permit SONOMA

Proposed Mitigated Negative Declaration

Publication Date: November 9, 2020
Public Review Period: 11/9/2020 to 12/5/2020
State Clearinghouse Number:
Permit Sonoma File Number: UPC18-0050
Prepared By: Lauren Scott, Project Planner
Phone: (510) 845-7549

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

Project Name:	**UPC18-0050, Sleepy Hollow Farm**
Project Applicant/Operator:	Peter Buffington
Project Location/Address:	41707 Sleepy Hollow Road, Annapolis
APN:	121-280-006
General Plan Land Use Designation:	Resources and Rural Development (RRD)
Zoning Designation:	Resources and Rural Development (RRD) B6 40
Decision Making Body:	Sonoma County Board of Zoning Adjustments
Appeal Body:	Sonoma County Board of Supervisors
Project Description:	See Item III, below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

Table 1. Summary of Topic Areas

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

RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Agencies and Permits Required

Agency	Activity	Authorization
Regional Water Quality Control Board (North Coast or San Francisco Bay)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologne) Cannabis Cultivation Waste Discharge Program
California State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
California Department of Fish and Wildlife	Cannabis cultivation and reservoir construction	Fish and Game Code, Section 1600, Lake or Streambed Alteration Agreement or waiver
California Department of Food and Agriculture (CalCannabis)	Cannabis cultivation	Cultivation Licensing
California Department of Forestry and Fire Protection	Tree removal	14 California Code of Regulations Section 1104.1
Northern Sonoma County Air Pollution Control District (NSCAPCD)	Stationary air emissions	

ENVIRONMENTAL FINDING

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

Lauren Scott — 11/9/20

Prepared by: Lauren Scott — Date:

11.8.2020

Applicant: Peter Buffington — Date:

Initial Study

I. INTRODUCTION

Sonoma County has received an application for a Use Permit to allow commercial cannabis cultivation at 41707 Sleepy Hollow Road in Annapolis, California. The Use Permit Application requests approval for the construction and operation of a fenced cultivation area containing 25,000 square feet of outdoor cannabis cultivation, 10,000 square feet of mixed-light cultivation in six greenhouses, and a 5.3-acre ft. irrigation reservoir. Existing land uses surrounding the project site include a ranch to the east, rural residences to the west and north, and a vineyard and residence to the south.

A referral letter was sent to the appropriate local, state, and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Lauren Scott, Project Planner with MIG. Information on the project was provided by the project applicant, Peter Buffington. Other reports, documents, maps, and studies referred to in this document are available for review at the Permit and Resources Management Department (Permit Sonoma).

Please contact Lauren Scott, Project Planner, at (510) 845-7549 for more information.

II. SITE LOCATION

The project site is a 40.11-acre parcel (APN 121-280-006) located north of Annapolis Road and east of Brushy Ridge Loop. The project site has a General Plan Land Use Designation and Zoning of Resources and Rural Development (RRD). The project site currently contains a residence, garage, studio, water reservoir, and water storage tanks. Parcels in the area are generally 40 acres and largely forested. The project area is rural and located between the coast and Highway 101. Figures 1 and 2 show the project site vicinity.

Figure 1. Regional Map
(Google Maps, 2019)

Figure 2. Project Site Vicinity
(Google Maps, 2019)

III. PROJECT OVERVIEW

The project proposes a commercial cannabis cultivation operation consisting of outdoor and mixed-light cultivation. Cultivation would occur in six proposed greenhouses, and limited processing and storage would occur in the studio during cultivation season. The project also would include the construction of an irrigation reservoir with a capacity of 5.3-acre feet to supply water for the cultivation operation. The project would disturb a total area of approximately 161,173 square feet, or 3.7 acres.

The operation would employ eight employees with staggered shifts so that no more than three employees are on-site at any time. The site would be closed to the public and would not contain any retail components. The proposal includes the construction of supporting infrastructure including an ADA compliant bathroom and ramp.

The project proposes adding an additional reservoir to be built west of the residence and adjacent to the proposed greenhouses. To construct the irrigation reservoir and spillway, mixed-light greenhouses, and outdoor cultivation area, the project would require a Minor Timberland Conversion, including the 2.73 acres of vegetation and tree removal, including the removal of 950 trees. A Minor Timberland Conversion consists of the conversion of timberland to a non-timber growing use on less than three acres and is regulated by Sonoma County. Figure 3 shows the overall site plan and the existing water tanks. The project is proposing to split the overall construction and operation into two phases. Phase one includes using hand tools to develop a temporary mixed-light cultivation area in an existing clearing near the residence while a survey is conducted as required for the Minor Timberland Conversion. The temporary cultivation would total 6,563 square feet and would use water from an existing onsite reservoir. The temporary mixed light structures would be taken down prior to Phase two construction, and the total canopy would never exceed one acre. Phase two would begin after completion of the spotted owl survey and review by Permit Sonoma. Phase two would include the Minor Timberland Conversion, construction of a second irrigation reservoir to supply water for the 35,000 square foot cultivation operation, and construction of the final six proposed greenhouses and outdoor cultivation area. The project is proposing a maximum cut of 9,500 cubic yards (CY), and maximum fill of 5,400 CY.

The project would not be located in a scenic landscape unit, as designated by the Sonoma County Zoning Ordinance.[1] The project site does not have a Riparian Corridor designated by the Sonoma County General Plan.[2]

[1] Sonoma County, Riparian Corridor Website. Adopted Official Zoning Database (OZD) Table – Riparian Corridor, Biotic Habitat, and Commercial Rural Rezones
[2] Sonoma County, General Plan 2020 Open Space Map: Sonoma Coast / Gualala Basin fig. OSRC-5a. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Open-Space-Sonoma-Coast/Gualala-Basin/ accessed 10/1/19.

IV. EXISTING FACILITY

Most of the property is undeveloped, however, the site contains an unoccupied residence, a garage, a studio, and a 60,000-gallon water storage reservoir located to the north of the existing residence and south of Sleepy Hollow Road. An additional 15,000 gallons of water storage is provided from four existing tanks north of the residence.

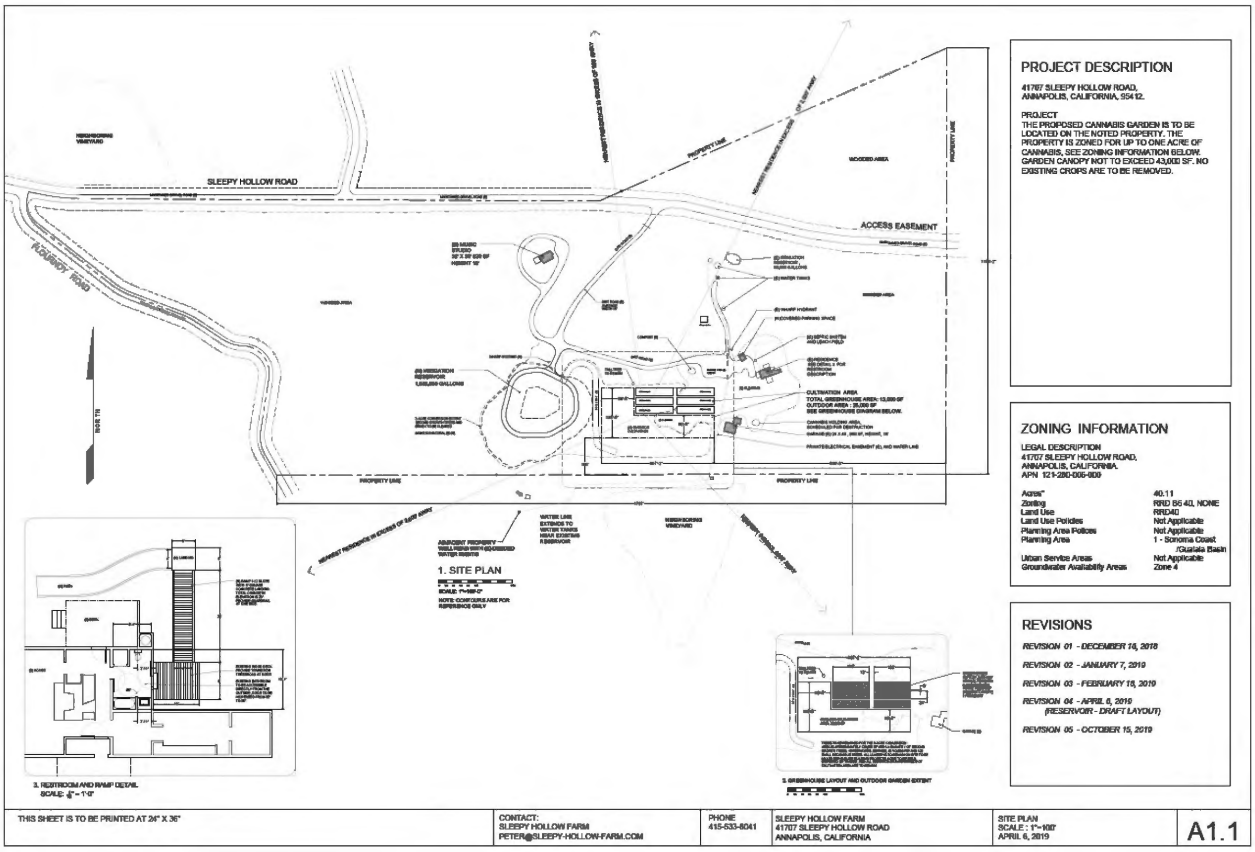

Figure 3. Overall Site Plan
(Munselle Civil Engineering, 2019)

V. SETTING

The project site is in northwestern Sonoma County near the rural community of Annapolis and approximately 4.3 miles east of Highway 1 and the Pacific Ocean. The proposed project is located at 41707 Sleepy Hollow Road, off of Annapolis Road on a 40.11-acre parcel developed with a residence, garage, and studio. Sleepy Hollow Road is privately owned and maintained. The road is comprised of compacted gravel and dirt. The project site is located in an area characterized by large parcels and hilly terrain. The project parcel is zoned Resources and Rural Development (RRD), B6 40. The project site is not within the boundaries of a specific plan. The project site also contains a 60,000-gallon water reservoir and 15,000 gallons of water storage provided from four existing tanks. The property is served by a private septic system and private

well on a neighboring parcel for which the property owner has an easement for domestic use.

Access to the site is from Sleepy Hollow Road via Flournoy Road or Buckeye Creek Road. The area around the project site is relatively undeveloped and is characterized by mixed douglas fir-redwood forests with dispersed residential and vineyard uses. There are several vineyards in the area, including one adjacent to the project parcel to the south, and one ranch adjacent to the project parcel to the east.

Little Creek is approximately 1,500 feet to the south of the project site. Buckeye Creek is approximately 2,500 feet to the north of the project site.

Existing Uses: The project site is comprised of one 40.11-acre parcel that is largely undeveloped. The property is developed with an existing residence and two accessory buildings (garage and studio). The residence is currently not occupied. The property has a history of logging and was most recently clear cut in the 1940s.

Topography and Drainage: The topography of the entire parcel has slopes ranging from 5% to 20%. The parcel ranges in elevation from 708 feet at the lowest point to approximately 861 feet above mean sea level (msl) at the highest point. The outdoor and mixed-light cultivation sites are proposed in an area with 0-9% slopes. The project site drains to the east and west from the center of the parcel. There are two unnamed drainages on the project site; one on the southeast corner and one on the northwest corner. Both drainages connect to Little Creek, which is approximately 1,500 feet from the southern property line.

Vegetation: The majority of the parcel consists of non-native grassland and mixed coast forest characterized as redwood-douglas fir. A 2.73 acres area of vegetation and tree removal, including the removal of 950 trees is required to clear space for the reservoir and spillway, outdoor cultivation area, and mixed-light greenhouses. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Approximately 950 trees would be removed, with 22 of those trees (or two percent) ranging from 24 to 40 inches at breast height (DBH). No trees older than 80 years old would be removed. Any merchantable logs would be transported offsite or used onsite by applicant. A small cleared area around the existing residence and garage contains non-native grassland.

VI. PROJECT DESCRIPTION

Proposed Buildings and Uses: The site is developed with a single residence, carport, garage, and studio. The single residence would be used as a residence for the operator during the cultivation season. An ADA compliant restroom would be located in the residence for employee use. The restroom currently exists, but a new 36-inch-wide door would be constructed so the restroom would be accessible directly from the outside. A 28-foot ramp and deck would connect the restroom to a new 4 four-foot-wide path. The residence would not contain

cannabis at any stage of the commercial process. Pesticide and fertilizer storage containers would be stored on pallets and/or shelves to minimize the possibility of spills and leaks going undetected. The operation would be required to maintain any applicable permits from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County or the Agricultural Commissioner. The studio is 820 square feet and may be used for the drying and minimal processing of up to 20% of harvested cannabis. The studio would contain some non-cannabis storage, including fertilizer and pesticides.

Employees and Hours of Operation: The cannabis operation would employ up to eight part-time seasonal staff, in addition to three full-time staff. The operation would stagger employee shifts so that no more than three employees (including full-time staff) would be onsite at any time.

Outdoor harvesting activities and mixed-light cultivation activities would be conducted seven days a week, 24-hours per day as needed. Deliveries and shipping and limited processing activities, including drying and trimming, would be limited to the hours of 8:00 AM to 5:00 PM.

Cultivation Operation: The project is proposing two phases of the project. Phase one includes a temporary mixed-light cultivation of 6,563 square feet. Phase two cultivation would have mixed-light cultivation in six greenhouses and an outdoor cultivation area in the center of the parcel. A perimeter fence (see below under Security for more details) would be constructed around the phase two outdoor and mixed-light cultivation area. The cultivation area would contain 25,000 square feet of outdoor cannabis cultivation and 10,000 square feet of mixed-light cultivation.

The mixed-light portion of the operation would occur in six greenhouses measuring 2,000 square feet each. The greenhouses would have a rounded metal frame and plastic shell with light deprivation elements. Supplemental lighting is not proposed in the greenhouses. All greenhouses would be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. Cannabis plants in the greenhouses would be grown in soil medium in containers on a single level. Plants would be grown in small pots for approximately 30 days and transferred to larger pots for flowering/production.

The applicant has requested to phase the project to have a temporary mixed-light cultivation while spotted owl surveys are being conducted. Phase one would include using hand tools to develop a temporary mixed-light cultivation in an already cleared area of the parcel. The temporary cultivation would total 6,563 square feet and use rainwater collected in the existing 60,000-gallon reservoir. See Figure 4 for the phasing diagrams.

