



***Proposed  
Mitigated Negative Declaration***

Publication Date: May 6, 2022  
Public Review Period: 5/6/22 to 6/6/22  
State Clearinghouse Number:  
Permit Sonoma File Number: **UPC17-0011**  
Prepared by: Marina Herrera  
Phone: (707) 565-2397

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:** UPC17-0011

**Project Applicant/Operator:** Nicholas Adan

**Project Location/Address:** 5091 Arnold Drive, Sonoma

**APN:** 142-062-008

**General Plan Land Use Designation:** Diverse Agriculture (DA 10)

**Zoning Designation:** Diverse Agriculture (DA), B6 Combining District, with a maximum density of ten acres per dwelling unit (B6 10), Riparian Corridor 50 feet/50 feet (RC 50/50) and 100 feet/50 feet (RC 100/50), Scenic Resources (SR), and Valley Oak Habitat (VOH)

**Decision Making Body:** Sonoma County Board of Zoning Adjustments

**Appeal Body:** Sonoma County Board of Supervisors

**Project Description:** See Item III, below

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

**Table 1. Summary of Topic Areas**

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

## RESPONSIBLE AND TRUSTEE AGENCIES

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

**Table 2. Agencies and Permits Required**

<b>Agency</b>	<b>Activity</b>	<b>Authorization</b>
Regional Water Quality Control Board (San Francisco Bay)	Cannabis cultivation	Cannabis Cultivation Waste Discharge Regulatory Program or Waiver of Waste Discharge Requirements
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
California Department of Fish and Wildlife	Lake or streambed alteration	Fish and Game Code, Section 1600
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions/ Green House Gas Emissions	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; and other BAAQMD administered Statewide Air Toxics Control Measures (ATCM) for stationary diesel engines
California Bureau of Cannabis Control (BCC)	Cannabis Cultivation	Cultivation Licensing

**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.

*Marina Herrera*

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Prepared by: **Marina Herrera**, Project Planner

Date: May 6, 2022



## *Initial Study*

### **I. INTRODUCTION:**

The project applicant proposes a 5-year limited term Use Permit to allow commercial cannabis cultivation at 5091 Arnold Dr., Sonoma, California. The Use Permit Application requests approval for the construction and operation of 8,100 square feet of small mixed light cannabis cultivation, 1,350 square feet of propagation and 2,400 square feet to be used for onsite processing of site grown cannabis. The cannabis operation will be located within proposed structures, cultivation will occur within three 2,700 square foot greenhouses, propagation will occur within a 1,350 square foot greenhouse and processing will occur within a 2,400 square foot metal building. The processing structure will contain an office space, storage and restroom facilities.

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 Marina Herrera, Planner for Permit Sonoma. Information on the project was provided by the project applicant, Nicholas Adan. 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 Marina Herrera, Planner, at (707) 565-2397 for more information.

### **II. EXISTING FACILITY**

The project site is a 5.25-acre parcel (APN 121-280-006) located southwest of the intersection of Stage Gulch Road and Arnold Drive. The project site is undeveloped with the exception of a driveway including an emergency vehicle turnaround and an onsite well. Figures 1 and 2 show the project's regional location and the project site vicinity. Figure 3 shows the overall site plan including proposed uses and existing infrastructure.

### **III. PROJECT DESCRIPTION**

The project proposes to establish a commercial cannabis operation including mixed light cultivation, propagation and onsite processing of site grown cannabis.

Proposed Operation:

The project proposal includes 8,100 square feet of mixed light cultivation, 1,350 square feet of propagation and a 2,400 square foot structure devoted to processing, office space and restrooms. The project proposes the construction of five new structures: three new 2,700 square feet greenhouses for mixed light cultivation, a 1,350 square foot greenhouse dedicated to propagation and a 2,400 square foot structure for onsite processing and accessory uses such as office space and restrooms. The operation would occupy a total area of approximately 12,592 square feet, or approximately 0.28 acres, on a 5.25 acre parcel zoned DA (Diverse Agriculture).

The operation would utilize a maximum of four employees, one full time and three part time employees. Adequate parking for employees, including one ADA accessible space and two standard spaces, would be provided to the west of the processing structure. Mixed-light cultivation operations are proposed to occur 24 hours per day, 7 days a week. Deliveries, shipping, and processing operations are proposed from 8:00 am to 5:00 pm Monday through Friday.

Access and Parking:

An easement through a neighboring parcel (APN 142-062-009) provides access to the site. This easement provides access only to the neighboring parcel (APN 142-062-009) and the project parcel. The site's existing aggregate driveway connects to the neighboring asphalt driveway. The driveway is 14 feet wide with a structural section of twelve inches of class two aggregate base designed to meet fire safety standards, which terminates onsite at the fire department standard turn around in the southern portion of the site. On-site parking would be provided along the driveway. This parking area would support three total spaces including an ADA-accessible parking space.

Utilities (Water Supply, Septic, and Electricity):

The project would use groundwater for domestic and cultivation uses. By adhering to the Water Conservation Plan required for project approval, total groundwater use will not exceed 0.5 acre-feet per year (approximately 163,000 gallons) from project operations. The project proposes an onsite septic system. A restroom facility meeting ADA requirements will be constructed in the processing building. The project proposes to source 100% renewable energy through purchasing offset credits from Sonoma Clean Power Evergreen Program.

Solid Waste: All cannabis waste generated by the project would be reused in the cultivation operation. Cannabis stems would be temporarily stored securely onsite within an outdoor fenced area until they are mulched and composted for reuse in the cultivation operation. Cultivation-related wastes including empty soil, soil amendments, fertilizer, empty plant pots, containers, dead or harvested plant waste, and spent growth medium would be stored in secure locations and then disposed of at appropriate waste disposal locations or composted onsite for reuse.

Landscaping: The project proposal includes a landscaping plan. Landscaping, including native, fire-resistant trees and shrubs, would screen project structures, including the greenhouses and processing building, from public view.

#### **IV. SETTING**

The project site is in the southern part of Sonoma County, southwest of the City of Sonoma along Highway 116. The proposed site is located at 5091 Arnold Drive, Sonoma, on a 5.25-acre parcel improved with a driveway and emergency vehicle turnaround and onsite well. Figure 3 shows the overall site plan including proposed uses and existing infrastructure. The site is located in an area characterized by flat pasture, vineyards, and other agricultural lands interspersed with mature trees, rural residences and accessory structures. Historically, the site has been used for intermittent agricultural production activities over the years including growing hay, grazing sheep, and farming vegetables. The project parcel is zoned Diverse Agriculture, B6 Combining District with a maximum of one dwelling unit per ten acres (DA B6 10), Riparian Corridor Combining Zone 50 feet/50 feet (RC 50/50), Riparian Corridor Combining Zone 100 feet/50 feet (RC 100/50), Scenic Resources Combining District (SR), and Valley Oak Habitat Combining District (VOH). The project site is not within the boundaries of a specific plan. The project site is served by a private septic system and an onsite private well.

Access to the site is from an easement on the neighboring parcel. The area around the project site is characterized by agricultural lands, including pasture and vineyards, and ruderal fields with dispersed residences and agricultural accessory structures. There are multiple vineyards in the project area, including one to the west, several to the southeast and southwest, and many to the east across Highway 116.

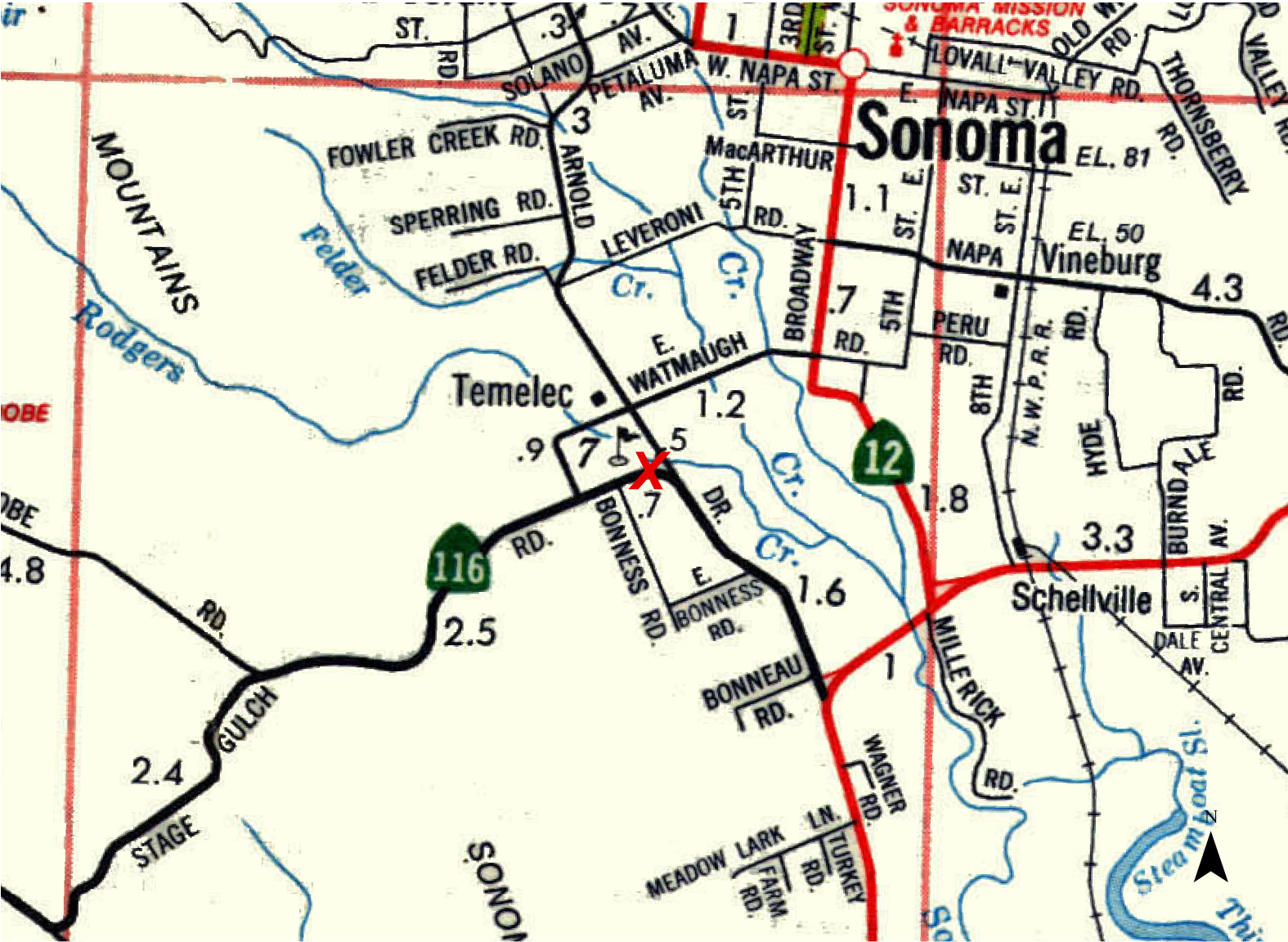
Vegetation on site is composed primarily of ruderal herbaceous grassland, short-lived plants and grass typically found on disturbed lands such as those used for agriculture. There are no trees onsite. The site has the Riparian Corridor overlay due to both Champlin Creek and Rodgers Creek being in the project vicinity. Champlin and Rodgers Creek are located across the Arnold Drive/HWY 116 corridor; no riparian habitat is present on the parcel.

The topography of the project site is relatively flat and ranges in elevation from approximately 40 feet above mean sea level (msl) to approximately 50 feet above msl at the highest point towards the southeast corner of the parcel. The mixed-light cultivation greenhouses and processing building are proposed on a flat portion of the parcel. Drainage on the project site consists primarily of sheet flow. There are two unnamed drainage swales on-site, one that bisects the project site in the southeastern half and one smaller swale near the northwest corner of the parcel. The bisecting swale originates from overflow of a pond on the neighboring

parcel to the west (APN 142-062-009), is channelized on the project parcel, and splays out on the neighboring parcel to the east (APN 142-062-003). Neither of the drainage swales are hydrologically connected to nearby creeks or streams, including Champlin Creek and Rodgers Creek, and neither contain associated riparian habitat.



Figure 1. Vicinity Map



# Sonoma

Temelec

Vineburg

Schellville

116

12

MOUNTAINS

Felder

Steamboat Sl.

