



Proposed Mitigated Negative Declaration

Permit Sonoma

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Publication Date: April 16, 2025
Public Review Period: 4/16/25-5/16/25
State Clearinghouse Number:
Permit Sonoma File Number: UPC21-0005
Prepared by: Haleigh Frye
Phone: (707) 565-2477

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

Project Name: UPC21-0005; Burnside Farms LLC

Project Applicant/Operator: Burnside Farms LLC; Jessica Hwang

Project Location/Address: 2750 Burnside Rd, Sebastopol

APN: 073-061-018

General Plan Land Use Designation: Diverse Agriculture 10-acre Density (DA 10)

Zoning Designation: Diverse Agriculture 10-acre density, Riparian Corridor Combining District (DA B6 10 RC50/50)

Decision Making Body: Board of Zoning Adjustments

Appeal Body: Board of Supervisors

Project Description: See Item III, below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

Table 1. Summary of Topic Areas

Topic Area	Abbreviation*	Yes	No
Aesthetics	VIS		X
Agriculture & Forestry Resources	AG		X
Air Quality	AIR		X
Biological Resources	BIO	X	
Cultural Resources	CUL		X
Energy	ENERGY		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	TRANS		X
Tribal Cultural Resources	TCR		X
Utilities and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		X

RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Agencies and Permits Required

Agency	Activity	Authorization
Department of Cannabis Control (DCC)	Cannabis cultivation and processing	State licensing, regulation, and enforcement of commercial cultivation activities, under Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations (Bus. & Prof. Code, § 26102(a))
Regional Water Quality Control Board – North Coast (RWQCB)	Cannabis cultivation	Cannabis Cultivation Waste Discharge Regulatory Program or Waiver of Waste Discharge Requirements
State Water Resources Control Board (SWRCB)	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires the submittal of NOI
California Department of Fish and Wildlife (CDFW)	Cannabis cultivation	Lake or Streambed Alteration Agreement or Waiver; Fish and Game Code, Section 1600
Sonoma County Fire Prevention Division	Building and infrastructure construction (e.g., roads and fire suppression improvements) use of hazardous chemicals	Sonoma County Fire Safety Ordinance/California Board of Forestry Regulations and Hazardous Materials Regulations
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions/ Green House Gas Emissions	BAAQMD Rules and Regulations

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.

Digitally signed by Haleigh Frye
DN: cn=Haleigh Frye, o=Project Review Division, ou=Permit Sonoma, email=Haleigh.Frye@sonoma-county.org, c=US
Date: 2025.04.14 13:43:04 -07'00

Prepared by: Haleigh Frye

Date April 16, 2025



2550 Ventura Avenue
Santa Rosa, CA 95403

Tennis Wick
Director

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Expanded Initial Study

Permit Sonoma

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

I. INTRODUCTION:

Burnside Farms LLC., proposes to operate a commercial cannabis cultivation operation including 34,225 square feet of outdoor cannabis, as permitted by the Sonoma County Cannabis Ordinance. A referral letter was sent to the appropriate local, state and federal agencies 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 Haleigh Frye, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Burnside Farms LLC. Technical studies were provided by qualified consultants to support the conclusions in this Expanded Initial Study. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) [Records Section](#).

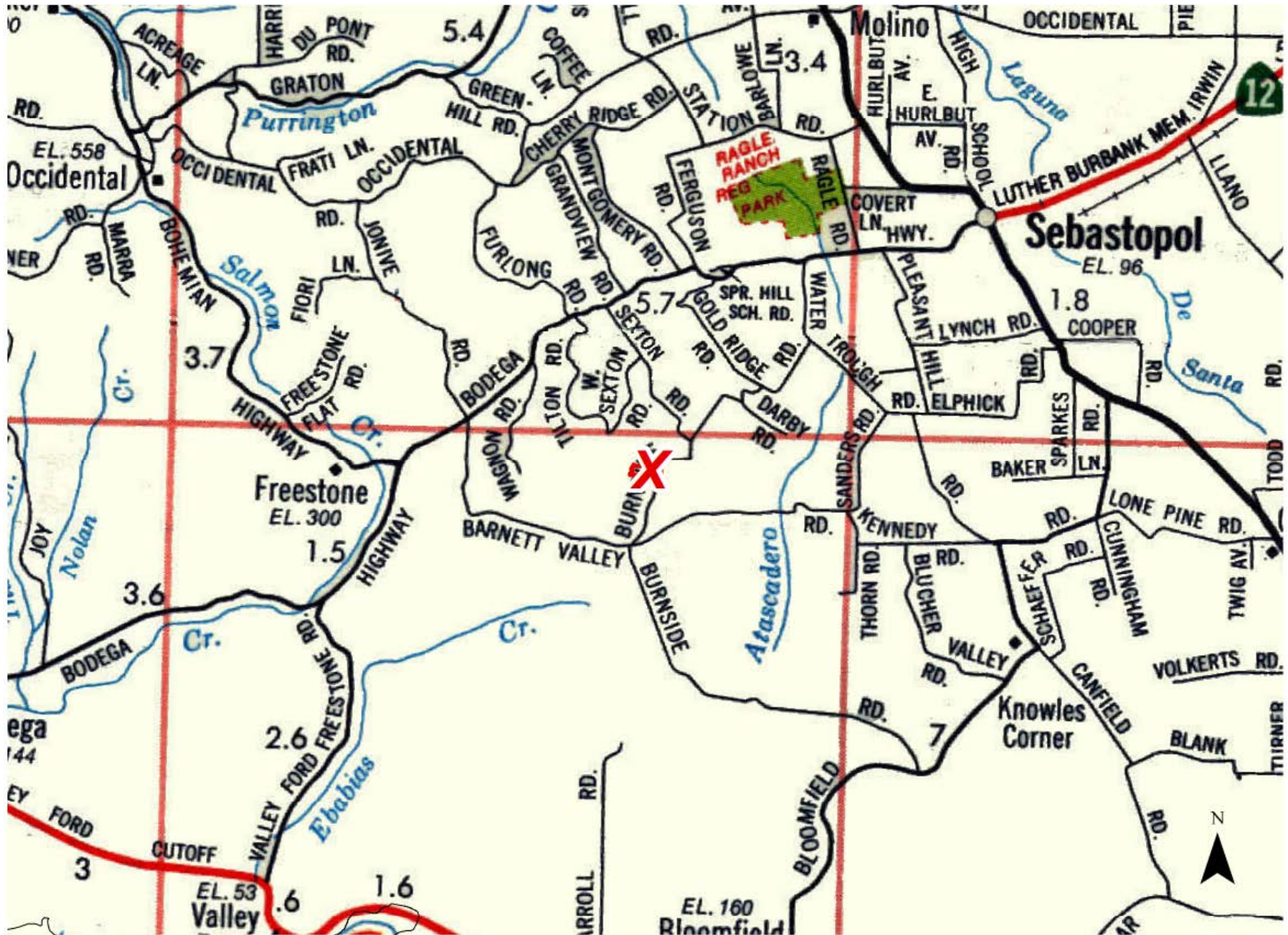
Please contact Haleigh Frye, Planner, at (707) 565-2477, or Haleigh.Frye@sonoma-county.org for more information.

II. EXISTING FACILITY

The project is located at 2750 Burnside Rd., Sebastopol, in an unincorporated agricultural area of Sonoma County, about 3.3 miles west of the City of Sebastopol and approximately 2 miles east of the hamlet of Freestone (Figure 1 Vicinity Map).

The 10.88-acre parcel was previously developed with a single-family residence that was demolished with a permit in 2019. The property is currently vacant and is used seasonally for noncommercial agricultural uses including the raising of pigs, goats, and chickens for personal use. The project parcel contains an existing water well and unpaved driveway off Burnside Road (Figure 2 Existing Site Plan)

The western and southern boundaries of the parcel contain riparian corridors, the western and central portion of the parcel is primarily dominated by nonnative grassland, and the eastern portion of the site is forested. Additionally, a wetland is present on site and included in the site plans.



2750 Burnside Road Sebastopol
UPC19-0012 Burnside Farms, LLC

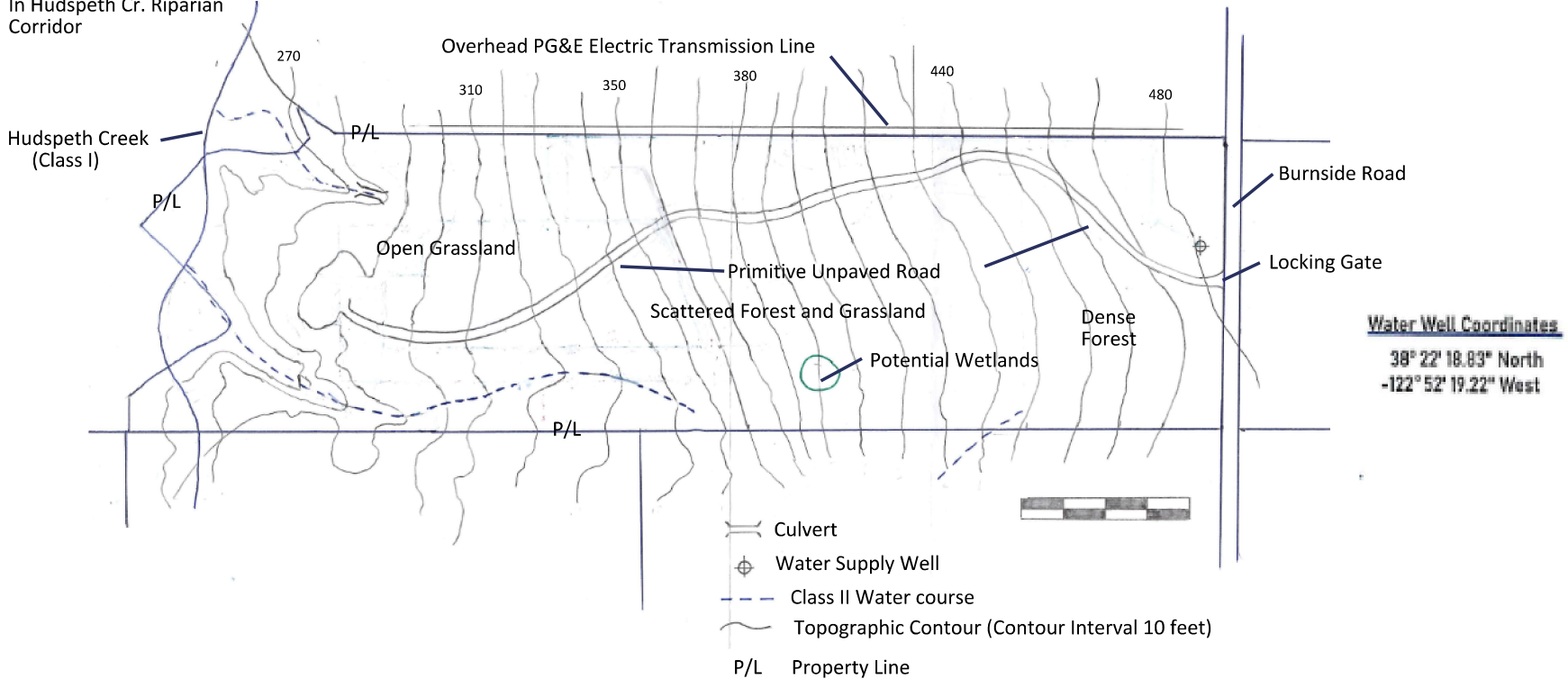
Figure 1.
Vicinity Map

SITE PLAN - EXISTING PROPERTY CONDITION
BURNSIDE FARMS LLC CANNABIS CULTIVATION APPLICATION
 2750 BURNSIDE ROAD, UNINCORPORATED SONOMA COUNTY
 APN 073-061-018