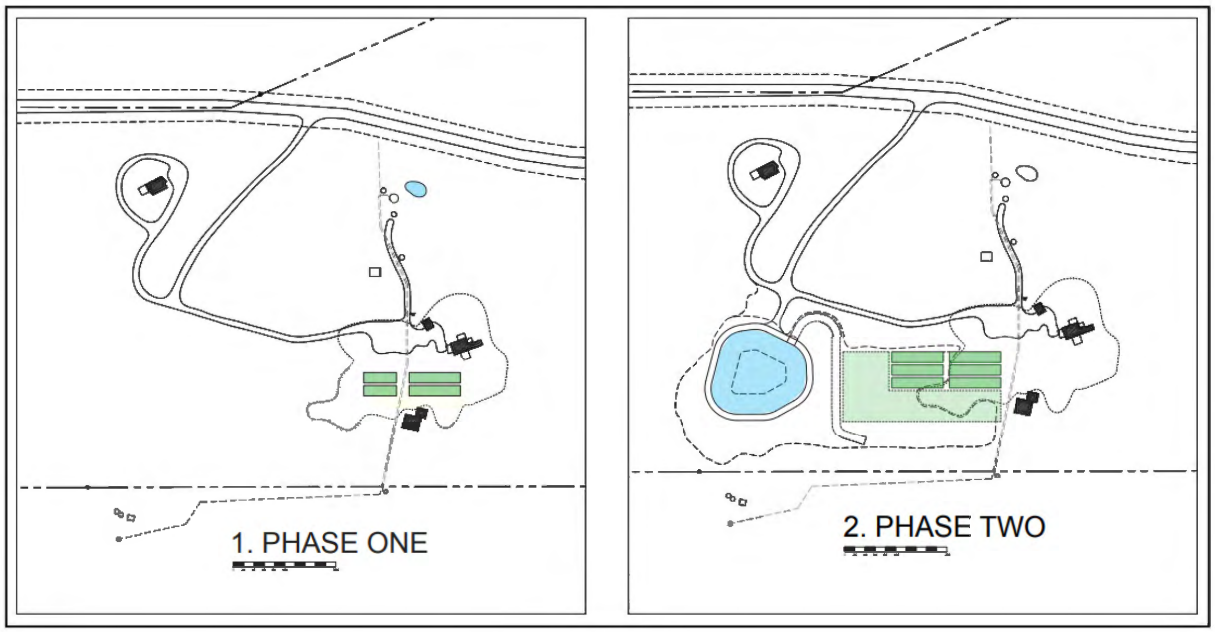

Figure 4. Phasing Plan
(Peter Buffington, 2019)

Processing: Processing includes all activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis. A majority of the cannabis grown onsite, approximately 28,000 square feet or 80 percent, would be transported offsite for processing. A licensed distributor would pick-up plant material and transfer it to a separate processing location. Cannabis would be picked up as biomass, or flash-frozen, and either composted or processed at a separate location. Limited amounts of processing would occur in the existing 820-square-foot studio. Approximately 7,000 square feet of cannabis grown onsite (roughly 20 percent) would be processed in the studio for state testing. The existing studio would be equipped with an odor control and ventilation system(s) to control odors, humidity, and mold. All harvests during fire season would be processed offsite.

Security: During the cultivation season, an employee would be onsite 24 hours per day. The driveway entrance to the property is controlled by a locked gate, and security fencing would be installed around the outdoor and mixed-light cultivation area. Proposed fencing would consist of a six-foot-tall green privacy fence. Fencing would include security lighting, cameras, and an alarm system. Access to the cultivation area would be controlled by locking gates.

Access: Onsite circulation is via an existing mixed gravel and dirt driveway. The driveway currently provides access to all existing structures and the existing irrigation reservoir and water storage tanks. The existing driveway is approximately 15 feet wide. A 12-foot-wide gravel road would be constructed to connect the proposed reservoir to the existing on-site driveway. The existing driveway entrance would be stabilized with three to six inches of aggregate

concrete prior to project construction to improve access for construction traffic. The property maintains three routes to the site from the main public road, via Sleepy Hollow Road, Buckeye Creek Road, and Little Creek Road.

Parking: Onsite parking would be provided in an existing cleared area located east of the existing residence. The site would also allow for parking of two Type 2 fire trucks with access to the wharf hydrants. The 7,000 square foot parking area is a mix of pervious dirt and gravel and is accessible from the onsite driveway.

Sewage Disposal: The residence is connected to an existing septic system and leach field. A pre-percolation test has been completed, and the applicant would need to apply for an Onsite Wastewater Treatment System application per County Well and Septic requirements. Domestic wastewater would be disposed via the existing septic system. Nutrient water to be discarded would be filtered or evaporated and taken to a municipal waste facility once or twice a year by a licensed hauler.

Water Supply:
Water Supply Reservoirs: The project site contains an existing 60,000-gallon water storage reservoir located to the north of the existing residence and south of Sleepy Hollow Road. This existing reservoir would provide water for the temporary cultivation area (phase one). The project proposes an additional 5.3-acre-feet water storage reservoir to provide water for the cultivation operation (built as part of phase two). The proposed reservoir would be located to the east of the outdoor and mixed-light cultivation area. Two wharf hydrants, one existing and one proposed, would connect to the two reservoirs.

Water Storage Tanks: The project site also contains four existing water storage tanks that provide an additional 15,000 gallons of water.

Energy Supply: Electrical power for the operation would be supplied by Sonoma Clean Power. An existing electrical line bisects the project parcel and provides electrical power to the site and existing buildings.

Waste Management: All cannabis waste generated from general cultivation or processing activities, excess production, contamination, or expiration would be securely stored for up to ten days and then rendered unusable and composted for reuse in the cultivation operation. Cannabis green waste would be ground up and mixed with soil and/or mulch to create a mixture that is at least 50% non-cannabis waste prior to composting.

Landscaping: The greenhouses would not be visible from any public vantage point. The greenhouse would be screened by existing vegetation and a green screen from the adjacent vineyard.

Construction: The proposed construction methods are considered conceptual and are subject to review and approval by Sonoma County. For the purposes of this document, the analysis considers the construction plan described below.

Construction Schedule: The project construction activities include a Minor Timberland Conversion, earthwork, grading, and construction of the six proposed greenhouses, outdoor cultivation area, reservoir, and spillway. Prior to construction, the applicant would need to complete a Minor Timberland Conversion of 2.73 acres of vegetation and tree removal, including the removal of 950 trees. The Minor Timberland Conversion is estimated to take approximately four to six weeks. After the Minor Timberland Conversion, construction would be broken down into three phases: 1. Clear and Grub, 2. Grading, and 3. Finish Work. Construction equipment would be onsite for approximately 37 days. Large equipment is to remain onsite until no longer required (but not to exceed 37 days). According to the applicant, clearing is expected to take about seven days, and grading would take approximately 30 days. A variety of construction equipment would be used, including a Caterpillar bulldozer, an Excavator scraper, and a compactor.

Grading and Earthwork: The preliminary plans for the irrigation reservoir propose a maximum cut of 9,500 cubic yards (CY), and maximum fill of 5,400 CY. The reservoir would be lined with synthetic liner. A new supply line and piping would be constructed and would connect to five field inlets to carry surface water to the reservoir. Approximately 739 linear feet of piping would be installed for water conveyance Approximately 1,564 linear feet of earth swales would be constructed for water conveyance. A 16-foot-wide spillway would be constructed between the reservoir and outdoor cultivation area. Exact cut and fill requirements would be determined once grading plans are finalized. Construction of the greenhouses would create 13,000 square feet of impermeable surface.

In total, 161,173 square feet or 3.7 acres would be disturbed. To clear space for the reservoir, spillway, and greenhouse construction, an area of 2.73 acres of vegetation and trees would be cleared, including the removal of 950 trees, as shown in Figure 5, Map of Minor Timberland Conversion. Tree removal would require usage of chainsaws and fellerbunchers. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Debris clean up would include chipping, grinding, piling, and burning debris. Chips would be used onsite for erosion control or transported off-site. Any merchantable logs would be transported offsite or used onsite by applicant. During construction, a combination of erosion control best management practices (BMPs) would be used on disturbed areas including establishing vegetation coverage, hydroseeding, straw mulch, geotextiles, plastic covers, blankets, or mats. Upon construction completion, the cut slopes of the reservoir would be stabilized through revegetation and hydroseeding with a non-invasive grass mix.

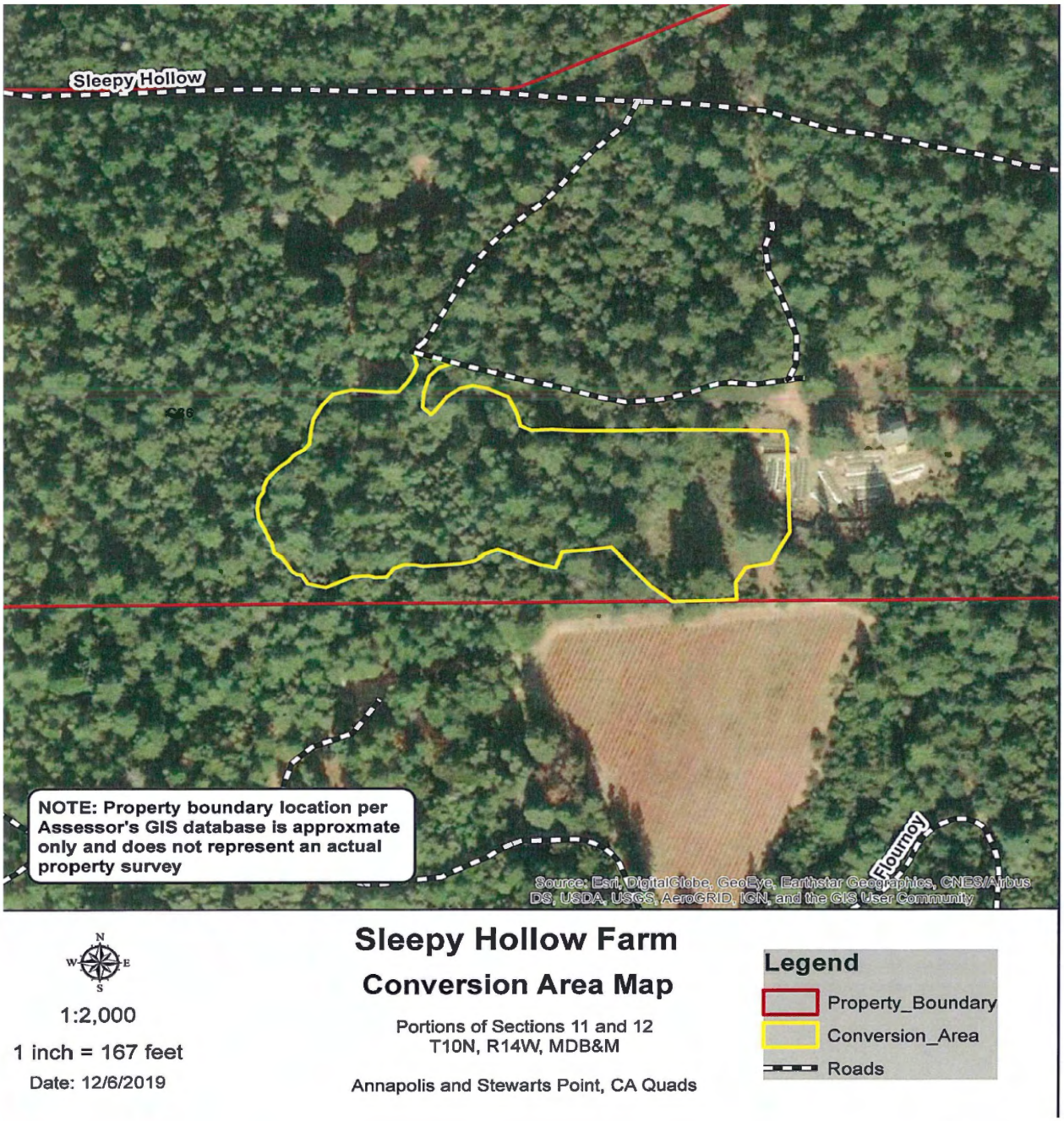

Figure 5. Map of Minor Timberland Conversion
(Forest Ecosystem Management, PLLC, 2020)

A concrete washout area would be designated to clean concrete trucks and tools next to the driveway entrance. A construction staging area would be located adjacent to the northern boundary of the proposed reservoir. Appropriate Best Management Practices, including dust control, would be implemented throughout construction, as needed.

VII. ISSUES RAISED BY THE PUBLIC OR AGENCIES

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

The project planner has received responses to the referral from the following agencies: Northern Sonoma County Air Pollution Control District, North Sonoma Coast Fire Protection District, Sonoma County Public Health Division Environmental Health & Safety Program, Permit Sonoma Natural Resources Geologist, Permit Sonoma Project Review Health Specialist, North Sonoma Coast Fire Department, Permit Sonoma Fire and Emergency Services Department, Sonoma County Department of Transportation & Public Works, the Northwest Information Center, North Coast Regional Water Quality Control Board, Native American Heritage Commission, Middletown Rancheria, Lytton Rancheria. The referral responses included several project use permit conditions of approval. The project planner has received one public comment.

VIII. OTHER RELATED PROJECTS

Four other applicants have submitted cannabis cultivation applications within a five-mile radius of the project site, ranging from 2,500 to 9,000 square feet. Three of these projects are currently being processed through the County cannabis permit program and one has been approved. No other proposed discretionary projects were identified within the project vicinity.

IX. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been

identified that will reduce the impact to a less than significant level.

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

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

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

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

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

Comment:
The project is not in an area designated as visually sensitive by the Sonoma County General Plan (i.e., Scenic Landscape Unit, Scenic Corridor, Community Separator). The nearest Scenic Corridor is about five miles south along the Stewarts Point - Skaggs Springs Road,[3] which does not afford views of the project site.

The project site currently contains second growth trees that screen the existing on-site residence from nearby roads. The cultivation area would not be visible from any public way and would be setback from the property line by a minimum of 100 feet. As outlined in Figure 3, there are no neighboring residences within 950 feet of the cultivation area. Existing vegetation and proposed fencing along the site's southern boundary around the cultivation areas would provide screening between the vineyard and greenhouses.

[3] Sonoma County. General Plan 2020 Scenic Corridors, "Sonoma County Agricultural Preservation & Open Space District," accessed 2/2/20 https://www.sonomaopenspace.org/wp-content/uploads/Scenic_ANSI_D_05152017.pdf

The proposed Minor Timberland Conversion would not adversely change the viewshed of the project site or neighboring vineyard because the trees to be removed are located in the middle of the site and are not visible from any public vantage point.

Significance Level: No Impact

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

Comment:
The project site is not visible from a state scenic highway. The nearest state scenic highways to the project site is Highway 116 from Highway 1 to the Sebastopol City limits, and Highway 1 along the Pacific Ocean.[4]

Significance Level: No Impact

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

Comment:
The proposed project is not subject to any area or specific plan and is consistent with the land use designation and zoning, both designated as RRD (Resources Rural Development). Existing land uses surrounding the project site include a ranch to the east, a residence to the west, a vineyard and residence to the south, and a residence to the north. The existing visual character of the site and its surroundings is rural, with a mixture of sparse residential and vineyard structures separated by densely wooded forest. Some properties have long driveways leading to residences, similar to the project site. Access to the site is from Sleepy Hollow Road via Flournoy Road or Buckeye Creek Road. Sleepy Hollow Road is a private, unpaved gravel and dirt road that is not county maintained and has no sidewalks. The project is not visible from any public location or vantage point (see Figures 5-8).