SONOMA



Figure 2. Aerial Map





Arnold Dr

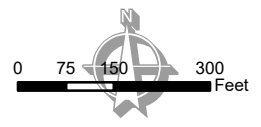
116

Stage Gulch Rd

Bonnes Rd

142-062-008

Project Site



1 inch equals 300 feet

Figure 3. Site Plan



DETAIL AREA

APN  
142-062-003

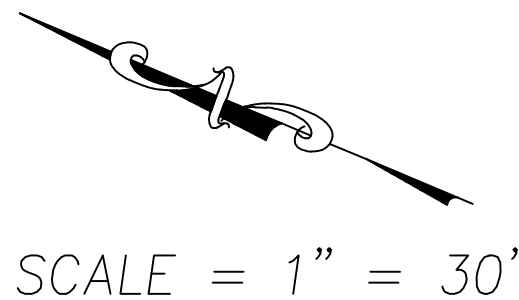
APIARY AREA  
2.64 ACRES  
(PRIMARY AG USE)

APN  
142-062-008  
5.25 AC

APN  
142-062-009

AREAS OF DISTURBANCE	
1) DRIVEWAY:	10600 SQ FT
2) GREENHOUSES + METAL BUILDING:	11960 SQ FT
3) SEPTIC LEACH AREA:	6000 SQ FT
4) HAMMERHEAD:	INCLUDED ABOVE
5) POND:	N/A
6) OTHER AREAS:	0
TOTAL AREAS OF DISTURBANCE:	28560 SQ FT
TOTAL IMPERVIOUS AREAS:	22560 SQ FT
TOTAL LOT SIZE:	5.25 Ac
TOTAL % OF LOT DISTURBED:	12.49

- REVISIONS:
- 3/29/22 - ADD PRIMARY AG USE AREA, ADD SWALE SETBACKS



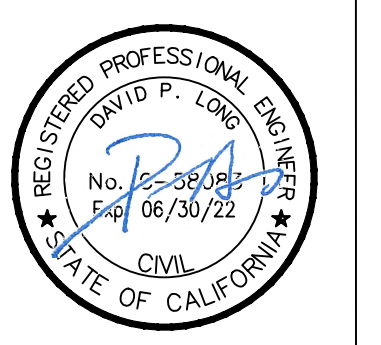
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SHEET  
SITE PLAN

SITUS ADDRESS  
5091 ARNOLD DRIVE  
SONOMA, CA

PROJECT OWNER  
Nicholas Adan  
5091 ARNOLD DRIVE  
SONOMA, CA

APN:  
142-062-008  
DRAWN BY:  
JDL



DATE  
1/15/21  
REV DATE  
3/29/22  
SCALE NOTED  
SHEET  
C1

## **V. 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 Fire and Emergency Services
- Sonoma County Department of Transportation & Public Works
- PRMD Project Review Health Specialist
- PRMD Natural Resources Geologist
- PRMD Grading and Stormwater
- Sonoma County Environmental Health
- Northwest Information Center of the California Historical Resources Information System
- California Department of Fish and Wildlife

The referral responses included several requests for further information and included recommended draft use permit conditions of approval.

### **Tribal Consultation Under AB52**

Referrals were sent to the following Tribes on July 25, 2017:

- Cloverdale Rancheria of Pomo Indians
- Dry Creek Rancheria Band of Pomo Indians
- Lytton Rancheria of California
- Kashia Pomos Stewarts Point Rancheria
- Federated Indians of Graton Rancheria
- Middletown Rancheria Band of Pomo Indians
- Mishewal Wappo Tribe of Alexander Valley
- Torres Martinez Desert Cahuilla Indians

The request for consultation period ended August 25, 2017, with no Native American Tribes having requested consultation for the project.

## VI. 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.

**Less than Significant with Mitigation Incorporated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

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

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

Nicholas Adan 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 Sonoma County General Plan does not explicitly identify scenic vistas, but does divide scenic resources of Sonoma County into three categories: Community Separators, Scenic Landscape Units and Scenic Highway Corridors. The project site is located within an area designated as a Scenic Landscape Unit, in addition to the property's frontage along Stage Gulch Road, a designated Scenic Corridor.

The project proposes improvements (greenhouse structures and a processing building) that are located an approximate 350 feet from public vantage points (Stage Gulch Road and Highway 116), in a location on the property that contains vegetation to partially screen the structures from off-site locations. The proposed greenhouses and storage buildings are commonly found on agricultural properties and have forms and building profiles that are compatible with the agricultural nature of the site. The project proposes design features that would generally be consistent with County Zoning Regulation Article 64 (SR Scenic Resource Combining District). The setbacks of the proposed structures over 300 feet from the designated Scenic Corridor are consistent with the setbacks as required by the Scenic Resource Combining District. Finally, the project is required to comply with the "Dark Sky" Ordinance which limits light spill over and glare at the project site to preserve the rural character of the area. The project's design features would generally be consistent with County Zoning Regulations related to visual characteristics as the project would be partially screened from public views. Impacts to scenic resources would be less than significant.

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:

The project site is visible from a state scenic highway. The nearest state scenic highway to the project site is the project frontage along Highway 116/Stage Gulch Road.<sup>1</sup> The project proposes a 350 foot front yard setback and screening the site with native, fire-resistant vegetation, and would not damage scenic resources. Most of the parcel would remain

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<sup>1</sup> Caltrans. Map Viewer website, "California Scenic Highways," accessed June 11, 2020.  
<https://www.arcgis.com/home/webmap/viewer.html?layers=f0259b1ad0fe4093a5604c9b838a486a>

undeveloped. Wooden fencing and native, fire-resistant plants will surround the project perimeter so that structures and landscaping will blend in with the existing scenery.

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:

The area is characterized by a mix of large agricultural parcels and clustered residential on smaller parcels. The visual character of the site and its surroundings is rural, with a mixture of sparse residential and vineyard structures separated by open grassland. The site is accessed by a driveway off Stage Gulch Road through an easement granted by the adjacent property owner to the west. The project is visible from Stage Gulch Road but will be screened by proposed native and fire-resistant vegetation. The proposed greenhouse would be made of polycarbonate materials similar to other agricultural structures, and would be approximately 17 feet in height, which is comparable to a single-story house and well within the allowable height limit for agricultural buildings.

Following County Visual Assessment Guidelines, the site sensitivity of the project site would be High, which is a category applied to rural land use designations with an additional scenic resources protection designation, such as a Scenic Corridor. Structures would be setback an approximate 350 feet to the public right of way, HWY 116. The proposed project structures would be partially visible and will be agrarian in character. Therefore, the visual dominance would be Subordinate, applied when proposed project elements would be minimally visible from public view; the project can be seen but does not attract attention, and generally repeats the form, line, color, texture, and night lighting of its surroundings.

**Table 1. Thresholds of Significance for Visual Impact Analysis**

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Ineident</i>
<i>Maximum</i>	Significant	Significant	Significant	Less than significant
<i>High</i>	Significant	Significant	<b>Less than significant</b>	Less than significant

<b>Moderate</b>	Significant	Less than significant	Less than significant	Less than significant
<b>Low</b>	Less than significant	Less than significant	Less than significant	Less than significant

Based on the project site’s High visual sensitivity and the proposed project’s Subordinate 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:

Exterior, fully shielded, downward casting motion-sensor lighting is proposed in the four corners of the fence around the cultivation area for security. This exterior lighting will not spill over onto structures, surrounding properties, or the night sky at any time. Any effects of light sources or glare would be reduced due to compliance with the provisions of Section 26-88-254(f)(19) of the Cannabis Ordinance which requires all lighting to be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed-light operations are required to be fully contained so that little to no light escapes. Greenhouse structures will be equipped with internal black out equipment termed “blackout shades” which will contain all indoor light. These shades are set on automatic timers that close at dusk and retrack at dawn. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

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:

According to the California Department of Conservation Mapping and Monitoring Program, the project parcel is designated Grazing Land. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to non-agricultural use.

Significance Level: No Impact

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

Comment:

The project site is in the Diverse Agriculture zone district, which allows up to one acre of commercial cannabis cultivation, plus ancillary on-site processing, with a Use Permit. The parcel is not subject to a Williamson Act Land Conservation Act Contract. Therefore, the project would not conflict with the existing zoning for agriculture use or with 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, and no commercial timberland is present. Therefore, the proposed project would not conflict with or cause a rezoning of any forest land or timberland zoned Timberland Production.

Significance Level: No Impact

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

Comment:

The project would not be located on land utilized or zoned for forest land, timberland, or timber production. Therefore, the project would not result in the loss or conversion of forest land.

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:

The site has been intermittently used in the past for live-stock grazing and a small chefs garden. No housing or residential units would be constructed as part of the project, which could result in an incompatible future use due to nuisance complaints. Using building square footage, the project greenhouses and structures convert approximately 5.14 percent of the 5.25-acre parcel. The land used for the greenhouses and processing building would be converted to non-agricultural use. However, only 5.14 percent of the parcel would be converted, and the remainder of the parcel would remain available as farmland for agricultural use. See 2.a for information on farmland conversions. The project will result in permanent loss of approximately 0.27 acre of potential farmland, within the footprint of the cultivation building, parking area, and access improvements, which equates to about 6 percent of the total land acreage. Although the proposed greenhouse is intended for cannabis cultivation, greenhouses are generally agricultural in nature, and could be utilized for and be compatible with a future traditional agricultural use on the parcel. Therefore, the project would not convert a significant amount of potential farmland to non-agricultural use.

Significance Level: Less Than Significant Impact

### **3. AIR QUALITY**

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

**Would the project:**

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

Comment:

The project is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) and within the San Francisco Bay Area Air Basin. According to California standards, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for particulate matter 2.5 microns or less in diameter (PM2.5), particulate matter 10 microns or less in diameter (PM10), and ozone. Under national standards, the San Francisco

Bay Area Air Basin is currently designated as nonattainment for PM<sub>2.5</sub> and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2018).

The BAAQMD's 2017 Clean Air Plan (BAAQMD 2017a) is the applicable air quality plan for the San Francisco Bay Area Air Basin. The 2017 Clean Air Plan contains 85 individual control measures in nine economic sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Many of these control measures require action on the part of the BAAQMD, the California Air Resources Board (CARB), or local communities, and are not directly related to the actions undertaken for an individual development project. The project would not prevent the BAAQMD from implementing these actions and none apply directly to the project. The project size would be well below emission threshold screening levels for ozone precursors (see discussion in 3.b below). As a result, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan.

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:

As summarized in Item 3.a above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for PM<sub>2.5</sub>, PM<sub>10</sub>, and ozone under State standards. Under national standards, the San Francisco Bay Area Air Basin is currently designated as nonattainment for PM<sub>2.5</sub> and 8-hour ozone. The Air Basin is in attainment (or unclassified) for all other air pollutants (BAAQMD 2018). Based on the current Air Basin designations, the non-attainment pollutants of concern are ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

Construction:

The BAAQMD's 2017 CEQA Air Quality Guidelines provides screening criteria for determining if a project could result in significant construction-phase impacts from criteria pollutants and precursors (BAAQMD 2017b). Criteria air pollutants and precursors include reactive organic gases, nitrogen oxides, PM<sub>10</sub>, PM<sub>2.5</sub>, and carbon monoxide. In accordance with the BAAQMD's 2017 CEQA Air Quality Guidelines, construction activities would have a less than significant impact to air quality if the following screening criteria are met:

1. The project size is below the applicable screening level size shown in Table 3-1 of the BAAQMD 2017 CEQA Air Quality Guidelines;
2. All Basic Construction Mitigation Measures are included in the project design and implemented during construction; and
3. Construction-related activities would not include any of the following:

- Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
- Simultaneous occurrence of more than two construction phases;
- Simultaneous construction of more than one land use type;
- Extensive site preparation; or
- Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

Cannabis cultivation is not listed as a land use type in the BAAQMD screening criteria; however, a general comparison can be made to a similar land use. The applicable construction-related screening size for a general light industrial land use is 259,000 square feet of facilities and/or a project construction site that is 11 acres or greater in size. The project would include approximately 11,960 square feet of facilities on a portion of a 5.25-acre parcel. The project size would be considerably less than the BAAQMD's construction-related criteria pollutant and precursor screening level. Following use of the screening criteria found in the BAAQMD Air Quality Guidelines, a detailed air quality study for construction related air emissions is not required for the project. The project would not be anticipated to encounter asbestos-containing materials during construction (one barn would be demolished; no structures would be repurposed), would not involve the simultaneous occurrence of more than two construction phases, or construction of more than one land-use type. Construction would not involve extensive site preparation or material transport as balanced cut and fill would be used with a small amount of engineered fill for spread footings and slab-on-grade support. The project would not have a cumulative effect on ozone because it would not exceed the BAAQMD's thresholds of significance for ozone precursors during construction. The project would result in a short-term increase in fugitive dust emissions during construction (which would include PM2.5 and PM10). With implementation of the BAAQMD's recommended basic construction measures identified in Mitigation Measure AIR-1, the impact of construction emissions would be less than significant.

#### Operation:

The applicable BAAQMD operational screening size for a light industrial facility is 541,000 square feet of facility, or a site that is 72 acres in size, or a project that includes 1,249 employees. The project would include approximately 11,960 square feet of facilities on a portion of a 5.25-acre parcel, with one full time employee and 3 part time employees. The project would be less than the BAAQMD's operational criteria pollutant and precursor screening level, and would not result in substantial long-term operational emissions of criteria air pollutants. Therefore, the project's contribution to a cumulative nonattainment criteria pollutant impact would be less than significant.

The BAAQMD screening analysis for a carbon monoxide hotspot is whether a project would increase traffic volumes at a nearby intersection to more than 44,000 vehicles per hour. The project would conservatively generate an average of 15 trips on a daily basis including two

trips during each of the morning and evening peak hours. This amount of vehicle trips would not generate significant emissions, and therefore, would not significantly contribute to formation of a carbon monoxide hotspot in the project area.