APPLICANT

BURNSIDE FARMS LLC
 SANTA ROSA

NOTE: Dense Tree Cover
 In Hudspeth Cr. Riparian
 Corridor



West & Associates Engineers, Inc. 112 Pepperell Court, Vacaville, CA 95688		
Project Name: Burnside Farms LLC Cannabis Cultivation	Date: Nov 2022	SHEET NUMBER 3
Location: 2750 Burnside Road, Unincorporated Sonoma County	Scale: 1" = 100'	
Project No.: 22-41	Drawn By: DLG	
Approved By: BWW	Rev 10/2023	

**2750 Burnside Road Sebastopol
 UPC19-0012 Burnside Farms, LLC**

**Figure2
 Existing Site Plan**

III. PROJECT DESCRIPTION

Burnside Farms LLC., proposed to operate a seasonal outdoor commercial cannabis cultivation operation consisting of 34,225 square feet of outdoor cannabis canopy within an approximately 2.5 acre (110,600 square feet) fenced premises. The operation would employ a maximum of 5 employees. No retail sales would be conducted at the facility. The cannabis operation would not be open to the public. No new permanent structures are proposed for the cannabis operation.

PROJECT SITE AND SURROUNDING LANDS:

The 10.88-acre project parcel is located at 2750 Burnside Road approximately 0.65 miles from the intersection of Burnside Road and Barnett Valley Road in unincorporated Sonoma County. The project site is located about 3.3 miles west of the City of Sebastopol and 2 miles east of Freestone. The area consists of parcels of that vary in size, ranging from about two acres up to about seventeen acres and averaging about seven acres and topography along Burnside Road with gradual slopes to moderately steep rolling hillsides. The project site is located in an area with rural residences mixed with agriculture such as vineyards and horse ranches (Figure 3 Aerial Map).

The project includes the seasonal cultivation of outdoor cannabis (May through October) which typically includes one harvest per year. No permanent structures are proposed as part of the operation. The project will utilize the existing well on site, improve the existing access road off Burnside Road, place water storage tanks onsite, and install a perimeter fence around the cultivation area (approximately 2.5-acre premises). The remaining portion of the site (over 8 acres) will be dedicated to the proposed onsite agricultural use which includes raising pigs and goats for commercial sale (Figure 4 Proposed Site Plan).

The property varies topographically, from gently sloped to moderately sloped, with grades between 10% and 30%. The proposed cultivation site is located on grades 15% or less. The maximum elevation of the parcel at 500 feet above sea level at the northeast corner of the parcel, and the minimum elevation is 308 feet above sea level near the northwest corner of the parcel.

Existing Uses: There are no structures on the project parcel, the former onsite residence was demolished in 2019. The property is vacant and currently used for seasonal raising of livestock for personal use by the applicant. There is an existing onsite well and dirt access road.

Drainage: The project parcel is located within the Upper Atascadero Watershed, part of the larger Green Valley sub-watershed. Onsite water generally flows westward, ultimately feeding into Upper Hudspeth Creek, a County-designated Riparian Corridor and Class I stream channel. Several Class II tributaries extend eastward from the main channel. Hudspeth Creek drains northward to the West Fork of Upper Atascadero Creek, commonly known as Jonive Creek. Additionally, a small, isolated spring featuring wetland vegetation is located in the central-southern portion of the parcel and is designated as a wetland.

Vegetation: The western and southern edges of the site are dominated riparian vegetation primarily California bay trees (*Umbellularia californica*). The western and central portions of the site are include herbaceous species mainly non-native brome grasses (*Bromus diandrus*, *Bromus hordeaceus*). The eastern portion of the site is forested and composed of roughly roughly equal parts *Pseudotsuga menziesii* and *Eucalyptus (globulus, camaldulensis)*. Vegetation within the designated wetland is composed of primarily willow *Salix lasiolepis*.

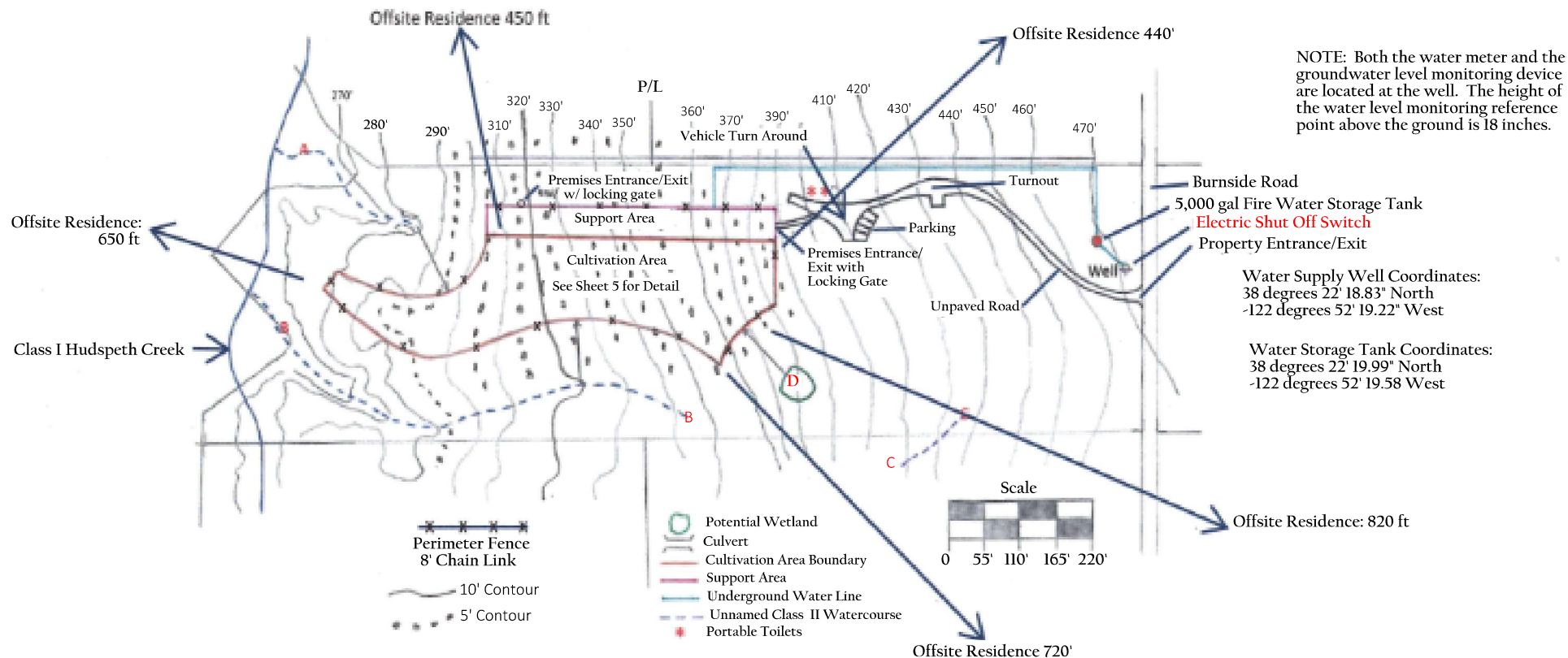


2750 Burnside Road, Sebastopol
UPC21-0005 Burnside Farms, LLC

Figure 3
Aerial Map

BURNSIDE FARMS LLC CANNABIS CULTIVATION APPLICATION
 2750 BURNSIDE ROAD, UNINCORPORATED SONOMA COUNTY
 APN 073-061-018

APPLICANT
 Burnside Farms LLC
 Santa Rosa



PROPERTY LINE SETBACKS

NORTH - 100 ft
 SOUTH - 150 ft
 EAST - 600 ft
 WEST - 100 ft

RIPARIAN SETBACKS

Hudspeth Creek - 150 ft
 Class II Stream 'A' - 100 ft
 Class II Stream 'B' - 100 ft
 Class II Stream 'C' - 100 ft
 Potential Wetland 'D' - 100 ft

West & Associates Engineers, Inc. 112 Pepperell Court, Vacaville, CA 95688		<h1>Sheet 4</h1>
Project Name: Burnside Farms LLC Cannabis Cultivation	Date: Nov 2022	
Location: 2750 Burnside Road, Unincorporated Sonoma County	Scale: NA	
Project No.: 22-41	Drawn By: DLG	
Approved By: BWW	Rev: 1/2024	

Employees and Hours of Operation: The project will employ up to five staff members, including one full-time and four seasonal positions. A site manager will conduct regular year-round monitoring to address operational needs and respond to any emergencies, including managing erosion or sediment runoff. During the growing season, the workforce will consist of one full-time staff member and four seasonal staff.

Outdoor cannabis cultivation is seasonal, with the growing season typically lasting five to six months, from spring through fall (May to October). Standard operating hours for this project would be 7:00 a.m. to 5:00 p.m., though during the fall harvest, activities may start as early as 4:00 a.m. Deliveries and shipments would be limited to Monday through Friday, from 8:00 a.m. and 5:00 p.m. The growing season, including harvest, is expected to occur from May to October annually, with no onsite operations occurring November through April.

Security: The operation would maintain security measures to restrict access to all cultivation areas. The entrance to the project parcel and site will be gated and locked. Security cameras with motion activated lights and alarms would be installed near the cultivation area. All light would be downward casting and shielded to prevent slipover onto neighboring parcels and cameras directed away from neighboring residences.

Parking and Access: There project site will be accessed via an existing private access road off Burnside Road. The road will be graveled and graded and improved with a turnout and fire truck turnaround. Parking to accommodate staff will be located at the base of the access road and entrance to the fenced premises.

Sewage Disposal: The operation will utilize portable restrooms that will be regularly serviced by a waste hauler.

Water supply: Groundwater from an existing onsite well be utilized for project operations as well as rainwater capture from small storage sheds (two 120 square foot sheds) that would be used to house farm equipment and supplies.

Landscaping: There is no proposed landscaping plan as the cultivation area would not be visible from public vantage points.

Waste Management: Cannabis waste will be composted onsite within the fenced premises. All non-cannabis refuse will be collected in heavy plastic, non-absorbent, water-tight, vector-resistant garbage bins with tight fitting lids. Refuse will be collected from waste bins weekly.

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

Construction Schedule: Project construction activities would include installation of a secure perimeter fence around the cultivation, placement of two 120-square-foot storage sheds at least 50 feet apart near the northern boundary of the cultivation area, and graveling and grading the access road, turnout, parking area, and fire truck turnaround.