Following County Visual Assessment Guidelines, public viewpoints were considered for determining the project's visibility. Based on the Visual Assessment Guidelines, Table 3: Site Sensitivity, the project location would be considered "High" because:

"The site or portion thereof is within a rural land use designation or an urban designation that does not meet the criteria above for low sensitivity, but the site has no land use or

[4] Caltrans. Map Viewer website, "California Scenic Highways," accessed October 1, 2019. https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a

zoning designations protecting scenic resources. The project vicinity is characterized by rural or urban development but may include historic resources or be considered a gateway to a community. This category includes building or construction sites with visible slopes less than 30 percent or where there is significant natural features of aesthetic value that is visible from public roads or public use areas (i.e. parks, trails etc)." [5]

Figure 6. Bridge at Flournoy Rd at Little Creek Crossing.
(MIG site visit 10/4/19)

[5] Sonoma County. "Visual Assessment Guidelines and Procedure," 10/1/2019 https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/

Figure 7. Intersection of Annapolis Road and Sleepy Hollow Road, southeast of project area. (MIG site visit 10/4/19)

Figure 8. Driveway onto project site from Sleepy Hollow Road. (MIG site visit 10/4/19)

Figure 9. Brushy Ridge Road. Indicative of roads in the area.
(MIG site visit 10/4/19)

The proposed greenhouses and reservoir would not be visible from any public vantage point and would not represent a visually distinctive or substantial change from the current project site. Based on County Visual Assessment Guidelines, Table 2: Visual Dominance, the project would be considered inevident because:

> *"Project elements are moderate – they can be prominent within the setting but attract attention equally with other landscape features. Form, line, color, texture, and night lighting are compatible with their surroundings."*

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

Table 3. Thresholds of Significance for Visual Impact Analysis

Sensitivity	Visual Dominance			
	Dominant	***Co-Dominant***	***Subordinate***	***Inevident***
Maximum	Significant	Significant	Significant	Less than significant
High	Significant	Significant	Less than significant	**Less than significant**
Moderate	Significant	Less than significant	Less than significant	Less than significant
Low	Less than significant	Less than significant	Less than significant	Less than significant

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

Significance Level: Less than Significant Impact

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

Comment:
Security and supplemental lighting are proposed. Any effects of light sources or glare would be reduced due to compliance with the provisions of Section 26-88-254(f)(19) of the Cannabis Ordinance which requires all lighting to be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed-light operations are required to be fully contained so that little to no light escapes. Light may not escape at a level that is visible from neighboring properties between sunset and sunrise. Additionally, the project site is not visible from any public vantage point.

Significance Level: Less than Significant Impact

2. AGRICULTURE AND FOREST RESOURCES

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

Would the project:

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

Comment:
The parcel is designated by the Sonoma County Permit Sonoma GIS Cannabis Site Evaluation Tool as Resources Rural Development (RRD).[6] The proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance because the parcel is not designated as farmland. The parcel is not designated as Prime or Unique Farmland or Farmland of Statewide Importance on the Important Farmland maps. It is designated as RRD, reflecting the existing use of the site.[7]

Significance Level: No Impact

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

Comment:
The project site is zoned Resources Rural Development, which protects lands needed for aggregate resources production. RRD districts are also intended to allow very low-density residential development and recreational and visitor-serving uses where compatible with resource use and available public services.[8] The project site is not under a Williamson Act

[6] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[7] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[8] Sonoma County General Plan 2020 Land Use Element, Natural Resource Land Use Policy, Policy for Resources and Rural Development Areas, Page LU 67-68.

Contract.[9]

Significance Level: No Impact

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

Comment:
The project site is not in a Timberland Production zoning district as designated by the Permit Sonoma GIS Site Evaluation Tool.[10] The project would not cause a rezoning of forest land.

Significance Level: No Impact

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

Comment:
The project would result in the conversion of forest land to non-forest use. The conversion would clear 2.73 acres of vegetation and trees, including the removal of approximately 950 trees for the proposed outdoor cultivation, greenhouses, reservoir, and spillway. Tree species to be removed include Redwood, Douglas Fir, Tanoak, Sugar Pine, and other hardwoods. Approximately 950 trees would be removed, with 22 of those trees (or two percent) ranging from 24 to 40 inches at breast height (DBH). No trees older than 80 years old would be removed. Tree removal would require usage of chainsaws and fellerbunchers. Debris clean up includes chipping, grinding, piling and burning debris. Chips would be used onsite for erosion control or transported offsite. Any merchantable logs would be transported offsite or used onsite by applicant.[11] See the report from Environmental Resource Solutions, Inc. titled "Minor Timberland Conversion proposal statement" for details.[12]

Because the applicant is required to construct project improvements within 24 months of the zoning permit being granted, the applicant would need to prove that the proposed Minor Timberland Conversion is a one-time conversion to non-timber growing use. There is

[9] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[10] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[11] Munselle Civil Engineering, Site Plan Page A1.1 March 27, 2019
[12] Environmental Resource Solutions, Inc. Sleepy Hollow Farm Minor Timberland Conversion Proposal Statement. December 9, 2019

no prohibition on other timberland conversions being granted on the property. The Minor Timberland Conversion would need to be completed in conformance with the provisions in of Section 26-88-140(d) of the Sonoma County Zoning Code. For approved zoning permits, the applicant has 24 months to comply with the conditions of approval, complete the removal of timber, and complete the new non-timber use. The applicant may apply for a one-year extension of time prior to the expiration of this 24 month period.[13] Additionally, the project would comply with the County Grading Ordinance Section 11.14.070, which states that construction grading and drainage must not remove or disturb trees and other vegetation except in compliance with the department's best management practices for construction grading and drainage and the approved plans and specifications. Additional incorporation of mitigation measures **BIO-2, BIO-3 and BIO-4**, the impacts from the forest land conversion would be less than significant.

Significance Level: Less Than Significant with Mitigation Incorporated

Mitigation: **Mitigation Measures BIO-2, BIO-3, BIO-4**.

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

Comment:
The project would involve a Minor Timberland Conversion of less than three acres. See question 2(d) above for an analysis of the forest conversion. The project is currently not being used for farmland or grazing land, so there is no other change to land use.

Significance Level: Less Than Significant Impact

3. AIR QUALITY

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

Would the project:

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

[13] Sonoma County, PJR-087 Minor Timberland Conversion https://sonomacounty.ca.gov/PRMD/Instructions-and-Forms/PJR-087-Minor-Timberland-Conversion/ accessed 10/03/19

Comment:
Sonoma County is served by two air districts with distinct boundaries, jurisdictions, rules, and policies. The Bay Area Air Quality Management District (BAAQMD) covers the southern portion of the County. The Northern Sonoma County Air Pollution Control District (NSCAPCD) covers the northern and coastal regions of the County. The proposed project lies within the NSCAPCD and the following discussion considers whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan maintained by this air district.

The NSCAPCD does not have an adopted air quality plan, as the District is in attainment for all federal and state criteria pollutants.

Significance Level: Less than Significant Impact

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

Comment:
The federal and state governments have established ambient air quality standards for "criteria" pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or $PM_{2.5}$), inhalable coarse particulate matter (particles between 2.5 and 10 microns in diameter, or PM_{10}), and sulfur dioxide (SO_2). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H_2S), sulfates (SO_x), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

The portion of the county that lies within the jurisdiction of the NSCAPCD attains or is unclassified for all CAAQS and NAAQS. The proposed project, therefore, would not result in a cumulatively considerable net increase in any criteria pollutant for which the region is designated non-attainment.

Significance Level: Less than Significant Impact

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment:
Sensitive air quality receptors include specific subsets of the general population that are

susceptible to poor air quality and the potential adverse health effects associated with poor air quality. In general, children, senior citizens, and individuals with pre-existing health issues, such as asthmatics, are considered sensitive receptors. CARB consider schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors (CARB, 2005). There are no potential sensitive air quality receptors adjacent or in close proximity to the perimeter of the proposed project site.

As described under discussion 3(b), the proposed project does not include significant stationary, mobile, or other sources of emissions. In addition, the proposed project would comply with the property setbacks contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. The less than significant nature of the project's emissions sources and the minimum required distance between the proposed facilities and any nearby sensitive receptors would ensure that project construction and operation would not result in substantial concentrations of criteria air pollutants or TACs at sensitive receptor locations.

Although most processing would occur at an off-site location, approximately 7,000 square feet of cannabis grown onsite (roughly 20 percent by weight) would be processed in the studio. The existing studio would be equipped with an odor control and ventilation system(s) to control odors, humidity, and mold. All harvests during fire season would be processed offsite.

Significance Level: Less than Significant Impact

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

Comment:
According to the Sonoma County 2016 Medical Cannabis Land Use Ordinance Negative Declaration[14] (Sonoma County 2016, page 20), "Cannabis cultivation operations are associated with a strong odor, especially outdoor cultivation operations during the final phase of the growing cycle (typically in late Summer, early Fall). Generally, the larger the size of the cultivation activity and the proximity to sensitive uses, the greater the potential for odor to be evident. Outdoor cultivation has a greater potential for odor than indoor or mixed-light because it is not contained and would not have opportunity for a filtered ventilation system."

[14] Sonoma County, 2016. Medical Cannabis Land Use Ordinance Negative Declaration, page 20

The proposed project would not result in significant odor impacts for the following reasons:

- The proposed project would not result in the continuous generation of odors. Rather, odors would be intermittent and only generated during certain times of year (e.g. flowering periods, harvesting, limited processing periods).
- Section 26-88-254(g)(2) of the County's Code requires all indoor, greenhouse, and mixed-light cultivation operations and any drying, aging, trimming and packing facilities to be equipped with odor control filtration and ventilation system(s) to control odors humidity, and mold. Thus, potential objectionable odors would be controlled at the source before entering the ambient air.
- The proposed project would comply with all setback requirements contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. These setbacks would dilute and disperse odors according to prevailing meteorological conditions and reduce odor intensity at nearby receptor locations.
- The proposed project is not bordered by a substantial number of people. There are no sensitive receptors near the proposed project include. The nearest school is Horicon Elementary School is approximately 1.03 miles southeast of the project site. The dispersed nature of these few receptors make it unlikely that a substantial number of people could affected in the event odors are generated by the project.

For the reasons outlined above, the proposed project would not result in the creation of objectionable odors that would affect a substantial number of people.

Significance Level: Less than Significant Impact

4. BIOLOGICAL RESOURCES

Regulatory Framework

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

Federal

Federal Endangered Species Act (FESA): Establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out

programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

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

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

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

U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board (SWRCB) enforces Section 401.

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

"Waters of the State" are regulated by the Regional Water Quality Control Board (Water Board) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the ACOE under Section 404 (such as roadside ditches).

Section 401: Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit but does involve dredge or fill activities that may result in a discharge to Waters of the State, the Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

State

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

Fish and Game Code 1600-1602: Sections 1600-1607 of the California Fish and Game Code (CFGC) require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake."

CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

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

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

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

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

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

Local

Sonoma County General Plan: The *Sonoma County General Plan 2020* (Sonoma County 2008) Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

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

bay (*Umbellularia californa*), and their hybrids.

Chapter 11 Grading Ordinance: Section 11.14.070: Removal of trees and other vegetation Construction grading and drainage shall not remove or disturb trees and other vegetation except in compliance with the department's best management practices for construction grading and drainage and the approved plans and specifications. Construction grading and drainage shall be conducted in compliance with the following requirements:

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

Wildlife Research Associates and Jane Valerius Environmental Consulting prepared a biological resource assessment on behalf of the applicant. The study is dated May 29, 2018 and labeled Habitat Assessment. This study addresses listed species, evaluates wetland and riparian resources, and tree removal. As discussed in greater detail below, the study concludes that potentially significant impacts may be reduced to a less than significant level through application of County standards or by incorporation of mitigation measures.

Would the project:

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

Comment:
A total of 25 special plant species were identified within the region (Annapolis, Stewarts Point, Gube Mt, and McGuire Ridge topographic quadrangles) as a result of the California Natural Diversity Database search (CNDDB, 2018). Many of these plants were not expected to occur within the project area because their primary habitat requirements are lacking (i.e., no fully inundated tidal marsh, freshwater marsh, dunes, chaparral, etc.), and the project is far from their known or expected range within the region.

Of the 36 animal species identified, a total of 30 species were determined to be not present due to a complete lack of suitable habitat within the proposed trail corridors and staging areas and/or non-observation during surveys. Four species were determined to be unlikely to be present due to highly unsuitable habitat, and two species had a high potential for occurrence. There are 25 plant species that are sometimes or always associated with disturbed non-native grassland and North Coast coniferous forest habitats, the most

common habitat types found on-site.[15] Twenty-four of these species were absent or have a low potential for presence due to the poor quality of on-site habitat and lack of sightings in the vicinity. Due to the weedy nature of the annual grassland habitat present within the area of the proposed project, conditions are not suitable to support the majority of the rare plant species.

One plant species, Harlequin lotus (*hosacka gracilis*), is present within the project site. It is ranked by the California Native Plant Society Rank 4 plant species, where the 4 designation means it is considered "to be of limited distribution or infrequent," and the 0.2 threat rank means the species is "moderately threatened in California." The species occurs in openings within the North Coast coniferous forest type and is common along the coast. **See mitigation measure BIO-1.**

There is a moderate chance that California Red-Legged Frogs are using the site for upland habitat as they move between reservoirs and creeks located in the area. A review of occurrences within a one-mile radius, as required by the USFWS, revealed that no populations have been reported. Although ground clearing is likely to occur in dry seasons Springs-Fall when animals are in the aquatic environment, there is a chance for individuals to be in the upland habitat; as a result, mortality may occur during ground clearing. While there is a potential for mortality, construction of the pond could create habitat for the frogs. **See mitigation measure BIO-2.**

With construction of the reservoir and clearing of the trees, there is a potential impact to nesting raptors and passerines. The oak trees, eucalyptus trees, and grasslands in the project area could be impacted if construction occurs during the nesting season (February through August). **See mitigation measure BIO-3.** The tree removal may also impact tree-roosting bats. To mitigate this potential impact, the applicant must use two-step tree removal to disturb the bats prior to clearing. Two-step tree removal must only occur during seasonal periods of bat activity. However, there are certain limited exceptions, such as when the roost features can be visually surveyed and absence of bats can be determined, or when the roost features do not provide suitable maternity of overwintering habitat (shallow crevices in bark or wood). In a small percentage of trees, there are accessible cavities which could support colonial roosts. A visual inspection using fiber optic or video probes could be conducted outside the seasonally-restricted period to permit tree removal at that time, if no bats are present. If all roost features can be completely surveyed, the entire tree may be removed in one action, making two-step removal unnecessary. **See mitigation measure BIO-4.**

The project would be divided into two phases. Phase one would include a temporary cultivation with two mixed-light structures and no outdoor cultivation, in a portion of the

[15] Wildlife Research Associates and Jane Valerius Environmental Consulting. Habitat Assessment of 41707 Sleepy Hollow Road, Annapolis, Sonoma County, CA. Prepared for Peter Buffington. 5/29/2018

property that is cleared and that would use water from the existing irrigation reservoir. Phase two activities include the Minor Timberland Conversion, reservoir construction and construction of the greenhouses. The applicant must complete a Spotted Owl Protocol Survey. **See mitigation measure BIO-5.** The federally threatened Northern Spotted Owl (*Strix occidentalis caurina*) has suitable foraging habitat present onsite. There is no suitable nesting habitat and a low potential for occurrence, but disturbance from heavy equipment work could disturb spotted owl foraging activities. **Mitigation measure BIO-5** outlines the construction limitations for the temporary cultivation.