The project would have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub>, as ground surfaces would be paved, landscaped or otherwise treated to stabilize bare soils after construction, and dust generation would be minimal. The project would generate ozone precursors from new vehicle trips, but would not have a cumulative effect on ozone as the project would not exceed the BAAQMD's thresholds of significance for ozone precursors.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

**Mitigation Measure AIR-1 Construction Dust and Air Quality Control:**

The following BAAQMD recommended basic construction measures and air quality control measures shall be included in the construction contract specifications for the project and implemented during construction:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust, trackout, and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand, and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- e. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- f. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Trackout shall not be allowed at any active exit from the project site onto an adjacent paved public roadway or shoulder of a paved public roadway that



exceeds cumulative 25 linear feet and creates fugitive dust visible emissions without cleaning up such trackout within 4 hours of when the Construction Coordinator identifies such excessive trackout, and shall not allow more than 1 quart of trackout to remain on the adjacent paved public roadway or the paved shoulder of the paved public roadway at the end of any workday.

i. Visible emissions of fugitive dust shall not be allowed during cleanup of any trackout that exceeds 20 percent opacity as determined by the Environmental Protection Agency in *Method 203B - Opacity Determination for Time-Exception Regulations* (August 2017).

Trackout is defined by BAAQMD in *Regulation 6, Rule 6: Prohibition of Trackout* (August 2018) as any sand, soil, dirt, bulk materials or other solid particles from a site that adhere to or agglomerate on the exterior surfaces of vehicles (including tires), and subsequently fall or are dislodged onto a paved public roadway or the paved shoulder of a paved public roadway on the path that vehicles follow at any exit and extending 50 feet out onto the paved public roadway beyond the boundary of the site. Material that has collected on the roadway from erosion is not trackout.

Mitigation Monitoring:

**Mitigation Monitoring AIR-1 Construction Dust and Air Quality Control:** Permit Sonoma staff shall verify that the AIR-1 measures are included on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits. The applicant shall submit documentation to Permit Sonoma staff that a Construction Coordinator has been designated and that appropriate signage has been posted including the Coordinator's phone number. Documentation may include photographic evidence or a site inspection, at the discretion of Permit Sonoma staff.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The project site is located in a predominantly rural area, away from institutional receptors (the nearest known is Presentation School on Broadway about 2.1 miles to the northeast). Sensitive receptors in the project area include off-site residences located approximately 350 feet west of the cultivation area.

Given the short construction period (less than 6 months) and the implementation of dust and air quality control measures described Mitigation Measure AIR-1, the impact of construction-related emissions on sensitive receptors would be less than significant. Such measures include minimizing idling times for trucks and equipment, ensuring that construction equipment is maintained in accordance with manufacturer's specifications, watering exposed surfaces, and other measures.

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:

Construction Odors:

Construction equipment may generate odors during project construction; however, construction activities would be short-term, intermittent, and would cease upon completion of project construction. In addition, implementation of Mitigation Measure AIR-1 would reduce construction vehicle emissions which could contribute to odor and would not affect a substantial number of people. Therefore, the construction-related odor impact would be less than significant.

Significance Level: Less than Significant Impact

Greenhouse Cultivation and Indoor Processing Odors:

Cannabis cultivation and processing facilities are not listed as an odor-generating use in the BAAQMD California Environmental Quality Act Air Quality Guidelines (May 2017). However, the County's cannabis ordinance requires compliance with the following Zoning Code Operating Standard:

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

Odor controls would be in place for all cultivation, propagation, and processing areas. The applicant will install and maintain an odor control air filtration and ventilation system to control humidity and mold and to ensure there will be no off-site odor generated by the cannabis operation. When properly functioning within a sealed structure, the proposed odor control system would contain all cannabis odors inside the greenhouse and ensure that no odor is detectible at any property boundary. Maintenance and monitoring of odor control equipment will ensure odor release from structures would be reduced to a less than significant level.

Significance Level: Less than Significant Impact with Mitigation Incorporated

Mitigation:

**Mitigation Measure AIR-2 Operational Odor Control for Structures**

The cannabis cultivation greenhouse shall install and maintain an odor control air filtration and ventilation system that controls humidity and mold and ensure there would be no off-site odor from structures. Daily inspections shall be performed. Inspections shall include

verifying that all filtration equipment is functioning properly, checking that filters have been replaced on schedule, and shall include a walking tour through the interior and around the exterior of each cannabis-containing facility to document any noticeable odor.

Mitigation Monitoring:

**Mitigation Monitoring AIR-2 Operational Odor Control for Structures**

Permit Sonoma staff shall ensure that the odor control filtration and ventilation system(s) are included on all building and/or improvement plans, prior to issuance of building permits. Odor monitoring reports shall be submitted annually to the County by January 31 of each year. Daily logs shall be made available to Permit Sonoma staff upon request throughout the year in response to any odor concerns that may arise.

## **4. BIOLOGICAL RESOURCES**

The applicant submitted a biological resource assessment prepared by Sol Ecology Inc., dated July 3, 2017, and labeled Biological Resources Report. An addendum letter was sent on January 17, 2020 to the applicant titled "RE: 5091 Arnold Drive Biological Resources Report Addendum Letter" that provided an update to the Biological Resources Report and verified conditions on the site. As discussed in greater detail below, the study concludes that potentially significant impacts may be reduced to a less than significant level through application of County standards or by incorporation of mitigation measures. The field survey's study area included the entire parcel. The biological resource analysis was found to be sufficient by the project planner, based on the site-specific information available at the time of the analysis.

### **Regulatory Framework**

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

#### **Federal**

***Federal Endangered Species Act (FESA)***: Establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in the 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 the FESA prohibits the unlawful “take” of any listed fish or wildlife species. Take, as defined by FESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action.” USFWS’s regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR § 17.3). Take can be permitted under FESA pursuant to Sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. The FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

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

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

***Section 404:*** The U.S. Army Corps of Engineers (USACE) 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 USACE under Section 404.

“Waters of the State” are regulated by the Regional Water Quality Control Board (RWQCB) 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 USACE under Section 404 (such as roadside ditches).

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

### **State**

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

**Fish and Game Code 1600-1602:** Sections 1600-1607 of the California Fish and Game Code (CFGC) require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

***Nesting Birds:*** Nesting birds, including raptors, are protected under California Fish and Game Code (CFGC) Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under CFGC Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under CFGC Section 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 a “take” by CDFW.

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

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

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and

known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under 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.

***State Water Resources Control Board Cannabis Cultivation Policy:*** The purpose of the Cannabis Cultivation Policy (Policy) is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Policy establishes principles and guidelines for cannabis cultivation activities to protect water quality and instream flows. Cannabis cultivation legislation enacted California Water Code (Water Code) Section 13149, which directs the State Water Board, in consultation with the CDFW, to adopt interim and long-term principles and guidelines for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. The legislation requires the State Water Board to establish these principles and guidelines as part of a state policy for water quality control.<sup>2</sup> Additionally, the California Business and Professions Code Section 26060.1(b) requires that these principles and guidelines be included as conditions in cannabis cultivation licenses issued by the California Department of Food and Agriculture

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<sup>2</sup> Water Code Section 13149(b)(2). The board shall adopt principles and guidelines under this section as part of state policy for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7. Water Code Section 13142 outlines specific requirements for a state policy for water quality control, which this Policy implements.

(CDFA). The State Water Board has primary enforcement responsibility for the principles and guidelines and shall notify CDFA of any enforcement action taken.<sup>3</sup>

### **Local**

***The Sonoma County General Plan 2020 (Sonoma County 2008):*** Land Use Element and Open Space and 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. The policies below provide for protection of biotic habitats both within and outside the designated areas. Following are the types of biotic habitat addressed by the policies in this section that are pertinent to the proposed project:

*Special-Status Species Habitat:* Special-status species are plant and animals which are listed or candidate species under the Federal or State Endangered Species Acts and other species considered rare enough to warrant special consideration. Reported occurrences of special-status species are compiled by the California Natural Diversity Data Base (CNDDDB) of the California Department of Fish and Wildlife (CDFW) and are routinely updated as new information becomes available. Detailed surveys are typically necessary to confirm the presence or absence of special-status species.

*Sensitive Natural Communities:* CDFW has identified certain natural habitats as sensitive natural communities which are rare and vulnerable to further loss. Sensitive natural communities identified in Sonoma County include coastal salt marsh, brackish water marsh, freshwater marsh, freshwater seeps, native grasslands, several types of forest and woodland (including riparian, valley oak, Oregon white oak, black oak, buckeye, Sargent cypress, and pygmy cypress), old growth redwood and Douglas fir forest, mixed serpentine chaparral, coastal scrub, prairie, bluff, and dunes. Many of these communities support populations of special-status species and are important to native wildlife.

***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.

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<sup>3</sup> Water Code Section 13149(b)(5).



**Biotic Habitat (BH) Combining Zone:** The Biotic Habitat combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

**Sonoma County Tree Protection Ordinance:** The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Sec. 26-88-010m) 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.

**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.

**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:

The applicant's biological resource assessment prepared by Sol Ecology, dated July 3, 2017, and titled Biological Assessment addresses listed species, evaluates wetland and riparian resources. The assessment was performed through a literature review and site visit on June 27, 2017. The study concludes that potentially significant impacts may be reduced to a less

than significant level through application of County standards and by incorporating mitigation measures.

The Sol Ecology biological assessment identified that the project site is composed primarily of ruderal herbaceous grassland. Plant species observed in ruderal herbaceous grassland in the Project Site include: oat (*Avena barbata*), common mustard (*Brassica rapa*), smooth western morning glory (*Calystegia purpurata*), yellow star thistle (*Centaurea solstitialis*), Italian star thistle (*Carduus pycnocephalus*), turkey muellin (*Croton setigerus*), hayfield tarplant (*Hemizonia congesta subsp. luzulifolia*), smooth cat's ear (*Hypochaeris glabra*), and wild radish (*Raphanus sativus*). A small area of toad rush (*Juncus bufonius ssp. bufonius*) may indicate a potential isolated wetland, which is discussed more in Section 4.c.<sup>4</sup>

Based on a review of resources and online databases, 12 special-status plant species have been documented within a five-mile radius of the project. Based on the presence of biological communities described above and soils onsite, the site has the potential to support the following four species all listed as CDFW Species of Special Concern, CNPS List 1B: Congested hayfield tarplant (*Hemizonia congesta ssp. congesta*), and Contra Costa goldfields (*Lasthenia conjugens*). Sonoma sunshine (*Blennosperma bakeri*), which is federally endangered and CDFW Species of Special Concern, may be present in the seasonal wetland swale and would be avoided. The remaining 10 species documented are unlikely or have no potential to occur onsite due to hydrologic conditions, soil conditions or associated vegetation communities necessary to support the species. The project would be set back from the seasonal swale, and no special status plants would be impacted. No further measures for plants are proposed.<sup>5</sup>

A qualified biologist shall conduct a pre-project survey to confirm absence of sensitive plant and wildlife species from all work areas, and clearly demarcate habitat areas to avoid impacts to special-status plants. **Mitigation measure BIO-1 through BIO-4** will reduce impacts to any special-status habitat impacts to less than significant.

Sixteen special-status wildlife species have been documented within five miles of the project site. Four special-status wildlife species may be present adjacent to the site and have potential to be impacted. The California red-legged frog (*Rana draytonii*) (CRLF) a federally threatened species, and western pond turtle (*Actinemys marmorata*), a CDFW species of special concern, may utilize the site for dispersing between suitable habitats. Adjacent to the site on the west side is an approximately 0.25-acre pond which is suitable aquatic habitat for both species and may support breeding or provide habitat outside of the breeding season. Western pond turtle and CRLF may disperse across the site between these breeding habitats, and both species have documented occurrences within 1.5 mile. The

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<sup>4</sup> Sol Ecology Inc. Biological Resources Report for 5019 Arnold Drive, Sonoma, CA. July 3, 2017.

<sup>5</sup> Sol Ecology Inc. Biological Resources Report for 5019 Arnold Drive, Sonoma, CA. July 3, 2017.

project site does not provide suitable aquatic breeding habitat for CRLF or suitable ground nesting habitat for turtles.<sup>6</sup> California red-legged frog (CRLF) and western pond turtle (WPT) may be potentially present during rain events only. Based on the absence of suitable habitat, CRLF and WPT are not likely to remain on-site following one-time dispersal events.

Bird species with the potential to occur onsite include the White-tailed kite (*Elanus leucurus*), which is a federally and state listed species, and the loggerhead shrike (*Lanius ludovicianus*), which is a CDFW Species of Special Concern, and USFWS Bird of Conservation Concern. Both birds have the potential to occur onsite for foraging and could use the trees and shrubs adjacent to the site. No suitable nesting habitat is present onsite.<sup>7</sup> Because there are no documented occurrences of loggerhead shrike (which was previously identified as a potential onsite species) in the vicinity and due to its overall decline in the area, this species is not likely to be present on the site. Lastly, while white-tailed kite may forage onsite, there is no suitable nesting habitat within close proximity to planned activities and therefore, impacts to nesting white-tailed kite are unlikely to occur.<sup>8</sup>

A temporary exclusion fence and pre-construction surveys would ensure no impacts to the listed wildlife species occur during construction. Future site use and maintenance is not expected to have an impact on either special status wildlife or plants because the cultivation activities would occur in the greenhouses on-site.

