



PROPOSED
Mitigated Negative Declaration

Publication Date: December 11, 2020
Public Review Period: 12/11/20 to 1/11/21
State Clearinghouse Number:
Permit Sonoma File Number: **UPC19-0002**
Prepared by: Southisone S. Garner
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: **UPC19-0002, Gordenker Ranch Cannabis Cultivation**

Project Applicant/Operator: Timothy Crites representing CSCF, LLC. (cultivation) & Joseph Pearson representing WWCMC, Inc. (processing)

Project Location/Address: 110 Trinity Road, Glen Ellen

APN: 053-110-001, 053-130-009 (part)¹

General Plan Land Use Designation: Land Intensive Agriculture (LIA)

Zoning Designation: LIA B6 100, LG/MTN RC50/25 SR

Decision Making Body: Sonoma County Board of Supervisors

Appeal Body: N/A

Project Description: See Item III, below

¹A lot line adjustment divided APN 053-130-009 into two parts, one of which was combined with APN 053-110-001, and the other part combined with the adjoining parcel to the north (APN 053-100-015). The parcel maps have not been updated to reflect this.

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

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
California Department of Food and Agriculture (CDFA)	Issuance of state cannabis license	Medicinal and Adult-Use Cannabis Regulation and Safety Act
State Water Resources Control Board (SWRCB)	General Construction Permit	National Pollutant Discharge Elimination System (NPDES)
San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver
California Department of Fish and Wildlife (CDFW)	Lake and streambed alteration notification/ agreement	Fish and Game Code, Section 1600 et seq.
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions/ Green House Gas Emissions/ Emergency backup generator/Building demolition	BAAQMD Rules and Regulations (Regulation 2, Rule 1 – General Requirements; Regulation 2, Rule 2 – New Source Review; Regulation 9, Rule 8 – NOx and CO from Stationary Internal Combustion Engines; Regulation 11, Rule 2 – Asbestos Demolition, Renovation and Manufacturing); and other BAAQMD administered Statewide Air Toxics Control Measures (ATCM) for stationary diesel engines

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.

Southisone S. Garner 12/11/2020
Prepared by: Southisone S. Garner Date:

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Applicant: Timothy Crites representing CSCF, LLC Date:
Joseph Pearson representing WWCMC, Inc.



Initial Study

I. INTRODUCTION:

Sonoma County has received an application from CSCF, LLC (CSCF) for a Use Permit to allow commercial cannabis cultivation at 101 Trinity Road, Glen Ellen, California. Sonoma County has also received an application from WWCMC, Inc. (WWCMC) for a Use Permit to allow a centralized cannabis processing center at 101 Trinity Road, Glen Ellen, California. The two Use Permit Application requests are from two separate legal entities (CSCF for cultivation; WWCMC for processing) but because their operations would be located on the same parcel, Permit Sonoma has determined that they should be evaluated for CEQA purposes as one project.

CSCF is requesting approval for the construction of a greenhouse/nursery/propagation/head house facility that would support operation of 10,000 square feet of mixed-light cultivation canopy area in four greenhouses ("rooms"), 5,000 square feet of indoor wholesale nursery canopy area, a 5,880 square-foot head house, a 5,880 square-foot utility room, and 10,890 square feet of greenhouse propagation. In addition, CSCF is requesting 28,560 square feet of outdoor cultivation (in two areas; one for 15,720 square feet of canopy and the other for 12,840 square feet of canopy). The greenhouse "rooms," nursery, processing, head house, utility room, and propagation, would be in one structure, with an additional 5,880 square feet of plenum space divided equally at each end of the building.

WWCMC is requesting approval of a use permit for converting an existing barn structure into a centralized cannabis processing center (only nine such facilities are authorized in the County). Existing land uses surrounding the project site include a quarry to the east (that is ceasing operations and has applied for an outdoor cannabis cultivation permit, currently under the penalty relief program), State Highway 12 to the west (and a residential subdivision west of Highway 12), rural residences to the south, and a vineyard to the north (that has applied for an outdoor cannabis cultivation permit, currently under the penalty relief program). The quarry property to the east and the vineyard property to the north are both owned by the same owner of the project property (Gordenker Turkey Farms).

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

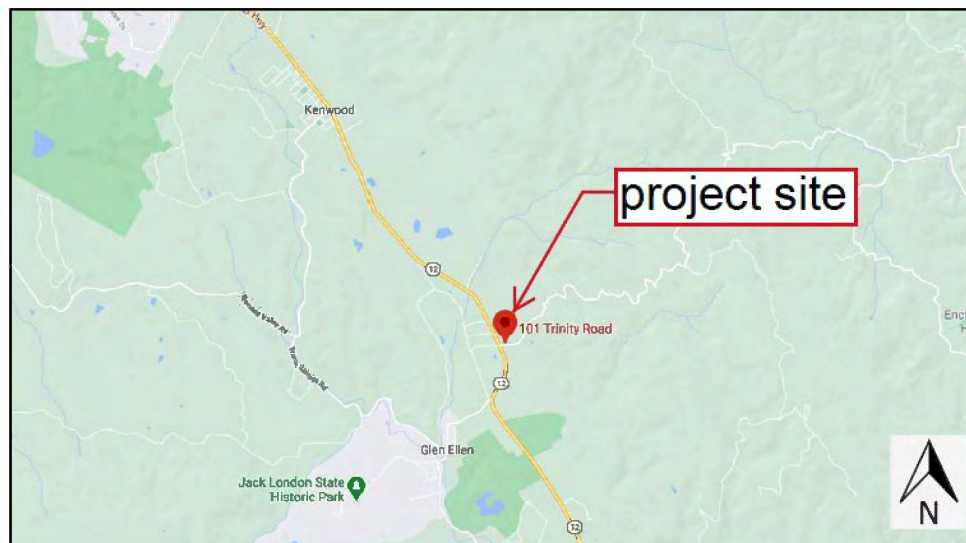
This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Southisone S. Garner, Contract Project Planner with MIG. Information on the project was provided by the two project applicants, GDCF, LLC and CSCF, LLC. Other

reports, documents, maps, and studies referred to in this document are available for review at the Permit and Resources Management Department (Permit Sonoma).

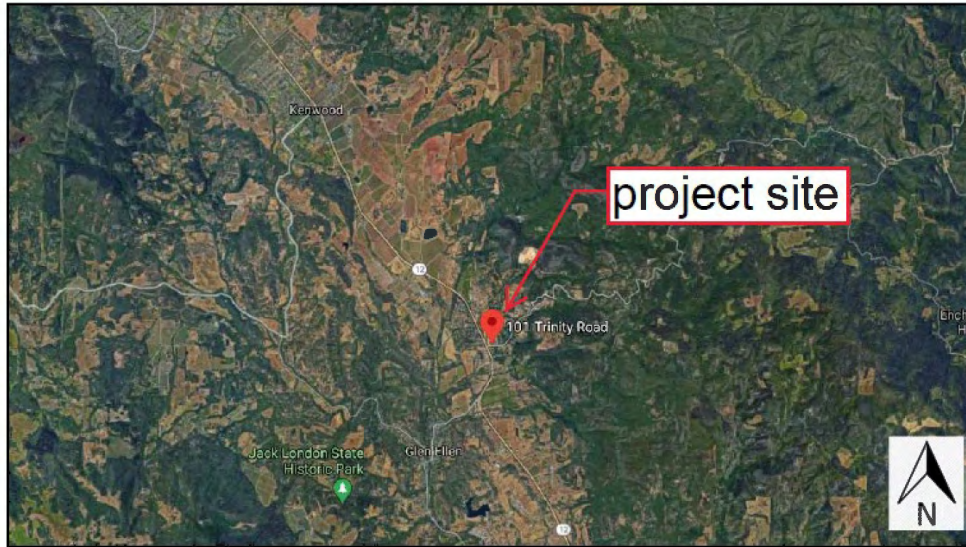
Please contact Southisone S. Garner, Contract Planner, at (510) 845-7549 for more information.

II. SITE LOCATION

The project site is on a 29.2-acre parcel (APN 053-110-001 plus an approximate 9.53-acre portion of APN 053-130-009, combined as a result of a 2015 lot line adjustment) located east of State Highway 12, off of Trinity Road, near Glen Ellen. The project site has a General Plan Land Use Designation of Land Intensive Agriculture and is zoned Land Intensive Agriculture (LIAB6 100, LG/MTN RC50/25 SR). The site currently contains a residence and an accessory dwelling unit, a barn (that replaced a former barn destroyed in the 2017 Nuns Fire), a few agriculture structures or partial structures remaining from the 2017 Nuns Fire, a concrete pad, and a 150,000-gallon water storage tank. The project is currently authorized to operate under the County's Penalty Relief Program. Parcels in the project area range from approximately 23 acres to 263 acres east of Highway 12 and north of Trinity Road, but on the other side of Trinity Road they are smaller (two acres to 28 acres). Immediately west of Highway 12 and north of West Trinity Road the parcels generally range between one to 1.5 acres (in a residential area) but farther west toward Dunbar Road the parcels again become larger. Figure 1 shows the project site vicinity. Figure 2 shows the project site aerial.



*Figure 1. Project Site Vicinity
(Source: Google Maps)*



*Figure 2. Project Site Aerial
(Source: Google Maps)*

III. PROJECT OVERVIEW

The project proposes a commercial cannabis cultivation operation consisting of outdoor cannabis cultivation, mixed-light cannabis cultivation (in greenhouses), indoor wholesale nursery, and propagation to occur in a greenhouse/nursery/propagation/head house facility. In addition, a centralized processing center would be located in an existing barn farther to the north. The project would also construct fencing, a hammerhead turnaround and a roadway turnout, driveway and interior access road modifications (as determined necessary by the County), a 24-space parking lot, and other infrastructure needed to support the operation, including a proposed backup generator and fuel storage area, a new electrical transformer, and a propane tank and pad, all near the proposed processing building (“existing” barn), a fire hydrant and dedicated water pipe connecting to the water storage tank, and ADA restroom. The project would disturb an area of approximately 173,700 square feet, or roughly four acres of total disturbance.

The operation would employ a maximum of 17 employees (12 full-time, and five additional seasonal employees during harvest). The site would be closed to the public and would not contain any retail components. The proposal includes the construction of supporting infrastructure including a new septic tank and a wastewater pipeline to convey project wastewater off the site to a permitted leachfield on the adjacent northern parcel.

The project construction activities would include earthwork, grading, and construction of the greenhouse/nursery/propagation/head house facility. The project construction is proposing a maximum cut of 4,004 cubic yards (CY), and a maximum fill of 4,108 CY.

The project would be located in a scenic landscape unit, as designated by the Sonoma County Zoning Ordinance.² The project site also has a Riparian Corridor designation by the Sonoma County General Plan.³

IV. EXISTING FACILITY

The property is partly undeveloped. In addition to the existing residence and accessory dwelling unit, other on-site structures include former agricultural structures and remains of structures burned in the 2017 Nuns Fire east of the site's center where the proposed project cannabis facilities would be located. Figure 3 shows the overall site plan.

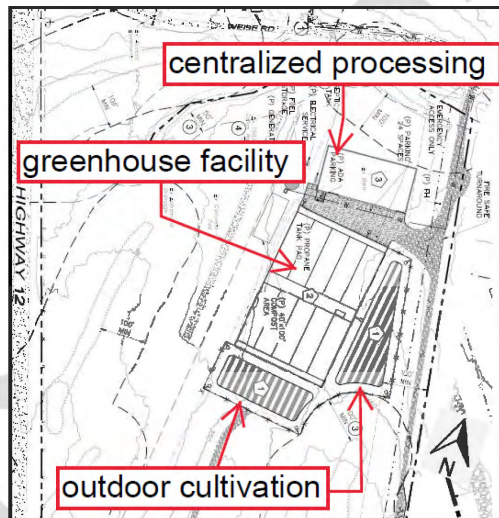


Figure 3. Overall Site Plan
(Source: Adobe Associates, Inc.)

V. SETTING

The project site is in the southeastern part of Sonoma County near the community of Glen Ellen, adjacent to State Highway 12. The site is approximately six miles north of Sonoma and about 3 miles southeast of Kenwood (and approximately 13 miles southeast of downtown Santa Rosa). To the west are the Sonoma Mountains. To the east are the Mayacamas Mountains. The site is an area characterized by large parcels east of Highway 12, with smaller

²Sonoma County. "Proposed Scenic Landscape Units,"

<https://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=84689931cab4c3785312f3fcbcae18f>, accessed 9/28/20.

³Sonoma County. General Plan 2020 Open Space Scenic Resource Areas, Figure OSRC-1,

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Open-Space-Scenic-Resource-Areas/>, accessed 9/28/20.

residential parcels west of Highway 12. Though the site has a relatively level grade, the slope increases farther to the east, as elevation increases into the mountains. The project parcel is zoned Land Intensive Agriculture (LIA) B6 100, LG/MTN RC50/25 SR. The project site is not in the boundaries of a specific plan; however, the site is subject to the Taylor/Sonoma/Mayacamas Design Guidelines. The area around the project site has some development with generous amounts of open space. There are vineyards and ranches along Highway 12 both to the north (toward Kenwood) and to the south (toward Sonoma).

The project site contains a 150,000-gallon water tank. The project would receive groundwater from a private well on a neighboring parcel, for which an existing water pipeline is already in place. Though the existing residence and accessory dwelling unit are served by on-site private septic systems, the project would not include a septic system but proposes to install a pipeline to convey project wastewater to an adjoining parcel with a permitted leachfield.

Access to the site is from Trinity Road, via State Highway 12. Weise Road, north of the project site, is a private road, and would only be available for emergency access to the site. Public access is not proposed.

Calabazas Creek is approximately 2,500 feet west of the project site. Sonoma Creek is about 1.3 miles southwest of the project site (by straight line).

Existing Uses: The project site is located on a 29.2-acre parcel that has a residence, an accessory dwelling unit, a barn (built as a replacement for the former barn destroyed in the 2017 Nuns Fire), agricultural structures and remains of structures burned in the 2017 Nuns Fire, a concrete pad, and a 150,000-gallon water storage tank. The property has a history of agricultural and ranching uses, including raising chickens, and grazing for goats and cattle. Similar activities have recently occurred (livestock and poultry). The site also has a one-acre vegetable garden.

Topography and Drainage: The topography of the project site is relatively level with slopes averaging about six percent. The parcel ranges in elevation from about 325 feet at the lowest point (near Highway 12) to approximately 360 feet above mean sea level (msl) at the highest point (near the eastern project boundary). The outdoor and mixed-light cultivation sites are proposed in an area where former agricultural buildings were located and where the ground has already been leveled. The northern third of the project site drains north toward a seasonal wetland swale that connects to an unnamed ephemeral creek that flows west into Calabazas Creek. The southeastern third of the site flows south into a long and wide seasonal wetland swale that flows through a culvert under Trinity Road before connecting to the south branch of Calabazas Creek. The southwestern third of the site flows west into seasonal wetland swales or directly into a roadside drainage ditch along Highway 12.

Vegetation: The parcel consists of annual grassland, oak woodland, mixed forest, seasonal wetland, and riparian woodland, with ruderal or disturbed habitat remaining after the 2017 Nuns Fire. Grasslands and seasonal wetlands were also affected by the fire but have generally recovered. The riparian woodland habitat was generally unaffected.

VI. PROJECT DESCRIPTION

Proposed Buildings and Uses: The project proposes to construct a greenhouse/nursery/propagation/head house facility, modifications to an existing barn to convert it into a centralized cannabis processing center, a 24-vehicle parking lot, other driveway and access improvements as determined necessary by the County, and two outdoor cultivation areas. Chemical storage (pesticide and fertilizer) would be contained in a separate room in the head house. The operation would be required to maintain permits from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County and the Agricultural Commissioner, as applicable. Figure 4 shows the proposed greenhouse and processing facilities details on the site.

Employees and Hours of Operation: The cannabis operation would employ up to 12 full-time staff, with up to five part-time seasonal staff.

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 outdoor processing activities, including drying and trimming, would be limited to the hours of 8:00 AM to 5:00 PM.

Cultivation Operation: The project proposes two outdoor areas and mixed-light cultivation in four greenhouse “rooms” within the greenhouse/nursery/propagation/head house facility. Fencing would be constructed around the outdoor and mixed-light cultivation area (see below under Security for more details). The proposed structure would follow a design similar to a “Venlo style” greenhouse (see Figure 5). Each room would be made up of three 14-foot wide sections (for a room width of 42 feet) (see Figure 6), and the sidewall height would be approximately 16 feet (not including the roof ridge). The west side of the structure would have a solid wall, and the other three sides would use either glass or rigid plastic (e.g., clear hard poly). Interior rooms would be divided by glass or rigid plastic walls, with curtains or a similar mechanism to isolate and control light when needed. The outdoor cultivation areas would total 28,560 square feet of canopy (one area with 15,720 square feet, and the other area with 12,840 square feet). The cannabis plants would be cultivated in grow bags that are in ground or in raised beds.