Between March and May 2020, six site visits have occurred as part of Year 1 of the Protocol Survey. During Year 1 surveys, a pair of Great Horned owls (*Bubo virginianus*) were detected on the project site, but these are not a listed or protected species. No northern spotted owls or barred owls were detected during the Year 1 surveys. Six more site visits will be required in 2021 prior to phase two construction of final greenhouses and the reservoir, which requires heavy equipment use and tree removal.

Significance Level before Mitigation: Less than Significant with Mitigation Incorporated

Mitigation: **BIO-1: Transplant and Monitor Special Status Plants Onsite:** There is no formal protection for CNPS Rank 4 species. The applicant must save the Harlequin lotus (*hosacka gracilis*) species present on the project site and transplant them to an appropriate location onsite so numbers would not be diminished. The plant is common in the Annapolis area, so transplantation is expected to be successful.

BIO-2: Prevent Take of Red-Legged Frogs: To prevent take of individuals, prior to ground clearing, a nocturnal pre-construction survey must be conducted. Using lights and binoculars, a qualified biologist must survey the area of ground clearing. If no individuals are found, ground clearing may start the following day. If individuals are found, the applicant must consult with CDFW regarding follow up nocturnal surveys, before ground clearing may occur.

BIO-3: Minimize Disturbance for Passerines and Falcons: As a requirement of the Minor Timberland Conversion, the applicant must complete a raptor survey prior to phase two, which includes construction of the greenhouses, outdoor cultivation area, spillway and reservoir. The following mitigation measures must be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees:

1. Grading or removal of nesting trees must avoid the nesting season, which occurs between approximately February 1 and August 31.
2. If grading between February 1 and August 31 is unavoidable and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey of the grasslands and adjacent trees must be performed by a qualified biologist within seven days of groundbreaking. If no nesting birds are observed, no further action is

required, and grading may occur within one week of the survey to prevent impacts to individuals that could be begin nesting after the survey. If project work lapses for seven days or more during the nesting season, another nesting bird survey must be performed before work may restart.

3. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone must be established around the nest trees until the young have fledged or the nest otherwise becomes inactive due to natural causes (i.e. predation), as determined by a qualified biologist.
    a. The required buffer zone must be specified and determined by a qualified biologist in consultation with CDFW.
    b. Orange construction fencing, or other suitable and visible markings, must be placed at the radius, specified by the biologist, around the nest to delineate the buffer zone where no machinery or workers shall intrude.

After the fencing is in place, there would be no restrictions on grading or construction activities outside the prescribed buffer zones.

BIO-4: Avoid or Minimize Potential Impacts on Tree-Roosting Bats: A two-step tree removal method *conducted over two consecutive days* must be used to ensure bats abandon roost trees prior to cutting by creating noise and vibration. Non-habitat branches and limbs must be cut from habitat trees using chainsaws only (no excavators or other heavy machinery) on day 1. The remainder of the tree may be removed the following day (day 2).

The two-step removal of bat habitat trees must only be conducted during seasonal periods of bat activity, between March 1 (or after evening temps rise above 45F and/or no more than ½ inch of rainfall within 24 hours occurs) and April 15, or between August 31 and October 15 (or before evening temperatures fall below 45F and/or more than ½' of rainfall within 24 hours occurs.

BIO-5: Avoid or Minimize Potential Impacts on Northern Spotted Owls:
BIO-5a. Phase One Temporary Cultivation Construction Measures. Applicant must avoid the use of motorized construction equipment that will create mechanical noises (motors, back-up bells) that can disturb Northern Spotted Owls, which are assumed to be present in advance of the protocol surveys. The phase one temporary cannabis cultivation, including a mixed-light structure or a hoop house which does not require site grading, must be built using hand tools. No ground may be graded or disturbed. Work limited to hand tools is not seasonally restricted.

BIO-5b. Complete Northern Spotted Owl Protocol Surveys. As a requirement of the Minor Timberland Conversion, the applicant must complete a Spotted Owl Protocol Survey between March 15 and August 31, prior to phase two construction of final greenhouses and

reservoir, which requires heavy equipment use and tree removal. The protocol survey must be completed in compliance with USFWS and CDFW guidelines.[16]

BIO-5c. Phase Two Construction of Final Greenhouses and Reservoir Measures. The following measures are required to prevent significant impacts to Northern Spotted Owl:

1. A pre-construction survey must be conducted to confirm locations of any individuals either nesting or foraging. If individuals are found, the applicant must consult with CDFW and FWS regarding next steps and the following steps (2-4, below) must be implemented. If no individuals are found and the survey determines that suitable habitat is unoccupied, construction may continue.
2. No heavy equipment and timber removal operations may occur within a 1,000-foot radius of a northern spotted owl activity center during the breeding season (February 1 to August 31 in the California Coast Range).
3. A 1,000-foot disturbance-free buffer zone must be established around nesting trees as specified and determined by a qualified biologist in consultation with CDFW and FWS.
4. Orange construction fencing must be placed at the specified radius from the base of the nesting tree to delineate the buffer zone where no machinery or workers shall intrude.

Mitigation Monitoring: **BIO-1 through BIO-4**: Prior to issuance of any grading permit(s), the applicant must provide Permit Sonoma the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species, which must be noted on the final project plans. Preconstruction surveys must be performed within 48 hours of initiation of project activities.

BIO-5: Prior to issuance of any grading permit(s), the applicant must provide Permit Sonoma the results of the Protocol Survey, and any measures recommended by the qualified biologist(s) must be noted on the final project plans. Preconstruction surveys must be performed within 48 hours of initiation of project activities.

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

Comment:
The proposed project is not in a riparian area or other sensitive natural community. Little Creek is approximately 1,500 feet south of the project site. Buckeye Creek is approximately 2,500 feet north of the project site.[17]

[16] U.S. Fish and Wildlife Service, 2012. Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls. https://www.fws.gov/yreka/ES/2012RevisedNSOprotocol-2-15-12.pdf, accessed 1/10/20

[17] Wildlife Research Associates and Jane Valerius Environmental Consulting. Habitat Assessment of 41707 Sleepy Hollow Road, Annapolis, Sonoma County, CA. Prepared for Peter Buffington. 5/29/2018

Significance Level: Less than Significant Impact

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

Comment:
The proposed project would not fill any waterway or wetlands. There would be no removal or hydrological interruption with project approval. The project is not in a wetland area.

Significance Level: Less than Significant Impact

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

Comment:
Fifteen bird species could potentially occur onsite. Many common bird species including their eggs and young, are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). The mitigations measures recommended below are sufficient to address impacts to birds protected by the Migratory Bird Act. Of the 15 species identified, only two species (titmice and woodpecker habitat) were identified in the project area. Though suitable foraging habitat for the northern spotted owl was present, nesting habitat was not present.

Impacts to migratory birds are typically avoided by removing vegetation and conducting ground-disturbing activities only between September 1 and February 15 to avoid bird-nesting season (see **mitigation measure BIO-3**), by having a qualified biologist verify absence immediately prior to vegetation removal, or by employing exclusionary bird netting during the nesting season. Refer to the biological resources report provided by the applicant, titled "Habitat Assessment of 41707 Sleepy Hollow Road."

Fencing would be constructed around the perimeter of the grow area and would have a 6-8-inch gap at the base (or exit holes) to allow for animals to escape from inside the grow area. Fencing would also be constructed around the perimeter of the reservoir. This fencing would impede wildlife movement through the project site; however, the parcel is sparsely developed and there is space for movement around the fenced area both onsite and through neighboring parcels. The reservoir could pose a hazard to wildlife moving across the site during construction. An additional fence would be constructed during construction to prevent wildlife movement into the construction area. **See mitigation measure BIO-6**.

Swales would be constructed onsite, which could provide migration corridors for the California tiger salamander or the California red-legged frog. Construction of the reservoir would create new habitat for birds and amphibians.

Significance Level before Mitigation: Less than Significant with Mitigation Incorporated

Mitigation: **BIO-6: Install Wildlife Exclusion Fencing during Construction:** To prevent special-status amphibians and reptiles from entering the project area, a wildlife exclusion fence must be installed along the perimeter of the reservoir beginning early April of the year of construction. This fence must be maintained during project activities. The exclusion fence must be installed such that the fabric is a minimum of 46 inches above ground and the fabric must be buried 4-6 inches below ground. The exclusion fence post must be located on the work side of the fence with the fabric on the outside of the area relative to the stakes.

Preconstruction surveys must be performed within 48 hours of initiation of project activities (including initial ground disturbing activities).

No construction activities are allowed during rain events, defined as ¼ inch of rain falling within a 24-hour period. Construction activities may resume 24 hours after the end of the rain event.

Work may not be conducted at the areas proposed for stormwater improvements any time 30 minutes before sunrise of sunset.

Prior to construction, all workers on the crew must be trained by a qualified biologist as to the sensitivity of the special-status species potentially occurring in the project area.

Mitigation Monitoring: **BIO-6**: Prior to issuance of any grading permit(s), the applicant must provide Permit Sonoma with the results of all pre-construction surveys, and any measures recommended by the qualified biologist(s) to avoid sensitive habitat or species, which must be noted on the final project plans. Preconstruction surveys must be performed within 48 hours of initiation of project activities.

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

Comment:
The proposed 2.73-acre Minor Timberland Conversion of vegetation and trees includes the removal of approximately 950 trees. None of the trees slated for removal are a protected tree species, including Valley Oaks, Heritage or Landmark trees. The tree removal area is approximately 12,000 square feet with a quantity of second growth trees, because the project site was likely clear cut in the 1940s for logging. See Section 2(d) for a breakdown on tree species. The applicant would remove trees consistent with the requirements of a Minor

Timberland Conversion. There are no protected trees in the area to be cleared. During phase two construction, impacts from the Minor Timberland Conversion combined with adoption of BMPs and mitigation measures **BIO-3 and BIO-4,** would be less than significant.

Significance Level: Less than Significant Impact with Mitigation Incorporated

Mitigation Measures: **See BIO-3 and BIO-4**

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

Comment:
Habitat Conservation Plans and Natural Community Conservation Plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a Habitat Conservation Plan or Natural Community Conservation Plan.

Significance Level: No Impact

5. CULTURAL RESOURCES

Would the project:

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

Comment:
On February 21, 2019, Tom Origer & Associates conducted a Cultural Resources Study for the proposed Cannabis Cultivation Project located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California (APN: 121-280-006) The study identified no historic buildings or structures (50 years of age or older) located within the project site.[18]

Significance Level: Less than Significant Impact

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

Comment:
A cultural resources records search results from the Northwest Information Center (CHRIS-

[18] Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California.

NWIC), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission indicate that there are no archaeological (prehistoric and historic) resources located within the Project Boundaries. Archival research indicates that the project sire had not been previously subjected to a cultural resources study. However, three studies have been conducted within a quarter mile of the study area and no cultural resources have been identified within the study area or within a quarter mile of the study area.[19]

Additionally, the NWIC Record Search showed no prehistoric Native American Sites. There are no ethnographic sites described within one-half mile of the study area. A review of 19th and 20th century maps shows no buildings within the study area, and there are no archaeological site indictors were observed during the course of the survey.[20] Therefore, the proposed project would result in no substantial adverse change in the significance of archaeological resource as defined in CEQA Guidelines Section 15064.5.

Undiscovered archaeological resources may be accidentally encountered during project implementation. Section 11.14.050 of the Sonoma County Grading Ordinance establishes uniformly applied development standards to reduce the potential for impact to cultural resources to a less than significant level by requiring that all work be halted in the vicinity where human remains or archaeological resources are discovered during construction grading and drainage and that the Director of Permit Sonoma and the County Coroner be notified to ensure compliance with state law regarding the proper disposition of human remains, including those identified to be Native American. Similarly, if archaeological resources or suspected archaeological resources are discovered, the Director of Permit Sonoma would notify the State Historic Preservation Office and Northwest Information Center at Sonoma State University and the permittee must retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. The director would provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The director may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. Archaeological resources may include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins may include

[19] Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California.
[20] Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California.

humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features may include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.

Additional protection is required for Commercial Cannabis Cultivation, per Section 26-88-254(14) of the County Code, which requires that cultivation sites avoid impacts to significant cultural and historic resources by requiring that sites located within a historic district be subject to review by the landmarks commission, unless otherwise exempt. Cultivation operations involving ground disturbing activities are also subject to referral to the Northwest Information Center and local tribes. All grading and building permits are required to have notes included on the plans regarding actions to be taken if paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, requiring all work in the immediate vicinity to be halted and the operator to immediately notify the agency having jurisdiction of the find. If human remains are encountered, work in the immediate vicinity must also stop and the operator must notify the agency having jurisdiction and the Sonoma County Coroner immediately. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of the identification.

Significance Level: Less than Significant Impact

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

Comment:
No burial sites are known in the vicinity of the project area. The site would be disturbed by grading and construction activities. However, based on landform age, analysis of the environmental setting, and incorporating Meyer and Kaijankoski (2017) analysis of sensitivity for buried sites, there is a low potential for buried archaeological site indicators within the study area.[21] In the unlikely event the site contains a burial site, compliance with Sections 11.14.050 and 26.88.254(14) of the Sonoma County Code noted above would ensure necessary steps are taken to protect the resource.

Significance Level: Less than Significant Impact

6. ENERGY

Would the project:

[21] Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California.

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

Comment:
Construction activities would increase energy usage temporarily. Standard construction equipment would be used for construction of the reservoir and the six greenhouses. Long-term energy demand would result from employees working on the project site and from employee vehicle trips. The proposed cannabis operation would result in energy usage from electricity for security lighting, water conveyance, and the security system (alarm, lights, cameras).

Operation of the proposed project would increase energy usage relative to existing conditions in Sonoma County. However, this increase in energy use would not represent a substantial increase, nor would it be wasteful or inefficient. The greenhouses would consume energy associated with fans and water pumps. The applicant has indicated that they would purchase 100% renewable power from Sonoma Clean Power through PG&E.