Level of Significance: Less than Significant with Mitigation Incorporated

**Mitigation Measure: BIO-1: Install Wildlife Exclusion Fencing prior to Construction.** To prevent special-status amphibians and reptiles (specifically western pond turtle and California red legged frog) from entering the project area during construction, a wildlife exclusion fence shall be installed along the perimeter of property, prior construction. This fence shall be maintained during project construction activities. The exclusion fence shall be installed such that the fabric is a minimum of 4-6 inches above ground and the fabric shall be buried 4-6 inches below ground. The exclusion fence post shall be located on the work side of the fence with the fabric on the outside of the area relative to the stakes.

**Mitigation Monitoring BIO 1:** Permit Sonoma staff shall confirm installation of wildlife exclusionary fencing by site visit or photos prior to construction.

**Mitigation Measure BIO-2: Pre-Construction Survey (CRLF, WPT)**

Following installation of the fence, a pre-construction survey shall be preformed by a qualified biologist familiar with the identification of both Western Pond Turtle and

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<sup>6</sup> Sol Ecology Inc. Biological Resources Report for 5019 Arnold Drive, Sonoma, CA. July 3, 2017.

<sup>7</sup> Sol Ecology Inc. Biological Resources Report for 5019 Arnold Drive, Sonoma, CA. July 3, 2017.

<sup>8</sup> Sol Ecology Inc. RE: 5091 Arnold Drive Biological Resources Report Addendum Letter, January 17, 2020.

California red-legged frog no more than 48 hours prior to construction activities to ensure the fence is in good condition and no sensitive species are present.

**Mitigation Monitoring BIO-2.** Prior to start of construction and through completion of initial site disturbance, the County shall verify the survey results are negative.

**Mitigation Measure: BIO-3: Nesting Bird Avoidance or Conduct Preconstruction Surveys.**

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 (generally 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 (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and pre-construction nesting bird and ground nesting species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with local nesting bird and ground-nesting species including burrowing owl. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven days, an additional nesting bird 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, fence installation, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified biologist. No-work buffers are species- and site-specific, as determined by a qualified biologist. Typically, the no-work radius is 100-250 feet for songbirds and owls and up to 0.5 mile for special-status raptors. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Any active nests shall be monitored by a qualified biologist to ensure compliance with the relevant Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) requirements. The biologist shall document monitoring efforts and provide documentation to the applicant, County, or other agency upon request. No-work nest protection buffers may

be removed and/or reduced if the qualified biologist determines the young have fledged the nest, the nest has otherwise become inactive due to natural cause (i.e. storm events or predation), or if the qualified biologist determines in coordination with CDFW that construction activities are not be likely to adversely affect the nest. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact.

- d) 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. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds and ground nesting species. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a grading permit.

**Mitigation Monitoring: BIO-3.** The County shall not issue permit(s) for ground-disturbing activities until after the applicant submits evidence that the site has been surveyed by a qualified biologist to ensure that no active bird nest disturbance or destruction would occur as a result of the project. If the survey determines protective buffers are necessary, the County shall not issue a permit for ground-disturbing activities until the applicant provides evidence that nest protection buffers are fenced off and active nest monitoring has been initiated.

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

Comment:

The project site has a Riparian Corridor (RC) zoning overlay, which requires setbacks from designated stream channels. Although both designated streams are located across the HWY 116 corridor, the setbacks extend onto the project parcel in the front portion of the property. To comply with the development requirements of the RC zoning district, no structure or building would be located within the required 50-foot (Champlin Creek) or 100-foot (Rodgers Creek) setbacks. The Champlin Creek and Rodgers Creek corridors are located on the north of Arnold Drive and are not hydrologically connected to the property.<sup>9</sup> The mixed-light cultivation greenhouses are set back over 500 feet from the nearest riparian corridors of both Champlin Creek and Rodgers Creek, and the processing building is set back over 300 feet from the nearest riparian corridors of both Champlin Creek and Rodgers Creek.

The project avoids an onsite swale between the processing building and the greenhouses with a 13-foot setback. This swale is a linear drainage feature which bisects the property

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<sup>9</sup> Sol Ecology Inc. Biological Resources Report for 5019 Arnold Drive, Sonoma, CA. July 3, 2017.

leading from the offsite pond east towards the neighboring property. The RWQCB determined that this is a Class IV stream without riparian vegetation and does not contain a bank. Therefore, following this determination the proposed 13 foot setback was accepted by the North Coast Regional Water Quality Control Board (RWQCB) and CDFW in an email exchange on March 12, 2019.<sup>10</sup> All construction activities would avoid this area, specifically mitigation measure BIO-4 would be implemented to ensure avoidance of this drainage ditch. Operational impacts are not anticipated and there would be no drainage impediment as the operation is to be conducted within the structures.

Significance Level: Less than Significant Impact with Mitigation Incorporated

**Mitigation Measure: BIO-4: Install Temporary Exclusion Fencing Prior to Construction.** To ensure the 13 foot setback is adhered to during construction activities exclusion fence shall be installed along the perimeter of the drainage feature which bisects the property, prior to construction. This fence shall be maintained during construction activities.

**Mitigation Monitoring BIO-4:** Permit Sonoma staff shall confirm installation of sensitive community fencing by site visit or photos prior to construction. The boundaries of the exclusion fencing, which shall be noted on the construction project plans.

- 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 2017 Biological Assessment included identification of wetland and non-wetland waters potentially subject to regulation by the USACE and RWQCB, determined by the presence/absence of indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. There are two points on the property with wetland vegetation. A roadside drainage was observed on the north end of the property immediately adjacent to Arnold Drive, and was characterized by wetland plant species including dallis grass (*Paspalum dilatatum*), Himalyan blackberry (*Rubus armeniacus*), scarlet pimpernel (*Anagallis arvensis*), and pennyroyal (*Mentha pulegium*). As noted in the 2017 report, a second potential wetland area was characterized by an area of toad rush (*Juncus bufonius*), a wetland indicator, located at the linear drainage feature which bisects the property on the southern portion of the site. This drainage ditch is leading from the offsite pond east towards the neighboring property as discussed above.

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<sup>10</sup> California Department of Fish and Wildlife. Email to MIG on March 12, 2019. "Fwd: FW: Revised Referral for UPC17-0011; 5091 Arnold Drive, Sonoma."

An addendum to the 2017 Biological Assessment (Sol Ecology, 1/17/2020) re-examined the linear drainage ditch on the southern end of the site. The addendum determined there was no evidence of hydrology or hydric soil indicators, indicating that despite the presence of hydrophytic vegetation, the area does not meet the criteria for a federally protected wetland.<sup>11</sup>

The addendum found no evidence of hydrology or hydric soil indicators at either point, indicating that despite the presence of hydrophytic vegetation the area does not meet the criteria for a USACE nor RWQCB jurisdictional wetland. The northern roadside drainage or the southern linear drainage ditch lack the features generally lack wetland functions and do not provide suitable habitat for any special status species and no setbacks are recommended by the biologist<sup>12</sup> The southern linear drainage ditch will be further avoided by **Mitigation Measure BIO-4**. The project would not fill any waterway or wetlands, and there would be no removal or hydrological interruption with project approval. See above question 4.b for distances to the closest riparian areas.

Significance Level: Less than Significant Impact with Mitigation Incorporated

Mitigation: **Implement Mitigation Measures BIO-4**

Mitigation Monitoring: **See Mitigation Monitoring BIO-4**

**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:

Protected bird species, including the white-tailed kite and the loggerhead shrike, have potential foraging habitat onsite, but no suitable nesting habitat.

Current site use and the low level of noise proposed is unlikely to impact nesting birds in the surrounding vicinity (including white-tailed kite if present). Impacts to available foraging habitat are not anticipated as most grassland on the parcel will be left undisturbed.<sup>13</sup> Many common bird species, including their eggs and young, are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). Impacts to migratory birds are typically avoided by removing vegetation and conducting ground-disturbing activities only between September 1 and February 15 to avoid bird-nesting season (**see mitigation measure**

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<sup>11</sup> Sol Ecology Inc. RE: 5091 Arnold Drive Biological Resources Report Addendum Letter, January 17, 2020.

<sup>12</sup> Sol Ecology Inc. RE: 5091 Arnold Drive Biological Resources Report Addendum Letter, January 17, 2020.

<sup>13</sup> Sol Ecology Inc. RE: 5091 Arnold Drive Biological Resources Report Addendum Letter, January 17, 2020.

**BIO-3**), by having a qualified biologist verify absence immediately prior to vegetation removal.

The project site is bordered on the north by Arnold Drive, which poses a hazard to terrestrial wildlife movements. The site is currently undeveloped, and all new construction would impede movement. However, project buildout for the cannabis cultivation operation would allow wildlife to travel around the area, and would not impede movement between parcels. Additionally, project fencing would be constructed around the perimeter of the greenhouses and would have a 6-8-inch gap at the base (or exit holes) to allow for animals to escape from inside the grow area. An additional fence would be constructed during construction to prevent wildlife movement into the construction area. Wildlife exclusion fencing shall ensure that migrating CRLF or Western Pond Turtles do not enter the project site during construction.

The onsite swales can provide migration corridors for CRLF and Western pond turtle for dispersing between suitable habitats. Implementation of **mitigation measures BIO-1 through BIO-4** would ensure no impacts to either species occur.

Significance Level before Mitigation: Less than Significant with Mitigation Incorporated

Mitigation: **Implement Mitigation Measures BIO-1, BIO-2, BIO-3 and BIO-4**

Mitigation Monitoring: **See Mitigation Monitoring BIO-1, BIO-2, BIO-3 and BIO-4**

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

Comment:

The project site is located in VOH, which is a sensitive natural community. No Valley Oak (*Quercus lobata*) trees were found onsite and none are proposed to be removed. The project would comply with the Sonoma County Valley Oak Protection Ordinance, which protects trees in the VOH Combining District. The project does not contain trees that are protected under the Sonoma County Tree Protection Ordinance. The project would be consistent with Sonoma County General Plan 2020 Land Use Element and Open Space & Resource Conservation Element's goals, policies, and objectives to protect natural resource lands including, but not limited to watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. The project does not propose the removal of special-status habitat, sensitive natural communities, trees, or encroach onto Riparian Corridor setback standards as outlined in Section 4.b.

Significance Level: Less than Significant Impact



**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 or natural community conservation plan.

Significance Level: No Impact

## **5. CULTURAL RESOURCES**

**Would the project:**

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

Comment:

ALTA staff archaeologists conducted a field survey of the entire parcel on September 15, 2017. The study identified no historic buildings or structures (50 years of age or older) located within the project site.<sup>14</sup> The ALTA cultural resources study indicated that historical resources are unlikely to be impacted by project construction and operation.

Significance Level: Less than Significant

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

Comment:

Cultural resources records search results from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission did not find any archaeological resources on the project site.

While ALTA found that that the project site had not been previously subjected to a cultural resources study, the NWIC letter indicated that two previous studies had been conducted covering all or part of the study parcel.

- Study # 2494 (Kuhn 1981), covering approximately 100% of the proposed project area, identified no cultural resources within APN 142-062-008.

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<sup>14</sup> ALTA Archaeological Consulting. Archaeological Survey Report, ERN Sonoma Nicholas Adan Project. 5091 Arnold Drive, Sonoma, CA November 3, 2017

- Study # 39908 (Langford 2004), covering approximately 20% of the proposed project area, identified no cultural resources within APN 142-062-008.<sup>15</sup>

The ALTA study concludes that there are three cultural resources documented within the one-half mile search radius. Two of the sites are historic residences located about one-half mile north of the project area off of West Watmaugh Road. The third site lists multiple historic buildings throughout Sonoma County.<sup>16</sup>

There were no ethnographic sites described within one-half mile of the study area. A review of 19th and 20th century maps shows that the current road structure was developed sometime before 1942 with multiple residential buildings on properties west and east of the project parcel. However, no buildings within the study area, and no archaeological site indicators were observed during the course of the survey.<sup>17</sup> Therefore, the proposed project would result in no substantial adverse change in the significance of archaeological resource as defined in CEQA Guidelines Section 15064.5.

All grading and building permit plans involving ground disturbing activities shall include the following notes that summarize the County's standard "accidental discovery" condition of approval, which shall be implemented in the event of an inadvertent discovery and reduce the potential impact to less than significant:

*If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heataffected 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. Historic resources include all byproducts of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.*

*If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator*

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<sup>15</sup> Northwest Information Center. UPC17-0011 / 5091 Arnold Dr., Sonoma / APN 142-062-008 / Nicholas Adan. Email dated August 15, 2017.

<sup>16</sup> ALTA Archaeological Consulting. Archaeological Survey Report, ERN Sonoma Nicholas Adan Project. 5091 Arnold Drive, Sonoma, CA November 3, 2017

<sup>17</sup> ALTA Archaeological Consulting. Archaeological Survey Report, ERN Sonoma Nicholas Adan Project. 5091 Arnold Drive, Sonoma, CA November 3, 2017

*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.*

Significance Level: Less than Significant Impact

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

Comment:

No human remains are known to exist within the project area. However, there is potential for earthwork and grading to result in the disturbance of previously unrecorded human remains, if present.