Grading and Earthwork: Grading will be needed to complete the proposed site improvements including leveling and establishing the 120 square foot storage sheds and grading and graveling the access road, turnout, parking area, and fire truck turnaround. All grading is subject to review by Permit Sonoma Grading and Stormwater and grading permit requirements.

During construction, a combination of erosion control best management practices (BMPs) would be used on disturbed areas, including establishing vegetation coverage, hydroseeding, straw mulch, geotextiles, plastic covers, blankets, or mats. Appropriate BMPs, including dust control, would be implemented

throughout construction, as needed.

IV. SETTING

The project site is approximately 3.3 miles west of the incorporated City of Sebastopol and approximately 2 miles east of the hamlet of Freestone. The parcel is located at 2750 Burnside Rd., Sebastopol.

The parcel contains an existing onsite well which will supply water for the project. The parcel does not contain an onsite residence or any other structures.

The General Plan Land Use Designation on the parcel is Diverse Agriculture with a 10-acre density. The project is not located on an existing or proposed bikeway. The nearest proposed bikeway is a Class II bikeway along Bodega Highway approximates 1.25 miles to the west.

Regional access to the parcel is provided via Burnside road which is identified as a Local Road.

According to the Wildland Fire Hazard Area map in the Sonoma County General Plan, the project site is located within a State Responsibility Area within a Moderate Fire Hazard Severity Zone and not within the wildland urban interface.

The site is located within Sonoma County Groundwater Availability Class 2 (Major natural recharge) groundwater zone, and not within a priority groundwater basin.

The site is located in the Upper Atascadero watershed which is part of the Green Valley sub watershed. There is a County designated Riparian Corridor along the western edge of the parcel, known as upper Hudspeth Creek (Class I Stream). Several unnamed Class II tributaries extend eastward from the main channel. Proposed cultivation is located at least 150 feet from Hudspeth Creek and at least 100 feet from the Class II tributaries on the project parcel.

V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

On November 9, 2021, a referral packet was drafted and circulated to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project. The project planner has received responses to the project referral from:

- Sonoma County Fire Prevention
- Sonoma County Public Infrastructure (formerly Transportation and Public Works)
- Sonoma County Environmental Health
- Permit Sonoma Engineering - Grading and Stormwater Section
- Permit Sonoma Natural Resources Professional Geologist
- Northwest Information Center

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 November 9, 2021:

- 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 AB52 referral period ended on December 9, 2021. No Tribe requested further information and no Tribe requested formal consultation.

Public Comments

A neighborhood notification was distributed to residents within 1,000 feet of the subject property line on November 10, 2021. Several public comments were received noting concerns related to hours of operation, traffic, access, electricity, water use, impacts to adjacent creeks and wetlands, outdoor lighting, odor, tree clearing, and security.

VI. OTHER RELATED PROJECTS

Within a two-mile radius of the project site at 2750 Burnside Road, there is one permitted cannabis operation and one use permit application under review. The permitted operation, located at 230 Gold Ridge Road approximately 1.6 miles away, holds a permit issued by the Sonoma County Department of Agriculture (APC21-0063) for up to 10,000 square feet of outdoor cultivation. The application under review, UPC18-0005, is for a use permit at 750 W Sexton Road, approximately 0.8 miles away, to allow 5,000 square feet of indoor cultivation, accessory propagation, and ancillary processing of site-grown cannabis within a new 5,100-square-foot structure. The applicant is currently operating under the penalty relief program, authorized to cultivate up to 3,600 square feet of indoor cannabis canopy.

VII. 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 is 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.

The Project Applicant has agreed to accept all mitigation measures listed in this Initial Study as conditions

of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

1. AESTHETICS:

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

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

Comment:

The project is not in an area designated as visually sensitive by the Sonoma County General Plan. It is not located on a scenic hillside, nor would it involve tree removal, construction or grading that would affect a scenic vista. There are no proposed buildings. The viewshed of the project area as seen from public roads and parks will not substantially change as a result of the project.

Significance Level: No Impact

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

Comment:

The parcel is not located on a site visible from a state scenic highway. The two officially designated state scenic highways within Sonoma County are Highway 116 from Highway 1 to Sebastopol city limit and Highway 12 from Danielli Avenue east of Santa Rosa to London Way in Agua Caliente are the state scenic highways.

Significance Level: No Impact

c) **In non-urbanized areas 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 existing visual character of the site and surrounding area is rural with large number of densely forested areas and some more open areas consisting of grassland, vineyard, orchards, and residential uses. The project site would not be visible from a public vantage point including a public road, trail, or park and does not include development of structures.

Following the County's Visual Assessment Guidelines, the site sensitivity of the project site would be considered "Moderate" as the parcel is located in a rural land use designation, but has no land use or zoning designations protecting scenic resources. The visual dominance would be Inevident, applied when proposed project is generally not visible from public view because of intervening natural land forms or vegetation.

**Table 1. Thresholds of Significance for Visual Impact Analysis
 PRMD Visual Assessment Guidelines**

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>
<i>Maximum</i>	Significant	Significant	Significant	Less than significant
<i>High</i>	Significant	Significant	Less than significant	Less than significant
<i>Moderate</i>	Significant	Less than significant	Less than significant	Less than significant
<i>Low</i>	Less than significant	Less than significant	Less than significant	Less than significant

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

Significance Level: Less than Significant Impact

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

Comment:

The project proposes to place two building permit exempt 120-square foot sheds within the project premises for the purpose of equipment and nutrient storage. Neither of these sheds include electrical components. The project does include motion sensor activated security lighting as required by Sonoma County Code Sec. 26-88-254(f)(21). Proposed security lighting at all locations would be fully shielded, downward casting, and motion sensor controlled. Because of this, nighttime lighting spillage from security lighting is anticipated to be minimal. However, as a condition of approval, the project would be required to comply with all applicable zoning code standards including following Zoning Code lighting requirement:

All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise (Sec 26-88-254(f)(19)).

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 Dept. 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's Sonoma County Important Farmland Map, the parcel is designated Farmland of Local Importance and Grazing Land.¹ In addition, no permanent structures are proposed by the project. The land would remain available for another type of agricultural cultivation in the future, if cannabis plants were to be removed. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

Significance Level: No Impact

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

Comment:

The parcel's zoning and land use designation is Diverse Agriculture (DA). The purpose of this land use designation and zoning is to enhance and protect land 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, and to implement the diverse agriculture land use category of the general plan and policies of the Agricultural Resources Element. The Diverse Agriculture zoning district permits the cultivation of cannabis, subject to securing an approved Use Permit and complying with applicable development standards (see County Zoning Regulations Section 26-88-254).

The parcel is not subject to a Williamson Act Land Conservation Contract. Proposed agricultural uses on the parcel include raising pigs and other small livestock for sale which will operate independent of the cannabis operation. Therefore, the project would not conflict with the existing zoning for agricultural use, or 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 project would not conflict with or cause rezoning of 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?

¹ California Department of Conservation. California Important Farmland Finder. [DLRP Important Farmland Finder \(ca.gov\)](#) Accessed January 2, 2024.

Comment:

The project would not be located on land utilized or zoned for forest land, timberland, or timber production. However, the project parcel is situated within a relatively wooded area, and trees were removed to make space for a previously proposed new residence and the cannabis cultivation area, prior to the submittal of a use permit application for cannabis cultivation. No additional trees would be removed by the project, some tree trimming could be required for access road improvements. Therefore, the project would not result in a significant change to the baseline conditions at the project site.

The Sonoma County Tree Protection Ordinance ([Sec. 26-88-015](#)) regulates the removal of trees to ensure the protection of biological resources. Tree replanting is required for all projects by the Ordinance and will be required for this cannabis project by Condition of Approval, which would further reduce any project impacts to tree resources.

See Biological Resources Section 4e for additional information on tree replanting.

Significance Level: Less than Significant 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 project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use.

Significance Level: No Impact

3. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management 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 within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for state and federal ozone standards, the state PM 10 standard, and the state and federal PM 2.5 standard. The District has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides (NOx) and volatile organic compounds, also referred to as Reactive Organic Gases (ROG)). The project will not conflict with the District's air quality plans because the proposed use is well below the emission thresholds for ozone precursors or involve construction of transportation facilities that are not addressed in an adopted transportation plan (see discussion in 1 (b) below).

Significance Level: No Impact

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

Comment:

The BAAQMD does not have criteria pollutant screening criteria for outdoor cannabis cultivation projects, nor does it offer a similar land use type for comparison, such as farmland. The project would include 34,225 square feet of outdoor cultivation on an approximately 2.5 acre portion of a 10.88-acre site, and would include approximately six employees (full and part time seasonal staff). The project would generate some criteria pollutants, primarily from new vehicle trips. The project is expected to generate up to a maximum of 15 vehicle trips per day if all employees were to commute to the site in a day. This small increase in vehicle trips would be far below the BAAQMD screening criteria for ROG and NO_x, and would not result in substantial traffic which could result in substantial emissions of ozone precursors (ROG and NO_x). 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. Traffic counts are not available for Burnside Road, but are available for Barnett Valley Road which intersects Burnside Road and indicate occurrence of approximately 689 average daily trips², which would equate to an hourly vehicle count far below the screening level. Therefore, no carbon monoxide hotspot exists in the project area.

The project would have no long-term effect on PM_{2.5} and PM₁₀, 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 Impact

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment:

Sensitive air quality receptors include specific subsets of the general population that are susceptible to poor air quality and the potential adverse health effects associated with poor air quality. In general, children, senior citizens, and individuals with pre-existing health issues, such as asthmatics, are considered sensitive receptors. The California Air Resources Board (CARB) considers schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors³. The potential sensitive air quality receptors adjacent to or near the perimeter of the proposed project site include an offsite residence over 450 feet from the proposed outdoor cultivation area.

As described under discussion b), the proposed project does not include significant stationary, mobile, or other sources of emissions. In addition, the proposed project would comply with the property setbacks contained in County Code Section 26-88-254, which require cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property

² Sonoma County. TPW Unincorporated Sonoma County Traffic Surveys GIS Map. Available at: <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1> last accessed January 2, 2024.

³ California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. South Coast Air Quality Management District, 2005, www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf. Accessed 2 Jan. 2024.

lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. The less than significant nature of the project's emissions sources and the minimum required distance between the proposed facilities and any nearby sensitive receptors would ensure that project construction and operation would not result in substantial concentrations of criteria air pollutants or Toxic Air Contaminants (TACs) at sensitive receptor locations.

Significance Level: Less than Significant Impact

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

Comment:

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

Much of the strong odor associated with cannabis cultivation and processing, as well as commercial cannabis products, comes from a class of aromatic, organic compounds known as terpenes. Terpenes are not specific to cannabis; they are among the most common compounds produced by flowering plants, vary widely between plants, and are responsible for the fragrance of many flowers typically associated with non-objectionable odors, such as lavender. Different strains of cannabis emit a wide variety of odors with differing levels of potency. The odor may be detectable beyond the cultivation site property boundaries depending on the size of the facility and the specific climatic and topographic conditions that prevail near the cultivation site. In general, cannabis odors tend to lessen during cooler temperatures and worsen with higher temperatures, and wind patterns have the potential to increase or decrease the intensity of cannabis odors depending on whether winds are blowing towards or away from nearby receptors.