All commercial cannabis cultivation projects are required to comply with the operation standard of County Code Section 26-88-254(g)(3), which requires that electrical power for indoor cultivation and mixed-light operations be provided by any combination of (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed-light cultivation is prohibited, except for portable temporary use in emergencies only. In addition, all cannabis projects in Sonoma County are required to prepare a Greenhouse Gas Emissions reduction plan and to comply with the following standard condition of approval:

Energy Use. *The applicant/operator shall submit and maintain documentation that the operation utilizes 100% renewable energy sources. Enrollment in the Sonoma Clean Power program has been submitted and shall be maintained, unless another 100% renewable alternative is proposed. A request to modify energy provider must be submitted to Permit Sonoma and approved prior to making any change in energy service.*

Significance Level: Less Than Significant Impact

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

Comment:
The proposed project would comply with Sonoma County Ordinance 7D2-1, which pertains to energy efficiency, and Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards.

Significance Level: Less Than Significant Impact

7. GEOLOGY AND SOILS

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Comment:
The project itself is not within a fault hazard zone, as defined by the Alquist-Priolo fault maps.[22]

Significance Level: No Impact

ii. Strong seismic ground shaking?

Comment:
All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Due to the site's proximity to the San Andreas Fault (2.2 miles west of project site), the intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as 'Violent' according to the County's General Plan Public Safety Element.[23]

As a matter of practice and state law, all construction activities would be required to meet the California Building Code regulations for seismic safety, including designing all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components in conformance with the specifications and criteria contained in the project final geotechnical report, which shall be completed and submitted to Permit Sonoma prior to project approval. Standard County development procedures include review and approval of construction plans prior to the issuance of a building/grading permit. In addition, as required by the building code, the geotechnical engineer would be required to submit an approval letter for the engineered grading plans prior to issuance of the grading permit; prior to final issuance of the grading permit, the geotechnical engineer would be required to

[22] California Department of Conservation, Earthquake Zones of Required Investigation Map, https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed 10/7/19.
[23] Sonoma County. General Plan 2020, "Earthquake Ground Shaking Hazard Areas Figure PS-1a" accessed 10/7/19 https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/

inspect the construction work and certify to Permit Sonoma, prior to the acceptance of the improvements or issuance of a certificate of occupancy, that the improvements have been constructed in accordance with the geotechnical specifications. All work would be subject to inspection by Permit Sonoma for conformance with all applicable code requirements and approved improvement plans.

Significance Level: Less than Significant Impact

iii. Seismic-related ground failure, including liquefaction?

Comment:
Strong ground shaking can result in liquefaction, the sudden loss of sheer strength in saturated sandy material, resulting in ground failure. The project site is not located within a high liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.[24] According to PJC and Associates, the soil and bedrock are not considered to be prone to liquefaction.[25]

Significance Level: Less than Significant Impact

iv. Landslides?

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

Significance Level: Less than Significant Impact

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

Comment:
The project is proposing the construction of a fenced cultivation area containing 25,000 square feet of outdoor cannabis cultivation, 10,000 square feet of mixed-light cultivation in six greenhouses, and a 5.3-acre ft. irrigation reservoir. A 28-foot ramp would also be

[24] Sonoma County General Plan 2020. Public Safety Element, Liquefaction Hazard Areas Fig. PS-1c, https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/, accessed 10/2/19.
[25] PJC & Associates. Geotechnical Investigation, Proposed Reservoir, 41707 Sleepy Hollow Road, Annapolis, California. March 26, 2019

constructed to lead to the bathroom in the residence. Grading and construction activities are also proposed as part of the project.

The project would require an engineered construction grading permit pursuant to Sonoma County Code Section 11.04.010 - Construction grading permit requirements) because the project exceeds the 5,000 cubic yards grading threshold. The project is proposing removal of 9,500 cubic yards of soil for the reservoir. The applicant has provided a geotechnical report for the reservoir dated March 26, 2019.

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

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

Significance Level: Less than Significant Impact

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

Comment:
The project site is not in a landslide prone area, fault zone, and is not subject to a high potential for liquefaction and ground shaking. No exposed faces or creek banks were observed at the site, which indicates low risk for lateral spreading and lurching.[26] The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which consider soil properties, seismic shaking and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking.

[26] PJC & Associates. Geotechnical Investigation, Proposed Reservoir, 41707 Sleepy Hollow Road, Annapolis, California. March 26, 2019

Significance Level: Less than Significant Impact

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

Comment:
Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. The project site contains some soils that have moderate to high potential for expansion, and trace seepage was encountered during the Civil Engineer's inspection. The geotechnical report includes an analysis of expansive soil hazards and recommended stabilization measures. With implementation of these measures, combined with conformance with standard CBC and other applicable State and local regulations (all of which would be required as conditions of approval for the project), potential hazards from expansive soils would be less than significant.

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

Significance Level: Less than Significant Impact

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

Comment:
The project site is not served by public sewer. An existing septic system serves the residence on the property and would serve domestic wastewater resulting from the project's three onsite employees. Preliminary documentation provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils onsite could support a septic system and the required expansion area. A pre-percolation test has been completed, and the applicant would need to apply for an Onsite Wastewater Treatment System application per County Well and Septic requirements. This cultivation operation must comply with the BMPs issued by the Agricultural Commissioner. See Section 10(a) Hydrology for BMPs and LID discussion. Compliance with BMPs and excavation of weak soil (see **mitigation measure GEO-1**) would result in less than significant impacts.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation Measure: **GEO-1: Subexcavate Weak Soil:** The existing weak and compressible

topsoil in construction areas must be completely subexcavated and firm soils or bedrock exposed, as determined by the geotechnical engineer in the field during construction.[27]

Mitigation Monitoring: **GEO-1**: A licensed geotechnical engineer must be onsite to determine the adequacy of the subexcavation. The engineer shall submit a report of actions and findings to the County after the subexcavation.

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

Comment:
A Cultural Resources Survey was prepared on February 21, 2019, and a Hydrogeologic Report was prepared October 26, 2018 and revised January 8, 2019. During the cultural resources and hydrogeologic studies, no unique paleontological or geologic features were identified. Results of the on-line paleontological resources record search through the University of California Museum of Paleontology (UCMP) database indicate that there are no known vertebrate fossil localities or unique geological features that have been previously identified within the Project Area or within a mile radius.

An examination of the Geological Map of California indicates that Brushy Ridge is capped by a thin layer of the Pliocene-aged Ohlson Ranch Formation. Additionally, the UCMP database failed to identify any fossil localities within the same sedimentary deposits at depths that extend into the project area.

Significance Level: No Impact

8. GREENHOUSE GAS EMISSIONS

Would the project:

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

Comment:
Global climate change is the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

CARB is the lead agency for implementing Assembly Bill (AB) 32, the California Global

[27] PJC & Associates. Geotechnical Investigation, Proposed Reservoir, 41707 Sleepy Hollow Road, Annapolis, California. March 26, 2019

Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that would be used to achieve the states GHG emissions reductions targets, which in general are:

- Reduce statewide GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40 percent below 1990 levels by 2030; and
- Reduce GHG emissions to 80 percent below 1990 levels by 2050

CARB prepares an annual Statewide GHG emissions inventory using Regional, State, and Federal data sources, including facility-specific emissions reports prepared pursuant to the State's Mandatory GHG Reporting Program. The Statewide GHG emissions inventory helps CARB track progress towards meeting the State's AB 32 GHG emissions target of 431 million metric tons of CO 2 equivalents (MTCO2e), as well as to establish and understand trends in GHG emissions. According to CARB's GHG emissions inventory (2017 edition), GHG emissions have generally decreased over the last decade, with 2015 levels (440 million MTCO2e) approximately 10 percent less than 2004 levels (488 million MTCO2e). The transportation sector (165 million MTCO2e) accounted for more than one-third approximately 37.5%) of the State's total GHG emissions inventory (440 million MTCO2e) in 2015, while electric power generation accounted for approximately one-fifth (19%) of the State's total GHG emissions inventory.

The County concurs with and utilizes as County thresholds the BAAQMD recommended GHG significance thresholds. The County concurs that these thresholds are supported by substantial evidence for the reasons stated by BAAQMD staff. For projects other than stationary sources the GHG significance threshold is 1,100 MTCO2e or 4.6 metric tons of CO2e per service population (residents and employees) per year.[28]

As summarized above, the transportation sector accounts for more than one-third of GHG emissions in the state and is typically one of the largest GHG emissions sources associated with a development project; however, the proposed project would not generate a large amount of vehicle trips as the project employs up to three employees at a time, which would result in an average of 43.5 monthly average trips.

The electric power sector accounts for approximately one-fifth of GHG emissions in the state. Although cannabis facilities can consume energy and water in quantities that may be higher (on a square footage basis) than other general light industrial land uses, the proposed project would not generate significant GHG emissions because the project is required to purchase 100% renewable energy from Sonoma Clean Power, which is rated at

[28] BAAQMD has not adopted a threshold of significance for construction related GHG emissions. The BAAQMD's CEQA Air Quality Guidelines do, however, encourage lead agencies to quantify and disclose construction-related GHG emissions, determine the significance of these emissions, and incorporate best management practices to reduce construction-related GHG emissions.

57lbs of CO2 per Mega Watt Hour (MGH). The project would require construction and grading which would only occur during construction of the reservoir and greenhouses.

Cannabis cultivation facilities can also result in high levels of water consumption. Indoor and mixed-light cannabis cultivation typically uses less water compared to outdoor cultivation because of the regulated growing conditions, the ability to recycle irrigation water, as well as a result of the humidity produced by plants as they grow. The proposed project would use a drip irrigation system and would result in the use of use of approximately 506,053 gallons of water per growing season for approximately 5,454 plants. According to OEI's hydrogeological study, employee usage would be approximately 0.01-acre feet per year, or approximately 3,258 gallons per year.

See Energy Section 6(a) where the applicant is required to submit a Greenhouse Gas Reduction Plan. With the existing laws and regulations, the proposed project would generate a less than significant amount of greenhouse gas emissions.

Significance Level: Less than Significant Impact

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

Comment:
The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. The County currently does not have an applicable countywide Climate Action Plan but has adopted a Climate Change Action Resolution in May 2018 to support reducing greenhouse gas emissions. The resolution establishes goals to establish a consistent framework throughout the County.

As described in question (a) above, the proposed project would be consistent with the BAAQMD's Clean Air Plan, is required to reduce GHG emissions from energy consumption, and would, therefore, not generate GHG emissions that conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Significance Level: Less than Significant Impact

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Comment:

Operation of the project, as well as ongoing maintenance activities over time, may involve the intermittent transport, storage, use, and disposal of potentially hazardous materials, including fuels and other materials commonly used for maintenance.

The applicant intends for the cultivation operation to be organic, however, there are occasions where food-grade pesticides may be used. Project use of any and all hazardous materials that may be generated, stored, transported, used, or disposed of would be subject to applicable local, state, and federal regulations.

Approximately 7,000 square feet of cannabis grown onsite (roughly 20%) would be processed in the 820-square-foot studio. The existing studio would be equipped with an odor control and ventilation system(s) to control odors, humidity, and mold. All harvests during fire season would be processed offsite. Pesticide and fertilizer storage containers would be stored inside the studio on pallets and/or shelves to minimize the possibility of spills and leaks going undetected. Currently, the structure does not have an impermeable floor, and all liquid pesticides and fertilizers must be stored on shelves capable of containing spills or provide appropriate secondary containment. A spill cleanup kit would be kept on-site to respond to any leaks or spills. The project would not involve disposal or runoff of agricultural chemicals because they are applied at label rates on the cannabis plants. Cannabis plants in the greenhouses would be grown in soil medium in containers on a single level. Plants would be grown in small pots for approximately 30 days and transferred to larger pots for flowering/production. Nutrient water to be discarded would be filtered or evaporated with the remaining sludge taken to a municipal waste facility. No impacts are anticipated related to the routine transport, use, or disposal of small amounts of agricultural chemicals.

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

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

With existing General Plan policies and federal, State and local regulation and oversight of hazardous materials, the potential threat to public health and safety or the environment from hazardous materials transport, use or disposal would be less than significant.

Significance Level: Less Than Significant Impact

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

Comment:
See above question (a), the proposed project would not include major construction-related hazardous materials. The project would occasionally use pesticides during the growing season, including herbicides, and fungicides and transport low-grade pesticides and fertilizers. The pesticides and fertilizers would be applied at label rates. The applicant would be required to follow BMPs as outlined by the Agriculture Commissioner.

Significance Level: Less Than Significant Impact

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

Comment:
The nearest school is Horicon Elementary School located at 35555 Annapolis Rd, which is approximately 1.03 miles southeast of the project site. The project is not located in a 1,000-foot school buffer zone; therefore, there would be no impact.

Significance Level: No Impact

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

Comment:
There are no known hazardous material sites within or adjacent to the project limits, based on review of the following databases on October 4, 2019.

1. The State Water Resources Control Board Geotracker database,[29]
2. The Department of Toxic Substances Control EnviroStor database,[30] and
3. The California Integrated Waste Management Board Solid Waste Information System (SWIS).[31]

[29] State Water Resources Control Board. "Geotracker Database," Accessed 10/4/2019. http://geotracker.waterboards.ca.gov/
[30] The Department of Toxic Substances Control. "EnviroStor Database," Accessed 10/4/2019. http://www.envirostor.dtsc.ca.gov/public/
[31] Cal Recycle. "Waste Information System (SWIS) Facility/Site Search," Accessed 10/4/2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/CalRecycle.

Significance Level: No Impact

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

Comment:
The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.[32]

Significance Level: No Impact

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

Comment:
The community does not have an emergency response plan. Due to the remote nature of the project, a road/emergency vehicle access assessment was completed with a project engineer and a project planner with input from the property owner and the local fire department. On-site parking for two Type 2 fire trucks would be provided at the large reservoir wharf hydrant to allow multiple trucks to refill their water tanks. There are three different access points to Annapolis Road from the property, described below. A full report by Munselle Engineering[33] includes access maps, photos, and widths of each road.

Little Creek Road is approximately 2 miles long, starting with a connection to Flournoy Road, and then Sleepy Hollow Road. Little Creek Road is a gravel road which is maintained annually by the property owners on Brushy Ridge Loop. Finely compacted shale and other rock types are spread evenly across the road to provide a smooth path along much of the road and where some portions have been recently graded, the surface is largely smooth, hard dirt. The width of the road varies between 16 and 22 feet, with the single lane steel bridge at Little Creek the exception, being 12 feet guardrail to guardrail. The road has turnouts and is wide enough for two cars to pass in opposing directions in most locations. This road has rolling dips that drain water from the road.

Buckeye Creek Road (Stibi Road) has been recently graded and provides the quickest route from the property to Annapolis Road. The grading provides widths from 14-17 feet, with

[32] Sonoma County, Airport Referral Area Exhibit C4. Charles M. Schulz – Sonoma County Airport Safety Zones. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/ accessed 10/4/19
[33] Munselle Engineering, Wildfire Response. 2019.

multiple turnouts along the roadside. This road crosses Sleepy Hollow Road close to the large clearing to the east of Sleepy Hollow Road, while Buckeye Creek Road travels near the center of this clearing. Sleepy Hollow is the route followed by most drivers beyond the intersection of these two roads. This road also uses rolling dips for drainage.