The mixed-light cultivation portion of the operation would occur in four greenhouse rooms; each room would be approximately 5,880 square feet with a canopy area each of 2,500 square feet. The greenhouses would use high efficiency LED lights to supplement daytime light, as necessary.

The indoor wholesale nursery portion of the operation would occur in two fully enclosed rooms within the greenhouse; each room would be 5,880 square feet with a canopy area each of 2,500 square feet.

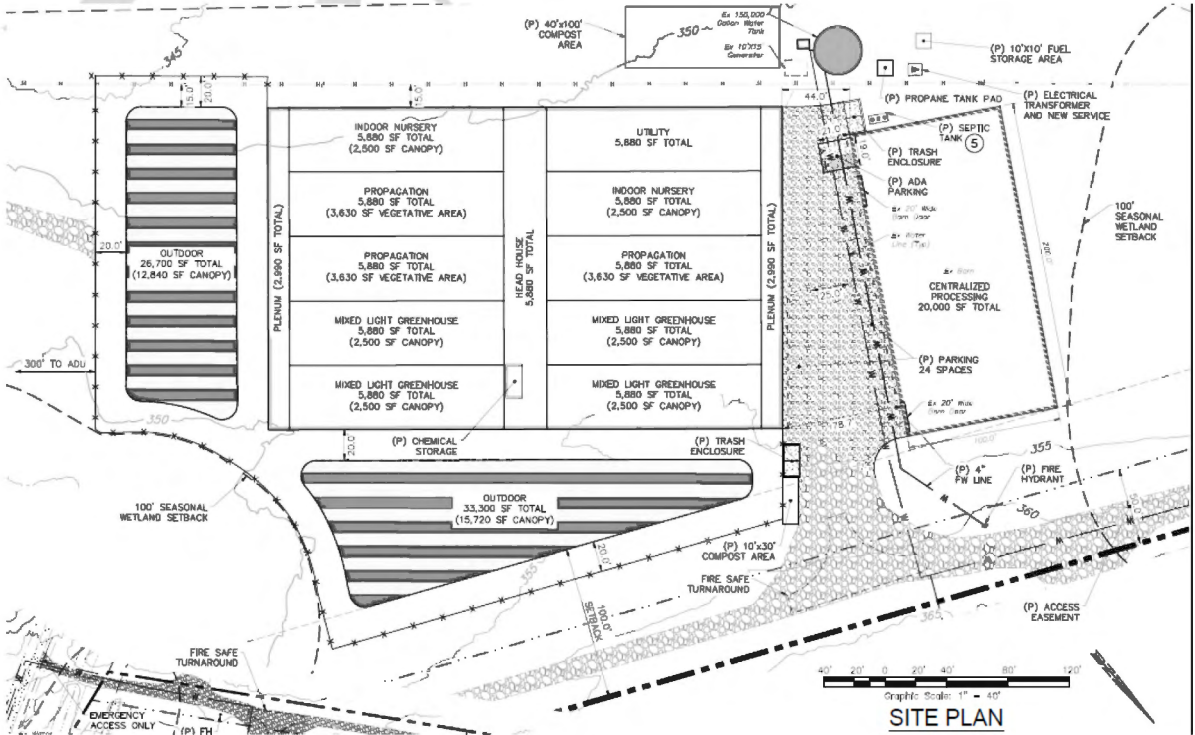


Figure 4. Greenhouse and Processing Facilities Detail
(Source: Adobe Associates, Inc.)

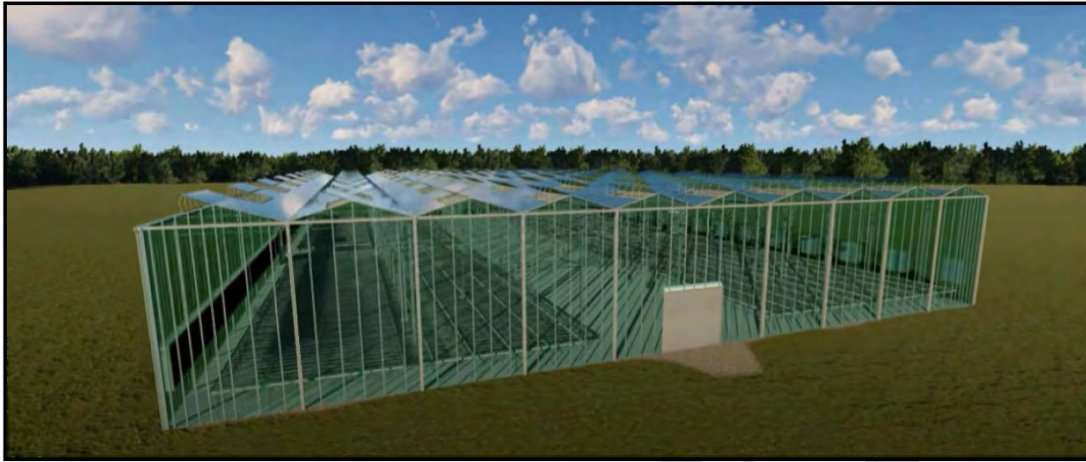


Figure 5. Example “Venlo style” Greenhouse
(Source: Applicant)



Figure 6. Conceptual Layout – Exterior View
(Source: Applicant)

Processing: Harvested cannabis from the outdoor cultivation areas would be stored in the greenhouse/nursery/propagation/head house facility or taken to the centralized processing center. Either activated carbon filters or an odor neutralizing agent would be used in the greenhouse and processing building interiors or exhaust systems to filter odors. Where possible, exhaust air would be directed toward the interior of the parcel to reduce off-site odor effects.

Security: Access to the property would be controlled by a coded gate. Security fencing would be installed around the outdoor cultivation areas with motion-activated lighting and cameras.

Access: On-site circulation is via an existing gravel driveway. The driveway would lead to the parking lot, which would provide access to the greenhouse/nursery/propagation/head house facility and the centralized processing center.

Parking: On-site parking would be provided between the greenhouse/nursery/propagation/head house facility and the centralized processing center and would accommodate 24 vehicles.

Sewage Disposal: The residence and accessory dwelling unit are connected to existing septic systems. However, these systems would not be used for the proposed project, which proposes to collect wastewater in a new on-site septic tank before conveying it off-site through a proposed pipeline to a permitted leachfield on the adjacent northern parcel.

Water Supply: The project site contains an 150,000-gallon water storage tank. A water pipeline currently transports water to the project site from an adjacent parcel with an existing, permitted well. No changes are proposed for this system.

Energy Supply: The project proposes installation of a new electrical transformer near the proposed emergency backup generator. Electrical power for the operation would be supplied by Sonoma Clean Power.

Waste Management: All cannabis waste generated on-site would be securely stored indoors before being rendered unusable and composted for reuse in the cultivation operation. The compost area for WWCMC would be approximately 40 feet by 100 feet and located south of the water tank and west of the greenhouse/nursery/propagation/head house facility. CSCF is proposing a smaller compost enclosure of approximately 10 feet by 30 feet. Cannabis green waste would be ground up and mixed with soil and/or mulch to create a mixture that consists cannabis and non-cannabis waste prior to composting.

Landscaping: The project proposes to plant a mix of native trees and shrubs along the western and southern sides of the project site. All vegetation would be native, and drought and fire resistant.

Construction: Construction activities (demolition, site preparation, grading, and building construction) would take approximately 152 working days (about six months). Preliminary cut and fill requirements have been estimated at a maximum cut of 4,004 cubic yards (CY), and a maximum fill of 4,108 CY, for a net fill of 104 CY. The area proposed for outdoor cultivation and the buildings contained or still contain remaining agricultural buildings or partial structures, so minimal ground disturbance would be necessary beyond clearing the project site for the proposed, new activities. No trees are proposed for removal. Erosion control best management practices (BMPs) mandated by Sonoma County would be required during construction. In addition, dust control measures mandated by Sonoma County would be implemented throughout construction.

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 who were anticipated to take an interest in the project.

The project planner has received responses to the referral from the following agencies: Sonoma County Public Health Division Environmental Health & Safety Program, Permit Sonoma Natural Resources Geologist, Permit Sonoma Project Review Health Specialist, Permit Sonoma Fire and Emergency Services Department, Sonoma County Department of Transportation & Public Works, Permit Sonoma Grading & Storm Water (G&SW) Section, the Northwest Information Center, State Water Resources Control Board, Native American Heritage Commission, Middletown Rancheria, Stewarts Point Rancheria Band of Kashia Pomo Indians, and Lytton Rancheria. The referral responses included several project use permit conditions of approval.

VIII. OTHER RELATED PROJECTS

Five other applicants have submitted cannabis cultivation applications within three miles of the project site, ranging from an 1,891 square-foot medical cannabis dispensary to one-acre of outdoor cultivation. These projects are currently being processed through the County cannabis permit program. Two of the projects are operating under Penalty Relief.

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.

The project applicants, CSCF, LLC and WWCMC, Inc., 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 in an area designated as SR (Scenic Resources Combining District) and identified as a Community Separator on Sonoma County General Plan Figure OSRC-1, Scenic Resource Areas. Highway 12 is a Scenic Corridor adjacent to the western project boundary. The remainder of the project site is designated as Community Separator.

Pursuant to the Sonoma County Zoning Regulations,⁴ structures located within scenic corridors shall be subject to setbacks of thirty percent (30%) of the depth of the lot to a maximum of two hundred feet (200') from the centerline of the road, with development restricted within the setback. The proposed project structures would be located approximately 600 feet from the centerline of Highway 12.

⁴Sonoma County Code, Article 64 Scenic Resources Combining District, https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=CH26SOCOZORE_ART64SRS_CRECODI, accessed 9/25/20.

The project is also is designated as a Community Separator. Generally, according to the Zoning Regulations (Section 26-64-020, Community separators and scenic landscape units), structures located within community separators and scenic landscape units need to:

(1) be sited below exposed ridgelines;

Explanation: The proposed project structures would not be sited on an exposed ridgeline.

(2) use natural landforms and existing vegetation to screen them from view from public roads (on exposed sites, screening with native, fire resistant plants may be required). In addition, cuts and fills should be discouraged; where practical, driveways should be screened from public view; and utilities should be placed underground, where economically practical;

Explanation: Existing trees near Highway 12 and the distance of structures from Highway 12 would obscure views. As discussed in the Project Description, no existing on-site trees are proposed to be removed, and the project proposes to plant a row of trees and shrubs, along with a fence with vines, as screening for potential views from public vantage points along Highway 12. As required by the County, utilities would be placed underground, to the extent practical.

The proposed project is in the Taylor/Sonoma/Mayacamas Mountains combining zone and would be required to follow those local development guidelines, which are *"intended to reduce the visual impacts of residential related development within the Scenic Landscape Units of Taylor, Sonoma, and Mayacamas Mountain areas as visible from public roads."*⁵ Although the project is not residential, it would comply with other relevant requirements such as site planning (siting), lighting, landscaping, etc., some of which are also covered in the County Code requirements for cannabis projects. The project would be consistent with the following Taylor/Sonoma/Mayacamas Mountains local development standards:

b. Siting Criteria. All features of site development that are subject to these standards shall, to the extent feasible, be located to be substantially screened when viewed from public roads. The term "viewed" shall mean what is visible to a person of normal eyesight from public roads.

Explanation: The project location would provide for natural screening due to existing vegetation and distance from public roads.

⁵Sonoma County Code, Section 26-90-120 – Taylor/Sonoma/Mayacamas Mountains, https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodetid=CH26SOCOZORE_ART90LOARDEGU_S26-90-120TASOMAMOMT, accessed 9/25/20.

d. Use of existing vegetation and site features.

- 1. Existing vegetation or existing topographic features shall be used, where feasible, to substantially screen site development as seen from public roads.*

Explanation: The existing trees and other foliage and the distance of project structures from Highway 12 provide substantial screening.

- 2. Grading and removal of trees and other mature vegetation should be minimized. Avoid removal of specimen trees, tree groupings, and windbreaks.*

Explanation: The project does not propose to remove any trees or other mature vegetation. Proposed net grading would be minimal (approximately 104 cubic yards of net fill; 4,004 cubic yards of cut, and 4,108 cubic yards of fill).

- 3. The applicant shall provide the Department with a site plan indicating if any vegetation is proposed, or topographic features proposed to be removed as well as vegetation to be retained and used to substantially screen the site development.*

Explanation: The project submitted a preliminary landscaping plan with its application materials that shows the vegetation (trees and shrubs) proposed to be planted along the western and southern sides of the project site in order to screen the development.

- 4. Where existing topography and vegetation would not screen structures from view from public roads, landscaping shall be installed consisting of native vegetation in natural groupings that fit with the character of the area in order to substantially screen structures from view.*

Explanation: The trees and shrubs proposed in the landscaping plan would include a mix of native trees, shrubs, and fencing with vines; all vegetation would be native, and drought and fire resistant.

- e. Ridge-line Development. On hills and ridges, no portion of a single-family dwelling, appurtenant structure(s), or any portion of a structure shall appear against the sky when viewed from public roads.*

Explanation: The proposed project structures would not be sited on an exposed ridgeline.

- f. Roads and Driveways. The grade and alignment of each new access road, including any driveway, related to the construction of any single-family dwelling and/or appurtenant*

structure(s) shall be located and designed to minimize the visibility of each road and road cut, as viewed from public roads.

Explanation: No new roads or driveways are proposed.

g. Grading.

- 1. All exposed slopes and disturbed soil resulting from site development shall be graded so as to be gently sloping and blend with the natural topography.*
- 2. Regraded slopes and disturbed soils shall be revegetated with indigenous plants, or other plants with similar massing and coverage characteristics suitable to minimize soil erosion.*

Explanation: Proposed net grading would be minimal (approximately 104 cubic yards of net fill; 4,004 cubic yards of cut, and 4,108 cubic yards of fill). The project site does not have exposed slopes and is currently gently sloping.

The guidelines also provide for Architectural Standards (including items to maintain the rural character, building materials and exterior colors, windows and window treatments, lighting, and landscaping. As part of the County's standard development process, County Code Section 26-90-040 (Permit requirements for all Local Area Guidelines and Standards) requires design review for projects within a LG (Local Guidelines) combining zone. The project would be required to submit plans for administrative design review, which would demonstrate project compliance with these items. In addition, as discussed in section 4.d, project lighting would be required to comply with County Code Section 26-88-254(f)(19), which stipulates provisions to minimize light impacts on neighboring properties,

Because public viewpoints of the site from Highway 12 and Trinity Road would be limited due to the natural vegetation and distances, as shown on Figures 5 through 8, and with project compliance with the County Code (for cannabis projects), General Plan policies for Scenic Resources districts, and the Taylor/Sonoma/Mayacamas Mountains local development guidelines (including Design Review), the project would not have significant impacts on a scenic vista.

Significance Level: Less than Significant Impact

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

Comment:

As discussed in section 4.a, the project site is located adjacent to Highway 12, which is a state-designated scenic highway in this area. However, there are no scenic resources that would be affected by the project because the site is essentially obscured from views along

Highway 12 due to existing trees and vegetation and the distance between Highway 12 and proposed project structures (approximately 600 feet).

Significance Level: Less than Significant 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:

As discussed in section 4.a, the project parcel is adjacent to Highway 12; however, the area where the proposed project structures would be located is approximately 600 feet from Highway 12 and mostly obscured by existing vegetation. In addition, the project proposes to add a vegetative screen of trees and shrubs, along with a fence with vines, along the west side of the project site to augment screening.

There are rural properties on the remaining sides of the project parcel, with a mixture of residential and agricultural structures, fields with crops, and forested areas. Figures 7 through 9 show publicly accessible vantage points from Highway 12; Figures 10 and 11 show publicly accessible vantage points from Trinity Road at the project entrance.



Figure 7. View of project site looking northeast from Highway 12 at Trinity Road.
(Source: Google Maps)



Figure 8. View of project site along Highway 12 heading northwest (existing building on project site in distance).
(Source: Google Maps)



Figure 9. View of project site looking southeast from Highway 12 at Weise Road.
(Source: Google Maps)



Figure 10. View of project site from Trinity Road.
(Source: Google Maps)



Figure 11. View of project site from driveway along Trinity Road.
(Source: MIG, Inc. site visit)

The proposed project is not subject to any area or specific plan and is consistent with the land use designation (Limited Intense Agriculture) and zoning (LIA Limited Intense Agriculture) for the site. Section 4.a discusses project consistency with General Plan policies and the Taylor/Sonoma/Mayacamas Mountains local development guidelines.

