intermittent) stream channel. The eastern most drainage channel has been classified as a Class III (ephemeral) stream and is a tributary to the north flowing stream system that flows across the center portion of the property. Where these two streams intersect is classified as a Class II stream. A short easterly flowing Class III drainage was also identified near the northern portion of the site, as the drainage flows easterly across the site it transitions to steeper terrain before merging with the Class II stream. Furthermore, Palmer Creek is located adjacent to the northern property line and while the creek is not located onsite, the Class I (perennial) watercourse setback does overlap with the project site in the most northwestern corner.

General Plan Land Use and Zoning

The General Plan Land Use and Zoning Designations on the parcel are Resources and Rural Development with a 160-acre density (Attachment 5 Land Use Map, Attachment 6 Zoning Map). The project site has combining zone overlays for Riparian Corridor (RC) and Biotic Habitat (BH).

Surrounding Land Use and Zoning

Surrounding parcels are generally large properties, with intermittently dispersed smaller parcels zoned for Resources and Rural Development, with a 160-acre density. The surrounding area primarily consists of residentially developed and undeveloped parcels.

Proposed Commercial Cannabis Operation

The project proposes 10,000 square feet of mixed light cultivation, 17,825 square feet of outdoor cultivation and 2,520 square feet of propagation. The mixed-light component of the operation would occur in the northeast portion of the parcel located within four gutter connected greenhouses totaling 13,740 square feet of floor area. The greenhouses will be equipped with odor control filtration and ventilation systems to control odors, humidity, and mold. The outdoor cultivation area will occur in the central portion of the site and will be located on terraced pads ranging from 782 to 822 feet above mean sea level (msl).

Irrigation for the proposed project relies solely on rainwater, to be captured and stored onsite by a proposed 2.4-acre-foot reservoir and 97,000-gallon storage tank. The storage tank will receive rainwater from the greenhouses which will be gutter connected. Domestic and employee water use will be served by the existing groundwater well and is anticipated to be 0.34 acre-feet per year.

The existing barn onsite is 1,628 square feet and will be repurposed for employee bathrooms, storage, and office areas. The project also includes the construction of a 1,710 square foot, 2 bedroom and 2.5-bathroom dwelling that will be occupied by the property owner. There is an existing septic tank which will be connected to the new leach line system and dispersal field.

No drying, curing, trimming, or further processing of cannabis will occur onsite. All cannabis will be removed offsite for processing or immediately chipped for compost. Cannabis will be harvested, fresh frozen directly into freezer trucks, and transported to an offsite facility for processing by a licensed distributor. No cannabis material will be stored on-site. Hours of operation and employee hours are expected to be from 7:00 AM to 5:00 PM Monday through Saturday, although outdoor harvesting activities and mixed-light cultivation activities are permitted to occur seven days a week, 24-hours per day as needed. The project site would be closed to the public and would not contain any retail components. Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed although the project description estimates general hours of operation from 8:00 AM to 5:00 PM. Deliveries and shipping would be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday.

The operation would employ up to eight employees (six full-time and two seasonal employees). The two seasonal employees are anticipated to be needed during planting and harvest times. All employees will be shuttled by electric vehicles from downtown Healdsburg to and from the project site by an onsite employee, further reducing trips generated by the project. The proposed cultivation operation is expected to result in about 25 truck deliveries per year, including one delivery for cannabis importation, 12 trucks for shipment of product to off-site processors (once per month), and an additional 12 miscellaneous deliveries over the course of the year.