Implementation of the County's standard "accidental discovery" condition of approval, which shall be implemented in the event of an inadvertent discovery and reduce the potential impact to less than significant as discussed above in Section 5b.

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:

This analysis evaluates the use of energy resources (e.g., fuel and electricity) associated with construction activities, as well as operation and maintenance of the project. For construction, the analysis considers whether construction activities would use large amounts of fuels or energy, and whether they would be used in a wasteful manner. For energy used during operation and maintenance, the analysis identifies energy use that would occur with implementation of the project to determine whether large amounts would be used and whether they would be used in a wasteful manner.

Construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for excavation, grading, and vehicle travel. The precise amount of construction-related energy consumption is uncertain. However, construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale (e.g., a 2,236 square foot

building and 2,850 square foot greenhouse and parking constructed over a single 6-month construction season). Therefore, project construction would not encourage activities that would result in the use of large amounts of fuel and energy in a wasteful manner; the impact would be less than significant.

During the operational phase, energy would be consumed through daily use of the greenhouse lighting, heating, and cooling equipment. Project operation would require compliance with the following Operating Standard for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(g)(3):

*Energy Use. 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.*

The applicant has indicated that they would purchase 100% renewable power from Sonoma Clean Power Evergreen Program through PG&E.

During the operational phase, energy would also be consumed through daily worker trips to the facility. Employees and business deliveries would not be expected to result in the use of large amounts of fuel and energy in a wasteful manner; the impact would be less than significant.

While the long-term operation of the project would result in an increase in energy consumption compared to existing conditions, due to the small scale of the project and the renewable energy requirements, operation of the project would not use large amounts of energy and would not use it in a wasteful manner.

Significance Level: Less Than Significant Impact

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

Comment:

In 2003, the California Energy Commission (CEC), the California Power Authority, and the California Public Utilities Commission (CPUC) jointly adopted an Energy Action Plan (EAP) that listed goals for California's energy future and set forth a commitment to achieve these goals through specific actions (CEC 2003). In 2005, the CEC and CPUC approved the EAP II, which identified further actions to meet California's future energy needs, mainly focused on the energy and natural gas sectors (CEC2005). Additionally, the CEC also prepared the State Alternative Fuels Plan in partnership with the California Air Resources Board and in

consultation with the other state, federal, and local agencies. The alternative fuels plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production (CEC 2007).

Construction and operation of the project would not conflict with or obstruct implementation of either the EAP, EAP II, or the State Alternative Fuels Plan. Project construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale. As described under item 6a, above, Project operation would require compliance with renewable energy requirements for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(g)(3). No conflicts with a state or local plan for renewable energy or energy efficiency have been identified.  
Significance Level: No 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 is not within a fault hazard zone, as defined by the Alquist-Priolo fault maps.<sup>18</sup>

Significance Level: No Impact

- ii. **Strong seismic ground shaking?**

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. The site's proximity to the Rodgers Creek fault (1.95 miles southwest of the project site), indicates that the

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<sup>18</sup> California Geologic Survey. California Department of Conservation, "Earthquake Zones of Required Investigation Map," accessed June 10, 2020. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as “Very Strong” according to the County’s General Plan Public Safety Element.<sup>19</sup>

All construction activities would be required to meet the California Building Code regulations for seismic safety, including designing all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components in conformance with the specifications and criteria contained in the project final geotechnical report, which shall be completed and submitted to Permit Sonoma prior to project approval. Standard County development procedures include review and approval of construction plans prior to the issuance of a building/grading permit.

In addition, as required by the building code, the geotechnical engineer would be required to submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Also, prior to final issuance of the grading permit and the acceptance of the improvements or issuance of a certificate of occupancy, the geotechnical engineer would be required to inspect the construction work and certify to Permit Sonoma that the improvements have been constructed in accordance with the geotechnical specifications. All work would be subject to inspection by Permit Sonoma for conformance with all applicable code requirements and approved improvement plans.

Significance Level: Less than Significant Impact

**iii. Seismic-related ground failure, including liquefaction?**

Comment:

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. The project site is not located within a high liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.<sup>20</sup>

Significance Level: Less than Significant Impact

**iv. Landslides?**

Comment:

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<sup>19</sup> Sonoma County. General Plan 2020, “Earthquake Ground Shaking Hazard Areas Figure PS-1a” accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>

<sup>20</sup> Sonoma County. General Plan 2020 Public Safety Element, “Liquefaction Hazard Areas Fig. PS-1c,” accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials, landslides are a hazard. The project area is of very minimal slope and is located in Landslide Susceptibility Class 1 (zero landslide potential) on General Plan Public Safety Element Figure PS-1d.<sup>21</sup> The project is therefore considered to have a negligible potential for landslides.

Significance Level: Less than Significant Impact

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

Comment:

The project includes grading, cuts, and fills which require the issuance of a grading permit. Improper grading has the potential to result in soil erosion or loss of topsoil.

As discussed in Section 10 (Hydrology and Water Quality), erosion and sediment control provisions of the County Construction Grading and Drainage Ordinance (Zoning Code Chapter 11) and Storm Water Quality Ordinance (Zoning Code Chapter 11A) require submission of an Erosion and Sediment Control Plan and implementation of flow control best management practices to reduce runoff and require treatment of runoff from the two-year storm event. Required inspections by Permit Sonoma staff insure that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction. Therefore, the potential soil erosion impact would be 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 not in a landslide prone area or fault zone and is not subject to a high potential for liquefaction. The project site may be subjected to a high potential for ground shaking. The design and construction of new structures are subject to the engineering standards of the California Building Code (CBC), which considers soil properties, seismic shaking, and foundation type. Project conditions of approval require that building permits

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<sup>21</sup> Sonoma County. General Plan 2020 Public Safety Element, "Deep-seated Landslide Hazard Areas Fig. PS-1d," accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Deep-seated-Landslide-Hazard-Areas/>

be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. 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. According to the Natural Resources Conservation Service's (NRCS) Web Soil Survey tool, the project site is underlain by Clear Lake series clay (CeB) and Wright series loam (WmB).<sup>22</sup> Soils on the project site have not been tested for expansion potential.

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

Significance Level: Less than Significant Impact

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

Comment:

The project would be served by a new, private septic system. Seasonal groundwater testing, septic site evaluations, and percolation testing have been completed. Preliminary documentation provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils on site can support a septic system and the required expansion area. The septic system would handle domestic wastewater resulting from the project's four on-site employees. The implementation of County standards for permitting of on-site wastewater disposal and would result in a less than significant impact related to wastewater disposal.

Significance Level: Less than Significant Impact

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<sup>22</sup> Natural Resources Conservation Service. "Web Soil Survey," accessed June 23, 2020.  
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>



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

Comment:

No surveys for paleontological resources have been conducted for the site. Reference Section 5.b, Cultural Resources, for a discussion of the standard conditions of approval for accidental discovery. These conditions would reduce the impact of construction activities on unknown paleontological resources to a less than significant level by addressing discovery of unanticipated buried resources.

Significance Level: Less than Significant Impact

## **8. GREENHOUSE GAS EMISSIONS**

**Would the project:**

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

Comment:

Section 15064.4 of the State CEQA Guidelines assists lead agencies in determining the significance of the impacts of GHG emissions. Section 15064.4 gives lead agencies the discretion to assess emissions quantitatively or qualitatively. The CEQA Guidelines do not establish a threshold of significance. Lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or other experts, so long as any threshold chosen is supported by substantial evidence.

The Bay Area Air Quality Management District's (BAAQMD) 2017 CEQA Air Quality Guidelines establish three potential thresholds for analyzing the GHG emissions associated with land use development projects: (1) A mass emissions threshold of 1,100 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) per year; (2) A GHG efficiency threshold of 4.6 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) per service population (project jobs + project residents); (3) Compliance with a qualified Climate Action Plan, with a goal consistent with AB 32.

AB 32, known as the California Global Warming Solutions Act of 2006, focused on reducing GHG emissions in California to 1990 levels by 2020. The BAAQMD mass emissions threshold of 1,100 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) per year was designed for the District to meet this statewide goal by accounting for the Bay Area's share of GHG emissions reduction beyond that achievable at the state level. It is based on the AB 32 GHG reduction goals and a "gap analysis" that attributes an appropriate share of GHG emissions reductions

to new projects in BAAQMD's jurisdiction. The District has not yet developed a corresponding threshold that extends beyond 2020 to be aligned with the SB 32 target for 2030.

SB 32 established a new climate pollution reduction target of 40 percent below 1990 levels by 2030. As such, an adjusted mass emissions threshold consistent with SB 32 can be calculated as 40 percent below BAAQMD's 2020 threshold, which is equivalent to 660 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) per year. The County is currently in the process of adopting a Climate Action Plan in conjunction with the other local agencies in Sonoma County that will employ the requirements of CEQA Guideline 15183.5. In the interim, the County finds that the BAAQMD thresholds of significance are supported by substantial evidence and may be used as County thresholds when adjusted to meet 2030 targets established by SB 32.

The project would not involve construction activities associated with higher-level greenhouse gas emissions such as use of a significant amount of heavy construction equipment, substantial earth-moving activities, or import/export of a significant amount of material. The addition of construction-related greenhouse gas emissions to the annualized operational emissions would remain substantially below the BAAQMD operational threshold.

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:

This analysis uses the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan as the applicable greenhouse gas reduction strategy (CARB 2017). The Sonoma County Regional Climate Protection Authority's Climate Action Plan (RCPA 2016), adopted in July 2016, is not used as a qualified greenhouse gas reduction strategy for CEQA purposes due to a court settlement.

The 2017 Climate Change Scoping Plan provides strategies for meeting the mid-term 2030 greenhouse gas reduction target set by Senate Bill (SB) 32. The 2017 Climate Change Scoping Plan also identifies how the State can substantially advance toward the 2050 greenhouse gas reduction target of Executive Order S-3-05, which consists of reducing greenhouse gas emissions to 80 percent below 1990 levels. The recommendations cover the key sectors, including: energy and industry; transportation; natural and working lands; waste management; and water. The recommended measures in the 2017 Scoping Plan are broad policy and regulatory initiatives that will be implemented at the State level and do not relate to the construction and operation of individual projects. Although project

construction and operation may be affected by some of the State level regulations and policies that will be implemented, such as the Phase 2 heavy-duty truck greenhouse gas standards proposed to be implemented within the transportation sector, the project would not impede the State developing or implementing the greenhouse gas reduction measures identified in the Scoping Plan. Therefore, the project would not conflict with AB 32 or the 2017 Climate Change Scoping Plan.

The County's Climate Change Action Resolution (May 8, 2018) resolved to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050 and noted twenty strategies for reducing GHG emissions, including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of goods and services. As noted above, the project would be required to comply with several renewable energy requirements for commercial cannabis cultivation facilities contained in County Zoning Code Section 26-88-254(g)(3). By incorporating required renewable energy requirements, the project would not conflict with an applicable plan, policy or regulation adopted for reducing the emissions of GHGs.

Significance Level: No 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, may involve the intermittent transport, storage, use, and disposal of potentially hazardous materials, including fuels and other materials commonly used for maintenance. Project hazardous materials would be locked in storage areas in the processing building.

The project would store pesticides and fertilizers in a 100-square foot structure to be located in the same fenced area that would contain the processing building, compost bin, and trash enclosure. All bags and boxes of pesticides and fertilizers would be stored off the ground on pallets or shelves. If the structure does not have an impermeable floor, all liquid pesticides and fertilizers would be stored on shelves capable of containing spills or provide appropriate secondary containment. Routine inspections would be made for leaks or spills. A spill cleanup kit would be kept on-site to enable response to any leaks or spills. Pesticide and fertilizer storage containers would be stored on pallets and/or shelves to minimize the possibility of spills and leaks going undetected. The project would not involve disposal or runoff of agricultural chemicals because they would be applied in compliance with label

requirements. Prior to applying fertilizers, the irrigation water, soils, growth media, and plant tissue would be evaluated to optimize plants growth and avoid over-fertilization. Fertilizers would be applied at label rates to avoid runoff. Cannabis plants would be propagated in the smallest greenhouse and then moved to growing beds sitting in catch basins in the larger greenhouses. Beds would be filled with ProMix, a non-soil growing medium of perlite, peat, and cocoa, and watered as needed with the BioBizz nutrient line with a drip irrigation system. Catchment basins under the planting beds in the greenhouse would allow any excess irrigation water to be absorbed back into the growth media to virtually eliminate irrigation runoff and conserve water. Excess irrigation water would be minimized, and any effluent from mixed-light cultivation would be discharged to the existing on-site septic system. No impacts are anticipated related to the routine transport, use, or disposal of small amounts of agricultural chemicals.

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

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

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

Significance Level: Less Than Significant Impact

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

Comment:

Small amounts of hazardous materials would be used during construction and operation of the project (see Item 9.a above). Proper use of materials in accordance with local, State, and federal requirements, and as required in the construction documents, would minimize the potential for accidental releases or emissions from hazardous materials. Caltrans and the California Highway Patrol regulate the transportation of hazardous materials and

wastes, including container types and packaging requirements, as well as licensing and training for truck operators, chemical handlers, and hazardous waste haulers. The California Division of Occupational Safety and Health (Cal-OSHA) enforces hazard communication program regulations which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees.