The distinctive odor generated by cannabis cultivation, processing, and manufacturing may or may not, depending on the particular individual's olfactory sensitivity, be perceived as objectionable, offensive, or a nuisance. The BAAQMD's *CEQA Air Quality Guidelines* (BAAQMD 2022, page 5-16), state that odors are generally regarded as an annoyance rather than as a health hazard. Individual reactions to odors can range from psychological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, headache), and the ability to detect odors varies considerably from person to person and is considered to be subjective. An odor that is offensive to one person may not be offensive to another person. Unfamiliar odors are more easily detected and are more likely to cause complaints than familiar odors, as a person can become desensitized to almost any odor over time (this is known as odor fatigue). In general, the quality and intensity of an odor would influence a person's reaction. The quality of an odor indicates the nature of the smell experience (e.g., flowery, putrid, etc.). The intensity of an odor depends on its concentration in the air. When an odor sample is progressively diluted with distance from the source and intermixing with ambient air, the odor concentration decreases. As this occurs, the odor intensity weakens and eventually becomes low enough that the odor is no longer detectable.

The BAAQMD's CEQA Air Quality Guidelines contain odor screening distances recommended by the BAAQMD for a variety of land uses typically associated with odors such as wastewater treatment plants, landfill, and composting facilities, and chemical manufacturing facilities. The recommended screening distance for most of these facilities is one mile. New odor sources located further than one mile from sensitive receptors would not likely result in a significant odor impact; however, cannabis

facilities are not listed as a type of land use in the BAAQMD odor screening criteria, and the BAAQMD's CEQA Air Quality Guidelines state these screening distances "should not be used in isolation; rather they are additional information to consider along with odor parameters and complaint history" (BAAQMD, 2022, page 5-17).

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

- The proposed project would not result in the continuous generation of odors. Rather, odors would be intermittent and only generated during certain times of year (e.g., flowering periods and harvesting). No processing would occur on-site.
- The proposed project would comply with all setback requirements contained in County Code Section 26-88-254, which requires cultivation areas and structures (for cannabis cultivation, drying, trimming, etc.) to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. The nearest offsite residences are approximately 440-feet and 450 north of the proposed project site, additionally there is one residence approximately 650-feet to the west, and two residences over 700-feet to the southeast. The project would be located at least 100 feet from nearest property line. The nearest school, Orchard View School, is approximately 1.4 miles from the project parcel. The nearest treatment facility, Olympia House Rehab, is located over 4.5 miles away. These setbacks meet or exceed County requirements and would serve to dilute and disperse odors over distance from the source and reduce odor intensity at nearby receptor locations.
- The site is located at the base of a slope surrounded by wooded areas, which would help to contain odors on the site and decrease odor dispersal to other properties.
- The proposed project is not bordered by a substantial number of people. Sensitive receptors near the proposed project include an offsite residence over 440 feet from the proposed outdoor cultivation area. Although these individual receptors may be affected by potential project odors, the dispersed nature of these limited receptors makes it unlikely that a substantial number of people could be affected at the same time in the event odors are generated by the proposed project.

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

Significance Level: Less than Significant Impact

4. BIOLOGICAL RESOURCES:

Regulatory Framework

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

Federal

Federal Endangered Species Act (FESA)

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions

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

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

The Migratory Bird Treaty Act of 1918 (MBTA)

The U.S. 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 enforces Section 401.

Section 404.

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into "waters of the U.S.". "Waters of the U.S. include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under

its regulatory branch. The EPA has veto authority over the USACE's administration of the Section 404 program and may override a USACE decision with respect to permitting. Substantial impacts to waters of the U.S. may require an Individual Permit's Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permit's other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

Section 401.

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The "401 Certification" is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB). The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the "401 Certification" application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

State

California Endangered Species Act (CESA)

Provisions of CESA protect state-listed threatened and endangered species. The 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 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 CFGC Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under CFGC Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under CFGC 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by

project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

Non-Game Mammals

Sections 4150-4155 of the 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 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 CESA and/or 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, and it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the 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 USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., dirt) to waters of the State must file a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

Local

Sonoma County General Plan

The *Sonoma County General Plan 2020* Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

Riparian Corridor Ordinance

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

Sonoma County Tree Protection Ordinance

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

Project Analysis

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:

Special-Status Species

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (The Service) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat

species designated as “High Priority” by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated High Priority” are defined as “imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats.

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 *et seq.*) was enacted to provide a means to identify and protect endangered and threatened species. Under the Section 9 of the ESA, it is unlawful to take any listed species. “Take” is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a listed species. “Harass” is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. “Harm” is defined as an act which actually kills or injures fish or wildlife and may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. Actions that may result in “take” of a federal-listed species are subject to The Service or National Marine Fisheries Service (NOAA Fisheries) permit issuance and monitoring. Section 7 of ESA requires federal agencies to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

Critical Habitat

Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species’ recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species’ recovery are protected by the prohibition against adverse modification of critical habitat.

Essential Fish Habitat

Essential Fish Habitat (EFH) is regulated through the NMFS, a division of the National Oceanic and Atmospheric Administration (NOAA). Protection of Essential Fish Habitat is mandated through changes implemented in 1996 to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect the loss of habitat necessary to maintain sustainable fisheries in the United States. The Magnuson-Stevens Act defines Essential Fish Habitat as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” [16 USC 1802(10)]. NMFS further defines essential fish habitat as areas that “contain habitat essential to the long-term survival and health of our nation’s fisheries” Essential Fish Habitat can include the water column, certain bottom types such as sandy or rocky bottoms, vegetation such as eelgrass or kelp, or structurally complex coral or oyster reefs. Under regulatory guidelines issued by NMFS, any federal agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NMFS (50 CFR 600.920).

Environmental Setting

A Biological Assessment (BA) was prepared for the project site by Pinecrest Environmental Consulting, titled "*Biological Assessment 2750 Burnside Road [APN 073-061-018], Sonoma County, California,*" dated August 7, 2023⁴. This assessment identifies special-status plant and wildlife species, as well as sensitive habitats (including wetlands), that may occur on or near the project site. The 2023 BA supersedes two previous versions, dated February 15, 2021, and September 18, 2021, which were completed before the preparation of engineered grading plans for the access road on the parcel and tree removal that occurred prior to use permit application submittal. The assessment included wildlife and botanical surveys conducted on February 2, 2021, and April 19, 2021. Additionally, a wetland delineation was performed by Pinecrest Environmental Consulting, titled "*Wetland Delineation, 2750 Burnside Road [APN 073-061-018] Sonoma County, California*" and dated August 10, 2023⁵.

Based on site visits conducted in 2021 and 2023, the project parcel consists primarily of disturbed grassland, with areas of mixed oak-conifer-eucalyptus woodland and riparian woodland habitat. Several watercourses exist on and adjacent to the parcel, including:

- Hudspeth Creek (Class I Stream) – Located near the western edge of the parcel.
- Unnamed Class I Watercourse – Flowing north along the western parcel boundary.
- Three Unnamed Class II Streams – Extending east into the parcel and feeding into the Class I watercourse.
- Jurisdictional Wetland – Identified near the center of the parcel in the wetland delineation.
- Culvert Drainage System – Located in the northwest portion of the parcel (Figure 11), with a non-jurisdictional swale upslope.

Special Status Plant Species

Based on the Biotic Resources Assessment prepared by Pinecrest Environmental Consulting dated August 7, 2023 a total of 29 special status plant species are known within a 5-mile radius of the project parcel as a result of a CNDDDB search. There is one California Natural Diversity Database (CNDDDB) polygon that overlaps with the project parcel, a non-distinct locality of Pitkin Marsh lily (*Lilium pardalinum* ssp. *pitkinense*) observed somewhere in the USGS Two Rock 7.5 minute quad (Appendix C), that includes the project parcel. The next nearest known occurrence of special-status plant species is two fork clover (*Trifolium amoenum*) located 1.6 miles west of the project parcel near Freestone. There are no other known occurrences of special-status plant species within 2 miles of the project parcel.

A wildlife and botanical survey were conducted at the site on February 2, 2021, by Pinecrest Environmental Consulting (PEC). A second late-season botanical survey was conducted by PEC on April 19, 2021. A third site visit was performed by on July 14, 2023, to perform a forensic reconstruction of the number and species of trees that were removed in late 2021, and to perform a formal wetland delineation on the potential wetland identified in the previous BA.

No special-status plant species were observed during surveys conducted in early and late spring 2021. The proposed outdoor cultivation area is located within ruderal grassland on a well-drained slope previously dominated by bluegum and acacia, which were cleared and are now replaced by non-native annual grasses.

⁴ Pinecrest Environmental Consulting, "Biological Assessment, 2750 Burnside Road (APN 073-061-018) Sonoma County, California" August 7, 2023

⁵ Pinecrest Environmental Consulting, "Wetland Delineation, 2750 Burnside Road (APN 073-061-018) Sonoma County, California" August 10, 2023

PEC concluded that special-status plant species are unlikely to occur within the project area due to the absence of suitable habitat and lack of actual sightings. A review of documented species within a five-mile radius indicates that most require chaparral, serpentine grassland, freshwater wetlands, or vernal pools, which are not present or only marginally suitable on-site. Some species, such as two-fork clover, golden larkspur, and congested-headed hayfield tarplant, were listed as having a medium potential to occur due to the presence of some ruderal grassland habitat on the parcel. However, no special status species were observed during surveys conducted during most of the growing season (February, April, and June), and the available disturbed grassland habitat is limited to approximately 40% of the parcel as estimated by the Biological Assessment. In addition, most of the grassland area within the project has grown back on disturbed areas after previous site clearing, which means an intact native seedbank is likely not present. For these reasons, the report concluded that special-status plant species are not likely to occur in the ruderal grassland portion of the site.

Although no impacts to special status plant species are anticipated, Mitigation Measure **BIO-1** requiring preconstruction surveys to confirm absence of special status plants prior to construction and initial site disturbance would reduce the potential impact to a Less Than Significant level.

Significance level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-1: Conduct Pre-Construction Plant Survey. If initial ground disturbance occurs during the blooming period of any of special status species (February through November) with medium or higher potential to occur onsite, a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. If the plant is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include collection and redistribution of the seedbank.

Mitigation Monitoring BIO-1 Pre-Construction Surveys. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that nest protection buffers are flagged and fenced off and active nest monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

Special Status Animal Species

Aquatic Species

A total of 19 special-status animal species have been documented within five miles of the project parcel, including five aquatic species: Coho Salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), California floater (*Anodonta californiensis*), Oregon floater (*Anodonta oregonensis*), and California freshwater shrimp (*Syncares pacifica*). The nearest recorded occurrence of a special-status species is California freshwater shrimp, located 0.7 mile southwest of the project parcel near Bevans Creek. Additionally, Oregon floater and California floater have been documented in and around Salmon Creek, which runs through the town of Freestone, approximately 1.5 miles west of the project parcel.

While riparian habitat exists on and adjacent to the project site, special-status aquatic species are unlikely to occur on-site due to the lack of suitable habitat. There is some marginally suitable stream habitat for California freshwater shrimp on the parcel, but not within the project area.