Site Improvements

The project includes the following site improvements as shown on the Site Plan, Attachment 7;

Proposed Use/Structure	Size (sq ft)	Repurposed or New Construction (Location)
Greenhouse Mixed Light Cultivation 1	3,600	New - Northern portion of the parcel
Greenhouse Mixed Light Cultivation 2	3,600	New - Northern portion of the parcel
Greenhouse Mixed Light Cultivation 3	3,600	New - Northern portion of the parcel
Greenhouse Mixed Light Cultivation 4	2,940	New - Northern portion of the parcel
Residential Dwelling	1,710	New - south of the irrigation reservoir
Outdoor Cultivation Terraces	17,825	New - west portion of the parcel near irrigation reservoir
Water Storage Tanks	97,000 gal	Adjacent to greenhouses
Green waste Composting Area	4,000	New - east of the barn and parking stalls
Utility Building	240	New - Adjacent to mixed light cultivation
Barn	1,628	Repurposed - immediately at entrance

Project improvements also include resurfacing of the existing driveway, hammerhead turnarounds near the greenhouses and the outdoor cultivation area. Parking areas will be located to the west of the greenhouses and to the north of the outdoor cultivation area. A fence will be installed along the northern portion of the site and west boundary of the property, extending south along approximately a third of the parcel boundary. The

fence along Palmer Creek Road would be an 8-foot-high redwood fence to be compatible with the rural character. Additionally, evergreen vegetative screens of fast-growing trees will be installed at the time of the fence installation in order to block the view of the greenhouses and property from Palmer Creek Road. An additional 8-foot-high chain-link fence with a privacy screen would be installed around the perimeter of the outdoor cultivation area as well as the green house cultivation area. The area in front of the fence will be landscaped with native, fire-resistant plants that will border the north end of the property providing screening from the road. The fence will extend down the western edge of the property and will terminate at an existing bridge west of the storage reservoir. The fence will be equipped with two gates which have Knox boxes installed for emergency access and a magnetic ID security scanner for employees.

DISCUSSION

General Plan Consistency

The subject property has a General Plan Land Use designation of Resources and Rural Development, which is intended to manage and conserve natural resource areas and existing areas of rural character. The primary allowed uses of the Resources and Rural Development Land Use Designation are protection of natural resources, low-density residential development, and limited agricultural production activities in areas of timberland.

Staff Analysis

In adopting the Cannabis Ordinance, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Resources and Rural Development land use designation subject to the securing of a Use Permit. The proposed cannabis operation would be fully screened by proposed fencing and landscaping from the private road (Palmer Creek Road). The project would not be visible from any public location or vantage point and would not represent a visually distinctive or substantial change from the current site. The project does not result in a change of the parcel's residential density.

Zoning Consistency

Resources and Rural Development

Commercial Cannabis cultivation is an allowed use with a Use Permit in the Resources and Rural Development zoning district pursuant to compliance with development standards from Sonoma County Code Sections 26-88 -250 through 26-88-254.

Staff Analysis

The project site is a 34.04-acre parcel, which meets the 10-acre minimum parcel size requirement for commercial cannabis operations. The total cannabis cultivation area for the project would be 27,825 square feet which is the allowed maximum for this parcel size and land use. The proposed propagation area is limited to 25% of cultivation area, as allowed by code, and is proposed to be 2,520 square feet of propagation area. Outdoor and mixed-light cultivation areas are subject to a 100-foot property line setback and 300-foot setback from residences. The outdoor and mixed-light cultivation areas is located over 200 feet from all property lines and over 300 feet from any offsite residences. The outdoor and mixed-light cultivation areas meet all required setbacks, including sensitive use setbacks, which require a 1,000-foot setback from sensitive uses such as school, parks, and treatment facilities. The cultivation site is located an approximate 1.5 miles east of Austin Creek State Recreation Area, the nearest public park. The nearest school to the cultivation site is the West Side Elementary School which is 6.5 miles away. Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed although the project description

estimates general hours of operation from 7:00 AM to 5:00 PM Monday through Saturday. Deliveries and shipping would be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday. The operation would not be open to the public.

The proposed cannabis operation, as conditioned by the project Conditions of Approval, would be constructed, maintained, and operated in conformance with all applicable county and state statutes, ordinances, rules, and regulations, including the above development standards and all operating standards from Sonoma County Code Sections 26-88-250 through 26-88-254.
Operating standards include, but are not limited to, implementation of a Site Security Plan, Fire Protection Plan and Waste Management Plan; utilization of renewable energy sources; and net zero groundwater use; further analyzed in this report.