Following County Visual Assessment Guidelines, public viewpoints were considered for determining the project's visibility to the public. Based on the Visual Assessment Guidelines, Table 1: Site Sensitivity, the project location would be considered "High" because:

*"The site or any portion thereof is within a land use or zoning designation protecting scenic or natural resources, such as General Plan designated scenic landscape units, coastal zone, community separators, or scenic corridors. The site vicinity is generally characterized by the natural setting and forms a scenic backdrop for the community or scenic corridor. This category includes building and construction areas within the SR designation located on prominent hilltops, visible slopes less than 40 percent or where there are significant natural features of aesthetic value that are visible from public roads or public use areas (i.e. parks, trails etc.). This category also includes building or construction sites on prominent ridgelines that may not be designated as scenic resources but are visible from a designated scenic corridor."*⁶

The project proposes new structures; however, neither the proposed structures nor the outdoor cultivation areas would be visible from public viewpoints and therefore would not represent a noticeably distinctive or substantial visual change from the current project site. Based on County Visual Assessment Guidelines, Table 2: Visual Dominance, the project would be considered "Inevident" because:

"Project is generally not visible from public view because of intervening natural land forms or vegetation."

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.

⁶Sonoma County. "Visual Assessment Guidelines and Procedure," <https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>, accessed 9/26/20.

Table 3. Thresholds of Significance for Visual Impact Analysis

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>
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:

The proposed project would include security lighting that could introduce new sources of exterior light and possible glare. In addition, proposed indoor cultivation operations would include lighting. Security and safety lighting could affect some nighttime views, which might be noticeable from nearby residences with unobstructed sight lines. However, the effects of these new sources of light or glare would be reduced due to compliance with the provisions of County Code Section 26-88-254(f)(19), which requires: *“All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.”* As discussed in the project description, the proposed greenhouse/nursery/propagation/head house facility would follow a design similar to a “Venlo style” greenhouse and would use a solid wall on the west side of the structure and curtains or a similar mechanism for interior rooms to isolate and control light as needed. In addition, the project proposes using automated blackout curtains to enclose the structure

so no internal light can escape at a level visible from surrounding properties between sunset and sunrise.

As part of the County's standard development process, County Code Section 26-90-040 (Permit requirements for all Local Area Guidelines and Standards) requires design review for projects within a LG (Local Guidelines) combining zone. The proposed project is subject to the Taylor/Sonoma/Mayacamas Mountains local guidelines. Design review of the project, which would include review of project lighting provisions, would ensure project compliance with County lighting standards.

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 Tool⁷ as "Other Land" with a very small amount of "Grazing Land" at the southeastern project boundary. The proposed outdoor cultivation areas and on-site structures would be located in an area designated as Other Land and therefore would not convert prime farmland, unique farmland, or farmland of statewide importance.

Significance Level: No Impact

⁷Sonoma County Permit Sonoma GIS Cannabis Site Evaluation Tool, <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 8/31/20.

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

Comment:

The project site is zoned Land Intensive Agriculture, which allows for activities that protect lands suitable for animal husbandry and production of food, fiber, and plant materials, and that are generally used for these activities. The project would be consistent with and would not conflict with the Land Intensive Agricultural zoning classification because a commercial cannabis operation is a permitted use in a Land Intensive Agricultural District.⁸ The project site is not under a Williamson Act Contract.

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 County, nor does the project propose 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:

As discussed in section 2.c, the project would not result in the loss of forest land or conversion of forest land to non-forest use.

Significance Level: No Impact

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:

As discussed in section 2.a, proposed project activities would be located on land designated as "Other Land," as shown on the Permit Sonoma GIS Cannabis Site Evaluation Tool. This

⁸Sonoma County. General Plan 2020 Land Use Element, "Agricultural Land Use Policy," pp. LU-62 through LU-64, <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542561>, accessed September 3, 2020.

area on the project property has been previously disturbed with farm structures that were mostly burned in the 2017 Nuns Fire, and no agricultural activity on this part of the property would be disrupted by the proposed project.

Significance Level: No Impact

3. AIR QUALITY

Would the project:

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

Comment:

The proposed project lies within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The following discussion considers whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan maintained by BAAQMD.

In April 2017, the BAAQMD adopted its *2017 Clean Air Plan: Spare the Air, Cool the Climate (Clean Air Plan)*, which provides the BAAQMD's framework for ensuring air quality standards would be attained and maintained in the Bay Area in compliance with state and federal requirements. The BAAQMD 2017 *Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate. Specifically, the primary goals of the *Clean Air Plan* are to:

- Attain all state and national quality standards;
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area greenhouse gas (GHG) Emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

The *Clean Air Plan* includes increases in regional construction, area, mobile, and stationary source activities and operations in its emission inventories and plans for achieving attainment of air quality standards. Chapter 5 of the *Clean Air Plan* contains BAAQMD's strategy for achieving these climate and air quality goals. This control strategy is the backbone of the *Clean Air Plan*. It identifies 85 distinct control measures designed to comply with state and federal air quality standards and planning requirements and protect public health by reducing emissions of the ozone precursors, Particulate Matter (PM), and Toxic Air Contaminants (TACs), and by reducing greenhouse gases (GHG) emissions. The 85 control measures identified in the *Clean Air Plan* are grouped by nine economic based

“sectors”: Agriculture, Buildings, Energy, Natural and Working Lands, Stationary Sources, Super GHGs, Transportation, Waste, and Water. Most of the 85 control measures implemented at the local and regional level by municipal government and BAAQMD and are not directly applicable to the proposed project. The proposed project would not conflict with or obstruct implementation of the *Clean Air Plan* because: 1) It does not include significant sources of ozone precursor emissions, PM, or TACs (see also discussion b) and c) below); 2) it would not exacerbate or increase disparities in cancer risks from TAC emissions; and 3) the project is required, pursuant to the County Code (Section 26-88-254(g)(3)), to provide electrical power through a combination of on-grid 100 percent renewable energy, an on-site zero net energy renewable energy system, or purchase of carbon offsets for power obtained from non-renewable resources, which would reduce GHG emissions from the project consistent with state reduction goals (see also Section 8, Greenhouse Gas Emissions).

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 (NO₂), ozone (O₃), fine particulate matter (i.e., particles that are 2.5 microns in diameter and smaller, or PM_{2.5}), inhalable coarse particulate matter (i.e., particles between 2.5 and 10 microns in diameter, or PM₁₀), and sulfur dioxide (SO₂). 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 (H₂S), 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 San Francisco Bay Area Air Basin (SFBAAB) is an area of non-attainment for national and state ozone, state PM₁₀, and national and state PM_{2.5} air quality standards. Regarding cumulative impacts, the BAAQMD CEQA Air Quality Guidelines⁹ state:

⁹BAAQMD. “CEQA Air Quality Guidelines,” May 2017, p. 2-1, https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed 9/25/20.

“SFBAAB’s non-attainment status is attributed to the region’s development history. Past, present, and future development projects contribute to the region’s adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable, then the project’s impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project’s individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region’s existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary.”

Short-Term Construction Emissions: Project construction would generate short-term equipment exhaust and fugitive dust emissions from ground disturbance, construction equipment use, worker vehicle trips, and/or material deliveries associated with activities such as site preparation, grading, utility trenching, paving, building/structure demolition, building/structure construction, building/structure remodeling, and application of architectural coatings. Estimated cut and fill on the project site would be limited to 104 cubic yards (CY) of net fill (4,004 CY of cut and 4,108 CY of fill).

For all projects, BAAQMD recommends implementation of eight “Basic Construction Mitigation Measures” to reduce construction fugitive dust emissions level. These basic measures are also used to meet BAAQMD’s best management practices (BMPs) threshold of significance for construction fugitive dust emissions (i.e., the implementation of all basic construction measures renders fugitive dust impacts a less than significant level). The County would implement these BMPs through Mitigation Measure AIR-1.

Long Term Operations Emissions: Once operational, the proposed cannabis project may result in emissions of criteria air pollutants from the following sources of pollutants:

- Small “area” sources including landscaping equipment and the use of consumer products such as paints, cleaners, and fertilizers that result in the evaporation of ozone-precursors and other pollutants into the atmosphere during product use.
- Energy use and consumption from the combustion of natural gas in water and space heating equipment, as well as cannabis processing activities.
- Mobile sources such as agricultural equipment and vehicles travelling to and from the proposed project (customers, vendors, workers), including dust generated from travel on paved and unpaved roads, etc.
- Stationary sources such as a back-up generator that emit criteria air pollutants and TACs, including diesel PM.

- Other fugitive dust sources associated with cannabis harvesting and cannabis processing activities.

County Code Section 26-88-254(g)(5) permits cultivation and harvesting activities to be conducted seven days a week, 24 hours a day; deliveries, shipping, cannabis processing (e.g., drying and trimming) and shipping would occur 8:00 AM to 5:00 PM. Project-related vehicle trips would vary seasonally but would be limited, with an estimate maximum average daily trip total of 52, including trips expected during the harvest season.¹⁰ This amount of vehicle trips would not generate significant emissions.

In addition, the BAAQMD *CEQA Air Quality Guidelines* contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in a potentially significant air quality or greenhouse gas impact. Consistent with BAAQMD's guidance, if a project meets all the screening criteria, then the project would not be expected to result in a significant air quality impact and a detailed air quality assessment would not be required for the project. Project consistency with BAAQMD screening criteria is summarized in Table 4, below.

¹⁰W-Trans, "Traffic Impact Study for the Gordenker Ranch Cannabis Cultivation Project," prepared for the County of Sonoma, March 20, 2020.

Table 4 Project Consistency with BAAQMD Construction and Operational Screening Criteria		
Screening Criterion	Requirement	Project Consistency
1) Land Use Type and Size	Project is below all applicable construction (11 acres, 259,000 square feet of building space, or 540 employees) and operational screening size criteria (72 acres, 541,000 square feet of building space, or 1,249 employees) for general light industry use	The proposed project would have 60,000 square feet of outdoor cultivation space (for a maximum canopy of 28,560 square feet), 23,520 square feet of mixed-light cultivation space (for a maximum canopy of 11,400 square feet), and cultivation and processing structures totaling no more than 90,560 square feet. The proposed project would have a maximum of 17 employees at harvest.
2) Basic Construction Measures	Project design and implementation includes all BAAQMD <i>Basic Construction Mitigation Measures</i>	The proposed project would incorporate all BAAQMD Basic Construction Mitigation Measures (BAAQMD, 2017, Table 8-2); see Mitigation Measure AIR-1.
3) Demolition	Demolition activities are consistent with BAAQMD Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing	The project would include limited demolition activities, however, as discussed in section 9, Hazards and Hazardous Materials, project notification of BAAQMD would be required prior to demolition.
4) Construction Phases	Construction does not include simultaneous occurrence of more than two construction phases (e.g., grading, paving, and building construction would occur simultaneously)	The proposed project does not include simultaneous occurrence of more than two construction phases.
5) Multiple Land Uses	Construction does not include simultaneous construction of more than one land use type	The proposed project includes construction of only one land use type.
6) Site Preparation	Construction does not require extensive site preparation	The proposed project would not include extensive site preparation or extensive grading (approximately 104 cubic yards of net fill).
7) Material Transport	Construction does not require extensive material transport and considerable haul truck activity (greater than 10,000 cubic yards).	The project would not require material transportation greater than 10,000 cubic yards.
8) Carbon Monoxide Hotspots	A) Project is consistent with the applicable congestion management program, regional transportation plan, and local congestion management agency plans; and	The project would not result in significant traffic impacts, conflict with an applicable congestion management program or plan, nor increase traffic volumes above BAAQMD CO hotspot screening levels.

	<p>B) The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, or more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).</p>	
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Source: MIG Air Quality and Greenhouse Gas Methodology from BAAQMD, 2017 (Table 3-1, Table 8-2, Page 3-5)

As shown in Table 4, the proposed project would be consistent with BAAQMD operational screening criteria and would therefore not result in a significant air quality impact from operations.

The BAAQMD screening criteria do not consider stationary sources or other fugitive dust sources such as tilling; however, the project proposes to use grow bags for outdoor cultivation and would not require soil tilling. Sonoma County Code Section 26-88-254(g)(3) prohibits the use of generators for indoor and mixed light cultivation, except for portable, temporary use in emergencies only (i.e., they would not generate pollutants as a matter of routine operation). The California Air Resources Board (CARB) sets emissions limits for both stationary and portable diesel- and gasoline-fueled emergency generators greater than 50 horsepower, and the use of such equipment requires a permit to operate from BAAQMD. In addition, potential dust from harvesting and processing would be temporary and intermittent throughout the year.

Short-Term Construction Emissions: Project construction activities would last approximately six months (an estimated 152 working days) and would generate short-term equipment exhaust and fugitive dust emissions from ground disturbance, construction equipment use, worker vehicle trips, and/or material deliveries associated with activities such as site preparation, grading, utility trenching, paving, building/structure demolition, building/structure construction, building/structure remodeling, and application of architectural coatings. Grading would generally be balanced, with approximately 4,004 cubic yards cut and 4,108 cubic yards of fill (net 104 cubic yards of fill). Construction period ground-disturbing activities would be required by County Code Section 26-88-254(g)(2) to “utilize dust control measures on access roads and all ground disturbing activities.” As discussed above, BAAQMD recommends implementation of eight “Basic Construction Mitigation Measures.” The applicant would implement these BMPs and other standard County requirements for controlling dust through Mitigation Measure AIR-1.

Because the proposed project would not individually exceed any BAAQMD CEQA significance thresholds with application of Mitigation Measure AIR-1, the project's cumulative air quality impact would be less than significant with mitigation incorporated.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure AIR-1:

- a. The following dust control measures shall be included in the project specifications on all grading and building plans:
 - 1) Water or alternative dust control shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
 - 2) Trucks hauling soil, sand and other loose materials over public roads shall cover their loads or keep the loads at least two feet below the level of the sides of the container or wet the load sufficiently to prevent dust emissions.
 - 3) Paved roads shall be swept as needed to remove soil that has been carried from the project site.

- b. The following BAAQMD Best Management Practices (BMPs) shall be included in the project:
 - 1) Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
 - 2) Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
 - 3) Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent roads (dry power sweeping is prohibited) during construction of the proposed project.
 - 4) Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
 - 5) Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - 6) Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
 - 7) Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
 - 8) Post a publicly visible sign with the name and telephone number of the construction contractor and County staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48

hours. The publicly visible sign shall also include the contact phone number for the BAAQMD to ensure compliance with applicable regulations.

Monitoring:

Mitigation Monitoring AIR-1: County staff shall ensure that the construction period air quality measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits.

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. The California Air Resources Board (CARB) considers schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors (CARB, 2005). The nearest sensitive air quality receptors to the perimeter of the proposed project site would include existing residences approximately 600 feet to the west, across Highway 12; the nearest school is Dunbar Elementary School, at 11700 Dunbar Road, Glen Ellen, about one-half mile northwest of the project site.

As discussed in section 3.b, the proposed project would not include significant stationary, mobile, or other sources of emissions. In addition, the proposed project would comply with the property setbacks contained in County Code Section 26-88-254(f), 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 project emissions sources and the distance between proposed project operations and facilities and any nearby sensitive receptors would ensure that project construction and operation would not result in substantial concentrations of criteria air pollutants or Toxic Air Contaminants (TACs) at sensitive receptor locations.

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 2016 Medical Cannabis Land Use Ordinance Negative Declaration (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.”

Much of the strong odor associated with cannabis cultivation and processing, as well as commercial cannabis products, comes from a class of aromatic, organic compounds known as terpenes. Terpenes are not specific to cannabis; they are among the most common compounds produced by flowering plants, vary widely between plants, and are responsible for the fragrance of many flowers typically associated with non-objectionable odors, such as lavender. Different strains of cannabis emit a wide variety of odors with differing levels of potency. The odor may be detectable beyond the cultivation site property boundaries depending on the size of the facility and the specific climatic and topographic conditions that prevail near the cultivation site. In general, cannabis odors tend to lessen during cooler temperatures and worsen with higher temperatures, and wind patterns have the potential to increase or decrease the intensity of cannabis odors depending on whether winds are blowing towards or away from nearby receptors. As noted in the County’s 2016 IS/ND, outdoor cultivation has the greatest potential to expose receptors to odors particularly during the final phase of the growing cycle (i.e., typically late summer or early fall); however, indoor and mixed light cultivation can affect surrounding receptors if ventilation systems are ineffective. Indoor cultivation can also result in flowering at different and/or multiple times of the year.

The distinctive odor generated by cannabis cultivation, processing, and manufacturing may or may not be perceived as objectionable, offensive, or a nuisance, depending on the particular individual’s olfactory sensitivity. The BAAQMD *CEQA Air Quality Guidelines* (BAAQMD 2017, page 7-1), state that odors are generally regarded as an annoyance rather than as a health hazard. Individual reactions to odors can range from physiological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, headache), but the ability to detect odors varies considerable from person to person and is considered to be subjective. An odor that is offensive to one person may not be offensive to another person. Unfamiliar odors are more easily detected and are more likely to cause complaints than familiar odors, as a person can become desensitized to almost any odor over time (this is known as odor fatigue). In general, the quality and intensity of an odor would influence a person’s reaction. The quality of an odor indicates the nature of the smell experience (flowery, putrid, etc.). The intensity of an odor depends on its concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases. As this occurs, the odor intensity weakens and eventually becomes low enough where the odor is no longer detectable. The BAAQMD *CEQA Air Quality Guidelines* contain odor screening distances for a variety of lands uses typically associated with odors such as wastewater treatment plants, landfill and composting

facilities, and chemical manufacturing facilities. The recommended screening distance for most of these facilities is one mile. New odor sources located further than one mile from sensitive receptors would not likely result in a significant odor impact; however, cannabis facilities are not listed as a type of land use in the BAAQMD odor screening criteria, and the BAAQMD *CEQA Air Quality Guidelines* state these screening distances should not be considered "as absolute screening criteria, rather as information to consider along with odor parameters" (BAAQMD, 2017, page 3-4).