In accordance with the State Water Resources Control Board Cannabis General Order WQ 2019-0001-DWQ, the project must observe the following setbacks and use permit Conditions of Approval and mitigation measure HYD-1 require that these setbacks be staked in the field prior to initial site disturbance:

- 150 feet from Class I watercourses
- 100 feet from Class II watercourses and the wetland feature

The project site is at least 150 feet from the identified wetland and the Class I stream and at least 100 feet from Class II streams on the parcel, ensuring compliance with these setback requirements. Therefore, no significant impacts to aquatic species or their habitat are anticipated as a result of the project.

Special Status Amphibian and Reptiles Species

A total of five special-status amphibian and reptile species have been documented within a five-mile radius of the project site.

The biotic assessment prepared for the project determined that the site has a medium potential to support California giant salamander (*Dicamptodon ensatus*) and foothill yellow-legged frog (*Rana boylei*). The nearest documented occurrences of these species are located approximately 1.1 to 1.5 miles west near Freestone. The assessment specifically notes that suitable breeding habitat does not exist on-site for the foothill yellow-legged frog, though potential estivation habitat is present.

One California Natural Diversity Database (CNDDB) polygon overlaps the parcel, representing a non-specific locality of the California red-legged frog (*Rana draytonii*) within the USGS Two Rock 7.5-minute quadrangle. Other nearby occurrences of special-status amphibian and reptile species include:

- California giant salamander (*Dicamptodon ensatus*) 1.1 to 1.5 miles west near Freestone.
- Western pond turtle (*Emys marmorata*), approximately 1.3 miles northwest of the project parcel near Bodega Highway.

The riparian zone and potential wetland areas on-site provide potential habitat for special-status amphibians, including foothill yellow-legged frog, California red-legged frog, and California giant salamander. To protect these species, Mitigation Measures **BIO-2** and **BIO-3** are imposed, which require stream setbacks, exclusion fencing and pre-construction surveys prior to construction and through completion of initial site disturbance to ensure that animals do not enter work areas from nearby habitat areas, and a prohibition on use of plastic netting for erosion control or exclusion fencing.

Implementation of Mitigation Measures **BIO-2** and **BIO-3** would reduce potential impacts to special-status amphibian and reptile species to a Less than Significant Level.

Significance level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-2: Prohibition on Plastic Erosion Control Netting. Plastic monofilament or loosely woven erosion control netting, or any similar materials that may entangle special-status wildlife, shall not be installed. Suitable erosion control measures include natural materials that are 100% biodegradable, such as natural fiber netting and straw.

Mitigation Monitoring BIO-2: Prohibition on Plastic Erosion Control Netting. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that mitigation measures are listed on all site alteration, grading, building or improvement plans. Prior to final of grading or building permits, Permit Sonoma staff shall confirm installation of wildlife friendly erosion control measures by site visit or photographic documentation.

Mitigation Measure BIO-3: Conduct Pre-Construction Reptile and Amphibian Surveys

The project site has a moderate potential to support California giant salamanders and estivation habitat for foothill yellow legged frog (FYLF). To avoid impacts to these species, the following measures shall be implemented:

- a) To prevent special-status amphibians from entering the project area, a wildlife exclusion fence must be installed along the perimeter of the construction or grading area beginning early April of the year of construction. This fence must be maintained during project activities. The exclusion fence must be installed such that the fabric is a minimum of 46 inches above ground and the fabric must be buried 4-6 inches below ground. The exclusion fence post must be located on the work side of the fence with the fabric on the outside of the area relative to the stakes.
- b) Pre-construction surveys shall be performed by a qualified biologist within 24 hours of initiation of project activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, and grading).
- c) If any of these species are found, work must not commence until the USFWS and CDFW are notified and shall not resume until it is determined what, if any, further actions must be followed to prevent possible take of the species. No take of these species shall result from project construction and impact avoidance measures shall be implemented in compliance with FESA, CESA and the California Fish and Game Code.
- d) No construction activities shall occur during rain events, defined as ¼ inches of rain falling within a 24-hour period, however, construction activities may resume 24 hours after the end of the rain event.
- e) No work shall be conducted within 50 feet of a drainage feature at any time 30 minutes before sunrise or sunset.
- f) If grading will occur within 300 feet of the Class I watercourse or within 200 feet of the Class II watercourses or potential wetland, the area shall be cleared by a qualified biologist with experience monitoring for special-status amphibians immediately prior to ground disturbance.
- g) Prior to construction, all workers on the crew shall be trained by a qualified biologist as to the identification and sensitivity status of the special-status species potentially occurring in the cultivation area.
- h) A qualified biologist experienced in the identification and life history of special status amphibians shall be onsite during all construction and ground disturbance activities.
- i) During post-project operations, cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of special status amphibians and other wildlife.

Mitigation Monitoring: BIO-2, BIO-3: Pre Construction Surveys. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction

surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that nest protection buffers are flagged and fenced off and active nest monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

Special Status Avian Species

A total of three special-status avian species have been documented within a five-mile radius of the project site: burrowing owl (*Athene cunicularia*), great egret (*Ardea alba*), and tricolored blackbird (*Agelaius tricolor*).

The tricolored blackbird was found to have a medium probability of occurring within the project area due to the presence of marginal nesting and foraging habitat on-site. The assessment concluded that the likelihood of the burrowing owl occurring is very low due to the lack of suitable grassland habitat, and the likelihood of the great egret is low, as only marginal foraging habitat exists on-site, with some suitable nesting habitat present.

A stand of mature conifer trees on the eastern side of the site provides potential nesting habitat for birds. Birds and raptors are protected under the federal Migratory Bird Treaty Act (50 CFR 10.13), and their nests, eggs, and young are also protected under the California Fish and Wildlife Code (§3503, §3503.5, and §3800). Additionally, raptors, such as the white-tailed kite, are "fully protected" under the Fish and Wildlife Code (§3511), meaning they cannot be taken or possessed at any time.

No special-status avian species were observed during field surveys and no new tree removal is proposed by the project. Implementation of Mitigation Measure **BIO-4** requiring pre-construction surveys and protective buffers would reduce potential impacts to nesting birds to a Less than Significant Level.

Significance level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-4: Prevent Disturbance to Nesting Birds. The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:

- a. To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) should 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 for nesting birds, including ground nesting species such as burrowing owl. Habitat assessments related to burrowing owl shall be performed following Appendix C of the CDFW Staff Report on Burrowing Owl Mitigation ([2012 CDFW Staff Report](#)) and shall extend at least 150 meters (492 feet) from the Project site boundary and include burrows and burrow surrogates. If suitable habitat exists then a qualified biologist shall conduct pre-construction surveys for nesting birds, including ground nesting species such as burrowing owl, no more than fourteen (14) days prior to

initiation of work. Specifically, if suitable burrowing owl habitat is determined to be present, then surveys shall be conducted following the methodology described in Appendix D (Breeding and Non-breeding Season Surveys) of the 2012 CDFW Staff Report. 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 500 feet for nesting raptors and burrowing owls as feasible as disturbance distances vary dependent on species, time of year, and geographical location. If the survey area is found to be absent of nesting birds, no further mitigation is required. However, if project activities are delayed by more than seven days, an additional nesting bird survey shall be performed.

- c. If pre-construction nesting bird surveys identify active nests and or burrows, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). For any raptor species, a Qualified Biologist, experienced in raptor behavior should be assigned to monitor the behavior of any raptors nesting within disturbance distance of Project activities. The buffer shall be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified biologist. The Qualified Biologist shall have authority to order the cessation of all Project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). 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 up to 1,000 feet for special-status raptors and owls. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Any active nests and burrows shall be monitored by a qualified biologist to ensure compliance with the relevant Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF) requirements. The biologist shall document monitoring efforts and provide documentation to the applicant and County. 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 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 and or burrows. 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-4: Pre Construction Surveys. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that nest protection buffers are flagged and fenced off and active nest monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

Mammals

The CNDDDB review identified one special-status bat species within a five-mile radius of the project site, Western red bat (*Lasiurus blossevillii*), which was determined to have low potential for occurrence onsite due to lack of suitable roosting habitat and only marginal foraging habitat in the ruderal grasslands. The Biotic Assessment concluded that there is no to low potential for all special-status bat species to occur within the project area due to the lack of suitable habitat, absence of sightings, and lack of documented occurrences within five miles.

A total of three other special-status mammalian species have been documented within a five-mile radius of the project site: American badger (*Taxidea taxus*), North American porcupine (*Erethizon dorsatum*), and Sonoma tree vole (*Arborimus pomo*). There is some suitable open ruderal grassland foraging habitat and den habitat within trees for the American porcupine. Some suitable Douglas fir forest habitat exists on the parcel for the Sonoma tree vole, with the nearest occurrence 1.5 miles west of the project site near Freestone. These two species were found to have a medium potential of occurring in the project area. American badger was found to have a low potential of occurrence due to low quality foraging and den habitat, although there is a documented occurrence of American badger 1.6 miles west of the project area near Freestone.

No individuals of special status wildlife species were observed during site visits by qualified biologists during the 2021 and 2023 site visits. However, project construction activities, including equipment staging, vegetation clearing, and grading could result in the disturbance or destruction of individual or occupied habitat, resulting in a potentially significant impact. Implementation of Mitigation Measures **BIO-5** and **BIO-6** would reduce potential impacts to North American porcupine and Sonoma tree vole to a Less Than Significant level.

Significance level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-5: Conduct Pre-Construction Special Status Mammal Surveys.

The project site has a moderate potential to support the North American porcupine (*Erethizon dorsatum*) and Sonoma tree vole (*Arborimus pomo*). To avoid impacts to special status mammals, the following measures shall be implemented:

- a) A qualified biologist shall conduct a survey for North American porcupine and Sonoma tree vole prior to construction activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential tree cavities. Habitat features found during the survey shall be flagged or marked.
- b) If any habitat features identified in the habitat assessment will be altered or disturbed by project construction, the qualified biologist should monitor the feature daily to ensure species are not disturbed, impacted, or fatalities are caused by the project.
- c) If any of these species are found, work must not commence until CDFW are notified and shall not resume until it is determined what, if any, further actions must be followed. If special status species are observed at the project site, at any time, all project activities should stop until the qualified biologist develops an avoidance plan to be implemented at the Project site. Once the plan is implemented, project activities may recommence. CDFW should review and accept resumes of biologists proposing to conduct surveys for special-status species to ensure each biologist possesses the appropriate qualifications; such as 1) at least 2 years of experience conducting surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys.