Riparian Corridor Combining Zone

The Riparian Corridor combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements.

Staff Analysis

The Riparian Corridor overlay combining zone has been applied to the property due to Palmer Creek which runs parallel to the northern property line and is not located onsite. Proposed development onsite meets the setbacks required by the Riparian Corridor combining zone. The project site further contains two primary drainages which are not designated with a Riparian Corridor overlay however are subject to the requirements of the North Coast Regional Water Quality Control Board's General Order.

One drainage is composed of a single primarily Class II (intermittent) stream channel that flows north along the west property boundary and contains several small branches. A perennial spring is located along this drainage channel, which qualifies as a Class I (perennial) feature. A second north flowing stream is located in the center of the property, which qualifies as a Class II (intermittent) stream channel. The eastern most drainage channel has been classified as a Class III (ephemeral) stream and is a tributary to the north flowing stream system that flows across the center portion of the property. Where these two streams intersect is classified as a Class II stream. A short easterly flowing Class III drainage was also identified near the northern portion of the site, as the drainage flows easterly across the site it transitions to steeper terrain before merging with the Class II stream. Furthermore, Palmer Creek is located adjacent to the northern property line while the creek is not located onsite, the Class I (perennial) watercourse setback does overlap with the project site in the most northwestern corner. Due to the stream reclassifications, the project was amended to comply with the larger setbacks. Specifically, the outdoor cultivation area was reduced and the mixed-light greenhouses shifted to the west.

Biotic Habitat Combining Zone

The Biotic Habitat combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans.

Staff Analysis

A Biotic Resource Assessment was prepared for the project by Pinecrest Environmental Consulting in February

of 2019. There is a small portion of County-designated Biotic Habitat (BH) combining zone in the far southeast corner of the project parcel. This BH mapped outcrop refers to the underlying geology and in this portion of the parcel the serpentine soils are buried beneath a substantial amount of organic matter and obscured from view by a continuous forest canopy. The outdoor cultivation area is setback a minimum of 500 feet from this vegetative community. Therefore, the project complies with the requirements of the Biotic Habitat combining zone.

Minor Timberland Conversion

Section 26-88-254(f)(12) of the Sonoma County Code requires that cannabis cultivation activities, including associated structures, may only be located within a non-forested area and there shall be no tree removal or timber conversion to accommodate cultivation sites, unless a Use Permit is obtained.

The project includes a request for a Minor Timberland Conversion for a one-time conversion of less than 3 acres of timberland for a non-timber use. The Minor Timberland Conversion is a uniformly applied development standard by Sonoma County and Cal Fire and is permitted without mitigation or replanting.

Approximately 1.8 acres of timberland will be converted for the cannabis use including outdoor cultivation area and water storage reservoir. All trees in the conversion area were destroyed or heavily damaged by the Walbridge Fire in 2020. Trees within the conversion area were removed under a Cal Fire Post Fire Recovery Exemption Permit in the Fall of 2020. Conversion of the land to a non-timber growing use would be regulated by Permit Sonoma's Minor Timberland Conversion zoning permit. Condition of Approval No. 35 requires issuance of the Minor Timberland Conversion Zoning Permit prior to operation of the outdoor cultivation area.

Fire Risk & Access

The project site is within the fire perimeter of the 2020 Walbridge fire. Per the Sonoma County General Plan, the project site is located within a High Fire Hazard Severity Zone within the State Responsibility Area. A private driveway accessed via Palmer Creek Road provides access to the project site.

A Cannabis Use Permit Road Evaluation was conducted by Permit Sonoma's Fire Prevention Division. Based on this evaluation, the Fire Marshal recommended an existing rail car bridge be inspected for safety by a civil engineer. The bridge is located on Palmer Creek Road approximately one mile east of the project site. PJC Civil Engineers conducted an evaluation for replacement of the bridge to improve vehicular and emergency vehicle access. A new bridge meeting current engineering and roadway standards was installed in 2020. Project Conditions of Approval require all new structures to be built in compliance with applicable County Fire Code and the California Department of Forestry and Fire Protection Fire Safe Regulations (14 CCR § 1270.00 et seq.).