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, processing periods).
- County Code Section 26-88-254(g)(2) 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. The project would either include activated carbon filters to filter odors from greenhouse and processing building interiors or would employ mist and/or vapors as needed to eliminate residual odors upon exhaust. Thus, potential objectionable odors would be controlled at the source. In addition, where possible, exhaust air would be directed toward the interior of the parcel to reduce off-site odor effects.
- The proposed project would comply with all setback requirements contained in County Code Section 26-88-254(f), which requires 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 serve to 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. As discussed in section 3.c, the nearest sensitive air quality receptors to the perimeter of the proposed project site would include existing residences approximately 600 feet to the west, across Highway 12, and the nearest school would be approximately one-half mile from the project site. Although these individual receptors are more likely to be affected by any potential project odors than non-sensitive receptors, the dispersed nature of these receptors and the fact that for the main concentration of residences Highway 12 intervene (with air turbulence from traffic) make it unlikely that a substantial number of people could be affected at the same time in the event odors are generated by the proposed project.

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

Significance Level: Less than Significant Impact

4. BIOLOGICAL RESOURCES

The applicant submitted a Biological Assessment prepared by Wiemeyer Ecological Sciences, dated May 16, 2018,¹¹ that addressed potential project impacts on special-status plant and animal species and habitats. A literature search was conducted for the Biological Assessment, which included searches of the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants, among other sources. Subsequently, a separate creek evaluation dated June 25, 2020 was prepared by Lucy Macmillan, Environmental Scientist.

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)

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

¹¹Wiemeyer Ecological Sciences, "Biological Assessment, Turkey Parcel, 101 Trinity Road, Glen Ellen, CA 95442, APN: 053-130-009 & 053-110-001," May 16, 2018.

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 U.S. Migratory Bird Treaty Act (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 the 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 the 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 the 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 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 (CFG), 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 (CFG) 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 (CFG) 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 (CFG) 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 the 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* 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.

Riparian Corridor (RC) Combining District

The Sonoma County Riparian Corridor (RC) combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation, and other riparian functions and values.

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 californica*), and their hybrids.

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:

Based on site visits conducted by Darren Wiemeyer on March 10, March 30, and May 17, 2017, plus a follow-up site visit performed on April 3, 2018 to ascertain site conditions after the 2017 Nuns Fire, the Biological Assessment concluded that site habitats consist of “annual grassland, oak woodland, mixed forest, seasonal wetland, riparian woodland, ephemeral drainages and a perennial stream (tributary to Calabazas Creek).”¹² The “perennial” stream identified in the Biological Assessment in the northern part of the site (near Weise Road) was later evaluated by Lucy Macmillan, who determined that because

¹²Wiemeyer May 16, 2018.

the creek did not have water flowing during her June 25, 2020 site visit, the creek would be more appropriately classified as “an ephemeral drainage that carries water during stormwater events and not a perennial feature.”¹³

The Biological Assessment determined that the on-site grassland and ruderal habitat did not support special-status plant species, and much of the ruderal habitat was the result of historical and current agricultural practices. Some ruderal habitat was also related to cleanup efforts following the 2017 Nuns Fire, including debris removal, soil testing and removal, grading activities, and installation and maintenance of erosion and sediment control materials. Most of the project site was disturbed by the 2017 Nuns Fire and/or subsequent cleanup activities.

Because the project site is limited to an area previously disturbed by historical agricultural practices and the 2017 Nuns Fire, the Biological Assessment (p. 19) determined that the site’s “annual grassland and ruderal habitat do not support special-status plant species and will not result in impacts to special-status plant species.” During the site visits, no special-status plant species or special-status animal species were observed, though the Biological Assessment determined that the site does contain habitat suitable for several special-status animal species.

Results of the CNDDDB search indicated that special-status plant species likely to occur on the project site or in the vicinity of the project site include: Sonoma sunshine (*Blennosperma bakeri*), dwarf downingia (*Downingia pusilla*), Napa false indigo (*Amorpha californica* var. *napensis*), Cobb Mountain lupine (*Luinus sericatus*), two-fork clover (*Trifolium amoenum*), Jepson’s leptosiphon (*Leptosiphon jepsonii*), Franciscan onion (*Allium peninsulare* var. *franciscanum*), narrow-anthered brodiaea (*Brodiaea leptandra*), and fragrant fritillary (*Fritillaria liliacea*). The Biological Assessment determined that due to lack of suitable habitat, none of these species would likely occur on most of the project site. However, the riparian woodland and ephemeral tributary have moderate suitability to support special-status plant species because the riparian corridor remains essentially intact with mostly native species, though during the field surveys, none were observed.

Special-status animal species habitat occurs on the property but is focused in areas of oak woodland and riparian woodland. The ephemeral tributary north of the project site may support Rainbow trout (*Oncorhynchus mykiss*) and California roach (*Hesperoleucus symmetricus*), but the Biological Assessment noted that other fish species such as coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss irideus*), Sacramento sucker (*Catostomus occidentalis*), and Pacific lamprey (*Lampetra tridentata*) would be less

¹³Lucy Macmillan, Environmental Scientist, “Creek Evaluation at Gordenker Turkey Farm Properties, 101 and 585 Trinity Road and 12201 Highway 12 Properties, APNs 053-130-009, 053-100-015, and 053-110-001, Glen Ellen, California,” June 25, 2020.

likely to occur in the ephemeral tributary. Amphibians would be likely to use the riparian corridor, and Pacific chorus frog was observed during field surveys.

The following special-status animal species were identified as having potential for being impacted by project activities on-site:

- Shark-shinned hawk (*Accipiter striatus*), CDFW – Watch List: potential loss of foraging habitat due to project but not considered a significant impact; however, construction activities could disturb species if nesting at the site.
- Grasshopper sparrow (*Ammodramu savannarum*), CDFW - Species of Special Concern: potential loss of foraging habitat due to project but not considered a significant impact; however, construction activities could disturb species if nesting at the site.
- Golden eagle (*Aquila chrysaetos*), CDFW - Fully Protected: no suitable nesting habitat on-site, and species not observed on the site; possible loss of foraging habitat due to project but determined there will be no significant impact.
- Burrowing owl (*Athene cunicularia*), CDFW - Species of Special Concern: limited suitable habitat, and species not observed on the site nor were burrows observed; possible loss of foraging habitat due to project but determined there will be no significant impact.
- Ferruginous hawk (*Buteo regalis*), CDFW - Watch List: very limited suitable habitat and species not observed on the site; potential loss of foraging habitat due to project but determined there will be no significant impact.
- Swainson's hawk (*Buteo swainsonii*), State – Threatened: very limited suitable habitat and species not observed on the site; potential loss of foraging habitat due to project but determined there will be no significant impact.
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), Federal - Threatened; State – Endangered: very limited suitable habitat and species not observed on the site; potential loss of foraging habitat due to project but determined there will be no significant impact.
- White-tailed kite (*Elanus leucurus*), CDFW - Fully Protected: suitable foraging and nesting habitat on-site but species not observed on the site; possible loss of foraging habitat due to project but determined there will be no significant impact, however, construction activities could disturb species if nesting at the site.
- American peregrine falcon (*Falco peregrinus anatum*), Federal – Delisted; State – Delisted; CDFW - Fully Protected: no suitable nesting habitat on-site and species not observed on the site; possible loss of foraging habitat due to project but determined there will be no significant impact.
- Bald eagle (*Haliaeetus leucocephalus*), Federal – Delisted; State – Endangered; CDFW – None: no suitable nesting habitat on-site and species not observed on the site;

possible loss of foraging habitat due to project but determined there will be no significant impact.

- Purple martin (*Progne subis*), CDFW – Species of Concern: potentially suitable nesting habitat in the mixed forest areas but very limited nesting habitat in the riparian woodland and oak woodland habitat; species not observed on the site; possible loss of foraging habitat due to project but determined there will be no significant impact, however, construction activities could disturb species if nesting at the site.
- Bank swallow (*Riparia riparia*), State – Threatened: limited yet potentially suitable nesting habitat but species not observed on the site; determined there will be no significant impact.
- Northern spotted owl (*Strix occidentalis caurina*), State and Federal – Threatened; CDFW - Species of Special Concern: limited suitable habitat and species not observed on the site; potential loss of foraging habitat due to project but determined there will be no significant impact.
- American badger (*Taxidea taxus*), CDFW - Species of Special Concern: very limited potentially suitable habitat and no species observed at the site nor were burrows observed; loss of annual grassland and ruderal habitat at the site, but proposed locations for development would be unlikely to become occupied by this species; determined there will be no significant impact.
- Special-Status Bat Species: all bat species have state protection during nesting and roosting seasons:
 - Townsend's Big-Eared Bat (*Corynorhinus townsendii*) - Conservation Status: State - Candidate Threatened; CDFW - Species of Special Concern
 - Western red bat (*Lasiurus blossevillii*) – Conservation Status: CDFW – Species of Special Concern
 - Hoary Bat (*Lasiurus cinereus*) – Conservation Status: None
 - Fringed Myotis (*Myotis thysanodes*) – Conservation Status: None
 - Long-legged Myotis (*Myotis volans*) – Conservation Status: None
 - Yuma Myotis (*Myotis yumanensis*) – Conservation Status: NoneThere is suitable foraging habitat for bats on-site though no bat species were observed at the site; determined there will be no significant impact.
- California giant salamander (*Dicamptodon ensatus*), CDFW - Species of Special Concern: suitable habitat though this species typically is found in wetter environments surrounded by forest habitats; species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.
- Western pond turtle (*Emys marmorata*), CDFW - Species of Special Concern: very limited suitable breeding habitat and species not observed at the site; development setbacks and erosion and sediment control measures during construction activities

would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.

- Foothill yellow-legged frog (*Rana boylei*), State – Candidate Threatened; CDFW - Species of Special Concern: suitable habitat but species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.
- California red-legged frog (*Rana draytonii*), Federal – Threatened; CDFW - Species of Special Concern: very limited suitable breeding habitat but the unnamed tributary and riparian woodland provide suitable foraging, refuge and dispersal habitat; species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.
- Red-bellied newt (*Taricha rivularis*), CDFW - Species of Special Concern: the unnamed tributary and riparian woodland provide suitable habitat, but species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.
- Steelhead, or steelhead trout (*Oncorhynchus mykiss*), Federal – Threatened: the unnamed tributary is not a known steelhead stream but exhibits necessary habitat requirements for spawning habitat and more suitable spawning habitat may exist upstream; species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.
- Coho salmon (*Oncorhynchus kisutch*), Federal - Endangered; State – Endangered: the unnamed tributary exhibits necessary habitat requirements for spawning habitat and more suitable spawning habitat may exist upstream, but species not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.

California freshwater shrimp (*Syncaris pacifica*), Federal - Endangered; State – Endangered: potentially suitable habitat but species not known to occur in Calabazas Creek and unlikely to occur in the unnamed tributary; species was not observed at the site; development setbacks and erosion and sediment control measures during construction activities would prevent significant indirect impacts to this species habitat, therefore, determined there will be no significant impact.

Although the project does not propose to remove trees on-site, several special-status bird species and native birds could be disturbed during construction activities if nesting were

initiated before the beginning of construction. Because most of the construction impacts from project development would be confined to an area of non-native grassland and ruderal habitat, project impacts on special-status species would largely be limited to potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related tree and/or vegetation removal and site disturbance. The following mitigation measure would reduce potential project impacts on nesting birds to a less than significant level.

Level of Significance: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-1: Nesting Birds

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

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- (b) If construction-related activities are scheduled to occur during the nesting season (February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven days, an additional nesting bird survey shall be performed.
- (c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are up to

75 feet from the nest site or nest tree dripline for small birds and up to 1,000 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring shall be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.

(d) A report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a grading permit.

Mitigation Monitoring:

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

- 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:

Riparian habitat typically includes woody vegetation that grows along the margins of water features. Riparian habitat primarily exists along the unnamed ephemeral tributary to the north of the project site and extends onto the project site. Project cultivation areas (indoor

and outdoor) would be outside of the County-mandated minimum 50-foot buffers for the riparian corridor. However, the proposed project sewer pipeline connecting to the adjacent parcel would cross the unnamed ephemeral tributary. In addition to standard Sonoma County permit requirements for utility lines, the sewer pipeline could require a Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife to ensure that impacts on the tributary and related riparian habitat are minimized.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-2: Lake and Streambed Alteration Agreement

Prior to issuance of any grading or building permit for the sewer pipeline extension across the unnamed ephemeral tributary (to the north of the project site), the applicant shall submit the pipeline stream crossing plans to CDFW for review and shall either (1) execute a Lake and Streambed Alteration Agreement (LSAA) with CDFW, or (2) if CDFW determines appropriate, obtain from CDFW a waiver for the proposed work. In addition, the applicant shall file an application with the Water Board for any related actions that could result in the discharge of dredged or fill material to waters of the state. In addition to any Best Management Practices (BMPs) identified by CDFW or the Water Board, the applicant shall implement the following BMPs for any work in or near the stream, including, but not limited to:

1. Proper erosion control and other water quality BMPs shall be implemented to avoid sedimentation and disturbance in the streambed and downstream, where storm water may run off into the riparian corridor. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials.
2. No trees or riparian vegetation shall be removed for any construction activities.

Mitigation Monitoring:

Mitigation Monitoring BIO-2: Permit Sonoma shall not issue any grading or building permits until the applicant has provided copies of all required permits (or waivers) from the State Department of Fish and Wildlife and the San Francisco Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

- 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 Biological Assessment assessed four seasonal wetland areas on the project site: near the northeast property boundary; between the existing residential structures and the east property boundary; and two near the west property boundary by Highway 12. In addition, two small seasonal wetland depressions are near the southwest corner of the site along Trinity Road. The project proposes no cannabis cultivation within 100 feet of these seasonal wetland areas, in compliance with setback requirements for cannabis projects in County Code section 26-88-254(f)(13). The eastern project access road, which the project indicates would be used as the sole road for project activities, is over 50 feet from the wetland, which would allow room for any road improvements determined necessary by the County to be in compliance with the setback requirements in County Code section 11-14-110. Therefore, proposed project impacts on wetland features on the site would be expected to be less than significant.

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:

Many common bird species (including their eggs and young) are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). Although the project does not propose to remove any trees, as discussed in section 4.a, the potential exists for inadvertent destruction or disturbance of nesting birds on and near the project site to occur as a result of construction activities. According to the Biological Assessment (p. 19), habitat connectivity improves at the property edges, in the ephemeral tributary, and along its riparian corridor. Because project activities would comply with stream and riparian setback requirements, the project would not infringe on potential habitat connectivity areas and therefore would not substantially interfere with wildlife movement in these corridors.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measures BIO-1 and BIO-2

Mitigation Monitoring:

Mitigation Monitoring BIO-1 and BIO-2

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

Comment:

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.

Riparian Corridor Combining District

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

Tree Protection Ordinance

Chapter 26D of the Sonoma County Code contains a tree protection ordinance (Section 26-88-010(m)). The ordinance designates 'protected' trees as well as provides mitigation standards for impacts to protected trees. This ordinance is used as a guide for determining impacts and appropriate mitigation measures.

Sonoma County Code, 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.

As discussed in sections 4.a and 4.b, project cultivation activities do not involve areas containing sensitive habitat or biological resources, nor does the project propose to remove any trees. However, the possibility exists that project construction activities (including possible access driveway and road improvements, as determined necessary by the County) could destroy or disturb nesting birds on and near the project site.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measures BIO-1 and BIO-2

Mitigation Monitoring:

Mitigation Monitoring BIO-1 and BIO-2

- 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. In addition, the project is not located in the Santa Rosa Plain Conservation Strategy area.

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 May 3, 2019, Permit Sonoma staff referred the project application to the Northwest Information Center-Sonoma State University (NWIC) for review and recommendations. The NWIC noted (May 14, 2019) that the State Office of Historic Preservation recommends review of any buildings or structures older than 45 years to determine whether or not they are historic resources.

A June 6, 2019 Cultural Resources Study prepared for the project by Evans & De Shazo included a record search at the NWIC on May 7, 2019; review of other relevant resources (California Inventory of Historic Resources, Office of Historic Preservation, California Historical Landmarks, California Points of Historical Interest, California Register of Historical Resources, and the Directory of Properties in the Historic Property Data File for Sonoma County) and historic maps; and a field survey of the project site, which was conducted on May 15, 2019. The results of the research and field survey identified no historic buildings or structures 45 years of age or older on the project site.¹⁴

Significance Level: Less than Significant Impact

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

Comment:

As described by the NWIC, the proposed project is in an area with the possibility of containing unrecorded archaeological site(s) and recommended a study prior to commencement of project activities. Because no cultural resource studies had been previously conducted for the project site, the NWIC also recommended contact with local Native American tribes for information on cultural resources.