Mitigation Measure BIO-6: Conduct Pre-Construction Special Status Surveys for the American

Badger. A qualified biologist shall conduct a pre-activity survey for active American badger dens within 30 days prior to grading or vegetation clearing in work areas. The pre-activity survey area shall include all potentially suitable habitat for American badger (e.g., grasslands and woodlands) located within 250 feet of work areas where grading or land vegetation clearing may occur and within or immediately adjacent to overland access routes. Surveys shall be conducted by a qualified biologist with experience surveying for these species. If American badger (or any other special status species) are found, no work shall occur until the animal has left the project site. If the animal does not leave the area on its own, work shall remain halted and appropriate county, state, and federal agencies shall be contacted for guidance. If active dens are identified at any time during construction, the dens shall be flagged and avoided. A 250-foot work restriction buffer shall be established around active maternal dens. For non-maternal dens, a 50-foot work restriction buffer shall be established around active dens. If an active den cannot be avoided, work within a buffer shall only be allowed after appropriate measures have been implemented, such as passive exclusion (i.e., sealing the den after animals have vacated it), or active relocation, as determined through consultation with CDFW. Such measures shall only be allowed if approved by CDFW; if not approved, avoidance of the full buffer area shall be required.

Mitigation Monitoring: BIO-5, BIO-6: Pre Construction Surveys. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance. If the survey determines protective buffers are necessary, ground disturbing activities shall not be initiated until the applicant provides evidence that nest protection buffers are flagged and fenced off and active nest monitoring has been initiated.

A final monitoring report shall be submitted to the County within 30 days of the completion of ground disturbing activities.

Insects:

Two special status bumblebee species, obscure bumblebee (*Bombus caliginosus*) and western bumblebee (*Bombus occidentalis*) were determined to have a moderate potential for occurrence due to the presence of grassland. However, these bees are generally found associated with native grasslands that contain native wildflowers, such as lupine, clover, penstemon, and fireweed, and native shrubs including flowering currants and manzanita. The grassland within the project site is mostly composed of nonnative species characteristic of grazing lands. Although the parcel may have contained a higher percentage of native grassland species and wildflowers prior to clearing, the current condition would not provide high quality habitat for native bees. Therefore, bees would not be expected to occur within the project site and no significant impacts would occur as a result of the project.

Significance level:

No Impact

- 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:

There is one Class I stream along the western border of the parcel, three Class II streams extending eastward onto the parcel, and one delineated wetland located near the center-south of the site. Water on-site generally flows westward, collecting into a densely vegetated Class I stream channel, with several Class II tributaries extending east.

Water leaving the site flows north in the Class I watercourse for approximately 3.0 miles before reaching its confluence with Atascadero Creek. Atascadero Creek then flows north for approximately 3.5 miles before joining Green Valley Creek, which flows west and north for approximately 10 miles before merging with the Russian River at Guerneville. From there, the Russian River continues west for approximately 20 miles before emptying into the Pacific Ocean near Jenner.

The Class I stream is a County-designated Riparian Corridor, requiring a 50-foot setback for both development and agriculture by County Code. However, as discussed in Section 4a above, the project's cultivation areas will maintain a 150-foot setback from Class I watercourses and a 100-foot setback from Class II watercourses and the on-site wetland and use permit Conditions of Approval require that these setbacks be staked in the field prior to initial site disturbance.

No work is proposed in or near the identified riparian corridors. In addition to a grading permit from the County, the applicant will be subject to review from CDFW to determine if a Lake and Streambed Alteration Agreement (LSAA) is necessary, and with the North Coast Regional Water Quality Control Board to determine if a 401 Water Quality Certification (401 Certification) 404 Permit is necessary.

Due to the proposed project's location 150 feet from the Class 1 stream and 100 feet from Class II streams and the on-site wetland and due to required compliance with Department of Agriculture, Weights & Measures Best Management Practices for cannabis cultivation ([Sec. 26-88-254\(d\)](#)), the project would not be anticipated to have a substantial adverse effect on any riparian habitat or other sensitive natural community.

Significance Level:

Less than Significant Impact

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

Regulatory Framework

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

"Waters of the State" are regulated by the Regional Water Quality Control Board (Water Board) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the ACOE under Section 404 (such as roadside ditches). Section 401 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.

Comment:

A wetland delineation was conducted for the project site by Pinecrest Environmental Consulting on August 10, 2023, to identify wetland habitat and associated species. Standard U.S. Army Corps of Engineers (ACOE) wetland delineation procedures (ACOE 1987) and the Western Mountains, Valleys, and Coast Regional Supplement (ACOE 2008) were used to determine the extent of jurisdictional wetlands. A routine community composition quadrat-based survey using the "relevé" method was conducted to assess vegetation cover. This analysis supplements the biotic resources assessment discussed in Section 4.a.

All areas of potential jurisdiction were delineated following USACE and CDFW criteria. Boundaries of jurisdictional areas were mapped using a combination of field measurements and aerial photographs. Hydrological conditions, including surface inundation, saturated soils, groundwater levels, and other wetland hydrology indicators, were documented. Wetland Determination Data Forms (Arid West Region) were completed for each sample point and summarized in the wetland delineation report to confirm the presence or absence of USACE-defined wetlands.

The delineation analyzed one study area, which included nine sample points, located east of the proposed cultivation site and outside the existing access road. The study determined that five (5) of the nine (9) sample points met the three criteria for jurisdictional wetlands, while four (4) did not. The wetland boundary was delineated based on field observations and aerial imagery.

The proposed project site and access road are located at least 100 feet from the potential wetland. No grading will occur within 200 feet of the wetland. Compliance with these setbacks and Mitigation Measure **BIO-3** will reduce potential impacts to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-3

Mitigation Monitoring

Mitigation Measure BIO-3

- 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:

See discussion under 4.a and 4.b. above. Construction of the project would not interfere with the movement of any native wildlife species or interfere with known migration corridors. Migratory wildlife corridors generally include riparian areas and connected open space areas. Implementation of Mitigation Measures **BIO-2** and **BIO-3** would reduce potential impacts to migration corridors by prohibiting plastic netting that might entangle animals and requiring setbacks from stream corridors

that could be used for migration. Therefore, the project would not infringe on potential habitat connectivity areas and would not substantially interfere with wildlife movement in these corridors or on the property.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation Measure BIO-2, BIO-3

Mitigation Monitoring:

Mitigation Monitoring BIO-2, BIO-3

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

The project would not be located on land utilized or zoned for forest land, timberland, or timber production. However, the project parcel is located in a wooded area and trees were removed from the parcel prior to application submittal in order to accommodate the cultivation of cannabis. No additional trees would be removed by the project, although some tree trimming may be required to impose the access road. Therefore, the project would not result in a significant change to the baseline conditions at the project site.

The Sonoma County Tree Protection Ordinance ([Sec. 26-88-015](#)) regulates the removal of trees to ensure the protection of biological resources. Tree replanting is required for all projects by the Ordinance and will be required for this cannabis project by Condition of Approval, which would further reduce any project impacts to tree resources.

The Sonoma County Tree Protection Ordinance (Sec. 26-88-015) regulates the removal of trees, including heritage and landmark trees, to ensure the protection of biological resources. Heritage and landmark trees are further protected under the Sonoma County Heritage or Landmark Tree Ordinance (Zoning Code Sec. 26D); however, conversions of timberland authorized by the California Department of Forestry and Fire Protection (CAL FIRE) are exempt from compliance with these provisions. No Heritage or Landmark Trees have been identified on the project site, and no mitigation is required for minor timberland conversions.

A forensic reconstruction analysis conducted in July 2023 determined that a number of protected trees were removed in 2021 to accommodate the cannabis cultivation premises before the submittal of a Use Permit application.

In accordance with Sonoma County's updated Tree Protection Ordinance, the removal of protected trees necessitates on-site replacement or the payment of an in-lieu fee. Replacement trees should ideally be of the same species as those removed, except in cases where non-native species like Eucalyptus are replaced with native species. Replanting must occur on private residential parcels of at least 1.5 acres or on commercial or industrial-zoned parcels, adhering to county regulations.

If replacement plantings are utilized, the project will comply with the ordinance's requirements by submitting a plan that identifies the location of replacement plantings on-site, off-site, or in a combination of both. Additionally, a monitoring plan will be provided to ensure survival of the replacement trees. If off-site planting is necessary, documentation will be submitted to the county demonstrating that suitable on-site planting locations are unavailable. Off-site planting locations will be selected in proximity to the original tree removal site, where feasible, in accordance with county guidelines.

The project aligns with Sonoma County's Tree Protection Ordinance by implementing the mandated tree replacement measures. Furthermore, compliance with relevant General Plan policies and Zoning Ordinance requirements concerning riparian corridors, as discussed in Section 4.b, ensures that there are no conflicts with local resource protection policies.

Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, including tree preservation requirements.

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:

There are no adopted habitat conservation plans or natural community conservation plans covering the project area, nor is the project site located in the Santa Rosa Plain. Therefore, the proposed project would not be subject to any habitat conservation plan or natural community conservation plan and would not conflict with any such plans. No impact would occur.

Significance Level: No Impact

5. CULTURAL RESOURCES:

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

On September 22, 2022, ALTA staff archaeologist Jamie Frattarelli and Federated Indians of Graton Rancheria (FIGR) tribal monitor Robin Meely conducted a field survey of the Project Area as part of a cultural resources inventory prepared for the project. The project parcel is vacant and the study found that the project will not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5, no historic buildings or structures (50 years of age or older) located within the project site.⁶ Therefore, as no identified built environmental historical resources are located within the project area, project would have no impact on such a resource.

Significance Level: No Impact

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

⁶ ALTA, 2022. "Archaeological Survey Report, 2750 Burnside Road Sebastopol, Sonoma County, California."

Native American Sacred Lands File Search through the Native American Heritage Commission conducted by ALTA indicate that one study has been conducted within a quarter-mile of the study area. Archival research indicates that the project site had not been previously subjected to a cultural resources study. According to the NWIC, there are no cultural resources recorded within 0.25-miles of the Study Area. The record search, Native American Sacred Lands Inventory, and field survey did not identify the presence of any cultural resources within the Project Area. A review of 19th and 20th-century historic maps of the Project Area and the soils and geology indicate a low potential for the Project Area to contain buried prehistoric or historic-era archaeological resources. Therefore, the proposed project would not result in a substantial adverse change in the significance of archaeological resources as defined in CEQA Guidelines Section 15064.5.

Although no impact to archeological resources is anticipated, [Section 11-14-050](#) of the Sonoma County Grading Ordinance establishes uniformly applied development standards in the case of “accidental discovery,” which requires:

If archaeological resources or suspected archaeological resources are discovered, the director shall notify the State Historic Preservation Officer and the Northwest Information Center at Sonoma State University, and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. All costs associated with the evaluation and mitigation of the find shall be the responsibility of the permittee. The director shall provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The director may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. The need for confidentiality of information concerning the archaeological resources or suspected archaeological resources shall be recognized by all parties. For the purposes of this section, archaeological resources include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.

Additional protection is required for Commercial Cannabis Cultivation, per [Section 26-88-254\(14\)](#) of the County Code, which requires that cultivation sites shall avoid impacts on significant cultural resources by complying with specific standards, including referral to the Northwest Information Center and local tribes. In addition all grading and building permits are required by use permit Conditions of Approval to have notes included on the plans regarding actions to be taken if paleontological resources or prehistoric, historic-period, or tribal cultural resources are encountered during ground-disturbing work at the project location, requiring all work in the immediate vicinity to be halted and the operator to immediately notify the agency having jurisdiction of the find. These code requirements would further reduce any project impacts to archaeological resources.