The California Department of Forestry and Fire Protection Fire Safe Regulations (14 CCR § 1270.00 et seq.) require developments within the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. In general, this includes requiring that two-lane roads have two 10-foot traffic lanes and that one-lane roads have one 12-foot traffic lane. The Board of Forestry authorizes the acceptance of alternative measures that provide the same practical effect toward providing defensible space, which can be achieved by applying accepted wildland fire suppression strategies and provisions for firefighting safety, such as the following: (a) access for emergency wildland fire equipment; (b) safe civilian evacuation; (c) signing that avoids delays in emergency response; (d) available and accessible water to effectively attack or defend a structure from wildfire; and (e) fuel modification sufficient for civilian

and firefighter safety. (14 CCR § 1270.06(a) and § 1271).

The applicant submitted a request for an exception to the Board of Forestry's width and dead-end road standards. The application includes two onsite hammerhead turnarounds to facilitate emergency equipment access and evacuation, ongoing fuel reduction maintenance of Palmer Creek Road, defensible space requirements for new structures, ongoing support to the community for maintenance of an existing Fire apparatus emergency vehicle access (EVA) located at the intersection of Palmer Creek Road and Mill Creek Road, and access to the onsite reservoir and 97,000 gallon storage tank for a minimum of 250,000 gallons of water to be available at all times for fire suppression. (Attachment 11 is the Application for Exception to Standards and Site Maps).

The Sonoma County Fire Marshal evaluated the applicant's request for an Exception to Standards (14 CCR §1270.06) and determined that the alternatives provide the same practical effect pursuant to 14 CCR §1270.06 and§1271.00. The Fire Marshal accepted the Exception to Standards and submitted it to Cal Fire in October of 2022. The request has been accepted by the Fire Marshal because it provides alternatives to provide emergency wildfire equipment access concurrently with civilian evacuation through onsite turnarounds, in addition to ongoing support and maintenance of an existing Fire apparatus EVA located at the intersection of Palmer Creek Road and Mill Creek Road. In addition, the project provides for a minimum of 250,000 gallons of water to be reserved in the irrigation reservoir and storage tanks to effectively attack or defend a structure from wildfire. Finally, the project will comply with defensible space and vegetation management to provide additional fire safety. Together, the Fire Marshal has determined that these measures meet the same practical effect as the Board of Forestry regulations.

Additionally, as required by, Section 26-88-254(f)(16) the Cannabis Ordinance No. 6245, further enforced by Project Condition of Approval No. 87, the applicant is to submit additional detail to their Fire Protection Plan that further documents fire access road, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements, and vegetation management. These conditions have been determined to provide for the Same Practical Effect (14 CCR §1270.06).

Water Use

The site is located in a Groundwater Availability Class 4 - Areas with low or highly variable water yield and is located in the Mill Creek Watershed which is designated as a critical watershed area. Mill Creek is listed as critical habitat for Coho and Steelhead. Mill Creek Watershed is a "Core" recovery area as defined in the 2012 Coho Recovery Plan prepared by the National Marine Fisheries Service. According to the Cannabis Ordinance, projects located within a Class 4 groundwater area require a hydrogeologic analysis to demonstrate that the project would not result in a net increase of groundwater use on site and would not result in a reduction of critical flow in nearby streams.

Water supply for the cannabis operation is from a proposed 2.3 acre-feet (756,786 gallons) capacity reservoir that will capture and store rainwater and a proposed 97,000-gallon rainwater capture storage tank. A hydrogeologic study prepared by Hurvitz Environmental Inc., dated October 31, 2018 (revised March 8, 2019) assessed groundwater resources, analyzed groundwater related impacts associated with the project and estimated water demand of the project. This report was based off the previous outdoor cultivation area of 29,400 square feet and estimated monthly irrigation use, with an annual total of 1.7 acre-feet per year or

555,000 gallons. A water supply assessment prepared by Atterbury and Associates dated October 19, 2018 analyzed the reservoir's storage capacity, water surface area and run off inflow.