As part of the Cultural Resources Study, Evans & De Shazo performed a field survey (May 15, 2019) to assess the project site for potential archaeological and cultural resources. The Cultural Resources Study (p. 24) concluded: *"No prehistoric or historic-era artifacts, archaeological deposits, or other cultural resource types were identified during the field survey of the Project Area."* Evans & De Shazo contacted seven local Native American tribes. Only one response was received, a May 21, 2019 email via from the Middletown Rancheria, which stated that the Tribe had no specific comments at the time but requested to be contacted if any new information or evidence of Native American activity was identified. In addition, Evans & De Shazo requested a Sacred Lands File search from the

¹⁴Evans & De Shazo, "Results of A Cultural Resources Study for the Proposed Cannabis Cultivation Project at 101 Trinity Road, Glen Ellen, Sonoma County, California," prepared for Andrew Dobbs-Kramer, Compliance Manager, Sparc, June 6, 2019.

Native American Heritage Commission (NAHC) on May 2, 2019. The NAHC search did not indicate the presence of Native American Sacred Sites within or near the project site.

In addition, Permit Sonoma contacted local tribes who requested AB 52 project notification and received responses from:

- Middletown Rancheria of Pomo Indians of California -- declined comment on the project because project not within their aboriginal territories;
- Stewarts Point Rancheria Band of Kashia Pomo Indians – no concerns or comments at this time because project not within their aboriginal territories; and
- Lytton Rancheria -- not requesting further consultation.

Sonoma County Code Section 11-14-050 requires projects to halt all work in the vicinity of where human remains or archaeological resources are discovered during construction grading and drainage and to perform the following prior to resumption of work:

“A. Human remains. If human remains or suspected human remains are discovered, the permittee shall notify the county coroner and comply with all state law requirements, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, to ensure proper disposition of the human remains or suspected human remains, including those identified to be Native American remains.”

“B. Archaeological resources. If archaeological resources or suspected archaeological resources are discovered, the director shall notify the State Historic Preservation Officer and the Northwest Information Center at Sonoma State University, and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. All costs associated with the evaluation and mitigation of the find shall be the responsibility of the permittee. The director shall 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. The need for confidentiality of information concerning the archaeological resources or suspected archaeological resources shall be recognized by all parties. For the purposes of this section, archaeological resources include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing

activities. Prehistoric domestic features include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.”

In addition, County Code Section 26-88-254(f)(14) also requires the following for commercial cannabis cultivation projects:

“Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards. Sites located within a historic district shall be subject to review by the landmarks commission, unless otherwise exempt, consistent with Section 26-68-020 and shall be required to obtain a use permit. Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities, water, waste water, or drainage systems shall be subject to design standards and referral to the Northwest Information Center and local tribes. A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.

“The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:

“If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.

“Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.

“If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within twenty-four (24) hours of this identification.”

Project compliance with these County Code standards would protect archaeological and cultural resources during grading and construction activities, and therefore the impact related to uncovering cultural resources during construction would be less than significant.

Significance Level: Less than Significant Impact

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

Comment:

The project site would require grading and construction activities, which could uncover undocumented materials, including human remains. The Sonoma County Code provides procedures for protection of human remains, including notifying the county coroner and complying with the requirements provided by State law (Health and Safety Code section 7050.5 and Public Resources Code section 5097.98) to ensure proper disposition of human remains or suspected human remains, including those identified to be Native American remains.

As required by State law and County Code Sections 11-14-050 and 26-254-88(f)(14), if human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. 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 this identification so that a Most Likely Descendant can be designated, and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code. Implementation of State law and County Code policy would ensure that this impact would be less than significant.

Significance Level: Less than Significant Impact

6. ENERGY

Would the project:

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

Comment:

Project construction would include temporary use of equipment such as bulldozers, excavators, skid steers, compactors, and boom lifts for limited periods ranging from an estimated 16 days for demolition activities to up to approximately 60 days for building

construction. Long-term energy demand would result from employees working on the project site and from employee vehicle trips (as discussed in section 17, Transportation, the proposed project could be expected to generate up to 52 daily trips). The proposed cannabis operation would also result in energy usage from electricity for lighting, odor-reducing fans, the security system (e.g., alarm, lights, cameras), and water and wastewater pumps.

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 because the applicant proposes to purchase 100 percent renewable power from the Sonoma Clean Power EverGreen program. In addition, lighting for the greenhouses would be high-efficiency LEDs lights; security lighting would be solar-powered.

Commercial cannabis cultivation projects are required to comply with County Code Section 26-88-254(g)(3), which requires that *“Electrical power for indoor cultivation, mixed light operations, and processing including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (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.”*

Because of the use of renewable power and high-efficiency and solar-power lighting, project impacts related to wasteful, inefficient, or unnecessary energy resources would be less than significant.

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 be required to comply with local energy efficiency standards as defined in County Code Chapter 7 (Building Regulations), which specifies Title 24, Part 6 of the California Code of Regulations, California Energy Code (Building Energy Efficiency Standards), as the County standard for buildings.

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.¹⁵ The closest known fault in an Alquist-Priolo Earthquake Fault Zone is the Rodgers Creek fault located a little over six miles west of the project site.

Significance Level: Less than Significant 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. The nearest fault is the Bennett Valley fault, a little less than four miles to the west, although several unnamed, smaller faults are also in proximity. The expected relative intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as 'Very Strong' according to Figure PS-1a (Earthquake Ground Shaking Hazard Areas) in the General Plan Public Safety Element.¹⁶ However, by applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which account for 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. In addition, planned improvements to the existing barn to convert it into a cannabis processing facility could require modifications or alterations to bring the barn into compliance with County building code standards. Therefore, with these standards applied to project structures, the project would not expose people to substantial risk of injury from seismic shaking.

¹⁵California Department of Conservation, Earthquake Zones of Required Investigation, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed 9/8/20.

¹⁶Sonoma County General Plan 2020, Public Safety Element, Figure PS-1a, Earthquake Ground Shaking Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>, accessed 9/14/20.

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 shear strength in saturated sandy material, resulting in ground failure. Areas of Sonoma County most at risk of liquefaction are along San Pablo Bay and in alluvial valleys. The project site is not located within a liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.¹⁷ According to the Sonoma County GIS tool, the parcel is located within a “Very Low Susceptibility” liquefaction hazard area.

Significance Level: Less than Significant Impact

iv. Landslides?

Comment:

Steep slopes characterize much of Sonoma County, particularly in the northern and eastern portions of the County. Where these areas are underlain by weak or unconsolidated earth materials, landslides are a hazard. The project is located in the eastern part of the county, in an area near the Mayacamas Mountains, which has rugged terrain, steep slopes, and deep canyons. However, the project site is not in an area highly susceptible to landslides, according to the General Plan Public Safety Element, Figure PS-1d.¹⁸ The project site slopes gently to the east (approximately six percent) toward the hills. Proposed on-site grading would be minimal (a net fill of 104 cubic yards) and would be unlikely to destabilize slopes or result in slope failure. New structures proposed would be constructed where former ranch structures are or were located, some of which were destroyed or partially destroyed in the 2017 Nuns fire. The design and construction of all new structures, and planned improvements to the existing barn to convert it into a cannabis processing facility, would be subject to engineering standards of the California Building Code (CBC) and County building standards, which would ensure that potential landslide impacts are less than significant.

Significance Level: Less than Significant Impact

¹⁷Sonoma County General Plan 2020, Public Safety Element, Figure PS-1c, Liquefaction Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>, accessed 9/14/20.

¹⁸Sonoma County General Plan 2020, Public Safety Element, Figure PS-1d, Deep-Seated Landslide Hazard Areas, <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542632>, accessed 9/9/20.

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

Comment:

Though the project is proposing to use an existing barn for the central processing facility, ground-disturbing construction activities would include construction of a new greenhouse/nursery/propagation/head house facility, a septic holding tank, one hammerhead turnaround, one roadway turnout, driveway and interior access road modifications (as determined necessary by the County), a fire hydrant and dedicated water pipeline connecting the hydrant to the water storage tank, and demolition of remaining structures (or portions of structures). As discussed in section 10, Hydrology and Water quality, the project would be required to comply with County erosion and sediment control provisions (County Code Chapter 7 and Chapter 11) that require an erosion prevention/sediment control plan plus implementation of best management practices to reduce runoff. Required inspections by Permit Sonoma staff would ensure that all grading and erosion control measures would be constructed according to the approved plans. Compliance with these County Code standards would ensure that soil erosion and topsoil loss impacts are less than significant.

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 located in an area with alluvial fan deposits overlying Sonoma Volcanics, and a basement structure comprised of Franciscan Complex. Although the site would be subject to seismic shaking and other geologic hazards as described in section 7.a.ii, iii, and iv, the project site is not located in an area highly susceptible to landslides, nor is the project site located in an area with a high potential for liquefaction. The design and construction of all new structures (e.g., the greenhouse/nursery/propagation/head house facility) and the planned improvements to the existing barn (to convert to a cannabis processing facility), plus any modifications or alterations necessary to bring the barn into compliance with County code, would be subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking, and foundation type. Project conditions of approval require that building permits be obtained for all construction, that the project meet all standard seismic and soil test/compaction requirements, and that all existing structures proposed for use by the project be in compliance with County and State building standards. Therefore, the project would not expose people to substantial risk of injury from seismic shaking.

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. Project site soils are mapped as predominantly Tuscan cobbly clay loam with some Red Hill clay loam. These soils have low to moderate shrink-swell potential; however, soils at the project site have not been tested for their expansive characteristics. The project would be required to comply with standard Building Code requirements, which would ensure that potential soil expansion at the proposed project, if expansive soils are found on-site, would be mediated through professional engineering design and practice. Therefore, risks from expansive soils would be less than significant.

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 in an area served by public sewer. Two existing septic systems serve the property (for the residence and the accessory dwelling unit, respectively). However, these existing systems would not provide wastewater disposal for the project. As discussed in section 19, Utilities and Service Systems, project wastewater would be disposed of by piping off-site to an existing, permitted leachfield on an adjacent parcel.

Significance Level: Less than Significant Impact

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

Comment:

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 on the project parcel or nearby, although there are listings associated with the nearby area (i.e., Bennett Valley, Matanzas Creek).¹⁹ An examination of the Geological Map of California

¹⁹UCMP Specimen Search, University of California Museum of Paleontology, <https://ucmpdb.berkeley.edu/>, accessed 9/16/20.

indicates that the area around the project consists of surface sediments composed of quaternary nonmarine terrace deposits and Pliocene volcanic rocks of the Sonoma Group.²⁰

As discussed in section 5.b, Cultural Resources, Sonoma County Code Section 26-88-254(f)(14) provides standard procedures for protection of paleontological resources encountered during ground-disturbing work at the project location:

“The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:

“If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.

“Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.”

Implementation of this standard County policy would ensure that this impact would be less than significant.

Significance Level: Less than Significant Impact

²⁰State of California, Department of Conservation, Geological Map of California, Olaf P. Jenkins Edition, Santa Rosa Sheet, Compilation by James B. Koenig, 1963, https://www.conservation.ca.gov/cgs/Documents/Publications/Geologic-Atlas-Maps/GAM_022-Map-1963.pdf, accessed 9/15/20.

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 greenhouse gas emissions contribute to climate change; 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.

The California Air Resources Board (CARB) is the lead agency for implementing Assembly Bill (AB) 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. The Legislature amended AB 32 in 2016 with Senate Bill (SB) 32. AB 32 and SB 32 require the CARB to prepare a Scoping Plan containing the main strategies that would be used to achieve the State's 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 Carbon Dioxide (CO₂) equivalents (MTCO₂e), as well as to establish and understand trends in GHG emissions. According to CARB's most recent 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 percent) of the State's total GHG emissions inventory (440 million MTCO₂e) in 2015, while electric power generation accounted for approximately one-fifth (19 percent) of the State's total GHG emissions inventory.

The County concurs with and utilizes as County thresholds the Bay Area Air Quality Management District (BAAQMD)-recommended GHG significance thresholds. The County also 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.

The proposed project would generate GHG emissions from the same sources described in section 3, Air Quality, as well as from the following additional sources that are specific to GHG emissions:

- Energy use and consumption includes GHG emissions generated from purchased electricity and natural gas.
- Solid waste disposal includes GHG emissions generated from the transport and disposal of landfilled waste.
- Water/wastewater includes emissions from electricity used to supply water to land uses, and treat the resulting wastewater generated.

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, as described in section 3, Air Quality, the proposed project would not generate a large amount of vehicle trips that would generate significant emissions. The electric power sector accounts for approximately one-fifth of GHG emissions in the State. Commercial cannabis facilities, such as the proposed project, can involve the use of lights, fans, and other equipment for 24 hours per day to control environmental conditions and provide ideal growing conditions. Also, the water required for cannabis cultivation requires energy to transport.

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 from these sources because, as described in section 3, the project would provide electrical power through a combination of on-grid 100 percent renewable energy, an on-site zero net energy renewable energy system, or purchase of carbon offsets for power obtained from non-renewable resources, as required pursuant to County Code Section 26-88-254(g)(3). This requirement would reduce GHG emissions from the project's energy and water sources, consistent with State reduction goals.

As discussed in section 3, Air Quality, the BAAQMD *CEQA Air Quality Guidelines* contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality or GHG impact. Consistent with BAAQMD's guidance, if a project meets all the screening criteria, then the project would result in a less than significant GHG impact and a detailed GHG assessment is not required for the project. As shown in Table 4, the proposed project is below all applicable BAAQMD operational screening size criteria (construction less than 11 acres or 259,000 square feet of building space, and fewer than 540 employees; operations less than 72 acres or 541,000 square feet of building space and fewer than 1,249

employees). Therefore, the proposed project would be consistent with BAAQMD operational screening criteria and would result in less than significant GHG emissions.

The BAAQMD does not maintain GHG screening criteria for construction emissions; however, construction GHG emissions are usually amortized over the lifetime of a project (typically assumed to be 30 years) and included in the estimate of annual project operational GHG emissions. As discussed in section 3, Air Quality, the County is including BAAQMD-recommended basic construction measures into the project as Mitigation Measure AIR-1, which would reduce fuel combustion and GHG emissions by requiring equipment to be properly maintained and limiting idling emissions. GHG emissions associated with construction activities are not anticipated to be substantial and would not change the significance conclusion pertaining to GHG emissions. As a standard condition of approval, the County requires that projects submit a greenhouse gas reduction plan to reduce GHGs beyond statutory requirements to achieve compliance with General Plan GHG reduction goals.

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 Greenhouse Gases (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 GHG emissions. The resolution establishes goals to establish a consistent framework throughout the County.

As described in section 8.a above, the proposed project would be consistent with the BAAQMD Clean Air Plan, would be 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 such as propane and other materials commonly used for maintenance. In addition, plant nutrients, fertilizers, and approved pesticides and/or chemicals would be used during the cultivation and processing operation. 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. The project would include a backup power generator (approximately 600 kVA, for emergency purposes only), which would require fuel to be stored on the property. The applicant would be required to obtain a generator permit from Sonoma County. (Bay Area Air Quality Management District permit requirements for backup power generators are discussed in section 3, Air Quality.)

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

Project construction activities (greenhouse/nursery/ propagation/head house facility, fencing, hammerhead turnaround, roadway turnout, driveway and interior access road modifications as determined necessary by the County, and associated infrastructure needed by the project) and conversion of the existing barn into a processing center may involve short-term transport, storage, and use of hazardous materials, but would not require routine or ongoing transport, use, or disposal of hazardous materials beyond periodic maintenance needs. These normal activities would also be subject to applicable local, State, and federal regulations.

With existing General Plan policies and federal, State, and local regulations and oversight of hazardous materials, and project compliance with County Code standards, the potential threat to public health and safety or the environment from hazardous materials transport, use or disposal would represent a less than significant impact.

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:

The project proposes to use organic pesticides, herbicides, and/or fungicides and would maintain a plan for appropriate use and disposal of these materials, subject to review by

County Fire. In addition, because the proposed project would include demolition of structures and/or partial structures remaining from the 2017 Nuns Fire, the project would be required to obtain a demolition permit from Permit Sonoma and would also be required to notify the Bay Area Air Quality Management District at least 10 business days before any demolition activities (regardless of potential building asbestos content). As discussed in section 9.a, with existing General Plan policies and federal, State, and local regulations, oversight of hazardous materials, and project compliance with County Code standards, the potential threat to public health and safety or the environment from accidental release of hazardous materials into the environment would be less than significant.