Significance Level: Less than Significant Impact

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

Comment:

No burial sites are known in the vicinity of the project area. Although the site would be disturbed by grading and construction activities; based on landform age, analysis of the environmental setting, and analysis of sensitivity for buried sites, there is a low potential for buried archaeological site indicators within the study area.

Although no impact to archeological resources is anticipated, [Section 11-14-050](#) of the Sonoma County Grading Ordinance establishes uniformly applied development standards in the case of “accidental discovery,” which requires:

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

In addition, Section 26-88-254(14) of the Sonoma County Code noted above would ensure necessary steps are taken to protect the resource. These code requirements would further reduce any project impacts to buried human remains.

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:

Construction activities would increase energy usage temporarily. Project construction activities include the placement of two small storage sheds, a perimeter fence around the cultivation premises, and access road improvements. Portable ADA restrooms would be brought onsite for employee use. Long-term energy demand would result from employees working on the project site and from employee vehicle trips. The proposed cannabis operation would result in minimal energy usage from electricity for irrigation water conveyance, and the security system (which includes lights, sensors, and cameras).

All cannabis projects in Sonoma County are required to prepare a Greenhouse Gas (GHG) Emissions reduction plan. The applicant has prepared such a plan and has indicated that they propose to reduce emissions through the local hiring of employees, encouraging ride sharing, limiting the use of fertilizers, and utilizing sustainable farming methods. Therefore, with the minimal amount of construction activities in conjunction with the proposed GHG Emission reduction plan, impacts will be reduced to a less than significant level.

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 (CEC 2005). 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).

The proposed project would require energy use for powering of security equipment such as cameras, lighting, and electronic locking gates, as well as for pumping water from storage tanks to the cultivation site. 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.⁷

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 various faults indicates that the 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.⁸

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's final geotechnical report, which shall be completed and submitted to Permit Sonoma prior to finalization of the project. Standard County development procedures include review and approval of construction plans prior to the issuance of a building or grading permit.

In addition, as required by the building code, the geotechnical engineer would be required to submit

⁷ California Geologic Survey. California Department of Conservation, "Earthquake Zones of Required Investigation Map," Available at: <https://maps.conservation.ca.gov/cgs/EQZApp/app/> last accessed January 2, 2025.

⁸ Sonoma County. General Plan 2020, "Earthquake Ground Shaking Hazard Areas Figure PS-1a" Available at: <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetyearthquakegroundshakinghazardareas> last accessed January 2, 2024.

an approval letter for the engineered grading plans prior to the issuance of the grading permit. Also, prior to the 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.⁹ According to the Association of Bay Area Government's Hazard Viewer, the site is in a liquefaction susceptibility area rated as "very low."¹⁰

Significance Level: Less than Significant Impact

iv. Landslides?

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portions of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. The cultivation site is minimally sloping, and the ABAG Hazard Viewer maps this area of the project site as an area with "Few Landslides," however the eastern portion of the parcel is designated as an area with "Most Landslides"¹¹. There are no new structures proposed for the project but some road grading and weatherproofing (i.e., gravelling) would occur. The planned improvements to the existing access road would be subject to engineering standards of the California Building Code (CBC) and County building standards, which would ensure that potential landslide impacts are less than significant.

Significance Level: Less than Significant Impact

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

The project is proposing the construction of two small storage sheds, a project premises fence, and roadway improvements. Roadway improvements would require grading.

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

⁹ Sonoma County. General Plan 2020 Public Safety Element, "Liquefaction Hazard Areas Fig. PS-1c," Available at: <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetymaps/publicsafetyliquefactionhazardareas> last accessed January 2, 2024.

¹⁰ Association of Bay Area Governments (ABAG), 2020. "Hazard Viewer Map," Available at: <https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer> last accessed January 2, 2024.

¹¹ MTC/ABAG, 2021. "Hazard Viewer Map," Available at: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8> last accessed January 2, 2024.

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 ensure that all grading and erosion control measures are constructed according to the approved plans.

In addition, the Department of Agricultural Weights and Measures Agricultural Division (AWM) offers best management practices for cannabis cultivation operations. Erosion control measures include availability of materials such as straw or mulch, which would be adequate for use in covering areas of disturbed soil to be used in event of storms that are likely to produce runoff. These materials can also be used to cover exposed or disturbed areas, or alternatively disturbed areas can be covered using a thick cover crop such as mustard, alfalfa, buckwheat, etc. 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.

There are no new permanent structures proposed for the project. The two 120-square-foot storage sheds do not include permanent foundations and are Building Permit exempt.

Due to the limited construction soil disturbance proposed by the project (road improvements) and implementation of Department of Agriculture, Weights & Measures best management practices for cannabis cultivation operations, no substantial risks to life or property would be created from soil erosion or loss of topsoil at the proposed project.

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 located within a High or Very High Liquefaction Hazard Area or a designated Landslide Hazard Area. The project site is generally flat. There are no new structures proposed for the project and furthermore the 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 landslides or liquefaction at the proposed project. Therefore, the potential impact from landslides or liquefaction would be less than significant.

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 risks to life or property?**

Comment:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. The central two-thirds of the project parcel including the proposed cultivation area is mapped as eroded Goldridge fine sandy loam, 15% to 30% slopes (GdE2). This soil type also has lesser proportions of Cotati (5%), Steinbeck (5%), and Sebastopol (5%) soil types, and is designated not prime farmland. The forested eastern portion of the site that borders Burnside Road is mapped as Goldridge fine sandy loam, 9% to 15% slopes. The far western portion of the site along the riparian corridor is mapped as Steinbeck loam, 30% to 50% slopes (SnF), and is designated not prime farmland. This soil type also has lesser proportions of Goldridge (8%) and Los Osos (7%) soil types.

According to the USDA Natural Resources Conservation Service (NRCS), Goldridge fine sandy loam

is characterized by a fine sandy loam texture in its upper horizons and a sandy clay loam texture in its Bt horizon, with a clay content of 20 to 30 percent¹². Soils with sandy loam textures generally have low shrink-swell potential due to their lower clay content. Therefore, Goldridge fine sandy loam is expected to have a low to moderate shrink-swell potential. Steinbeck loam is a soil series consisting of deep, well-drained soils formed from weathered soft sandstone, typically found on smooth rolling hills with slopes ranging from 2 to 50 percent¹³. This soil type has a low shrink-swell potential and is not considered an expansive soil.

There are no new permanent structures proposed for the project and furthermore the 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.

Significance Level: Less than Significant Impact

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

Comment:

The project is not served by public sewer. No permanent structures are proposed as part of the project. Seasonal employees will be provided ADA-accessible portable toilets onsite during the growing season.

Significance Level: Less than Significant Impact

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

Comment:

A Cultural Resources Survey was prepared on September 22, 2022. During the cultural resources and hydrogeologic studies, no unique paleontological or geologic features were identified.

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. 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 the discovery of unanticipated buried resources.

The Project Area lies within the Coast Range geologic province (Jennings et al. 1977), characterized by rugged north-south ridges and valleys shaped by faulting and folding associated with the subduction of the Pacific Plate beneath North America. The underlying bedrock consists of highly deformed sedimentary, igneous, and metamorphic rocks, with Pliocene marine deposits formed from alluvial activity dating between the Miocene and Pleistocene (Jennings et al. 1977). These slopes and pre-Pleistocene alluvium are generally unfavorable for settlements, resulting in a low likelihood of

¹² United States Department of Agriculture, Natural Resources Conservation Service (NRCS). "Goldridge Fine Sandy Loam – Official Series Description." Web Soil Survey, USDA NRCS, https://soilseries.sc.egov.usda.gov/OSD_Docs/G/GOLDRIDGE.html. Accessed 20 Mar. 2025.

¹³ "Steinbeck Series." *Official Soil Series Descriptions*, Natural Resources Conservation Service, United States Department of Agriculture. https://soilseries.sc.egov.usda.gov/OSD_Docs/S/STEINBECK.html. Accessed 20 Mar. 2025.

buried archaeological 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) 2022 *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects* acknowledges that evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem, rather than the result of a single source of greenhouse gas (GHG) emissions. With that in mind, the BAAQMD has recommended thresholds of significance as to whether a proposed project would have a "cumulatively considerable" contribution to the significant cumulative impact on climate change.

For land use development projects, the BAAQMD recommends using an approach which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. Using this approach, a project that is consistent with and would contribute its "fair share" towards achieving those long-term climate goals can be found to have a less-than-significant impact on climate change under CEQA because the project would, in effect, help to solve the problem of global climate change. Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045.

Because GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that the BAAQMD evaluated to ensure that a project can and will do its fair share to achieve carbon neutrality. With respect to building energy use, the BAAQMD recommends replacing natural gas with electric power and eliminating inefficient or wasteful energy usage. This will support California's transition away from fossil fuel-based energy sources and will bring a project's GHG emissions associated with building energy use down to zero as the state's electric supply becomes 100 percent carbon free. With respect to transportation, the BAAQMD recommends that projects be designed to reduce project-generated Vehicle Miles Travelled (VMT) and to provide sufficient electric vehicle (EV) charging infrastructure to support a shift to EVs over time.

The BAAQMD has found, based on this analysis, that a new land use development project being built today either must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or must incorporate the following design elements to achieve its "fair share" of implementing the goal of carbon neutrality by 2045:

- A. Projects must include, at a minimum, the following project design elements:
 1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).

- b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
2. Transportation
- a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
 - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

There is currently no applicable local GHG reduction strategy, like an adopted Climate Action Plan, for Sonoma County. Therefore, the project was analyzed under criterium A above, as discussed below.

Buildings: No new structures with permanent foundations that would require electricity, the use of natural gas appliances or natural gas plumbing are proposed. Therefore, impacts due to energy consumption related to new structures would be less than significant.

Transportation: The cultivation project does not include new residences, office buildings, or commercial retail, and therefore, does not contribute any VMT to these three land use categories of concern. (Note that "office projects" refers to commercial office spaces, not to a small ancillary office space associated with another land use). The project would include placement of two 120 square foot storage sheds, a cultivation premises fence, installation of security equipment, and access road improvements.

As discussed in the Transportation Section 17b, VMT refers to the amount and distance of automobile travel attributable to a project. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the OPR Technical Advisory includes a screening threshold for small projects that generate or attract fewer than 110 trips per day, stating this level of vehicle activity may generally be assumed to result in a less than significant transportation impact. The maximum average daily vehicle trips associated with the project is below the threshold. The project also proposes to implement a local hiring plan, so although distance travelled for employee trips has not been estimated, it is reasonable to assume that employees would primarily be hired from the local area and would generate relatively few travel miles associated with in-county commuter trips.

The maximum number of estimated employee generated daily trips for this seasonal operation which would be operable for approximately six months of the year (May through October) is 15 at peak operations (i.e., harvest); delivery/vendor truck trips are estimated at 40 truck trips per year (approximately six truck trips per month from May through October). Therefore, the total average daily trips estimated for the project would be well below the OPR threshold of 110 trips per day. Distance-related vehicle miles are anticipated to be low due to the seasonal nature of the operation, the proposed plan to hire from the local workforce, and encouraging employees to carpool. The project is expected to have a less than significant VMT impact.