Storage, handling, and transportation of propane and other liquefied petroleum fuels are regulated by both the State of California Fire Code and Cal-OSHA. Businesses that utilize hazardous materials in California are required to develop and implement a Hazardous Materials Business Plan, which includes information on the location, type, quantity, and health risks of hazardous materials as well as employee training and emergency response plans designed to manage the potential hazards associated to storage, handling, and transportation of facility-specific hazardous materials.

Because the applicant and its contractors would be required to comply with existing and future hazardous materials laws and regulations addressing the transport, storage, use, and disposal of hazardous materials, the potential to create a significant hazard from accidental conditions 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 project is not located within 0.25 miles of an existing or proposed school. The nearest school is Presentation School , which is approximately 2.1 miles northeast of the project site.

Significance Level: Less than Significant

**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:

The provisions in Government Code Section 65962.5 are commonly referred to as the Cortese List. A search of the Cortese List was completed to determine if any known hazardous waste sites have been recorded on or adjacent to the project site (CalEPA 2019). The project site was not identified on, or in the vicinity of, any parcels on lists

compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances Control, or the CalRecycle Waste Management Board Solid Development Waste Information System.

Significance Level: No Impact

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

Comment:

The project site is not located within an Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan or within two miles of the Petaluma Municipal Airport or other public use airport.

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. There is no separate emergency evacuation plan for the County. Given the minimal traffic associated with the project (estimated at 15 average daily trips (ADT) by four on-site employees year-round), the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes.

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 Permit Sonoma GIS Tool,<sup>23</sup> the project is located in a Non-Wildland/Non-Urban Fire Hazard Severity Zone. The project is located in a rural agricultural area characterized by irrigated vineyards and pasture with rural residential properties. See Section 20, Wildfire, for a discussion of risks related to wildland fire.

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<sup>23</sup> Sonoma County. Permit Sonoma GIS. "Cannabis Site Evaluation," accessed June 10, 2020.  
<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

As part of the County's planning referral process, the Fire Department responded with a comment letter to Permit Sonoma on August 29, 2017. As a condition of project approval, the applicant/operator shall submit a written emergency response plan (pursuant to California Fire Code Sections 403 and 404) to CalFire for approval. This plan shall include, but not be limited to, fire safety, emergency procedures, and employee training programs medical emergencies, and evacuations, and shall also describe provisions for fire watch and medical personnel. The plan shall be subject to re-evaluation by CalFire at any time, when requested in writing by the fire code official. Prior to approval of a grading permit, the County shall review the project emergency response plan and ensure that coordination with appropriate County emergency staff is established.

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 site is in the Fowler Creek watershed. Two blue line are in the vicinity of the project parcel by way of Champlin Creek and Rodgers Creek. Champlin Creek is approximately 90 feet to the north of the property line and has a 50' setback regulation. Rodgers Creek is approximately 115 feet to the northeast of the property line. Champlin Creek and Rodgers Creek are located across the Arnold Drive/HWY 116 corridor. The project site is located within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). The site is not located near any waterways identified by the State Water Resources Control Board (SWRCB) and San Francisco Bay RWQCB under the Clean Water Act as impaired for sediment nutrients, pathogens, and temperature. However, Champlin Creek, which flows parallel to the northwestern boundary of the project parcel on the north side of Arnold Drive/HWY 116, is a tributary to Rodgers Creek, which is tributary to Sonoma Creek. Sonoma Creek (non-tidal) is on the 303(d) list under Category 5 criteria (i.e., a water segment where standards are not met and a TMDL is required, but not yet completed, for at least one of the pollutants being listed for this segment) as impaired for nutrients, pathogens, and sedimentation/siltation.<sup>24</sup> Due to the existing separation between the project site and Champlin Creek and Rodgers Creek as they are located across

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<sup>24</sup> State Water Resources Control Board. TMDL Integrated Report, 2014-2016. "303(d) List and 305(b) Report," accessed June 11, 2020.

[https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)

the adjacent roadway, runoff from the project site is not expected to drain to Champlin Creek.

The proposed project would involve placement of greater than 10,000 square feet of impervious surface area (total 22,560 square feet) for the greenhouses and processing building. Therefore, it must both meet the requirements of the Sonoma County Storm Water Quality Ordinance and incorporate Low Impact Development (LID) Best Management Practices (BMPs) contained in the Bay Area Storm Water Management Agency (BASMAA) Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties.

### **Low Impact Development (LID)**

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

Runoff and Stormwater Control for cannabis cultivation is addressed in Section 26-88-254(f)(20) of the County Code which requires that any runoff containing sediment or other waste or by-products not be allowed to drain to the storm drain system, waterways, or adjacent lands. The applicant is required to prepare and implement a storm water management plan and an erosion and sediment control plan, including BMPs for erosion control during and after construction and to install permanent drainage and erosion control measures pursuant to Chapter 11 of the County Code. Section 26-88-254(g)(9) of the County Code requires that the applicant submit a wastewater management plan identifying the amount of wastewater to be generated and any excess irrigation and to identify proper management and disposal. Any excess irrigation water or effluent from cultivation activities is required to be directed to a sewer, septic, irrigation or bio-retention treatment system. If discharge to a septic system is proposed, an evaluation by a qualified sanitary engineer demonstrating the system's capacity to handle the waste is required. All domestic waste for employees shall be disposed of in an on-site septic system with adequate capacity.

All cultivation operations are required to comply with the BMPs issued by the Agricultural Commissioner and to verify compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board (RWQCB). Cannabis cultivation BMPs prescribed by the County Agriculture Commissioner include measures related to pesticide and fertilizer storage, pesticide use, fertilizer use, riparian protection, water use and



storage, waste management erosion control/grading and drainage and items related to indoor cultivation.

Considering the proposed project must meet the requirements of the Sonoma County Storm Water Quality Ordinance, incorporate LID design strategies and BMPs, and receive a construction permit through SWRCB, project impacts would be less than significant.

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 proposed project site is located within a Class 1 major groundwater basin and in the Medium Priority California Statewide Groundwater Elevation Monitoring Program (CASGEM), as defined by the State Department of Water Resources. Additionally, in light of the approval of the Groundwater Sustainability Plan (GSP) for the Sonoma Valley, adopted December 6, 2021, by the Sonoma Valley Groundwater Sustainability Agency. The project site is located outside of any groundwater depression identified in the GSP. The project will be served by an onsite well which extracts water from a shallow or intermediate depth aquifer, in an area characterized as having stable groundwater level conditions. The proposed project is found to be generally consistent and not in conflict with the GSP.

A hydrogeologic assessment titled "Hydrogeologic Report and Water Availability Analysis APN 142-062-008, 5091 Arnold Drive Sonoma, CA 95476" and was prepared by Green(e) Consulting and O'Connor Environmental Inc on May 26, 2018 (OEI) to evaluate estimates of existing and proposed water use at the project parcel and within the project recharge area, review the compilation of well completion reports (drillers' logs) from the area, provide a characterization of local hydrogeologic conditions, estimate annual groundwater recharge and existing and proposed groundwater use in the cumulative impact area, and assess the potential for well interference between the proposed cultivation well and neighboring wells that are located within the cumulative impact area.<sup>25</sup>

*Groundwater Storage Volume:* Alluvial fan deposits underlie the project parcel and areas in the vicinity. The alluvial fan deposits are hydrogeologically similar, and geologic contacts between units are generally not considered a barrier to groundwater flow. Green(e) Consulting and OEI based the project recharge area on surface topography and drainage patterns. The total project recharge area is approximately 139 acres and because of clay-rich sediment layers, the

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<sup>25</sup> Green(e) Consulting and O'Connor Environmental Inc. (OEI). "Hydrogeologic Report and Water Availability Analysis APN 142-062-008, 5091 Arnold Drive Sonoma, CA 95476," May 26, 2018.

project aquifer is considered to be semi-confined (i.e., the clay soil layers have low permeability but still allow for recharge). The available groundwater storage volume within the project recharge area was estimated as the product of the recharge area (in acres), the saturated aquifer thickness (in feet), and the aquifer-specific yield. Using a conservative aquifer-specific yield of 8 percent, Green(e) Consulting and OEI estimated the available groundwater storage of the project recharge area to be approximately 3,900 acre-feet.<sup>26</sup>

*Proposed Condition* – The maximum-case scenario for project cultivation water demand was based on the following assumptions: cultivation area of up to 10,000 square feet, up to 1,100 cannabis plants, and year-round cultivation. The groundwater demand for the cultivation is limited by project condition of approval to 0.5 acre-feet, per year.

*Potential Impacts to Streams and Neighboring Wells:* The project well (Number 9547) was permitted on August 31, 2016 (WEL16-0289) and drilled in October 2016 to a depth of 400 feet below ground surface (bgs). It has an estimated yield of 35 to 40 gallons per minute (gpm). The nearest well is approximately 250 feet west of the project cultivation well. The owner of the neighboring property, on which the nearest well is located, confirmed the nearest well was completed to a depth of 70 feet bgs. Based on a depth of 70 feet bgs, the nearest well is pumping groundwater from the Sonoma Valley upper groundwater system. Four nearby wells, including the nearest well, were completed to depths within the same upper geohydrologic unit with shallower well screening depths. Based on the significant vertical and horizontal separation between the project well, which is screened at a depth of 300 feet bgs, the project well would have little potential for interference with these neighboring wells. Five additional nearby wells were drilled to depths between 240 to 661 feet bgs. These wells are located outside the project recharge area. The horizontal separation between the five wells and the project well minimizes the potential for interference from the project well.

The closest stream to the project well is Champlin Creek, which flows along the northwestern boundary of the project parcel on the north side of Arnold Drive/HWY 116. Due to the vertical separation between the project well and the creek beds and water table of Champlin Creek, the potential for significant impacts to nearby surface waters and aquatic habitat is minimal. Rodgers Creek is even further away from the project well and would be even less likely to be affected by the project.

Permit Sonoma's Geologist reviewed the project's hydrogeological report and addendum and recommended water conservation conditions, including the development and use of a rainwater catchment, limitations on maximum water use, and groundwater monitoring. The net groundwater use of the project parcel is limited to 0.5 acre feet (approximately 163,000

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<sup>26</sup> The calculation is as follows: 350 feet (saturated aquifer thickness) x 0.08 (aquifer-specific yield) x 139 acres (project recharge area) = 3,900 acre-feet.

gallons) per year by Condition of Approval. A use limit of 0.5 acre feet per year is consistent with recently approved projects in the Sonoma Valley and is also the threshold between a small and large groundwater user as defined in PRMD Policy and Procedure Number 8-1-3, Monitoring Guidelines for Large Capacity Water Wells Pursuant to General Plan Policy WR-2d (formerly RC-3b).

In order to reduce use of water resources, all cannabis projects are required to utilize water-efficient landscaping in compliance with the County's Water Efficient Landscape Ordinance (Chapter 7D3 of the Sonoma County Building Code) and to submit a Water Conservation Plan. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand and enhance water resource recovery to the maximum extent feasible. Measures that must be evaluated include installation of ultra-low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems, and graywater reuse. Compliance with the County's conditions of approval as well as submittal of a Water Conservation Plan will ensure the project does not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Significance Level: Less than Significant Impact

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

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

Comment:

Construction activities associated with the proposed project are not anticipated to alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation. All construction activities are required to adhere to Sonoma County Code Sections 11-14-040 and 26-88-254 requiring that BMPs be incorporated in project activity to further control surface water runoff. The project is proposing increasing impervious surface area to total 22,560 square feet.

Runoff and stormwater control requirements for cannabis cultivation prohibit draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator is required to prepare a storm water management plan and an erosion and sediment control plan, including BMPs for erosion control during and after construction and permanent drainage and erosion control measures, pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the BMPs for cannabis cultivation issued by the Agricultural Commissioner for management of wastes,

water, erosion control and management of fertilizers and pesticides, per Section 26-88-254(f)(20) of the County Code.

In accordance with Section 11-14-040 of Chapter 11, drainage facilities and systems are required 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 outcropping, minimizing the use of artificial slopes, and other BMPs referenced or detailed in the County's BMPs for construction grading and drainage.

Significance Level: Less than Significant Impact

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

Comment:

The project would be required to install and operate a rainwater capture system that would collect water from the entire greenhouse roof area (approximately 9,450 square feet) as a project condition of approval. The rainwater capture system would capture runoff from the greenhouses and would reduce runoff on-site. The processing building would produce new runoff from the additional impervious surface area of 22,560 square feet. Runoff from the processing building would be directed to the man-made drainage swale that bisects the property and would be located between the processing building and greenhouses at full build-out. The swale would be used to collect and treat stormwater from the processing building and driveway. Vegetative barriers along the property boundary and interior watercourses would act as pollutant filters. All exposed and disturbed soil would be covered with a minimum of two inches of mulch, such as straw, bark, wood chips, etc., by November 15. Alternatively, a thick cover crop over disturbed areas would be installed. Although the project would include new impervious surfaces (i.e., mixed-light structures and processing building), increased drainage from the new impervious surfaces would be offset by a rainwater capture system and the ability of the vegetated drainage swale and vegetative barrier around the property to collect and treat stormwater. The increased capacity to capture surface runoff would result in a less than significant impact with regard to flooding on- or offsite.