Sleepy Hollow Road is a privately owned and maintained road which connects the property to Annapolis road at the most eastern point. This access road varies in width between 14-22 feet, with multiple turnouts. The road uses fine gravel and compacted red dirt common in the project area.

The project has three potential access roads and escape routes. The project would not interfere with an emergency response or evacuation plan. As a project condition of approval, the applicant is required to pay an annual fire inspection fee to the County to ensure and maintain adequate emergency access from the project site.

Significance Level: Less than Significant Impact

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

Comment:
According to the Permit Sonoma GIS Tool,[34] the project is located in a high fire hazard zone. The project is located in a wooded rural area, characterized by wooded areas and sparse grasslands rural residential properties. See Wildfire Section 20 for a discussion of risks related to wildland fire.

As part of the County's planning referral process, the Fire Department responded with a comment letter to Permit Sonoma on January 28, 2019 and on November 3, 2020. Construction and operation at the site must conform with adopted standards, as determined and implemented by CalFire and Sonoma County Fire officials, which are intended to reduce risk from wildfire impacts to less than significant.

As a condition of project approval, the applicant/operator must submit a written *Fire Safety and Evacuation Plan* (pursuant to California Fire Code Sections 403 and 404) to CalFire for approval. This plan must include, but not be limited to, fire safety, medical emergencies, and evacuations, and shall also describe provisions for fire watch and medical personnel. The plan must be subject to re-evaluation by CalFire at any time, when requested in writing by the fire code official. Prior to approval of a grading permit, the applicant must provide evidence the project *Fire Safety and Evacuation Plan* has been reviewed and approved with

[34] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003

appropriate County emergency staff.

Significance Level: Less than Significant

10. HYDROLOGY AND WATER QUALITY

Would the project:

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

Comment:
The project site is located in the South Fork Gualala River watershed. There are no blue line streams on the property. Little Creek is approximately 1,500 feet to the south of the project site. Buckeye Creek is approximately 2,500 feet to the north of the project site. The project site is located within the jurisdiction of the North Coast RWQCB. The site is not located near any waterways by the State Water Resources Control Board (SWRCB) and North Coast RWCB under the Clean Water Act as impaired for sediment nutrients, pathogens and temperature.[35] However, the Gualala River is on the 303(d) list for TMDL for aluminum and water temperature. The closest waterway to the site is Little Creek, which intersects with Buckeye Creek west of the project site, which then connects to Gualala River inland from Sea Ranch.

The proposed project would involve placement of more than 10,000 square feet of impervious surface area for the mixed-light cultivation (13,000 square feet total). Therefore, it must both meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate Low Impact Development (LID) Best Management Practices (BMPs) contained in the Bay Area Storm Water Management Agency (BASMAA) Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties.

Low Impact Development (LID)
Permit Sonoma requires the project applicant to implement Low Impact Development (LID), a site design strategy of BMPs that mimics the pre-development site hydrology through features that promote storm water infiltration, interception, reuse, and evapotranspiration. LID techniques include use of small-scale landscape based BMPs such as vegetated natural filters and bioretention areas (e.g., vegetated swales and raingardens) to treat and filter storm water runoff. LID also requires preservation and protection of sensitive environmental features such as riparian buffers, wetlands, woodlands, steep slopes, native

[35] 19. State Water Resources Control Board, 2014-2016. TMDL Integrated Report, 303(d) List and 305(b) Report. https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml, accessed 10/8/19

vegetation, valuable trees, flood plains, and permeable soils.

SWRCB – General Construction Permit

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

Runoff and Stormwater Control for cannabis cultivation is addressed in Section 26-88-154(f)(20) which requires that any runoff containing sediment or other waste, or by-products not be allowed to drain to the storm drain system, waterways, or adjacent lands. The applicant is required to prepare and implement a storm water management plan and an erosion and sediment control plan, including best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the County Code. All cultivation operators are also required to comply with the best management practices for cannabis cultivation issued by the agricultural commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.

Section 26-88-254(g)(9) of the County Code requires that the applicant submit a wastewater management plan identifying the amount of wastewater to be generated and any excess irrigation and to identify proper management and disposal. All cultivation operations are required to comply with the BMPs issued by the Agricultural Commissioner and to verify compliance with the Waste Discharge Requirements of the applicable RWQCB. Any excess irrigation water or effluent from cultivation activities is required to be directed to a sewer, septic, irrigation or bio-retention treatment system. If discharge to a septic system is proposed, an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is required. All domestic waste for employees must be disposed of in an existing on-site septic system demonstrated to have adequate capacity.

Cannabis cultivation BMPs prescribed by the County Agriculture Commissioner include measures related to pesticide and fertilizer storage, pesticide use, fertilizer use, riparian protection, water use and storage, waste management erosion control/grading and drainage and items related to indoor cultivation.

In regard to water quality impacts, County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, and primary and secondary

containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

As a construction project disturbing one or more acres of soil, the project would also be required to file a Notice of Intent (NOI) package for coverage under the State Water Resources Control Board (SWRCB) General Permit No. CAS000002 for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). The General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which in addition to other requirements must list Best Management Practices (BMPs) to be used to protect storm water, and the placement of the BMPs. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

Significance Level: Less than Significant Impact

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

Comment:
The project is not located in a Priority Groundwater Basin as indicated by the Sonoma County GIS Tool. According to Ecoatlas[36], the project site is located within the Mendocino Coast Hydraulic Unit, and the Gualala River Watershed (HA113.80) Annapolis Ohlson Ranch Highlands Groundwater Basin (HUH-8). The Groundwater Sustainability Agencies are currently developing Groundwater Sustainability Plans that must be completed by 2022 and would provide a regulatory framework for managing groundwater use. The County requires preparation of a groundwater study to assess impact of projects that include new groundwater use.

The project is located in Groundwater Availability Class 4 (Areas with low or highly variable water yield). According to Sonoma County General Plan Policy WR-2e and County Policy 8-1-14, development of property with the intent to use groundwater within a Groundwater Availability Class 4 area requires a completion of a Hydrogeologic assessment through Permit Sonoma. A hydrogeologic assessment was prepared by O'Connor Environmental Inc. (OEI) to evaluate estimates of existing and proposed water use within the project recharge area, compilation of well completion reports (drillers' logs) from the area and characterization of local hydrogeologic conditions, estimates of annual groundwater

[36] EcoAtlas, Bay/Delta Ecoregion Map. www.ecoatlas.org, accessed 10/7/19

recharge and existing and proposed groundwater use, and the potential for well interference between the project well and neighboring wells.

Groundwater Storage: There are no wells on the project parcel. Instead, the parcel has an easement to use a well on the adjacent parcel to the south (APN 122-090-008). The project parcel has a deeded water right to use up to 10,000 gallons per month from this neighboring well for potable use. While portions of the project aquifer may be overlain by a shallow layer of the Ohlson Ranch Formation, the project well is screened almost entirely in Franciscan Complex sandstone. The total area of the project aquifer is 86 acres.[37] While specific yield values are unavailable for the Franciscan Complex, the porosity of fractured bedrock in the Franciscan Complex is expected to lie between <1 and 10%.[38] The drainage-area-weighted average-year recharge for four nearby watersheds was 5.1 inches and the dry year recharge was 2.8 inches. Application of these rates to the 86-acre project recharge area results in estimates of annual recharge of 36.6 acre-ft/yr for average conditions and 20.1 acre-ft/yr for dry year conditions. The total proposed water use for the project recharge area is estimated to be 2.89 acre-ft/yr. However, because the project parcel must rely on precipitation capture for a portion of its water supply, a maximum of 1.57 acre-ft/yr of groundwater would be used. This represents 4% of the estimated long-term average annual groundwater recharge of 36.6 acre-ft/yr and 8% of the estimated dry water year recharge of 20.1 ac-ft/yr. To be conservative, OEI used a low-end estimate of specific yield of 1% for the sandstone, which estimates available groundwater storage of 174 acre-ft, equivalent to more than four years of average recharge. These comparisons indicate that there is a substantial surplus of groundwater resources in terms of estimated annual groundwater recharge even during dry conditions such as water year 2007.

Existing Conditions: Existing onsite water demand from the vineyard and cannabis activities within the project recharge area may be up to 1.49 acre-ft/yr. To estimate maximum potential groundwater withdrawals in the project recharge area, all water uses in the existing condition were assumed to be supplied by groundwater. The water demand for irrigation is estimated to be up to 1.36 acre-ft/yr and residential water use is estimated at 0.13 acre-ft/yr. Of this, approximately 96,000 gallons/yr (0.29 acre-ft/yr) comes from the project parcel. Because water demand from the project parcel is less than the 120,000 gallons/yr the parcel may pump from the neighboring well, groundwater could potentially be used to supply all water used in the existing condition. However, because the storage pond on the project parcel collects approximately 25,400 gallons of precipitation during an average water year, groundwater use from the project parcel is likely substantially less than 96,000 gallons/yr in the existing condition.

[37] O'Connor Environmental Inc., Hydrogeologic Report and Water Availability Analysis, prepared 10/26/2018, revised 1/8/19.
[38] Freeze and Cherry, 1979; Weight and Sonderegger, 2000

Rainfall and Surface Water Capacity: Rainfall on the project site is estimated to be approximately 46.3 inches per year. For average rainfall conditions, recharge was estimated to be 5.1 inches per year or 36.6 acre-ft/yr summed across the project recharge area. During dry water year conditions, recharge was estimated to be significantly less at 2.8 inches per year or 20.1 acre-ft/yr across the project recharge area. The total proposed groundwater demand for the project recharge area is 1.57 acre-ft/yr which represents 4% of recharge under average year conditions and 8% of recharge under dry year conditions.[39] Direct precipitation and runoff from rooftops on the property would be used to fill the reservoir. The applicant estimates that, after subtracting evaporative losses, the two ponds would be capable of supplying 506,053 gallons (1.55 acre-ft) of precipitation for use per year. The primary source of cannabis irrigation water would come from stored surface water from existing reservoir and tank storage of 73,500 gallons (0.26-acre feet) and a proposed reservoir with a capacity of 1.7 million gallons (5.3-acre feet).

Potential Impacts to Streams and Neighboring Wells: The surplus of groundwater resources in terms of the comparison between recharge and demand indicates that the additional pumping associated with the proposed project is unlikely to result in declines in groundwater elevations or depletion of groundwater resources over time. The closest stream to the project well is Little Creek, a tributary to Buckeye Creek and the South Fork Gualala River. At the closest point, Buckeye Creek is approximately 1,200 feet southwest the project well. Using USGS data, OEI confirmed Little Creek is less than 400 feet at this location while the bottom of the project's well is approximately 505 feet. The horizontal separations between the project well and the nearest stream and neighboring well are large and the potential for the project to result in significant well interference or impacts to the stream are minimal.

Project Water Usage: OEI estimated that the total water use for the cultivation of cannabis (including residential and employee use) portion would be approximately 2.89-acre ft/yr, of which 1.57 is from groundwater, and 1.32 from precipitation. Annual Irrigation demand for the 10,000 square feet of mixed-light and 25,000 square feet of outdoor was estimated by the operator to be 1.55-acre feet. This water use rate is consistent with use rates of other cannabis operations and considered reasonable.

Total project water use would be approximately 4.44-acre feet per year. The primary source of cannabis irrigation water would come from stored surface water from existing reservoir and tank storage of 73,500 gallons (0.26-acre feet) and a proposed reservoir with a capacity of 1.7 million gallons (5.3-acre feet). The reservoirs could provide the necessary water in addition to 1.12 acre-feet for fire suppression or emergency use.

The project is proposing to split the overall construction and operation into two phases.

[39] O'Connor Environmental Inc., Hydrogeologic Report and Water Availability Analysis, prepared 10/26/2018, revised 1/8/19.

Phase one includes using hand tools to develop a temporary mixed-light cultivation area in an existing clearing near the residence while the spotted owl survey is conducted as required for the Minor Timberland Conversion (see Section 4, Biological Resources). The temporary cultivation would total 6,563 square feet and would use water from the existing onsite reservoir. Phase two would begin after completion of the spotted owl survey and review by Permit Sonoma. Phase two would include the Minor Timberland Conversion, construction of a second irrigation reservoir to supply water for the 35,000 square foot cultivation operation, and construction of the final six proposed greenhouses and outdoor cultivation area. The County reviewed the hydrogeological study from OEI Memo and found that the reservoir would demonstrate an adequate water supply for the project under Phase 1 and Phase 2 conditions. To account for project phasing, the applicant provided an addendum to the hydrogeologic report dated January 22, 2020 (OEI Memo) that demonstrates feasibility of using the existing irrigation supply pond and for the temporary cultivation.

To reduce use of water resources, all cannabis projects are required to utilize water-efficient landscaping in compliance with the County's Water Efficient Landscape Ordinance (Chapter 7D3 of the Sonoma County Building Code) and to submit a Water Conservation Plan. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse.

Significance Level: Less than Significant Impact

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

i. would result in substantial erosion or siltation on- or off-site?

Comment:
Construction activities associated with the proposed project are not anticipated to alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation. All construction activities are required to adhere to Sonoma County Code Sections 11.14.040 and 26.88.254 requiring that best management practices be incorporated in project activity to further control surface water runoff.

Runoff and stormwater control requirements for cannabis cultivation prohibit draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator is required to prepare a storm water management plan and

an erosion and sediment control plan, including best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the best management practices for cannabis cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and fires, Section 26-88-254(f)(20).

Significance Level: Less than Significant Impact

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Comment:
The project proposes construction of a reservoir, which would collect runoff. Although the project would include a new impervious surface (i.e., mixed-light structures), increased drainage from the new impervious surface would be offset by the reservoir's ability to capture onsite stormwater flows. The increased capacity would result in a decrease in the rate and amount of stormwater runoff, reducing the impact with regard to flooding.

Significance Level: Less than Significant Impact.

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

Comment:
As mentioned in 10(c)(ii), construction of the proposed reservoir would capture surface water. Permit Sonoma Grading and Stormwater Section staff reviewed the project referral and provided conditions of approval to ensure project compliance with the County Construction Grading and Drainage Ordinance (Zoning Code Chapter 11) and the Storm Water Quality Ordinance (Zoning Code Chapter 11A). The project would require a grading permit, which would not be issued until all recommended feasible stormwater treatment options have been incorporated into project design in compliance with all applicable standards of the County Code.

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

storm event.

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

Significance Level: Less than Significant Impact

iv. impede or redirect flood flows?

Comment:
There are no blue line streams on the project site and the parcel is not in the 100-year flood zone or Special Flood hazard Area (SFHA) (*i.e.* the area that would be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year). These areas are depicted on the zoning maps with the F1- Flood Zone and F2 – Flood Plain Combining Zones (General Plan 2020 PS-1e). Refer to responses 10(c)(ii) and 10(c)(iii) above for discussion of hydrological impacts.