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 Dunbar Elementary School, located at 11700 Dunbar Road, Glen Ellen, about one-half mile northwest of the project site. Also, the project is not located in a 1,000-foot school buffer zone as defined by the cannabis ordinance. 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 is one site identified in State Water Resources Control Board GeoTracker database that is on a parcel near the project site: the Gordenker Turkey Farm - Sylvia Drive Vineyard at 12201 Sonoma Highway (an adjacent parcel). This vineyard site is registered in the Water Board's "Irrigated Lands Regulatory Program," which is part of the Water Board's General Waste Discharge Requirements for Vineyard Properties. There are no other known hazardous material sites within or adjacent to the project limits, based on review of the following databases on September 10, 2020.

1. The State Water Resources Control Board GeoTracker database,²¹

²¹State Water Resources Control Board GeoTracker Database, <http://geotracker.waterboards.ca.gov/>, accessed on 9/10/20.

2. The Department of Toxic Substances Control EnviroStor database (formerly known as Calsites),²² and
3. The California Integrated Waste Management Board Solid Waste Information System (SWIS).²³

Further, the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.²⁴

Significance Level: Less than Significant 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. The Charles M. Schulz Sonoma County Airport is located approximately 18 miles northwest of the project site. The nearest airport is Sonoma Skypark Airport, a public use airport located about 9.25 miles southeast of the project site. Petaluma Municipal airport is about 9.75 miles southwest of the project site.

Significance Level: No Impact

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

Comment:

The project would not impair implementation of, or physically interfere with, the County's adopted emergency operations plan (Sonoma County/Operational Area Emergency Operations Plan, December 2014). There is no separate emergency evacuation plan for the County. Given the minimal traffic associated with the project (an estimated 17 employees maximum, with an approximate trip generation of 52 average daily trips), the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes.

²²The Department of Toxic Substances Control EnviroStor Database, <http://www.envirostor.dtsc.ca.gov/public/>, accessed on 9/10/20.

²³The California Integrated Waste Management Board of Solid Waste Information System (SWIS), <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>, accessed on 9/10/20.

²⁴California Environmental Protection Agency, Cortese List Data Resources, <http://www.ca.epa.ca.gov/SiteCleanup/CorteseList/default.htm>, accessed on 9/10/20.

Significance Level: No 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 Wildland Fire Hazard Areas mapping (Figure PS-1g) of the Sonoma County General Plan 2020,²⁵ the project site is located in a moderate fire hazard zone; however, it is near an area designated as a very high fire hazard zone. The 2020 Glass Fire perimeter was within four miles of the project site. In addition, several structures on the project site were destroyed during the 2017 Nuns Fire, which burned an area of approximately 56,600 acres.

The project site is in an area designated for agriculture east of Highway 12 and south of Trinity Road. West of Highway 12, the area is characterized by more rural residential properties intermixed with fields and wooded areas. Slopes on the project site are gentle (about six percent), rising to the east and into the Mayacamas Mountains where slopes become steeper toward mountain tops and ridges (Mt. Veeder, about three and a half miles from the project site, is approximately 2,700 feet in elevation). The mountain area is heavily forested with underlying chapparal, and the area has several canyons (e.g., Adobe Canyon, Nuns Canyon, Stuart Canyon).

The project site is not in a Wildland Urban Interface Area, but it would be required to comply with the California Building Code and the California Fire Code, which would reduce fire risks on people and structures.

In addition, as part of the County's planning referral process, the Fire Department responded with a comment letter to Permit Sonoma on May 24, 2019. The comment letter included several conditions of approval that the applicant would need to comply with, addressing the following areas:

- Compliance with pertinent codes, regulations, and ordinances related to building design and fire prevention
- Fire protection planning
- Emergency access
- Water supply
- Vegetation management

²⁵Sonoma County General Plan 2020, Public Safety Element, Wildland Fire Hazard Areas, Figure PS-1g, <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Wildland-Fire-Hazard-Areas/>, accessed 9/16/20.

As a standard condition of approval, construction on the project site would be required to comply with Sonoma County Code Chapter 13 (“Sonoma County Fire Safety Ordinance,” Ordinance No. 6184), including but not limited to fire sprinklers, emergency vehicle access, and water supply making the impact from risk of wildfire less than significant.

County Code Section 26-88-254(f)(16) also requires that the applicant prepare and implement a fire prevention plan for construction and ongoing operations, including provision for emergency vehicle access and turnouts, vegetation management, and fire break maintenance around all structures.

Project compliance with these standard County and State requirements would ensure that risks from wildland fires on people and structures would be less than significant.

Significance Level: Less than Significant Impact

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 would include grading of approximately 4,004 cubic yards (CY) of cut and 4,108 CY of fill, for a net fill of 104 CY. In addition, approximately 173,700 square feet of ground disturbance would result from the project greenhouse/nursery/propagation/head house facility, the hammerhead turnaround and emergency turnout, modifications to the driveway and access roads as determined necessary by the County, associated infrastructure needed by the project, and the new cultivation areas. These improvements and project operations could affect the quantity and/or quality of storm water runoff.

The proposed cultivation areas have been previously disturbed (formerly occupied by buildings), and limited ground-disturbing activities would be anticipated to prepare the areas for cultivation (demolition of remaining structures from the 2017 Nuns Fire). The cannabis plants would be cultivated in grow bags placed on top of the ground, with gravel for the aisles or possibly wood chips in some areas.

Watershed. The project site is located in the Upper Sonoma Creek subwatershed of the Sonoma Creek-Frontal San Pablo Bay Estuaries watershed, which is part of the larger San Pablo Hydrologic Unit. The project site is in a Class 3 groundwater basin (Marginal Groundwater Availability), as classified in the County’s Groundwater Availability map. There

is an intermittent blue line stream outside the northern property line that runs close to Weise Road and connects with Calabazas Creek west of Highway 12, between Dunbar Road and Henno Road (referred to as an “unnamed ephemeral tributary” in section 4, Biological Resources). Calabazas Creek flows south and joins Sonoma Creek in Glen Ellen. From there, Sonoma Creek continues its southward flow before emptying in San Pablo Bay, about 16 miles away.

Sonoma Creek has been remapped (divided) into two parts for more consistent section 303 impairment analysis and implementation actions: (1) the southern “tidal” part of the creek connecting to San Pablo Bay (approximately seven miles long and tidally influenced), and (2) the northern “non-tidal” part (approximately 23 miles long and flowing through the Glen Ellen area). The “non-tidal” part of Sonoma Creek is listed by the State Water Resources Control Board (SWRCB) and San Francisco Bay Regional Water Quality Control Board (SFRWQCB) under section 303 of the Clean Water Act as impaired for sedimentation/siltation, nutrients, and pathogens. A total maximum daily limit (TMDL) action plan is currently in place for sedimentation/siltation and pathogens; a TMDL is required for nutrients. The southern “tidal” part of Sonoma Creek has been delisted for sedimentation/siltation due to this mapping change; however, the southern “tidal” part is listed as impaired for nutrients and pathogens. A TMDL is currently in place for pathogens; a TMDL is required for nutrients. San Pablo Bay is listed under section 303 as impaired for metals, pesticides, and invasive species. A TMDL is currently in place for metals; a TMDL is required for pesticides and invasive species. In addition, Calabazas Creek, a tributary to Sonoma Creek, has been delisted due to incorrect assignment of data (which has been correctly assigned to a similarly named waterbody in Santa Clara County).²⁶

Waste Discharge. The SWRCB Cannabis General Order WQ 2019-0001-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, effective as of April 16, 2019, requires submittal of a Site Management Plan describing best management practices (BMPs) to protect water quality and may also require a site erosion and sediment control plan, disturbed area stabilization plan, and/or nitrogen management plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll or to apply for a waiver of waste discharge (if applicable). Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits. County conditions of approval require a copy of the Waste Discharge Permit to be submitted prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

²⁶State Water Resources Control Board, Impaired Water Bodies, Final 2014/2016 California Integrated Report (Clean Water Act Section 303(d) List/ 305(b) Report), https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml, accessed 9/10/20.

The project would require coverage under the SWRCB General Construction Permit because project construction activities would disturb one or more acres of soil.

In addition, Section 26-88-254(g)(9) of the County Code requires that the applicant submit a wastewater management plan, as follows:

“A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic waste water anticipated, as well as disposal. All cultivation operations shall comply with the best management practices issued by the agricultural commissioner and shall submit verification of compliance with the waste discharge requirements of the state water resource control board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, graywater or bio-retention treatment systems. If discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.”

Runoff and storm water control for cannabis cultivation, as addressed in County Code Section 26-88-254(f)(20), requires:

“Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the agency having jurisdiction. The plan must include 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 shall 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.”

Drainage and Runoff. The cannabis cultivation best management practices prescribed by the County Agriculture Commissioner include measures related to pesticide and fertilizer storage and use, riparian protection, water storage and use, waste management, erosion control/grading and drainage for outdoor cultivation, and pesticide use, waste management, and water use for indoor cultivation.

In addition, project construction would need to meet all applicable County grading and drainage requirements (County Code Chapter 11--Construction Grading and Drainage Ordinance). Required inspections by Permit Sonoma staff would ensure that water quality

standards and erosion control measures would be maintained according to the approved project plans and applicable policy regulations.

Application of these standard County and State storm water requirements and County conditions of approval would reduce project storm water runoff impacts to a less than significant level.

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 Department of Water Resources Sustainable Groundwater Management Act Basin Prioritization Dashboard. The project site is located near the Napa-Sonoma Valley - Sonoma Valley groundwater basin, which is a high priority groundwater basin. The project is located in Groundwater Availability Class 3 (Marginal Groundwater Area), and pursuant to Sonoma County General Plan Policy WR-2e and County Policy 8-1-14, would be required to complete and submit a hydrogeologic assessment to Permit Sonoma.

A hydrogeologic assessment was prepared by PJC & Associates, Inc. ("PJC"; "PJC Report") to describe the project recharge area (i.e., cumulative impact area), including estimates of groundwater storage in the aquifer, groundwater recharge rates, and proposed groundwater use; review well completion reports (drillers' logs) from the area and provide a characterization of local hydrogeologic conditions; and assess the potential for well interference between the project well and neighboring wells.²⁷ In addition, the PJC report considered the cumulative effects on groundwater demand of the proposed project in conjunction with two other cannabis projects on adjoining parcels: the Terra Luna Farms project to the north, and the Gordenker Ranch Cannabis Cultivation project to the east.

Recharge Area/Cumulative Impact Area/Groundwater Storage (PJC Report, pp. 6-8). PJC described the cumulative impact area (CIA) as parcels within 1,500 feet of the project parcel plus the two adjoining parcels (Terra Luna Farms and Gordenker Ranch). Based on this CIA, PJC estimated groundwater storage in the CIA at 800 acres, with the volume of the saturated aquifer estimated at 108,000 acre-feet. Due to the variability of actual water yield (based on the underlying rock structure), PJC conservatively estimated the aquifer groundwater storage capacity at 3,240 acre-feet.

²⁷PJC & Associates, Inc., "Groundwater Availability Evaluation, Proposed 3-Lot Cannabis Development, Trinity Road & Sonoma Highway, APN: 053-110-076, 053-110-001 & 053-130-009, Glen Ellen, California," October 27, 2018.

Groundwater Recharge (PJC Report, pp. 8-12). Groundwater recharge was estimated based on mean annual precipitation in the area, minus losses due to evapotranspiration and surface runoff, and totaled approximately 233 acre-feet per year. Groundwater demand in the CIA was estimated based on the number of “cultivable parcels,” which assumed for calculation purposes that one-acre cannabis cultivation uses would occur on each of the parcels, for a total of 21 cultivatable parcels. Using that demand assumption, groundwater demand in the CIA, not including the project parcel, was estimated at 31.5 acre-feet per year.

Groundwater Use (PJC Report, pp. 9-12). PJC calculated domestic water use based on the number of dwelling units that the parcels in the CIA could be created under existing zoning and was estimated at 31.5 acre-feet per year. Vineyard water use and water for livestock were also calculated and added to the total groundwater demand in the CIA, as was water use for the existing vegetable garden on the project site.

PJC estimated total groundwater use for cannabis operations in the CIA, including the proposed project and the two adjoining parcels, at 35.0 acre-feet per year, and total domestic groundwater use in the CIA, including the proposed project and two adjoining parcels, at 36.0 acre-feet per year. Total livestock groundwater use in the CIA was estimated at 0.25 acre-feet per year.

Based on these individual estimates, PJC estimated total groundwater demand in the CIA at 112.75 acre-feet per year. The groundwater recharge rate is 233.0 acre-feet per year. And the total groundwater storage capacity is 3,240 acre-feet. Therefore, maximum potential groundwater demand in the CIA would be approximately 48 percent of groundwater recharge and approximately four percent of groundwater storage in the aquifer.

Groundwater Drawdown/Well Interference (PJC Report, pp. 12-13). PJC considered groundwater drawdown a function of distance, with wells at least 1,000 feet away not likely to be affected by project groundwater drawdown. Two of the nearest off-site wells were identified about 1,000 feet away, and a third well, 800 feet away, was no longer in use. PJC determined that this situation would be within tolerable limits and groundwater drawdown/well interference would not be substantial.

Groundwater Quality (PJC Report, pp. 13-14). Groundwater was tested for boron, iron, magnesium, total dissolved solids, pH, alkalinity, and specific conductance (which is an indirect measure of the presence of dissolved solids and can be used as an indicator of water pollution). Based on the testing, water quality was determined to be acceptable, however, PJC recommended the use of a filter to lower the iron content and noted that it may be necessary to consider using some method to increase pH levels. In addition, PJC recommended that water quality testing be performed for any new well drilled.

Potential Impacts to Surface Waters and Aquatic Habitats (PJC Report, pp. 13-14). There are several unnamed tributaries to Calabazas Creek in the CIA, but PJC determined that it would be highly unlikely that groundwater use would have an impact on aquatic or riparian habitat or critical flow of nearby streams based on the characteristics and depth of the aquifer system and the distance to major creeks and streams. At County request, PJC prepared a supplement to the PJC Report (“Supplemental Report”) incorporating new flow rate information for Calabazas Creek provided by the Sonoma Ecology Center (two-year sample data from monitoring gauges on Highway 12 and Dunbar Road) to re-evaluate potential impacts to surface waters using the new data.²⁸ In the Supplemental Report, PJC also incorporated revised streamflow depletion rates in the computer model to reflect updated aquifer storativity estimates (storativity is the specific storage of an aquifer in relation to the thickness of the aquifer) and more accurately calculate stream depletion for Calabazas Creek. The PJC analysis (Supplemental Report, p. 4) concluded that using the most conservative dry season stream flow data, *“potential stream depletion on Calabazas Creek after 180 days would represent a less than 10 percent reduction of streamflow,”* and PJC determined that this would be *“a negligible amount.”* PJC based this determination on: (1) the conservative dry season streamflow data used in the model; (2) the year-round flow conditions of Calabazas Creek, which are indicative of an area with abundant water; (3) the conservative stream depletion rates used in the computer model; (4) the distance of the well from Calabazas Creek (approximately 1,000 feet) and from the upland watershed of the creek; and (5) the depth at which the well obtains water from the aquifer (approximately 200 feet).²⁹ The Permit Sonoma Natural Resources Geologist (November 27, 2019) indicated that the PJC Supplemental Report was *“well documented and of appropriate detail and effort to support the findings.”*

In addition, new project landscaping would be subject to the County’s Water Efficient Landscape Ordinance (Chapter 7D3 of the Sonoma County Building Code).

Therefore, the proposed project would not result in a substantial decrease in groundwater supplies or substantial interference with groundwater recharge.

Significance Level: Less than Significant Impact

²⁸PJC & Associates, Inc., “Supplemental Groundwater Availability Evaluation, Proposed 3-Lot Cannabis Development, Trinity Road & Sonoma Highway, APN: 053-110-076, 053-110-001 & 053-130-009, Glen Ellen, California,” October 17, 2019.

²⁹As noted in the Supplemental Report, the Calabazas Creek Open Space Preserve Resource Management Plan described the hydrologic conditions of the Calabazas Creek subwatershed as follows: *“The fact that the majority of the main channel [of Calabazas Creek] conducts water throughout the year, and supports a large number of deep pools (from a few inches to several feet) along most of its length, is evidence of the considerable amount of water conducted within the sub-watershed.”* (Sonoma County Agricultural Preservation & Open Space District, Calabazas Creek Open Space Preserve Resource Management Plan, May 2016, p. 9.)

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:

There are no blue line streams on the project site; however, as discussed in section 10.a, an unnamed intermittent blue-line stream runs roughly along Weise Road outside the northern project parcel border, which connects to Calabazas Creek, which is tributary to Sonoma Creek, which ultimately drains into San Pablo Bay.

The project would create approximately 79,140 square feet of impervious surfaces for the project greenhouse/nursery/propagation/head house facility, roadway/driveway surfaces (including the new hammerhead turnaround, emergency turnout, and modifications to the driveway and access roads as determined necessary by the County), and the ADA restroom.