Significance Level: Less than Significant Impact.

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

Comment:

As mentioned in 10.c.ii, runoff would be reduced with installation of a rainwater capture system and use of a drainage swale and vegetative barriers around interior watercourses and the property boundary to collect and treat stormwater. Permit Sonoma Grading and Stormwater Section staff reviewed the project referral and provided conditions of approval to ensure project compliance with the County Construction Grading and Drainage Ordinance (Zoning Code Chapter 11) and the Storm Water Quality Ordinance (Zoning Code Chapter 11A). The project would require a grading permit, which would not be issued until all recommended feasible stormwater treatment options have been incorporated into project design in compliance with all applicable standards of the County Code.

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

Significance Level: Less than Significant Impact

**iv. impede or redirect flood flows?**

Comment:

Two blue line streams are located in the project vicinity, by the way of of Champlin Creek and Rodgers Creek. Champlin Creek is approximately 90 feet to the north of the project site and has a 50' setback regulation. Rodgers Creek is approximately 115 feet to the northeast of the project site. The parcel is not in the 100-year flood zone or Special Flood Hazard Area (SFHA) (i.e., the area that would be inundated by the flood event having a one percent chance of being equaled or exceeded in any given year).<sup>27</sup> Refer to responses 10.c.ii and 10.c.iii above for discussion of hydrological impacts.

Significance Level: Less than Significant Impact

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

Comment:

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<sup>27</sup> Sonoma County. General Plan 2020 Public Safety Element. "Flood Hazard Areas Fig. PS-1e," accessed June 10, 2020. <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>

According to Sonoma General Plan Figure PS-1f,<sup>28</sup> the project site is not located in an area that would be subject to flooding as a result of levee or dam failure. The project site is not located in a tsunami or seiche zone.

Significance Level: No Impact

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

Comment:

Though the County does not have a comprehensive water quality control plan, it achieves water quality control through enforcement of relevant requirements written into the General Plan and County Code. The project would be required to comply with all applicable water quality control requirements, including those related to cannabis cultivation, construction activities, wastewater discharge, and stormwater runoff.

The project site is located in the Napa-Sonoma Valley Basin, a medium priority groundwater basin as defined under the Sustainable Groundwater Management Act (SGMA). Compliance with County requirements discussed in item 10.b above would protect against groundwater depletion or use of groundwater in an unsustainable manner.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

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. It does not involve construction of a physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that would impair mobility within an established community or between a community and outlying areas. No impact would occur.

Significance Level: No Impact

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<sup>28</sup> Sonoma County. General Plan 2020 Safety Element. "Dam Failure Inundation Hazard Areas, Figure PS-1f," accessed June 10, 2020. <https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542633>

**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 for the parcel is Diverse Agriculture, which is intended to enhance and protect those land areas where soil, climate and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, and where farming may not be the principal occupation of the farmer, implementing the policies of the Agricultural Resource Element.

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

- Protection against intensive development of lands constrained by natural hazards and proliferation of growth in areas where there are inadequate public services and infrastructure (General Plan Land Use Element 2.7- Natural Resource Land Use Policy): The site is not constrained by steep slopes, biotic areas, poor soils or water, geologic hazards, or fire and flood prone areas. Development on the site is limited to approximately 11,960 square feet (0.27 acres) of the 5.25-acre parcel and no new public services or infrastructure are needed to serve the project.
- Land Use (Policy LU-12g): The project is designed in harmony with the natural and scenic qualities of the local area, and proposes using native, fire-resistant vegetation to screen the greenhouses and the office building.
- 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 OSC-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).
- Wastewater (General Plan Policy LU0-8a): The project would comply with regional waste discharge requirements and County regulations to minimize storm water, surface water and groundwater pollution.
- Maintaining very low residential densities (General Plan Objective LU-12.6): The project does not propose to increase residential density or construct new residences.
- Nighttime lighting and preservation of 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).

The project is consistent with the goals and objectives of the General Plan and would consist of rural-scale development in a lightly developed rural area. Within the Diverse Agriculture zoning designation, the project would comply with policies seeking to protect the natural resources of the area, preserve the rural character of the area, produce an agricultural commodity, conserve the majority of the site for future agriculture, and help stabilize farm incomes consistent with General Plan Objectives LU. -9.1, -9.2, -9.3, -9.4. The proposed project would be consistent with the County Code for the Diverse Agriculture zoning designation as well as the Development Criteria and Operating Standards from the Code intended to avoid and minimize potential environmental impacts (Section 26-88-250 through 254).

No conflicts with other general plan policies related to scenic, cultural, or biotic resource protection, noise, or transportation have been identified. No conflicts with 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.<sup>29</sup> Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

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

Significance Level: No Impact

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

Comment:

The project site is not located within an area of locally important mineral resource recovery site and the site is not zoned MR (Mineral Resources).<sup>30</sup> No locally-important mineral resources are known to occur at the site.

Significance Level: No Impact

## 13. NOISE

Would the project result in:

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

Comment:

The County's General Plan and Zoning code do not establish construction-related noise standards. Therefore, construction activities would not generate noise levels in excess of applicable standards. However, the project would result in a temporary increase in ambient noise levels in the project vicinity during construction. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts

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<sup>29</sup> Sonoma County. Aggregate Resources Management Plan, accessed June 10, 2020.

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>

<sup>30</sup> Sonoma County. Aggregate Resources Management Plan, accessed June 10, 2020.

<https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Maps-and-Diagrams/>

primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. The project is not anticipated to require nighttime construction activity. However, the project would temporarily increase noise levels during construction in the project area, over an approximately six-month period. Implementation of Mitigation Measure NOISE-1 would reduce the noise impact from construction activities and hauling to a less than significant level.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

**Mitigation Measure NOISE-1 Reduce Construction Noise Levels:** The applicant and its contractor shall adhere to the following construction best management practices to reduce construction noise levels emanating from construction activities and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

- a) A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site stating the allowable hours of construction, and including the Coordinator's 24-hour phone number for public contact regarding noise issues. The Coordinator shall investigate all complaints to determine the cause (such as starting too early, faulty muffler, etc.), and shall take prompt action to correct any problem. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b) All internal combustion engines used during construction shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- c) Except for actions taken to prevent an emergency or to deal with an existing emergency, all construction activities (including equipment start-up, operation, servicing, and deliveries) shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma staff as soon as practical.
- d) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

**Mitigation Monitoring:**

**Mitigation Monitoring NOISE-1 Reduce Construction Noise Levels:** Prior to issuance of grading or building permits, Permit Sonoma staff shall verify that the NOISE-1 measures are included on all site alteration, grading, building or improvement plans. The applicant shall submit documentation to Permit Sonoma staff that a Construction Coordinator has been designated and that appropriate signage has been posted including the Coordinator’s phone number. Documentation may include photographic evidence or a site inspection, at the discretion of Permit Sonoma staff. Any noise complaints not immediately resolved by the Coordinator shall be investigated by Permit Sonoma staff. If violations are found, a noise consultant may be required at the applicant’s expense to evaluate the problem and recommend corrective actions. Continuing or unresolved noise violations may result in an enforcement action and/or revocation or modification proceedings, as appropriate.

**Project Operational Noise:**

Comment:

County noise standards (as indicated in Table NE-2 of the General Plan) 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 NE-2 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources**

Hourly Noise Metric, dBA <sup>(B)</sup>	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.		

The project would include noise sources such as minor construction equipment to build the structures, carbon filter fans in the indoor structures and circulation fans in the proposed greenhouse. This equipment would be small scale in nature (due to the limited building square footages associated with the project) and would primarily operate during the daytime (9:00 AM-2:00 PM). In addition, noise generating equipment would be setback a minimum of 100 feet from adjacent property lines. With this setback, each individual piece

of stationary equipment could have a sound power of approximately 57 dBA and not exceed the County's nighttime L50 standards listed in the table above. This calculation presumes the area between the equipment and property line consists of hard ground cover (e.g., asphalt, compacted soil) and not topographic, vegetative, or structural shielding, a conservative assumption (i.e., likely to overestimate the lowest sound power level that would exceed County standards). The potential for the project to generate noise levels to exceed the County's standards is limited to large exhaust fans, short-term construction equipment for the proposed structures and mobile equipment for operations. The project does not include a power generator. Due to the low trip generation associated with the project, road noise from related use would also be minimal. These setbacks ensure that any noise associated with the cultivation operation would not expose persons to noise levels in excess of standards.

Significance Level: Less than Significant Impact

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

Comment:

The proposed project may generate minor ground borne vibration and noise from conventional construction and farming equipment, but no intensive vibratory noise would occur, such as pile-driving or jackhammering. All construction noise would be short-term, temporary and limited to daytime hours. Ground borne noise would be short-term and temporary, and would be limited to daytime hours. The impact would be less than significant. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels.

Significance Level: Less than Significant Impact

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

Comment:

The project site is not within the Airport Referral Area, as designated by the Sonoma County Comprehensive Airport Land Use Plan.<sup>31</sup> The project site is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport.

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<sup>31</sup> Sonoma County. "Sonoma County Airport Referral Area," <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Comprehensive-Airport-Land-Use/Sonoma-County-Airport/> accessed 6/9/20.

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 proposed project does not include the construction of new housing, nor would it generate significant new demand for housing in the area (a maximum of four employees, including part-time, is proposed). This increase in employment opportunities is not anticipated to result in an indirect increase in population as it is anticipated that employees would be existing residents of the area. Therefore, the project would not induce substantial population growth in the area.

Significance Level: Less Than Significant Impact

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

Comment:

No housing would be displaced by the project and no replacement housing would be required.

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:

The proposed project does not involve the construction of new housing. The project would create a modest demand for new employees (approximately 4 new employment opportunities). The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of Sonoma County. Therefore, the proposed project would not require construction of new or physically altered governmental facilities. No impact would occur.

Significance Level: No Impact

**i. Fire protection?**

Comment:

The project is located with a Local Responsibility Area (LRA), under jurisdiction of Schell-Vista Fire Protection District. The County Fire Inspector reviewed the project description and plans on August 29, 2017 and required that the project comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases. These are standard conditions of approval required by the County Code. Because none of the conditions and/or requirements requires construction of new or expanded fire protection/emergency medical facilities, project impacts on fire protection/emergency medical services would be less than significant.

Significance Level: Less Than Significant Impact

**ii. Police?**

Comment:

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

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

Significance Level: Less Than Significant Impact

**iii. Schools?**

Comment:

No housing or residential units would be constructed as part of the project. Although the project would increase employment opportunities (approximately 4 employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Therefore, the project would not introduce new school age children in the project area, and would not necessitate or facilitate construction of new schools resulting in environmental impacts.

Significance Level: No Impact

**iv. Parks?**

Comment:

The proposed project does not include the development of residential uses and thus would not result in the need for new or expanded park facilities. No residential units would be included in the project that would require the payment of parkland development fees. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. Although the project would increase employment opportunities (approximately 4 employees), it is anticipated that the project would draw from local workers in the County and no indirect increase in population would occur. Given the number of existing park and recreational options available in the project vicinity, the existing park facilities would be adequate and the project would not necessitate or facilitate construction of new parks resulting in environmental impacts.

Significance Level: No Impact

**v. Other public facilities?**

Comment:

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

Significance Level: No Impact

## **16. RECREATION**

**Would the project:**

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

Comment:

The proposed project would not generate significant new demand for housing in the area (a maximum of two full-time and two part-time employees is proposed). Therefore, the project would not cause or accelerate substantial physical deterioration of parks or recreational facilities. The project would have no impact on the use of existing neighborhood or regional 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 or require the construction of recreational facilities. The proposed project does not involve the construction of new housing, which is the typical type of development that requires expansion of recreational facilities. No impact would occur.

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:

A Trip Generation Study was completed by W-Trans in March 2018. This study found that the proposed project is expected to generate an average of 15 trips on a daily basis including two trips during each of the morning and evening peak hours. Because the project would be expected to generate fewer than 10 trips during the peak hours, an operational analysis is not required under the County's guidelines for traffic impact studies.<sup>32</sup> The greatest traffic generation anticipated from this project would be from employee trips

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<sup>32</sup> W-Trans, 2018. Trip Generation Analysis for 5091 Arnold Drive. March 20, 2018.



during planting and harvest operations. The operation is expected to employ one full time employee and three, part time employees, all of whom will be Sonoma County residents.

According to the County Maintained Road Postmile System Map,<sup>33</sup> Arnold Road is a minor arterial, but the parcel is accessed via Stage Gulch Road (State Highway 116). Average daily traffic volume measured by the County along Arnold Drive just north of the intersection of Stage Gulch Road/Highway 116 is 13,348 vehicles.<sup>34</sup> All roads in the project area have paved shoulders. The project does not propose any improvements to bicycle or pedestrian facilities, although Class II Bike Routes are proposed along Arnold Drive and Stage Gulch Road.<sup>35</sup> The area is served by public transit. The closest public transit stop is served by Sonoma County Transit about 2,000 feet north of the project site, at Hermosa Parkway and Watmaugh Road. While the stop is relatively close, the roads leading to the stop would be hazardous to pedestrians, as there is no pedestrian infrastructure. Therefore, pedestrian use in the project vicinity is not anticipated.