Significance Level: Less than Significant Impact

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

Comment:
According to Sonoma General Plan Figure PS-1f[40], the project site is not located in an area that would be subject to flooding as a result of levee or dam failure. The project site is not located in a tsunami or seiche zone.

Significance Level: No Impact

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

Comment:
The County would require any future development to be designed and constructed to prevent or minimize the discharge of pollutants or waste from the project site. Best Management Practices to be used to accomplish this goal could include measures such as silt fencing, straw wattles, and soils discharge controls at construction site entrance(s).

[40] General Plan Safety Element Update, Dam Failure Inundation Hazard Areas, Figure PS-1f https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542633, accessed 10/8/19

Storm water BMPs may also include primary and secondary containment for petroleum products, paints, lime and other hazardous materials of concern.

Refer to response to 10(a) above regarding compliance with sustainable groundwater management plans.

Significance Level: Less than Significant Impact

11. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

Comment:
The project would not physically divide the community. It does not involve construction of a large physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that could impair mobility within an established community or between a community and outlying areas. Improvements associated with the buildout of the project would be constructed within the boundaries of the project site with the exception of two roadway entries that would be improved. The Sonoma County Department of Transportation and Public Works has added a condition of approval that the entries of Little Creek Road and Buckeye Creek Road be surfaced with asphalt concrete a minimum of 25 feet from the edge of the pavement of Annapolis Road to allow for the smooth and safe movement of vehicles entering and exiting the public road. These improvements would not change the existing roadway layout and the project does not include or propose expansion beyond the parcel boundaries.

Significance Level: No Impact

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

Comment:
The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating environmental effect, including the Sonoma County General Plan and Zoning Ordinance.

The General Plan Land Use and Zoning designation for the parcel is Resources and Rural Development. This land use designation is intended to protect lands used for commercial timber production and other resource production as well as protect against intensive development. The Resources and Rural Development areas include broad goals and policies

related to balancing growth with existing agricultural production, commercial fishing, timber, and scenic resources.

The proposed project would also be generally consistent with goals, policies, and objectives in the *Sonoma County General Plan 2020* related to avoiding or mitigating an environmental effect, including:

- Protection against intensive development of lands constrained by natural hazards and proliferation of growth in areas where there are inadequate public services and infrastructure (General Plan Land Use Element 2.7- Natural Resource Land Use Policy): The project site is not constrained by steep slopes, biotic or scenic areas, poor soils or water, geologic hazards, or fire and flood prone areas. Development on the site is limited to approximately three acres of the 40.11-acre parcel and no new public services or infrastructure are needed to serve the project.
- The project is designed in harmony with the natural and scenic qualities of the local area (Policy LU-12g) as no portion of the project would be visible from a public or private road and the project parcel is screened from roads and other properties by existing trees.
- Preservation of biotic and scenic resources (General Plan Goal LU-10, Objective LU-10.1, Goal OSRC-2, Objective OSRC-2.1, Objective OSRC-2.2, Objective OSRC-2.3, Policy OSC-2d, Goal OSCR-3, Policy OSRC-3a, Policy OSRC-3b, Policy OSRC-3c, Goal OSRC-6, Objective OSRC-6.1, and Policy OSRC-6a): The project would be consistent with regulations pertaining to avoiding biotic resources and would also be largely consistent with regulations designed to maintain the scenic qualities of the area. (See Section 1, Aesthetics, for further discussion).
- Wastewater (General Plan Policy LU0-8a): The project would comply with regional waste discharge requirements and County regulations to minimize storm water, surface water and groundwater pollution.
- Maintaining very low residential densities (General Plan Objective LU-12.6): The project does not propose to increase residential density or construct new residences.
- Nighttime lighting and preservation of nighttime skies and visual character of rural areas (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4b, and Policy OSRC-4c): All lights would be motion activated exterior lights which comply with County requirements related to location, shielding, and light levels.
- Renewable Energy (General Plan Policy LU-11b, Goal OSRC-14, and Objective OSRC-14.2): The project would use 100 percent renewable energy as required for cannabis operations. This is consistent with County goals of increasing energy conservation and improving efficiency.
- Protection of Water Resources (General Plan Goal LU-8, Objective LU-8.1, Goal, Policy LU-8a): The project would be consistent with regulations pertaining to protecting Sonoma County's water resources and would also be largely consistent

with regulations designed to avoid long term declines in available groundwater resources or water quality.

- Noise (General Plan Goal NE-1): Project construction and operations, including cannabis cultivation and processing, would not exceed the general plan noise standards Table NE-2 (See Section 12, Noise, for further discussion).

Within the Resources and Rural Development zoning designation, commercial cannabis cultivation (up to 1 acre of cultivation area) including ancillary processing operations, is an allowed land use with a use permit (Section 26-10-020(tt)). The proposed project would be consistent with the Sonoma County Code for the Resources and Rural Development zoning designation as well as the Development Criteria and Operating Standards from the Code intended to avoid and minimize potential environmental impacts (Section 26-88-250 through 254).

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

Significance Level: Less than Significant Impact

12. MINERAL RESOURCES

Would the project:

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

Comment:
The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

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

Significance Level: No Impact

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

Comment:
The project site is not located within an area of locally-important mineral resource recovery site and the site is not zoned MR (Mineral Resources) (Sonoma County Aggregate Resources Management Plan, as amended 2010 and Sonoma County Zoning Regulations.)[41] No locally-important mineral resources are known to occur at the site.

Significance Level: No Impact

13. NOISE

Would the project result in:

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

Comment:
Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying. The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness or a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

There are several methods of charactering sound. The most common method is the "A-weighted sound level," or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale. The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6dB with each doubling of distance from a point, or stationary, source of sound, and 3 dB for each doubling of distance from a mobile source of sound.

Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. When

[41] Sonoma County, Aggregate Resources Management Plan, Gualala River. Designated In-stream Mining Areas. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/, accessed 10/8/19

more than one-point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73dB.

County noise standards (as indicated in Table NE-2 of the General Plan) establish a maximum allowable exterior noise exposures of 50 dBA in the daytime (7:00 AM to 10:00 PM) and 45 dBA in the nighttime (10:00 PM to 7:00 AM), as measured using the L50 value (the value exceeded 50 percent of the time, or 30 minutes in any hour – i.e., this is the median noise level).

Table 5. Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources(A)

Hourly Noise Metric, dBA(B)	Daytime (7 AM - 10 PM)	Nighttime (10 PM - 7 AM)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

Source: Sonoma County General Plan Noise Element Table NE-2

(A) Pursuant to General Plan Policy NE-1C, the noise standards apply at the exterior property line of any adjacent noise sensitive land use.

(B) The sound level exceeded n% of the time in any hour. For example, L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

As discussed in the 2016 ND (p. 39), "Cannabis operations could cause potential noise impacts through preparation of land for outdoor cultivation, construction actives for associated structures, noise from onsite power generators, and road noise from related traffic." Other potential sources of noise associated with cannabis operations can include fans (circulation, ventilation, exhaust, etc.), blowers (heaters, etc.), and alarms (on equipment such as forklifts).

Section 26-88-254(g)(6) of the County Code includes the following standard pertaining to cannabis: "Cultivation operations shall not exceed the General Plan Noise Standards table NE-2, measured in accordance with the Sonoma County Noise Guidelines." In addition, the Ordinance also includes a provision that "the use of generators as a primary source of power shall be prohibited." Based on review of the project plans and the project application, the cultivation operation would be located at least 2,000 feet from neighboring

residences. These setbacks ensure that any noise associated with the cultivation operation would not expose persons to noise levels in excess of standards. With this setback, each individual piece of stationary equipment could have a sound power level of approximately 57 dBA and not exceed the County's nighttime L50 standards listed in the table above. This calculation presumes the area between the equipment and the property line consists of hard ground cover (e.g., asphalt, compacted soil) and not topographic, vegetative, or structural shielding, a conservative assumption (i.e., likely to overestimate the lowest sound power level that would exceed County standards).

The potential for the project to generate noise levels to exceed the County's standards is limited to large exhaust fans, blowers, mobile equipment operations, and any back-up generator. Processing includes all activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis. A majority of the cannabis grown onsite, approximately 28,000 square feet or 80%, would be transported offsite for processing. Although most processing would occur at an off-site location, approximately 7,000 square feet of cannabis grown onsite (roughly 20% by weight) would be processed in the studio. The existing studio would be equipped with an odor control and ventilation system(s) to control odors, humidity, and mold. Additionally, the County's code requires cannabis cultivation facilities to comply with the standards listed above.

Significance Level: Less than Significant Impact

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

Comment:
According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration (Sonoma County 2016, page 20), "The nature of cannabis cultivation uses does not involve vibration or ground borne noises, except for potential impacts related to construction of related structures. These impacts would be from conventional construction equipment and would be short-term and temporary, limited to daytime hours. Some cannabis operations located in remote areas utilize power generators as the primary source of power, which can create noise impacts and expose people to excessive vibration and noise levels. The proposed Ordinance prohibits the use of generators as a primary source of power thus the potential for impacts is substantially reduced to less than significant."

The proposed project would have a limited potential to generate excessive ground borne vibration and noise levels due to the limited potential for vibration-inducing activities and the setback requirements contained in Section 26-88-254 of the County Code, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and

drug treatment facilities. These setbacks would ensure ground-borne vibration levels dissipate before reaching any sensitive receptor locations.

Significance Level: Less than Significant Impact

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

Comment:
The project site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.[42] The project site is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport. The project, therefore, would not expose people working in the project are to excessive noise levels.

Significance Level: No Impact

14. POPULATION AND HOUSING

Would the project:

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

Comment:
The project proposes construction of a 5.3-acre foot reservoir, 28-foot ramp to the ADA restroom, and six greenhouses. The proposed project does not include the construction of new housing, nor would it generate significant new demand for housing in the area. The project would employ eight part time employees, with no more than three employees onsite at any time. This increase in employment is not anticipated to result in an indirect increase in population as it is anticipated that employees would be existing residents of the region. Therefore, the project would not induce substantial population growth in the area.

Significance Level: Less Than Significant Impact

[42] Sonoma County, Airport Referral Area Exhibit C4. Charles M. Schulz – Sonoma County Airport Safety Zones. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/ accessed 10/4/19

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

Comment:
No people nor housing would be displaced by the project and no replacement housing is proposed to be constructed.

Significance Level: No Impact

15. PUBLIC SERVICES

Would the project:

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

Comment:
Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services and the impact would be less than significant. No new housing is included within the project proposal. The project would employ eight part time employees, with no more than three employees onsite at any time. The project would not necessitate or facilitate construction of new public facilities.

Significance Level: Less Than Significant Impact

i. Fire protection?

Comment:
The project is located within the State Responsibility Area (SRA), under CalFire jurisdiction. The parcel is located in the North Sonoma Coast Fire Protection District. All new development must conform with adopted State standards as determined and implemented by CalFire and Sonoma County Fire officials intended to reduce risk from wildfire impacts to less than significant.

The County Fire Marshal reviewed the project description and plans on January 28, 2019 and required that the project comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. These are standard conditions of approval required by County Code. Because none of the conditions and/or requirements requires construction of new or expanded fire protection/EMS facilities, project impacts on fire protection/EMS would be less than significant.

Significance Level: Less Than Significant Impact

ii. Police?

Comment:
The Sonoma County Sheriff would continue to serve this area. There would be no increased need for police protection resulting from the project.

The proposed project does not include the development of housing. The project would generate up to eight jobs as part of the cultivation operation. The project would not include construction of a substantial amount of homes, businesses or infrastructure and therefore would not induce substantial population growth. Existing police protection facilities would be adequate to serve the proposed project.

Significance Level: Less Than Significant Impact

iii. Schools, parks, or other public facilities?

Comment:
Development fees to offset potential impacts to public services, including school impact mitigation fees, are required by Sonoma County Code and state law for new subdivisions and residential developments. The project does not include residential development and no new schools are reasonably foreseeable as a result. The project would not contribute to an

increase in the need for expanded or additional schools, parks or other public facilities.

Significance Level: No Impact

iv. Parks?

Comment:
The proposed project does not include the development of residential uses and thus would not result in the need for new or expanded park facilities.

Significance Level: No Impact

v. Other public facilities?

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

Significance Level: No Impact

16. RECREATION

Would the project:

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

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

Significance Level: No Impact

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

Comment:
The proposed project does not involve construction of recreational facilities. See item 16(a).

Significance Level: No Impact

17. TRANSPORTATION

Would the project:

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

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

The project applicant submitted a "Cannabis Trip Generation" form as requested by the County. The proposed project proposal includes eight employees, with no more than three employees onsite at any time. The Cannabis Trip Generation form estimated total annual trips to be 522, which averages to 43.5 trips per month, which is 1.45 average trips per day. During the 37 construction days, the large equipment operators would be making an additional two trips per day, traveling to and from the site. Because the trips vary widely between cultivation season, the total trips range from zero trips between December to February to 132 trips in August.

According to the County Maintained Road Postmile System Map,[43] Annapolis Road is a rural major collector. Average daily traffic volume measured by the County along Annapolis Road close to Soda Springs Road to the southeast of the project area was 424 vehicles.[44] Sleepy Hollow Road is a private, dirt road and is not county-maintained. There is no traffic volume data available. Annapolis Road, the nearest county-maintained road does not have bicycle or pedestrian facilities in the project vicinity, and there are no paved shoulders on either road. The project does not propose any improvements to bicycle or pedestrian facilities. The area is not served by public transit. The closest public transit stop is served by Mendocino Transit Authority at Sea Ranch Lodge, Sea Ranch, 4.5 miles from the project site.

[43] Sonoma County General Plan, Road Inventory. County Maintained Road Postmile System Map. https://roads-sonomacounty.hub.arcgis.com/pages/roads accessed 10/4/19
[44] Sonoma County Department of Transportation & Public Works, GIS Map of Traffic Surveys, https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1 accessed 10/4/19.

Significance Level: Less than Significant Impact

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

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

Sonoma County has not yet adopted a VMT standard, nor has the County adopted a policy or threshold of significance regarding VMT. As with other cities and counties throughout the state that have not established VMT standards and thresholds, the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018) shall be used in the interim to determine if the project's VMT may or may not cause a transportation impact. According to the guidelines, the screening threshold for small projects indicates that projects that generate or attract fewer than 110 trips per day would cause a less-than-significant transportation impact.

The Average Daily Trip form completed by the applicant on November 30, 2019 determined the project would generate 1.45 trips per day, indicating a less than significant impact.

Significance Level: Less than Significant Impact

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

Comment:
The project would not increase hazards because it would not change the existing alignment of the roadway.

Significance Level: No Impact

d) Result in inadequate emergency access?

Comment:
Construction and operation at the site must conform with adopted State standards, as determined and implemented by CalFire and Sonoma County Fire officials, intended to reduce risk from wildfire impacts to less than significant. The project does not propose destruction of roads or bridges.