A subsequent memorandum, 'Analysis of First 2 Years of Reservoir Use,' was prepared by Mathew Machi, dated September 21, 2021, analyzed the off-stream reservoir performance through the first two years when the reservoir has stabilized. The memo assumes two years of drought rainfall of 26.5 inches, 50% of average rainfall for the site. This rainfall depth is considered appropriate for simulating drought year conditions. The memo also assumed a runoff coefficient of 0.45%. This runoff coefficient is considered appropriate given the moderate slope and high runoff characteristics of the onsite soils. Using these assumptions, annual runoff to the reservoir under drought year conditions is estimated to be 2.8 acre-feet or approximately 900,000 gallons. Annual runoff under drought year conditions from the proposed greenhouse is estimated to be roughly 100,000 gallons.

The applicant reduced the outdoor cultivation area from 29,400 square feet to 17,825 square feet in June of 2022 due to the reclassification of onsite watercourses. A subsequent report prepared by Hurvitz Environmental, Inc., dated October 3, 2022, provided a revised annual water use budget of 1.42 acre-feet per year or 464,000 gallons annually. The report demonstrates that between the proposed tank storage and the proposed water storage reservoir there would be sufficient water for both irrigation and fire suppression throughout the year, provided there is sufficient water in the reservoir when operations begin.

It is proposed that groundwater will be used only for domestic needs of employees and the future residence, with an estimated annual use of 0.34 acre-feet. Water use associated with employees is less than the typical water use of a single-family home which is 0.5 acre-feet per year.

The project proposes rainwater capture as the only source for irrigation. The reservoir is not allowed to be filled with groundwater, Conditions of Approval No. 64-66 require the standard groundwater monitoring easement and water meter to be installed prior to issuance of the grading permit to construct the reservoir. The timeline requirement of these Conditions will allow Permit Sonoma staff to confirm that the reservoir is not filled utilizing the onsite well. Condition of Approval No. 67 further restricts utilizing groundwater to fill the reservoir. Condition of Approval No. 79 prohibits the use of trucked water. Condition of Approval No. 62 restricts the issuance of development permits associated with the greenhouses until the reservoir fills with at least 374,000 gallons (250,000 gallons required for fire suppression, 124,000 gallons required for irrigation of outdoor cultivation). Additionally, Condition of Approval No. 63 restricts occupancy/operation of the mixed-light greenhouses until the complete storage capacity of the 97,000-gallon storage tank is met and sufficient water is stored onsite for complete build out of the project (250,000 gallons for fire suppression and 464,000 gallons for irrigation needs for 27,825 square feet of cultivation area).

Traffic

The project would employ eight employees, six full-time employees and two seasonal/part-time employees. The two seasonal employees are anticipated to be needed during planting and harvest times. All employees not living in the onsite residence will be shuttled by electric vehicles from downtown Healdsburg to and from the project site. An onsite employee will drive the shuttle. Condition of Approval No. 24 requires the applicant to submit proof of electrical vehicle ownership/rental and information on the shuttle plan to Permit Sonoma prior to operation.

The proposed cultivation operation is expected to result in about 25 truck deliveries per year, including one delivery for cannabis importation, 12 trucks for shipment of product to off-site processors (once per month), and an additional 12 miscellaneous deliveries over the course of the year. A more detailed traffic analysis is available in Attachment 8. Mitigated Negative Declaration, Section 17 Transportation.

Odor

The project includes both outdoor cultivation and mixed-light cultivation. Commercial cannabis cultivation operations must comply with the following Operating Standard, set forth in Section 26-88-254(g)(2):

"All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold."

Mixed-light cultivation structures include self-contained, closed-loop climate control systems, including carbon filtration to clean the air and control odor, which complies with the Operating Standard and Conditions of Approval No. 18-20.