Project buildout would not conflict with, or interrupt any program, plan, ordinance, or policy addressing the circulation system.

Significance Level: Less than Significant Impact

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

Comment:

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

Sonoma County has not yet adopted a VMT standard, nor has the County adopted a policy or threshold of significance regarding VMT. As with other cities and counties throughout the state that have not established VMT standards and thresholds, the Governor's Office of Planning and Research (OPR) "Technical Advisory on Evaluating Transportation Impacts in CEQA" (2018) shall be used in the interim to determine if the project's VMT may or may not cause a transportation impact. According to the guidelines, the screening threshold for

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<sup>33</sup> Sonoma County. Road Inventory, "County Maintained Road Postmile System Map," accessed June 11, 2020. <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=e75eb5e4cb314249a6c78a0609146963>

<sup>34</sup> Sonoma County Department of Transportation & Public Works. "Traffic Surveys," accessed June 11, 2020. <https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1>

<sup>35</sup> Sonoma County. Sonoma County Bicycle and Pedestrian Plan Map, 2010, accessed June 2020 <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Bicycle-and-Pedestrian-Plan/Bikeways-Map/>

small projects indicates that projects that generate or attract fewer than 110 trips per day would cause a less-than-significant transportation impact.

The Average Daily Trip was calculated by W-Trans, which determined the project would generate 15 trips per day with two of these trips occurring within peak hours, indicating a less than significant impact.

Significance Level: Less than Significant Impact

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

Comment:

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

Significance Level: No Impact

**d) Result in inadequate emergency access?**

Comment:

The proposed project was referred to the Sonoma County Fire and Emergency Services and was conditioned on August 29, 2017. The project does not propose destruction of roads or bridges. Project plans would require review by a Department of Fire and Emergency Services Fire Inspector during the building permit process to ensure compliance with emergency access issues.

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 parking on-site would be designated for employees. The project includes three parking spaces for employee use, one of which is ADA accessible.

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:

Results from a cultural resources records search conducted by the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission (NAHC) indicates that there are no known Traditional Cultural Resources (TCR) or unique archaeological resources associated with TCR's located within the project boundaries.<sup>36</sup> Therefore, the proposed project would result in no substantial adverse change in the significance of TCR's or unique archaeological resources, as defined in CEQA Guidelines Section 15064.5.

In response to the project notification dated September 26, 2017, the NAHC shared results of their Sacred Lands File review, which indicated that there are no sacred sites within the project area.<sup>37</sup> Several tribes responded to the notification dated November 1, 2017. The Graton and Middletown Rancherias responded on, Aug 3, 2017, and the Lytton Rancheria responded on Aug 7, 2017. On August 14, the Stewarts Point Rancheria Kashia Band of Pomo Indians responded. None of the Tribes had specific comments; but requested to be notified if new information or evidence of human habitation is found.

As described under Cultural Resources Section 5.c, No burial sites are known in the vicinity of the project area. The site would be disturbed by grading and construction activities. ALTA concludes, based on landform age and analysis of the environmental setting, there is a low potential for buried archaeological site indicators within the study area. In the unlikely

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<sup>36</sup> ALTA Archaeological Consulting. Archaeological Survey Report, ERN Sonoma Nicholas Adan Project. 5091 Arnold Drive, Sonoma, CA November 3, 2017.

<sup>37</sup> ALTA Archaeological Consulting. Archaeological Survey Report, ERN Sonoma Nicholas Adan Project. 5091 Arnold Drive, Sonoma, CA November 3, 2017.

event the site contains a burial site, compliance with Sections 11-14-050 and 26-88-254(14) of the Sonoma County Code noted above would ensure necessary steps are taken to protect the resource.

Significance Level: Less than Significant

## 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:

As discussed throughout this initial study, domestic wastewater disposal would be provided by the proposed on-site septic system. Excess cultivation wastewater would also be directed to the on-site septic system. Cultivation water and potable water would be provided by an existing private well. The existing well is connected to electric power supplied by PG&E. Upon project build-out, the proposed project buildings and structures would be connected to existing PG&E electrical lines.

Project construction would temporarily alter storm water flows at the project site due to ground disturbing activities. A drainage swale that bisects the property drains the pond on the neighboring parcel and some sheet flows from the project parcel. There are no stormwater drainage facilities on-site or on Stage Gulch Road in the project vicinity. The project site is located in a rural agricultural area with limited public infrastructure. Grading of the site for roads and project development may alter the natural topography and may alter the drainage pattern and increase storm water runoff. Construction impacts have been analyzed in Section 3 Air Quality, Section 7 Geology and Soils, and Section 10, Hydrology and Water Quality. With the incorporation of BMPs described in Section 10, Hydrology and Water Quality, the project would not result in an increase in storm water flows off-site.

Once construction is complete, a rainwater capture system would capture on-site storm water runoff and would reduce runoff. Although the project would include new impervious surface (i.e., mixed-light structures), increased drainage from this small addition of impervious surface would be offset by the rainwater catchment system's ability to capture rainwater runoff. On-site runoff from the processing building would be directed to a drainage swale that bisects the project site. Vegetation barriers would be maintained

around interior watercourses, including the drainage swale, and the property boundary to collect and treat stormwater runoff. The proposed project would not require or result in construction of new storm water facilities. Associated storm water drainage impacts would be less than significant.

Development would only be permitted after Permit Sonoma reviews storm water drainage development plans designed by a storm water engineer to ensure adequate management of storm-water drainage facilities on the site.

Because the project is using an existing well, drainage features, and electrical line, the project would not result in the relocation or construction of new or expanded water, wastewater, storm water drainage, electric power, natural gas, or telecommunications facilities. In addition, the applicant must provide a Water Conservation Plan to Permit Sonoma, install and receive approval for a rainwater catchment system that collects water from the entire greenhouse roof area at a rate of 40,000 gallons per 2,500 square feet of greenhouse roof area, and install and receive approval for a condensate capture system which collects water from all air conditioners and dehumidifiers and routes collected water into irrigation supply storage tanks. By adhering to the Water Conservation Plan and other BMPs, the project's total well water use on the entire project parcel, inclusive of domestic uses, irrigation of cannabis, and irrigation of landscaping and agriculture, shall not exceed 0.5 acre-feet per year.

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 throughout Section 10.a, Hydrology and Water Quality, the project would use groundwater for cultivation. The project is located within a Class 1 Groundwater Area. A County-required hydrogeologic report and review by the Permit Sonoma NR Geologist determined that the groundwater well would provide enough water to sufficiently serve the project and that the project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time with compliance with project conditions of approval, including installation of a rainwater capture system, installation of a condensate capture system, and a parcel groundwater use maximum of 0.5 acre-feet per year. Domestic water uses from the on-site well would be negligible. As required by project Conditions of Approval water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma Project Review staff at least once every five years. If average water use over 3 years exceeds 0.5 acre-feet per year, the applicant shall update the Water Conservation Plan to utilize the best available technologies to reduce water use, subject to review and approval by Permit Sonoma.

Significance Level: Less than Significant Impact

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

Comment:

The project site is served by a private septic system. The proposed project would not be served by public wastewater and would not impact the capacity of public facilities.

Significance Level: No Impact

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Comment:

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

The applicant also proposes on-site green waste composting. Standard conditions also require that the applicant submit a cannabis solid waste management plan with the compost and trash enclosure design to Sonoma County Environmental Health, Solid Waste/Cannabis programs and the Permit Sonoma Project Review Health Specialist for review and approval. No visually recognizable cannabis, nor materials that smell like cannabis, shall be disposed of as ordinary refuse. All cannabis waste shall be ground, chipped, or shredded as necessary and mixed with suitable materials and composted until it is no longer recognizable as cannabis by sight or smell. Waste containing cannabis must be made unusable and unrecognizable prior to leaving the licensed premises by grinding and incorporating the cannabis waste with the non-consumable solid wastes listed below, such

that the resulting mixture is at least 50 percent non-cannabis waste: a. paper waste; b. cardboard waste; c. food waste; or other compostable oil waste; and other wastes approved by the County that would render the cannabis waste unusable and unrecognizable.

Significance Level: Less Than Significant Impact

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

Comment:

The proposed project would comply with federal, state, and local management and reducing statutes and regulations related to solid waste. Refer to 19.d above for information regarding waste management regulations. In addition, Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.

Significance Level: No Impact

## **20. WILDFIRE**

According to the Sonoma GIS tool the proposed project is located in a Local Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as Non-Wildland/Non-Urban.<sup>38</sup> The site is not designated as Moderate, High, or Very High fire hazard severity zone. Surrounding lands are designated Non-Wildland/Non-Urban FHSZ in all directions. Surrounding lands are a combination of Local Responsibility Area and State Responsibility Area in all directions.

**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 County GIS tool, the proposed project is located in a Local Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designation of Non-Wildland/Non-Urban.<sup>39</sup> The project is within the Schell-Vista Fire District. The County does not currently have a county wide adopted evacuation plan. The project site is located off Arnold Drive/HWY 116, whereas Arnold Drive north of the project site is designated as a

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<sup>38</sup> Sonoma County. Permit Sonoma GIS, "Cannabis Site Evaluation," accessed June 10, 2020.

<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>

<sup>39</sup> Sonoma County. "Cannabis Site Evaluation," accessed June 10, 2020.

minor arterial. Additionally, the project will add a relatively low additional trip generation of a maximum of 15 additional daily trips. As the project proposes one full time employee and three additional part time employees.

Significance Level: Less than Significant Impact

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

Comment:

According to the Sonoma County GIS tool, the proposed project is located in a Local Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as Non-Wildland/Non-Urban.<sup>40</sup> The site is not designated in a Moderate, High, or Very High fire hazard severity zone. In accordance with Section 26-88-254(f)(16) of the County Code, the applicant is required to prepare and follow a fire prevention plan for construction and ongoing operations, including provisions for emergency vehicle access and turn-around, vegetation management, and fire break maintenance around all structures.

Operation and construction at the site must conform with adopted State standards as determined and implemented by CalFire and Sonoma County Fire officials intended to reduce risk from wildfire impacts to less than significant levels. These fire safety standards ensure that all new development within the unincorporated area of the county will provide a basic level of fire protection around itself making it easier and safer for fire fighters to fight wildland and structure fires.

Areas designated as Non-Wildland/Non-Urban are generally area that are in flat lands which lack dense vegetation. Opposite of those areas within a High Fire Hazard Severity Zone which is found in mountainous areas with dry summers, dense vegetation and steep slopes. The project parcel is .15 miles to the east of an area designated as a Moderate Fire Hazard Severity Zone. Moderate Fire Hazard Severity Zones includes areas of low fire frequency supporting modest fire behavior and include urbanized areas with a high density of non-burnable surfaces and low vegetation cover which is highly fragmented and low in flammability.

Compliance with the Section 26-88-254(f)(16) of the County Code would require the applicant to prepare and follow a Fire Prevention Plan for construction and ongoing operations, including provisions for emergency vehicle access and turn-around, vegetation management, management of potentially flammable materials on-site, and best

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<sup>40</sup> Sonoma County. "Cannabis Site Evaluation," accessed June 24, 2020.  
<http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>



management practices to create defensible space around project structures and reduce flammable fuel on-site.

The project vicinity is a rural agricultural area, and because few people would be on-site at any given time, and because the project emergency water supply would provide water for firefighting, impacts due to slope and prevailing winds 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:

Operation of the proposed project would require maintenance of associated infrastructure; however, it would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Ongoing maintenance of the property to reduce wildfire risk would occur throughout the year. As discussed in Section 9.a, Hazards and Hazardous Materials, and item 20.b, the project includes a Fire Prevention Plan that includes ensuring adequate access to the site for emergency services vehicles, employee training in fire safety, management of potentially flammable liquids and materials, vegetation management, and defensible space maintenance. The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or on going impacts to the environment.

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:

The project site is relatively flat. Runoff on the project parcel is primarily sheet flow that is directed to two on-site drainage swales. Based on the lack of slopes present on the project site, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Significance Level: Less than Significant Impact

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comment:

Potential project impacts on special status plant and fish/wildlife species and habitat are addressed in Section 4. Implementation of the required **Mitigation Measures BIO-1 through BIO-4** would reduce these potential impacts to a less-than-significant level. Potential adverse project impacts to Cultural Resources are addressed in Section 5 and Tribal Cultural Resources Section 18 and determined potential impacts would be less than significant.

Significance Level: Less than Significant Impact

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

Comment:

Cumulative impacts were considered in each of the environmental topics evaluated in this Initial Study. No project impacts have been identified in this Initial Study that are individually limited but cumulatively considerable. The project would contribute to cumulative impacts related to biological resources, but mitigation measures would ensure that the project’s cumulative contributions would not be considerable. Within a two mile radius of the project site there are no pending and/or approved cannabis cultivation applications.

Significance Level: Less than Significant Impact

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

Comment:

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

Significance Level: Less than Significant Impact

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