All construction activities associated with the proposed project would be required to adhere to Sonoma County Code Chapter 11 (Construction Grading and Drainage) requiring incorporation of best management practices (BMPs) to further control surface water runoff, and as a result would not be anticipated to alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation. Chapter 11 requires that drainage facilities and systems be designed to prevent or minimize soil loss through the use of storm drain culverts (pipes), storm drain inlets and outlets, storm drain outfalls, energy dissipators, flow dispersion, check dams, rolling dips, critical dips, proper location and sizing of culverts, revegetation of exposed or disturbed slopes, minimizing cross drains through road outsloping, minimizing the use of artificial slopes, and other BMPs referenced or detailed in the County's BMPs for construction grading and drainage.

In addition, Sonoma County Code Section 26-88-254(f)(20) includes runoff and stormwater control requirements for cannabis cultivation projects and prohibits draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to commencement of grading or construction, the operator is required to prepare for County review and approval a storm water management plan and an erosion and sediment control plan, including BMPs pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the BMPs for cannabis cultivation issued by the Agricultural Commissioner for water, erosion control, and management of wastes, fertilizers, and pesticides.

Therefore, based on application of these standard County Code requirements, the proposed project would not result in substantial erosion or siltation either on-site or off-site.

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 off-site;**

Comment:

As discussed in section 10.c.i, the proposed project would increase impervious surface area; however, project compliance with County Code requirements related to storm water runoff and drainage would ensure that the project would not increase the rate or amount of surface runoff.

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 discussed in section 10.c.i, the proposed project would increase impervious surface area; however, 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). The project would require a grading permit, which would not be issued until all recommended feasible storm water treatment options have been incorporated into project design in compliance with all applicable standards of the County Code. Project compliance with these standard conditions of approval and County Code requirements related to storm water runoff and drainage would ensure that the project storm water runoff would be reduced sufficiently to ensure that the capacity of existing or planned drainage systems are not exceeded by project storm water runoff or that project storm water runoff would not increase the rate or amount of surface runoff or polluted runoff.

Significance Level: Less than Significant Impact

- iv. impede or redirect flood flows?**

Comment:

There are no blue line streams on the project site; however, an intermittent blue-line stream runs roughly along Weise Road outside the northern project parcel border.

According to Figure PS-1e³⁰ of the General Plan, the project site is not located in a flood hazard area; the project site is in an “area of minimal flood hazard” as designated by FEMA (Zone X).³¹

Significance Level: Less than Significant Impact

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

Comment:

As discussed in section 10.c.iv, the project site is not located in a flood hazard area. The project is not subject to seiche or tsunami because the project site is not located in an area subject to tsunami (about 26 miles from the coast). Seiche is a wave in a lake caused by strong winds or rapid changes in atmospheric pressure, or seismic or other processes, that push water from one end of a body of water to the other. The closest lake or similar water body is a man-made pond (about one acre in surface area) approximately 1,000 feet to the east.

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 construction activities to be designed and conducted to prevent or minimize the discharge of pollutants or waste from the project site. Best Management Practices (BMPs) 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). Storm Water Best Management Practices may also include primary and secondary containment for petroleum products, paints, lime and other hazardous materials of concern. Because no discharges from the project site to waters of the state are proposed, the project would not conflict with or obstruct the implementation of a water quality control plan. In addition, the project site is not presently located in a medium or high priority sustainable groundwater management plan (SGMA) basin for which there is an approved Groundwater Sustainability Plan. The nearest SGMA basin is the Napa-Sonoma Valley – Sonoma Valley Groundwater Basin, about 620 feet west of the project.

³⁰General Plan Safety Element Update, Figure PS-1E Flood Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>, accessed 9/24/20.

³¹Federal Emergency Management Agency, Flood Map Service Center, National Flood Hazard Layer FIRMette, <https://msc.fema.gov/portal/search?AddressQuery=101%20Trinity%20Road%2C%20Glen%20Ellen%2C%20CA#searchresultsanchor>, accessed 9/17/20.

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 a community. The project is surrounded by rural residential lands, agricultural lands, and forest canopy. The project does not involve construction of a physical structure or removal of a road or other access route that would impair mobility, including changes to the existing roadway layout, within an established community or between a community and outlying areas.

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 designation for the parcel is Land Intensive Agriculture. As stated in the General Plan Land Use Element (p. LU-63), this land use designation is intended to *“enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials.”*

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

- The project would be designed to be in harmony with the natural and scenic qualities of the local area (Policy LU-12g), as the project would be effectively screened from public views 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 consistent with regulations designed to maintain the scenic qualities of the area. (See Section 1, Aesthetics, for further discussion).

- 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 night time 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): The project would use minimal, motion activated exterior lights which would 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 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 Land Intensive Agriculture District zoning designation, commercial cannabis cultivation (up to one acre of cultivation area), including ancillary processing operations, is an allowed land use with a use permit (Sec. 26-04-010(p)). The proposed project would be consistent with the County Code for the Land Intensive Agriculture District zoning designation as well as the Development Criteria and Operating Standards from the Code intended to avoid and minimize potential environmental impacts (Sections 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.³² 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:

As discussed in section 12.a, the project site is not located within an area of locally-important mineral resource recovery site. The site is not zoned MR (Mineral Resources), and no locally-important mineral resources are known to occur at the site.³³

Significance Level: No Impact

³²California Geologic Survey Special Report 205, Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-consumption region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California (California Geological Survey, 2013). Plate 1A, Plate 1B, and Plate 1C indicate the project site is classified as MRZ-3.

³³Sonoma County. Aggregate Resources Management Plan, <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>, accessed September 1, 2020.

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 20dB is 100 times more intense, 30 dB is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness, of 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 characterizing 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, which means “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 source of sound (i.e., 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 versus grass or trees), atmospheric absorption, and attenuation by barriers. When 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 73 dB. That means that for traffic noise to increase by 3 dB, which is at the lower end of the human range of perceptible sound, a doubling of traffic would be necessary.

Table 5 shows County noise standards (Table NE-2 of the General Plan), which establish a maximum allowable exterior noise exposure 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., 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 Cannabis Ordinance ND (p. 39), *“Cannabis operations could cause potential noise impacts through preparation of land for outdoor cultivation, construction activities for associated structures, noise from on-site 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 Cannabis Ordinance also includes a provision that *“the use of generators as a primary source of power shall be prohibited.”*

Due to the low trip generation associated with the project and the distance of project roads (driveways) from nearby residences, road noise from related project activities would also be minimal. Project traffic would have a minimal contribution to Highway 12 traffic noise.

Additionally, based on review of the project plans and distance information obtained via Google Earth, the outdoor cultivation area would be located over 600 feet from the nearest off-site residence. Because several of the neighboring residences were destroyed in the 2017 Nuns Fire and have not been replaced, the proposed greenhouse/nursery/propagation/head house facility and the central processing building would be located

approximately from 800 to over 1,000 feet from the nearest existing residences. These distances would allow for attenuation of most noise associated with project operations (mobile equipment activities) and project equipment (exhaust fans, blowers, etc.). In addition, because cultivation would occur in grow bags, there would be no noise associated with soil-tilling activities, only transport of the bags. Therefore, potential noise effects of the project would be expected to be less than the County's noise criteria at the adjacent properties.

However, the potential exists for project-generated noise levels to exceed County standards during construction and for the proposed back-up power generator. Therefore, incorporation of standard noise Best Management Practices (BMPs) (see Mitigation Measure NOISE-1) would ensure that temporary construction noise impacts would be less than significant. In addition, the project would be required to incorporate Mitigation Measure NOISE-2 to reduce backup generator noise impacts.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation Measures:

Mitigation Measure NOISE-1: The following construction noise control best management practices (BMPs) shall be incorporated into the project:

- Limit construction to between the hours of 8:00 AM and 6:00 PM, Monday through Friday. No construction activities shall occur on weekends or holidays.
- Locate construction staging areas as far as possible from nearby sensitive receptors.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from nearby sensitive receptors.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Utilize "quiet" air compressors and other "quiet" equipment where such technology exists.

Mitigation Measure NOISE-2: To reduce generator noise impacts, install the generator in an acoustical enclosure and position the generator to face away from the nearest residence. Conduct generator testing only during daytime hours (7:00 AM to 10:00 PM), with a preferred testing schedule between 10:00 AM and 4:00 PM to avoid noise-sensitive nighttime, morning, and evening hours. Notify adjacent landowners/residences of the testing schedule prior to testing.

Mitigation Monitoring:

Mitigation Monitoring NOISE-1 and NOISE-2: For Mitigation Measure NOISE-1, Permit Sonoma staff shall ensure that the above construction BMPs are listed on all necessary site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. For Mitigation Measure NOISE-2, the final location of the generator and enclosure shall be submitted to the County for approval prior to the issuance of building permits. For both Mitigation Measure NOISE-1 and NOISE-2, any noise complaints shall be investigated by County staff and, if violations are found, the County shall require a noise consultant to evaluate the problem and recommend corrective actions.

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

Comment:

According to the 2016 Cannabis Negative Declaration (p. 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 include construction activities for the greenhouse/nursery/propagation/head house facility, fencing, wastewater pipeline, hammerhead turnaround, roadway turnout, driveway and interior access road modifications as determined necessary by the County, and associated infrastructure as needed by the project. These construction activities could generate ground borne vibration and noise levels due to vibration-inducing activities. The setback requirements in Section 26-88-254 of the County Code require cultivation areas and their associated structures 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 that any ground-borne vibration levels dissipate before reaching any sensitive receptor locations. The nearest residences to proposed construction activities would be south of the project driveway, across Trinity Road, and over 300 feet away.

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 site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.³⁴ The Charles M. Schulz Sonoma County Airport is located approximately 18 miles northwest of the project site. The nearest public airport is Sonoma Skypark Airport, a public use airport located about 9.25 miles southeast of the project site. Petaluma Municipal airport is about 9.75 miles southwest of the project site. The nearest private airport is Belos Cavalos Airport, about 4.5 miles northwest of the project site, near Kenwood. The Queen of the Valley Hospital (hospital heliport) is about 13 miles southeast of the project site. Because 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 would not expose people working in the project area to excessive airport 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 site contains an existing single-family residence and an accessory dwelling unit. Both of these would remain on-site and are not part of the proposed project. The project proposes cannabis cultivation operations that would employ a maximum of 17 employees, including 12 year-round and 5 seasonal (for the harvest). The proposed project therefore would not induce substantial population growth in the area, either directly or indirectly.

Significance Level: Less than Significant Impact

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

Comment:

As discussed in section 14.a, the project site contains an existing single-family residence and an accessory dwelling unit. Both of these would remain on-site and are not part of the

³⁴Sonoma County. "Sonoma County Airport Referral Area," <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/>, accessed September 18, 2020.

current use permit application. The proposed project would not displace existing housing, and therefore would not necessitate the construction of replacement housing elsewhere.

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 in the project proposal. The project would employ 12 to 17 employees (depending on the season) and would not necessitate or facilitate construction of new public facilities because of the small scale of the project.

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 Sonoma Valley Fire District. The Sonoma County Code requires that all new development meet County Fire Safe Standards. The County Fire Inspector reviewed the project description and plans on May 24, 2019, and required that the project comply with Fire Safe Standards (Sonoma County Code Ch. 13), including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, and emergency water supply, and would also have to comply with Hazardous Materials Regulations (Sonoma County Code Ch. 29), including hazardous materials management and management of flammable or combustible liquids and gases.

In addition, the project would be required by Sonoma County Code Section 26-88-254(f)(16) to: *"...prepare and implement a fire prevention plan for construction and ongoing operations and obtain any permits required from the fire and emergency services department. The fire prevention plan shall include, but not be limited to: emergency vehicle*

access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.” Because none of these standard County Code requirements would result in the need to construct 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 project would not include construction of any new homes or a substantial amount of businesses or infrastructure, and therefore would not induce substantial population growth. The project would generate 12 to 17 jobs. 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 would not include new residential development, and no new schools are reasonably foreseeable as a result of the project. The project would not contribute to an increase in the need for expanded or additional schools, parks, or other public facilities, and therefore would not result in a significant impact.

Significance Level: No Impact

iv. Parks?

Comment:

The proposed project would not include the development of new 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 is less than 6.5 miles from the Sonoma Valley Regional library. The project would not create any new residential uses, and therefore increases in County library service demand resulting from the project would be less than significant. In addition, because the project would not be served by public sewer or water facilities, no expansion or construction of additional types of public facilities is 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 cannabis cultivation project would employ up to 17 employees (12 full-time employees with up to an additional five seasonal employees during harvest), which would not cause or accelerate substantial physical deterioration of parks or recreational facilities. The proposed project does not include any residential use and therefore 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 section 16.a. above.

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:

The Sonoma County General Plan Circulation and Transit Element includes adopted objectives for roadway system operations. As discussed in the 2016 Cannabis Ordinance Negative Declaration (ND), any 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 adoption of the Cannabis Ordinance (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.

A Traffic Study and subsequent vehicle miles traveled analysis (VMT Analysis) were prepared for the project by W-Trans to address potential changes in traffic resulting from the project and evaluate the proposed project's traffic with those adopted objectives.³⁵ The Traffic Study also considered the cumulative effects on traffic of the proposed project in conjunction with two other cannabis projects on adjoining parcels: the Terra Luna Farms project to the north, and the Gordenker Ranch Cannabis Cultivation project to the east. In addition to traffic analysis, this traffic evaluation also helps the County determine each project's Traffic Mitigation Fee, per Chapter 26, Article 98 of the County Code.

The following analysis summarizes the key results, findings, and recommendations of the Traffic Study and VMT Analysis relevant to CEQA requirements. The results of the Traffic Study and VMT Analysis indicated that the proposed project could be expected to generate up to 52 daily trips (with a maximum of 9 trips during the AM peak hour and 8 trips during the PM peak hour). The total trip generation of the three projects cumulatively was estimated at up to 140 daily trips (with a maximum of 25 trips during the AM peak hour and 22 trips during the PM peak hour). However, these project trip generation numbers for the three projects combined included the 10 full-time employees engaged in a quarry that was being reclaimed on eastern parcel at the time of the traffic study. Therefore, after trips associated with that quarry use (31 trips) were deducted from the cumulative totals (because the quarry is ceasing operations), the adjusted cumulative trip totals would be up

³⁵W-Trans, "Traffic Impact Study for the Gordenker Ranch Cannabis Cultivation Project," prepared for the County of Sonoma, March 20, 2020; W-Trans, "Addendum to the Traffic Impact Study for the Gordenker Ranch Cannabis Cultivation Project – Vehicle Miles Traveled (VMT) Analysis," prepared for Andrew Dobbs-Kramer, PARC Ventures, September 18, 2020.

to 109 new daily trips per day, including 20 trips during the AM peak hour and 17 trips during the PM peak hour.

The Traffic Study collected data to determine the existing traffic conditions for the project site and its vicinity at one intersection: Highway 12 and Trinity Road. Highway 12 (State Route 12) is a Caltrans facility; Trinity Road is a minor collector, according to the County.³⁶

Collision History. The Traffic Study (p. 4) reviewed collision data from the California Highway Patrol for the most currently available five-year period (December 1, 2013 through November 30, 2018), during which time collisions at the study intersection were reported. Collision rates at this intersection were compared with statewide data (averages) for similar intersections. Collision rates for this intersection were calculated based on collisions per million vehicles entering (c/mve). The collision rate at the Highway 12/Trinity Road intersection during this time period was 0.04 c/mve, which is lower than the comparison statewide average of 0.23 c/mve. This would indicate that with respect to safety, compared with statewide data (averages) for similar intersections, the intersection is operating acceptably. Because the project is not proposing a substantial increase in traffic, the project is not expected to increase the risk of traffic collisions.

Bicycle Facilities. The Traffic Study (p. 5) noted that there are no existing bicycle facilities within the project vicinity. However, a Class I bicycle lane along the Central Sonoma Valley Trail is planned between Melita Road and Agua Caliente Road, which would parallel Highway 12 along the eastern side as part of a planned trail system. A Class II bike lane is planned for Highway 12 between Kunde Winery Road and Arnold Drive. A Class III bike lane is proposed for Trinity Road, between Highway 12 and the eastern County limits. All three of these planned bike lanes would pass through the project vicinity. The Traffic Study (p. 17) determined that bicycle facilities “are expected to be adequate” when completed; however, the current public right-of-way width for the Class I trail might be insufficient along the east side of Highway 12. The Traffic Study recommended that additional right-of-way to accommodate the bike trail should be dedicated. Sonoma County Regional Parks reviewed the application materials and Traffic Study, and requested an irrevocable offer to dedicate a public trail easement to the County along the entire project frontage of Highway 12 for the Sonoma Valley Trail’s future installation of a Class I bike path per Caltrans design standards. Any dedication of additional ROW would not affect the proposed project.

Pedestrian Facilities. The Traffic Study (p. 5) identified no pedestrian facilities in the project vicinity, which is typical for the project’s rural location, and determined (p. 17) that because employees would be unlikely to walk to the project site, “[t]he lack of pedestrian facilities

³⁶Sonoma County Department of Transportation & Public Works, County Roads Functional Classification Map, <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=82e364c2c425408e8bedb308afe5da22>, accessed 9/18/20.