Significance Level: Less than Significant Impact

f) Result in inadequate parking capacity?

Comment:
Sonoma County Code Section 26-86 includes no specific parking requirements for cannabis cultivation land uses; however, the project would not be open to the public, and there is an existing 7,000-square foot mixed dirt and gravel parking lot accessible from the onsite driveway for employees.

Significance Level: Less than Significant Impact

18. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k), or ii) A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Comment: A cultural resources records search results from the Northwest Information Center (CHRIS-NWIC), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission indicates that there are no known Traditional Cultural Resources (TCR) or unique archaeological resources associated with TCR's located within the project boundaries.[45] Origer & Associates notified local tribes of the project, but no AB 52 consultations were requested.

Therefore, the proposed project would result in no substantial adverse change in the significance of Traditional Cultural Resources (TCR's) and unique archaeological resource, as defined in CEQA Guidelines Section 15064.5. Several tribes responded to the notification dated January 31, 2019. The Native American Heritage Commission responded on February

[45] Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California.

5, 2019. The results of their Sacred Lands File review indicated that there are sacred sites within the vicinity of the project area provided (the Township and Range) and recommended contacting the Kashia Band of Pomo Indians of the Stewarts Point Rancheria for more information. A follow up email was sent to Lorin Smith, Jr. of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria on February 8, 2019, inquiring about potential sacred sites, but no response has been received as of the date of this report.

The Middletown Rancheria responded on February 5, 2019. The Tribe has no specific comments at this time, but if new information or evidence of human habitation is found, they would like to be notified. The Lytton Rancheria responded on February 13, 2019. The Tribe has no specific comments at this time but will be consulting further with the appropriate lead agency and has requested a copy of the survey report once completed.

As described under Cultural Resources Section 5(c), the grading ordinance applies regarding previously undiscovered TCR's or unique archaeological resources that may be accidentally encountered during project implementation. Impacts regarding tribal cultural resources are less than a significant.

Significance Level: Less than Significant Impact

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

Comment:
Domestic wastewater disposal would be provided by an existing onsite septic system and potable water would be provided by an existing private well. The proposed reservoir would provide water for the cultivation operation. The site is connected to electric power.

Project construction would temporarily alter storm water flows at the project site due to ground disturbing activities; however, there are no existing storm water drainage facilities as Sleepy Hollow Road is a private road and the project site is located in a rural area with limited public infrastructure. Grading for project development may alter the natural topography and may alter the drainage pattern and increase storm water runoff. Construction impacts have been analyzed in Section 3 Air Quality, and Section 7 Geology and Soils, and Section 10 Hydrology and Water Quality. Incorporation of mitigation measures/BMPs described in Section 10 would ensure there is no increase in storm water flows offsite.

Any modifications to the existing water system and/or wastewater system would need to be submitted for County review and approval. Once construction is complete, the water supply reservoir would capture on-site storm water runoff and would reduce runoff. Although the project would include approximately 13,000 square feet of new impervious surface (mixed-light structures), the proposed irrigation reservoir would collect the increased stormwater drainage, and there would be no new stormwater runoff from project implementation.

Development would only be permitted after Permit Sonoma reviews storm water drainage development plans designed by a storm water engineer to ensure adequate management of storm-water drainage facilities on the site. Because the project is using an existing well, septic system, and electrical line, the project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.

Significance Level: Less Than Significant

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

Comment:
As discussed throughout Section 10 Hydrology and Water Quality, the project would use water from the proposed reservoir for cultivation. The project is located within a Class 4 Groundwater Area. A County-required hydrogeologic report determined that the proposed reservoir in combination with the existing reservoirs would provide enough water to sufficiently serve the project and that the project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time. Domestic water uses from the existing offsite well would be negligible.

Significance Level: Less than Significant Impact

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

Comment:
The project site is served by an existing septic system. The proposed project would not be served by public wastewater and would not impact the capacity of public facilities.

Significance Level: No Impact

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of

local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Comment:
Sonoma County has an existing waste management program that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the non-cannabis solid waste that would result from the proposed project. The non-cannabis waste would be hauled offsite by Recology in accordance with local and state laws and regulations.

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

The applicant also proposes on-site green waste composting. Standards conditions also require that the applicant submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs and the Permit Sonoma Project Review Health Specialist for review and approval. All cannabis waste shall be ground, chipped or shredded as necessary and mixed with suitable materials and composted until it is no longer recognizable as cannabis by sight or smell. Waste containing cannabis must be made unusable and unrecognizable prior to leaving the licensed premises by grinding and incorporating the cannabis waste with non-consumable, solid wastes listed below, such that the resulting mixture is at least 50 percent non-cannabis waste: a. Paper waste; b. Cardboard waste; c. Food waste; or other compostable oil waste; and other wastes approved by the County that would render the cannabis waste unusable and unrecognizable.

Significance Level: Less Than Significant Impact

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

Comment:
Sonoma County has access to adequate permitted landfill capacity to serve the proposed project. The project would not produce a substantial amount of solid waste.

Significance Level: No Impact

20. WILDFIRE

According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as High.[46] As noted in the General Plan Public Safety Element (p. PS-14), *the High Fire Hazard Severity Zone includes: a) wildland areas supporting medium to high fire behavior and roughly average burn probabilities; and b) developed/urbanized areas with more limited non-burnable surfaces and moderate vegetation cover.*

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

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

Comment:
According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as High.[47] See Hazards Section 9(f) regarding the emergency evacuation plan. That assessment serves as the emergency evacuation plan to provide escape routes (in the event of an emergency) for the community, employees, and the owner working onsite.

Significance Level: Less than Significant Impact

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

Comment:
According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as High.[48] In accordance with Section 26-88-254(f)(16) of the County Code, the applicant is required to prepare and follow a fire prevention plan for construction and ongoing operations, including provisions for

[46] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[47] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003
[48] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003

emergency vehicle access and turn-around, vegetation management, and fire break maintenance around all structures.

Total project water use would be approximately 4.44-acre feet per year (see Hydrology 10(b). The primary source of cannabis irrigation water would come from stored surface water from existing reservoir and tank storage of 73,500 gallons (0.26-acre feet) and a proposed reservoir with a capacity of 1.7 million gallons (5.3-acre feet). The reservoirs could provide the necessary water in addition to 1.12 acre-feet for fire suppression or emergency use. Surface runoff would drain into the reservoir and would be used for irrigation and fire prevention, increasing water sources to help firefighting. The local fire department requires a minimum 100-foot diameter of clear space for a helicopter to take water for firefighting. The proposed reservoir would provide a 200-foot diameter clearing, which a helicopter could access during a fire. Based on a site review, the nearest reservoir is over 7,000 feet east from the planning area at a vineyard. The project reservoir would provide a water source and up to 1.12 acre-feet for firefighting needs.

Accordingly, the County would implement suspending all outdoor cannabis operations on days where the air quality is affected by wildfire smoke and is rated "Unhealthy" on the Air Quality Index. Operation and construction at the site must conform with adopted State standards as determined and implemented by CalFire and Sonoma County Fire officials intended to reduce risk from wildfire impacts to less than significant. These fire safety standards ensure that all new development within the unincorporated area of the county will provide a basic level of fire protection around itself making it easier and safer for fire fighters to fight wildland and structure fires.

Annapolis is a sparsely populated rural area, and because few people would be onsite at any given time, and because the project reservoir would provide water onsite for firefighting, impacts due to slope and prevailing winds and occupants would be less than significant.

Significance Level: Less than Significant Impact

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

Comment:
According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as High.[49] See Hazards Section 9(f) for an outline of the road assessment and inspection/maintenance requirements in addition

[49] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003

to a discussion about the construction of the reservoir.

Significance Level: Less than Significant Impact

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

Comment:
According to the Sonoma GIS tool the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as High.[50] The property is located on Brushy Ridge and slopes gently to the south and steeper to the east and west, away from the proposed project improvements. The slope in the outdoor and mixed-light cultivation sites ranges from 0-9% slope.

The runoff from the proposed cultivation would flow into the proposed reservoir via a spillway located between the reservoir and cultivation area. There is no anticipated risk to the work area from post fire flooding or landslides as a result of runoff. The property owner will be required to maintain proposed drainage facilities to ensure conveyance of stormwater to the reservoir.

Based on the gentle slopes and drainage patterns present at the site, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Significance Level: Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comment:
Potential project impacts on special status plant and wildlife species and habitat are

[50] Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," Accessed October 3, 2019. http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003

addressed in Biological Resources Section 4. Because of extensive grading and tree removal, there are potentially significant impacts to species in the project area. However, implementation of mitigation measures **BIO-1** through **BIO-6** would reduce these potential impacts to a less-than-significant level.

Significance Level: Less than Significant Impact

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

Comment:
Cumulative impacts were considered in each of the environmental topics evaluated in this Initial Study. No project impacts have been identified in this Initial Study that are individually limited but cumulatively considerable. The project would contribute to impacts related to biological resources, cultural resources and tribal cultural resources which may be cumulative off-site, but mitigations would reduce project impacts to less-than-significant levels.

See Section VIII. Other Related Projects for an outline of projects in the area.

Significance Level: Less than Significant Impact

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

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

Significance Level: Less than Significant Impact

References

1. Sonoma County, Riparian Corridors Website. Adopted Official Zoning Database (OZD) Table – Riparian Corridor, Biotic Habitat, and Commercial Rural Rezones https://sonomacounty.ca.gov/PRMD/Regulations/Riparian-Corridors/Sonoma-Coast--Gualala-Basin/, accessed 10/1/19.

2. Sonoma County, General Plan 2020 Open Space Map: Sonoma Coast / Gualala Basin fig. OSRC-5a. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Open-Space-Sonoma-Coast/Gualala-Basin/ accessed 10/1/19.

3. Environmental Resource Solutions, Inc. Sleepy Hollow Farm Minor Timberland Conversion Proposal Statement. December 9, 2019

4. Sonoma County Agricultural Preservation & Open Space District, General Plan 2020 Scenic Corridors https://www.sonomaopenspace.org/wp-content/uploads/Scenic_ANSI_D_05152017.pdf, accessed 10/02/19

5. Caltrans, Map Viewer website. California Scenic Highways https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a, accessed 10/1/19

6. Sonoma County, PJR-087 Minor Timberland Conversion https://sonomacounty.ca.gov/PRMD/Instructions-and-Forms/PJR-087-Minor-Timberland-Conversion/ accessed 10/03/19

7. Sonoma County General Plan 2020 Land Use Element, Natural Resource Land Use Policy, Policy for Resources and Rural Development Areas, Page LU 67-68. http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542561, accessed 10/3/19

8. Sonoma County, Visual Assessment Guidelines, https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/ accessed 10/3/19

9. Sonoma County, Permit Sonoma GIS Site Evaluation Tool, http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003, accessed 10/3/19.

10. U.S. Fish and Wildlife Service, 2012. Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls. https://www.fws.gov/yreka/ES/2012RevisedNSOprotocol-2-15-12.pdf, accessed 1/10/20

11. Wildlife Research Associates and Jane Valerius Environmental Consulting. Habitat Assessment of 41707 Sleepy Hollow Road, Annapolis, Sonoma County, CA. Prepared for Peter Buffington. May 29, 2018.

12. Tom Origer & Associates, February 2019. Results of a Cultural Resources Study for the Proposed Cannabis Cultivation Project at Sleepy Hollow Farm located at 41707 Sleepy Hollow Road, Annapolis, Sonoma County, California. Prepared by Tom Origer & Associates, Post Office Box 1531, Rohnert Park, California 94927; prepared for Peter Buffington.

13. California Department of Conservation, Earthquake Zones of Required Investigation Map, https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed 10/7/19.

14. Sonoma County General Plan 2020. Public Safety Element, Liquefaction Hazard Areas Fig. PS-1c, https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/, accessed 10/2/19.

15. Sonoma County, 2016 Medical Cannabis Land Use Ordinance Negative Declaration, Page 20

16. State Water Resources Control Board Geotracker Database, http://geotracker.waterboards.ca.gov/, accessed on 4/25/19.

17. The Department of Toxic Substances Control EnviroStor Database, http://www.envirostor.dtsc.ca.gov/public/, accessed on 4/25/19.

18. Cal Recycle. Waste Information System (SWIS) Facility/Site Search. https://www2.calrecycle.ca.gov/swfacilities/Directory/ accessed on 10/4/19.

19. State Water Resources Control Board, 2014-2016. TMDL Integrated Report, 303(d) List and 305(b) Report. https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml, accessed 10/8/19

20. EcoAtlas, Bay/Delta Ecoregion Map. www.ecoatlas.org, accessed 10/7/19

21. General Plan Safety Element Update, Dam Failure Inundation Hazard Areas, Figure PS-1f https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542633, accessed 10/8/19

22. O'Connor Environmental Inc., Hydrogeologic Report and Water Availability Analysis, prepared 10/26/2018, revised 1/8/19.

23. Sonoma County, Aggregate Resources Management Plan, Gualala River. Designated In-stream Mining Areas. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/, accessed 10/8/19

24. Sonoma County, Airport Referral Area Exhibit C4. Charles M. Schulz – Sonoma County Airport Safety Zones. https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/ accessed 10/4/19

25. Sonoma County General Plan, Road Inventory. County Maintained Road Postmile System Map. https://roads-sonomacounty.hub.arcgis.com/pages/roads accessed 10/4/19

26. Sonoma County Department of Transportation & Public Works, GIS Map of Traffic Surveys, https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1accessed 10/4/19.

27. Sonoma County Zoning Regulations. Sonoma County Code, Chapter 26.

28. Sonoma County 2003 Countywide Integrated Waste Management Plan. Sonoma County Waste Management Agency, October 2003, https://zerowastesonoma.gov/uploads/reports/CoIWMP_Combined.pdf, accessed 10/2/2019.

29. Sonoma County. General Plan 2020, "Earthquake Ground Shaking Hazard Areas Figure PS-1a" accessed DATE https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/

30. Sonoma County General Plan 2020 (as amended), September 23, 2008, http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/, accessed 9/30/19.

31. Sonoma County General Plan 2020 Land Use Element (as amended), July 10, 2018, http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542561, accessed 10/3/19

32. Sonoma County Permit Sonoma GIS Site Evaluation Tool, http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003, accessed 10/1/19

33. Sonoma County Zoning Regulations. Sonoma County Code, Chapter 26.

34. PJC & Associates. Geotechnical Investigation, Proposed Reservoir, 41707 Sleepy Hollow Road, Annapolis, California. March 26, 2019

35. Munselle Civil Engineering, 41707 Sleepy Hollow Road Sheets C1-C6. March 27, 2019

36. Freeze, R., and Cherry, J., 1979. Groundwater. Prentice-Hall, New Jersey, 604 pgs.

37. Forest Ecosystem Management, PLLC. 2020 Northern Spotted Owl Survey Information for Sleepy Hollow Farm Project Section 12 T10N, R14W MDB&M - Sonoma County. June 5, 2020.