Outdoor cannabis cultivation will be conducted in a 17,825 square foot area during the May to October outdoor growing season with one harvest conducted, typically in late October. Cannabis plants start to emit odors about 3-5 weeks into the flowering period, generally starting in August or September and continuing until harvest in October.

The Cannabis Ordinance does not require an odor control system for outdoor cultivation. To address odor impacts, the County adopted setback and separation criteria between cannabis operations and adjacent uses. A minimum parcel size of 10 acres is required for outdoor cultivation. Minimum setback distances of 300 feet from residences and businesses and 1,000 feet from schools, parks and other sensitive uses are also enforced by the County to facilitate odor dissipation by distance. In addition, cannabis cultivation operations must comply with the following Health and Safety requirement, set forth in Section 26-88-250(f):

"Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes."

As stated in Sec. 26-88-250(f) above, an outdoor cannabis operation is not required to be odor free at all times to be operating lawfully, but rather, the odor must not result in a public nuisance. Public nuisance considerations include the strength, frequency, and duration of the odor to nearby residences and businesses. Some degree and duration of odor is to be expected from this agricultural product, particularly during the flowering period when terpenes are present; this impact was taken into consideration when cannabis zoning, minimum parcel sizes, and setbacks were established.

The closest offsite residence is located 300 feet to the west and two residences located over 300 feet to the northeast of the mixed light cultivation greenhouses. Within 1,000 feet of the project site, there are eleven parcels which range in size from 4 to 73 acres. It is unknown how many residences presently exist within this 1,000-foot buffer area, as the Walbridge Fire impacted this area and it is unclear how many intend to rebuild. Generally, odors dissipate with distance from the source and opposite the primary direction of prevailing

winds. The prevailing wind direction during July - October is from the coast - west to east. Therefore, the residence to the west is opposite the prevailing wind direction and there are three parcels on the easterly side of the project parcel.

Due to a combination of multiple contributing factors: limited time of year that outdoor cannabis plants would be producing odors; prevailing wind direction to the east; the large parcel size which results in low population density in the general surrounding area, the cannabis operation is not expected to create objectionable odors affecting a substantial number of people.

ENVIRONMENTAL DETERMINATION
The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed, which determined that project impacts could be mitigated to a less than significant level. Therefore, a Mitigated Negative Declaration was drafted for the project.

This document identifies mitigation measures and a monitoring program for the proposed project which have been incorporated into the conditions of approval. Mitigation measures were included to address: Air Quality (construction emissions, odor control and monitoring); Biological Resources (pre-construction surveys, invasive species management plan); Cultural Resources (archaeological monitor); and Noise (construction operation limitations).

Strategic Plan:
N/A

Prior Board Actions:
On October 18, 2022 the Board of Supervisors assumed Original Jurisdiction over the project.

FISCAL SUMMARY
N/A

Narrative Explanation of Fiscal Impacts:
N/A

Narrative Explanation of Staffing Impacts (If Required):
N/A

Attachments:
Attachment 1: Board of Supervisors Resolution
Attachment 2: Conditions of Approval and Mitigation Monitoring Program
Attachment 3: Vicinity Map
Attachment 4: Aerial Map
Attachment 5: General Plan Land Use Map
Attachment 6: Zoning Map
Attachment 7: Site Plan
Attachment 8: Mitigated Negative Declaration

Attachment 9: Hydro Reports
Attachment 10: Biotic Assessment
Attachment 11: Board of Forestry, Exception - Same Practical Effect 14 CCR §1270.06
Attachment 12: Watercourse reclassification documents
Attachment 13: Staff Report & Board of Zoning Adjustments, June 24, 2021
Attachment 14: Palmer Creek Association Comments
Attachment 15: Public Comments
Attachment 16: Staff PowerPoint
Attachment 17: Applicant PowerPoint
Attachment 18: Palmer Creek Association PowerPoint

Related Items "On File" with the Clerk of the Board:
None