...serving the project site is consistent with the type of land use and surrounding area and is therefore considered acceptable.” In addition, because pedestrians using transit would need to cross Highway 12, the Traffic Study (p. 17) evaluated whether a crosswalk would be necessary at the intersection of Highway 12 and Trinity Road. The Traffic Study (p. 17) determined that “installation of a crosswalk at Trinity Road is not advised as it would generally result in less safe conditions for pedestrians due to the false sense of security associated with crosswalks.”

Transit Stops. According to the Traffic Study (p. 5), the project site is served by Sonoma County Transit (SCT), with a southbound stop on Highway 12 close to Trinity Road (on the south) and a northbound stop on Highway 12 close to Weise Road (on the south). The Traffic Study (p. 17) determined that “*Transit facilities serving the project site are adequate given the rural location of the project site and anticipated demand.*”

Traffic Conclusions. The project is not proposing a substantial increase in traffic, and traffic resulting from the project would not be expected to substantially affect existing traffic operations. In addition, project operations would not interfere with bicycle, pedestrian, or transit facilities. Therefore, the proposed project would not be expected to conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities. In addition, the County would require the project, as a condition of approval, to pay a development fee (Traffic Mitigation Fee) based on project Average Daily Traffic (ADT) and the commercial fee in effect at the time of permit issuance, per Chapter 26, Article 98 of the County Code.

Significance Level: Less than Significant Impact

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

Comment:

Sonoma County has not adopted a significance threshold for evaluating VMT; therefore, W-Trans based its analysis on the Governor’s Office of Planning and Research (OPR) “Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018,” which identifies criteria for determining VMT impacts. For small projects, OPR determined that projects generating fewer than 110 vehicle trips per day would result in a less-than-significant VMT impact. As discussed in section 17.a, the trip totals of the proposed project would be approximately 52 new trips per day. Therefore, because the project is estimated to generate fewer than 110 trips per day, the project would have a less-than-significant impact on VMT.

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 change the existing alignment of any roadway. Additionally, there are no sharp curves near the project site, and as determined by the Traffic Study (p. 21), the intersection of Highway 12 and Trinity Road is operating acceptably in terms of safety, based on a collision rate that is lower than the statewide average for similar facilities. The proposed cannabis cultivation use is consistent with allowable uses for the property and the size of the parcel, which would be compatible with the rural character of the area. Therefore, because the project does not propose any changes to roadways and proposed uses are compatible for the area, the project would not increase hazards due to geometric design features or incompatible uses.

In addition, the Traffic Study (p. 1) determined that the project's lack of pedestrian and bicycle facilities was typical for the rural setting and considered acceptable given the anticipated lack of demand. Therefore, construction-related hazards to pedestrians and bicyclists would not be considered significant. Because of the limited amount of construction anticipated for the project, construction-related hazards to drivers would also be considered less than significant.

Significance Level: Less than Significant Impact

d) Result in inadequate emergency access?

Comment:

County Fire reviewed the project description and plans on May 24, 2019 and determined that the project needs to comply with Fire Safe Standards (Sonoma County Code Ch. 13) and the California Fire Code related to fire apparatus access roads to the project site. Project plans would require review by a Permit Sonoma Fire Inspector during the building permit process to ensure compliance with emergency access issues. County Fire conditions of approval for driveway and access require road compliance with County standards. These conditions, and other standard County Code requirements and County review, would ensure that project impacts on emergency access would be less than significant.

Significance Level: Less than Significant Impact

e) Result in inadequate parking capacity?

Comment:

Sonoma County Code Section 26-86 does not include any specific parking requirements for cannabis cultivation land uses. The project would not be open to the public, and adequate parking would be provided on-site for employees. The project proposes 24 regular parking spaces and one ADA-compliant parking space between the processing building and the greenhouse/nursery buildings.

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**
- b) 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:

As discussed in section 5, Cultural Resources, Evans & De Shazo conducted research and a field survey to prepare a Cultural Resources Study for the project, which evaluated historical, archaeological, and cultural resources on the project site. The Cultural Resources Study determined: *“There are no California Inventory of Historic Resources (OHP 1976), California Historical Landmarks (1990), California Points of Historical Interest (1992), or California Register of Historical Resources (1998) within or adjacent to the Study Area.”*³⁷ The results of a Northwest Information Center (NWIC) records search conducted by Evans & De Shazo, along with research of other related literature and historic maps, indicated: *“No*

³⁷Evans & De Shazo, “Results of A Cultural Resources Study for the Proposed Cannabis Cultivation Project at 101 Trinity Road, Glen Ellen, Sonoma County, California,” prepared for Andrew Dobbs-Kramer, Compliance Manager, Sparc, June 6, 2019, p. 16.

*prehistoric or historic-era artifacts, archaeological deposits, or other cultural resource types were identified during the field survey of the Project Area.”*³⁸ Evans & De Shazo also contacted local Native American tribes. No known Traditional Cultural Resources (TCR) or unique archaeological resources associated with TCRs located within the project boundaries was indicated in the research and tribal communications. In addition, a Sacred Lands File search conducted by the Native American Heritage Commission (NAHC) on May 2, 2019 did not indicate the presence of Native American Sacred Sites within or near the project site.

Permit Sonoma sent out AB 52 project notifications to local Native American tribes. Tribal response to the Sonoma County notification also did not identify known TCRs or unique archaeological resources associated with TCRs within project boundaries, nor did any tribe request consultation.

The proposed project would result in no substantial adverse change in the significant of an archaeological resource as defined in CEQA Guidelines Section 15064.5. As further discussed in section 5, the project would be required to comply with the County grading ordinance (County Code Section 11-14-050), which includes provisions for the protection of human remains and archaeological resources during grading activities. The project would also be required to comply with County Code Section 26-88-254(f)(14), which requires that cannabis *“cultivation sites shall avoid impacts to significant cultural and historic resources...”* These standard County requirements would reduce potential project impacts on previously undiscovered TCRs or unique archaeological resources accidentally encountered during project implementation to a less than significant level.

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:

Project water would be supplied via an existing well located on the adjoining property and an existing pipeline; the project site also has an existing 150,000 gallon storage tank for irrigation and firefighting needs (which would support a new fire hydrant located near the greenhouse/nursery/propagation/head house facility). Existing septic systems serve the

³⁸Evans & De Shazo, June 6, 2019, p. 24.

two on-site residences; however, the project proposes to collect wastewater in a new on-site septic tank and then convey it via a new pipeline to the adjacent northern parcel (APN 053-100-015), where the project wastewater would be disposed of in an existing, permitted leachfield (permit: SEL18-0544). County Code requirements and Best Management Practices (BMPs) necessary for project management of stormwater have been described in section 10, Hydrology and Water Quality. The project proposes installation of a new electrical transformer, to be located west of the processing building and north of the water tank, which would be required to comply with building, electrical, and fire standards. Construction-period impacts have been discussed elsewhere in this Initial Study (e.g., section 3, Air Quality; section 4, Biological Resources; section 5, Cultural Resources; section 8, Greenhouse Gas Emissions).

Significance Level: Less than Significant Impact

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 in section 10.b, Hydrology and Water Quality, a hydrogeological report was prepared for the applicant by PJC Associates, Inc., and submitted to the County. The County-required hydrogeologic report determined that the aquifer would have sufficient groundwater resources to supply the project water demands and that the project would be unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time. The hydrogeological report was reviewed and approved by the Permit Sonoma Natural Resources Geologist.

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 proposed project would not be served by public wastewater and would not impact the capacity of public facilities. As discussed in section 19.a, the project proposes to collect wastewater in a new septic tank and then convey it via a new pipeline to the adjacent northern parcel (APN 053-100-015), where the project wastewater would be disposed of in an existing permitted leachfield (permit: SEL18-0544). The project wastewater disposal system would be required to meet County standards.

Significance Level: Less than Significant 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 solid 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 waste that would result from the proposed project. The project proposes two compost areas near the greenhouse/nursery building and the centralized processing facility.

In addition, Section 26-88-254(g)(8) of the County Code requires cannabis projects to prepare:

“A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner [which] shall be submitted for review and approval by the agency having jurisdiction. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in compliance with Best Management Practices and County standards. All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the Solid Waste Local Enforcement Agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.”

As a standard County condition of approval and prior to building permit issuance and project operation, the project would be required to submit a design for trash enclosures, recycling areas, and a secured cannabis green waste area for review and approval by Permit Sonoma/Project Review-Health, with the following provisions: (1) no visually recognizable cannabis, nor materials that smell like cannabis shall be disposed of as ordinary refuse; and (2) 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. In addition, garbage and refuse on the project site shall not accumulate or be stored for more than seven calendar days and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day. Also, as determined by the Sonoma Department of Health Services, the proposed composting site would need review

by the Sonoma County Local Enforcement Agency for Solid Waste to determine if a solid waste permit is required.

Project compliance with these County Code requirements and conditions of approval would ensure that project impacts on solid waste disposal would be less than significant.

Significance Level: Less than Significant Impact

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

Comment:

The proposed project would comply with federal, state, and local management and reducing statutes and regulations related to solid waste. See section 19.d for more information on Sonoma County waste management regulations.

Significance Level: No Impact

20. WILDFIRE

As discussed in section 9.g, Hazards and Hazardous Materials, the proposed project is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designation of "Moderate." Moderate FHSZs include a) wildland areas of low fire frequency supporting modest fire behavior; and b) developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability. However, the project site is approximately 570 feet from an area designated as a Very High fire hazard zone.³⁹

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 Moderate. As discussed in section 9.f, Hazards and Hazardous Materials, the project would not impair implementation

³⁹Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 9/21/20.

of, or physically interfere with, the County's adopted emergency operations plan because traffic associated with the project would be minimal (an estimated 17 employees maximum, during harvest, with a trip generation of 52 average daily trips), the project would not result in a significant change in existing circulation patterns, and project traffic would have no measurable effect on emergency response routes (primarily Highway 12). In addition, although the project site has one access point (off of Trinity Road), emergency access is available off of Weise Road at the northern part of the site.

The project would be required to comply with the Sonoma County Fire Safe Standards (Ord. No. 5905), which would require providing the Fire Department with a map of the property (with the location of all fire-retardant supplies, entrances and exits, emergency vehicle turnouts, gas and electrical shutoffs) and any additional information required by the Fire Department. In accordance with Section 26-88-254(f)(16) of the County Code, the applicant is required to submit to the County, for County review and approval, a Fire Prevention Plan that would apply both to construction and ongoing operations, and would include provisions for emergency vehicle access and turn-around(s), vegetation management, and fire break maintenance for all structures. For State Responsibility Areas, State codes provide vegetation management standards related to maintaining defensible space from structures and fuel modification, which includes *"any combustible material, including petroleum-based products and wildland fuels."*⁴⁰ The applicant has submitted a Fire Prevention Plan for County review and approval. The applicant's plan discusses, among other items, current and proposed project site fuel modification activities and project water supply provisions (the existing 150,000-gallon water tank). In addition, project site plans show proposed installation of a fire hydrant approximately 70 feet northeast of the existing barn structure (proposed to be converted into a cannabis processing center), a dedicated water pipeline that would connect the hydrant to the water tank, a fire-safe ("hammerhead") turnaround near the northeastern project boundary and between the processing building and the greenhouse, and a fire-safe turnout along the access road (about halfway between the project entrance and the "hammerhead" turnaround). Compliance with these County Code and State requirements and standards would ensure that the proposed project would not conflict with or impair an adopted emergency response plan or emergency evacuation plan.

Significance Level: Less than Significant Impact

⁴⁰California Public Resources Code section 4291(a)(1).

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 Moderate.⁴¹ The Moderate FHSZ designation includes: a) wildland areas of low fire frequency supporting modest fire behavior; and b) developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability. However, several structures on the project site were destroyed during the 2017 Nuns Fire, which burned an area of approximately 56,600 acres. In addition, the project site is approximately 570 feet from an area designated as a very high fire hazard zone (which extends into the hills). The 2020 Glass Fire perimeter was within four miles of the project site.

The average slope on the project parcel is about six percent, rising to the east and into the Mayacamas Mountains where slopes become steeper toward mountain tops and ridges. This mountain area is heavily forested with underlying chaparral, and has several canyons (e.g., Adobe Canyon, Nuns Canyon, Stuart Canyon). Strong north-east "Santa Ana" winds can increase the severity of wildland fire in the fall months. During fire season, gradient winds are generally out of the south/southwest at 5-10 miles per hour (mph), strengthening to 10-15 mph in the late afternoon.⁴² The proposed project would include 12 full-time employees (with up to five additional seasonal employees during harvest); there are currently one occupied residence and one accessory dwelling unit on the project site. The project would not result in an increase in on-site residents.

As discussed in section 20.a, the project would be required to comply with Sonoma County Code Chapter 13, which includes fuel modification and defensible space standards. The project would also be required to comply with County Code Section 26-88-254 (f)(16), which requires preparation of a fire prevention plan. The project currently has a 150,000 gallon water tank located approximately 40 feet from the existing barn structure (proposed to be converted into a cannabis processing center) and the proposed greenhouse/nursery/propagation/head house facility. As a condition of approval by the Fire Department, the project would be required to provide an emergency water supply for fire protection, accessible in locations, quantities and delivery rates specified in the California Fire Code (as adopted and amended by Sonoma County Code), which would be calculated based on

⁴¹Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 9/21/20.

⁴²"Sonoma County Community Wildfire Protection Plan", p. 13.

finalized project details (e.g., construction type/materials, flammability/fire retardance, building area). As discussed above and in addition to the 150,000 gallon water tank, a fire hydrant is proposed to be installed approximately 70 feet northeast of the processing building with a dedicated pipeline that would connect the hydrant to the water tank. Project compliance with these County Fire Safe Standards and County review would ensure that project wildfire and wildfire pollutant concentration effects on project 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:

The proposed project is located on a site that has an existing structures. As discussed in section 20.a, the project would be required to comply with County Code Chapter 13 and County Code Section 26-88-254 (f)(16), which establish County standards for emergency access, minimum emergency water supply (on-site), fuel modification and defensible space, and sprinkler installation.

The project would include construction of one hammerhead road turnaround, one road turnout, and other modifications to the driveway and access roads as determined necessary by the County. However, these improvements would not exacerbate fire risk or result in significant impacts to the environment. In addition, the project would include installation of a new electrical transformer and a fuel storage area for the proposed backup generator (both near the proposed processing building). These improvements would be required to comply with California Fire Code, California Building Code, and related electrical and fire standards (California Electrical Code, IECC, NFPA, etc.).

For construction, pursuant to Public Resource Code 4442, the applicant would be required to include a note on all construction plans that internal combustion engines be equipped with an operational spark arrester, or the engine must be equipped for the prevention of fire.

Therefore, based on required project compliance with these County, State, and professional standards, the project would not result in exacerbated fire risk due to installation or maintenance of infrastructure.

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 County Post-Fire Hazard Assessment GIS map, the project site is located in a drainage basin with a moderate risk for debris flow during a design storm with a peak 15-minute rainfall intensity of 24 millimeters per hour.⁴³ However, as discussed in section 7.a.iv, the project site is not located in an area highly susceptible to landslides. The proposed project construction and grading would be unlikely to destabilize slopes or result in slope failure because proposed grading on-site would be minimal (a net fill of 104 cubic yards) and the project site slopes gently to the east (approximately six percent), toward the hills where the greater risk of landslide would be more likely to occur. Drainage on the site generally occurs as sheet flow; however, the unnamed tributary along Weise Road adjacent to the northern part of the site would direct flows toward the southwest to an existing drainage course along Highway 12. Other streams in the area would be anticipated to function similarly. The proposed new buildings and outdoor cultivation areas would be located in areas formerly occupied by agricultural buildings, so project changes to drainage patterns would be minimal. Therefore, the project would not expose people or structures to significant risks 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:

Answer: no. Potential project impacts on special-status plant and fish/wildlife species and habitat are addressed in section 4. Implementation of the required Mitigation Measures (Mitigation Measures BIO-1 and BIO-2) would reduce these potential impacts to a less than significant level. Potential adverse project impacts on cultural resources are addressed in

⁴³Sonoma County. Permit Sonoma GIS, "Post-Fire Hazard Assessment," <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=5af1dd01cb9b446db928abe51a259763>, accessed 9/22/20.

section 5; however, mitigation measures are not required. Potential adverse project impacts on Tribal Cultural Resources are addressed in section 18; however, mitigation measures are not required.

Significance Level: Less than Significant with Mitigation Incorporated

- 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:

Answer: no. 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 cumulative impacts related to air quality, biological resources, cultural and tribal cultural resources, and greenhouse gases, but mitigations, when deemed necessary, would ensure that the project’s cumulative contributions would not be considerable.

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

Significance Level: Less than Significant with Mitigation Incorporated

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

Comment:

Answer: no. 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 (e.g., resulting from air quality/odors, hazards, noise) were analyzed, and would be less than significant with implementation of identified mitigation measures, when deemed necessary.

Significance Level: Less than Significant with Mitigation Incorporated

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