The BAAQMD 2022 guidance does not propose construction-related climate impact thresholds, stating that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions, and that land use project thresholds are better focused on addressing operational GHG emissions, which represent the vast majority of project GHG emissions. Project construction

activities would result in a less than significant impact.

Because the project does not propose the use of natural gas, would use minimal energy, does not include new residential, office, or retail uses, and would generate low VMT, the project would contribute its “fair share” towards achieving the State’s long-term climate goals, and therefore, would have a less-than-significant impact on climate change.

Significance Level: Less than Significant Impact

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

Comment:

The County does not have an adopted Climate Action Plan but has adopted a Climate Change Action Resolution (May 8, 2018) which 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. The project has proposed to incorporate many GHG reduction strategies, including: a local hiring plan and encouraging ride sharing, thereby reducing vehicle emissions from daily trips.

By incorporating these GHG reduction strategies, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Significance Level: Less than Significant Impact

9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

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

Comment:

Operation of the project, as well as ongoing maintenance, 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 a storage area adjacent to the outdoor cultivation area in one of the proposed storage sheds.

The proposed 120 square foot storage sheds would be used for the storage of agricultural equipment, including fertilizer and pesticide storage. Pesticide and fertilizer storage containers would be stored on pallets and/or shelves to minimize the possibility of spills and leaks going undetected. All liquid pesticides and fertilizers are required to be stored on shelves capable of containing spills or providing appropriate secondary containment. A spill cleanup kit would be kept on-site to respond to any leaks or spills. The project would not involve the disposal or runoff of agricultural chemicals because they are applied at label rates on the cannabis plants. 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 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:

As mentioned in Section 9.a, the scope of the proposed project would include minor construction-related hazardous materials. In addition, the project proposes minimal use of Organic Materials Review Institute approved or California Department of Food and Agriculture certified organic pesticides, herbicides, or fungicides, and therefore only minor transportation for low-grade pesticides and fertilizers on an as needed basis.

The use of these pesticides, herbicides, or fungicides would entail the use of items deemed to be common, average sized items, similar to those found in usual consumer stores and not of an industrial size or scope. The low need for, and subsequent small scale and transportation of, said items would result in a less than significant impact.

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:

No existing or proposed schools are located within one-quarter mile of the project site. The nearest school, Orchard View School, is over one mile to the northeast of the project parcel.

Significance Level: No Impact

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

Comment:

There are no known hazardous materials sites on the project site or within 5,000 feet, based on a review of the following databases (commonly known as the Cortese List) on January 2, 2025.

1. The State Water Resources Control Board Geotracker database,¹⁴

¹⁴ State Water Resources Control Board. "Geotracker Database," <https://geotracker.waterboards.ca.gov/>, accessed January 2, 2025.

2. The California Department of Toxic Substances Control EnviroStor database (formerly known as Calsites),¹⁵ and
3. The CalRecycle Solid Waste Information System (SWIS)¹⁶.

Significance Level: No Impact

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

Comment:

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan, 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. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section 17 - Transportation, for further discussion of emergency access and project traffic.

Significance Level: No Impact

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

Comment:

According to the Wildland Fire Hazard Area Map (Figure PS-1g)¹⁷ of the Sonoma County General Plan 2020, the project site is located in the lowest Fire Hazard Severity Zone designated as Moderate and is not within a Wildland Urban Interface. The proposed project for an outdoor cannabis cultivation operation would be located in a cleared grassy area of the parcel away from dense tree cover. The project would not involve construction of structures with permanent foundations and the parcel does not currently contain any permanent structures. A maximum of five staff members would be hired to support the project, working onsite intermittently during the cultivation season, while one staff member would periodically monitor the parcel outside of the operating season.

All construction projects must comply with County Code Fire Safe Standards (Chapter 13), including

¹⁵ Department of toxicSubstances Control. "Envirostor Database", <https://www.envirostor.dtsc.ca.gov/public/>, accessed January 2, 2025.

¹⁶ Cal Recycle. "Waste Information System (SWIS) Facility/Site Search," <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>, accessed January 2, 2025.

¹⁷ Sonoma County General Plan 2020, Public Safety Element Figure PS-1g. https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Archive/Department%20Information/Cannabis%20Program/Documents/General-Plan-Map_PS1g.pdf, accessed February 20, 2025.

but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site, and vegetation management.¹⁸ The proposed project is not located in a High or Very High Wildland Fire Hazard Area and would comply with all Fire Safe Standards. Therefore, the project would not be likely to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Existing wildland fire conditions that could affect new development are considered in this analysis. Impacts of the environment on the proposed project are analyzed as a matter of County policy, not because such analysis is required by CEQA.

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?**

The project would result in grading of an existing access road for all weather driving surface for employee and fire access. Construction activities, completed improvements, and project operations could all affect the quantity and/or quality of stormwater runoff.

The site is located in the Upper Atascadero watershed which is part of the Green Valley subwatershed (HUC 12-180101100901)¹⁹. The western edge of the site is bounded by upper Hudspeth Creek. Hudspeth Creek drains northward to the West Fork of Upper Atascadero Creek, commonly known as Jonive Creek. Green Valley Creek and its tributaries (Atascadero, Purrington, and Jonive Creeks) encompass an area of approximately 38 miles. Several watercourses exist on and adjacent to the parcel, including:

- Hudspeth Creek (Class I Stream) – Located near the western edge of the parcel and is a County designated riparian corridor with a 50 foot setback for development and agriculture.
- Unnamed Class I Watercourse – Flowing north along the western parcel boundary.
- Three Unnamed Class II Streams – Extending east into the parcel and feeding into the Class I watercourse.
- Jurisdictional Wetland – Identified near the center of the parcel in the wetland delineation.
- Culvert Drainage System – Located in the northwest portion of the parcel (Figure 11), with a non-jurisdictional swale upslope.

In accordance with the State Water Resources Control Board Cannabis General Order WQ 2019-0001-DWQ, the project must observe the following setbacks:

- 150 feet from Class I watercourses

¹⁸ Permit Sonoma Fore Prevention and Hazardous Materials Hazardous Vegetation Inspection & Abatement webpage. <https://permitsonoma.org/divisions/firepreventionandhazmat/servicesandfees/vegetationmanagement/services>, accessed February 20, 2025.

¹⁹ Hurvitz Environmental Services, Inc., “Hydrogeologic Assessment Report – Supplemental Information 2750 Burnside Road”, dated April 12, 2023.

- 100 feet from Class II watercourses and the wetland feature

On October 17, 2017, the State Water Resources Control Board adopted the Cannabis Cultivation Policy (Cannabis Policy) and the Statewide Cannabis General Order WQ 2017-0023-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The Cannabis Policy and Cannabis General Order include requirements to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. The Order requires submittal of a Site Management Plan describing BMPs to protect water quality, and may also require a Site Erosion and Sediment Control Plan, Disturbed Area Stabilization Plan, and/or Nitrogen Management Plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll. Most commercial indoor cannabis cultivation operations are conditionally exempt but must enroll in the program to obtain documentation of their conditionally exempt status. Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits.

The Sonoma County Department of Agriculture/ Weights & Measures has prescribed cannabis cultivation Best Management Practices related to pesticide and fertilizer storage and use, riparian protection, water use and storage, waste management, erosion control/grading and drainage, and items related to indoor cultivation. Annual inspections are required to confirm compliance with these standards.

Project construction and grading would be minimal but would still need to meet all applicable County grading and drainage requirements (County Code Chapter 11--Construction Grading and Drainage Ordinance). Required inspections by Permit Sonoma staff would ensure that water quality standards and erosion control measures would be maintained according to the approved project plans and applicable policy regulations.

Application of these standard County requirements, State wastewater discharge requirements, and County conditions of approval would reduce project stormwater runoff and water quality impacts to a less than significant level.

Significance Level: Less than Significant Impact

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

The proposed project is located within a Class 2 groundwater area and outside any medium or high priority basin as defined through CA DWR Bulletin 118. A Hydrogeologic Report was prepared by Hurvitz Environmental titled "Hydrogeologic Assessment Report 2750 Burnside Road" ("Hurvitz"; "Hurvitz Report"), dated September 20, 2022 to address potential groundwater impacts under CEQA and was prepared in accordance with Sonoma County Permit and Resources Department Policy and Procedure Number 8-1-14 and General Plan Policy WR-2e²⁰. The purpose of this report was to evaluate the aquifer conditions at the site, which is located within a predominately Class 2 groundwater availability area and to determine if the proposed groundwater usage will cause overdraft conditions, well interference or impact nearby stream-flow. A supplemental streamflow depletion report was prepared by Hurvitz Environmental titled "Hydrogeologic Assessment Report – Supplemental Information 2750 Burnside Road", dated April 12, 2023 ("Hurvitz"; "Supplemental Report") to further support the conclusion that the project will not have significant impacts on

²⁰ Hurvitz Environmental Services, Inc., "Hydrogeologic Assessment Report 2750 Burnside Road", dated September 20, 2022.

streamflow at the request of Sonoma County staff geologist²¹.

The site is situated within the Upper Atascadero watershed, part of the Green Valley subwatershed (HUC 12-180101100901). The western boundary of the site is defined by upper Hudspeth Creek, which flows north into the West Fork of Upper Atascadero Creek, commonly known as Jonive Creek. The Green Valley Creek watershed, including its major tributaries—Atascadero, Purrington, and Jonive Creeks—spans approximately 38 square miles²².

Land use practices in the Green Valley Creek watershed have significantly impacted anadromous fish habitat. Historical timber harvesting, land conversion, and extensive road development have led to increased sedimentation in streams. Additionally, the loss of instream habitat, elevated summer water temperatures, and reduced summer flows have negatively affected juvenile fish survival. Despite these challenges, the California Department of Fish and Wildlife (CDFW) has identified Green Valley Creek as optimal habitat for Coho Salmon spawning and rearing, with the area producing some of the largest smolts in the lower Russian River basin. The National Marine Fisheries Service (NMFS) has designated the Green Valley Creek watershed as a "Core" recovery area under the Coho Salmon Recovery Plan.

While Coho Salmon habitat has not been documented in upper Atascadero Creek, reaches with suitable flow conditions for juvenile Coho rearing exist throughout much of the upper watershed. Additionally, juvenile steelhead currently utilize these areas. However, the 0.5-mile reach upstream of the confluence of Atascadero and West Fork Atascadero Creeks, where the site is located, typically becomes disconnected even in average water years²³.

The single-family residence on site was demolished in 2019 and was served by the existing domestic well on site. The parcel is currently vacant, and no groundwater use on the parcel exists. The project proposes use of the existing onsite domestic well in addition to rainwater capture for project operations. The initial Hurvitz Report estimated proposed water use for the site, inclusive of cannabis cultivation, employee uses, and livestock to be 1.6 acre feet per year (AFY). Since the site is located in a sensitive watershed that is part of the NMFS long-term plan for Coho recovery there is heightened concern for potential groundwater/ surface water interference and what effect that may have on the Coho recovery in Jonive Creek subwatershed. Therefore, the Supplemental Report revised the estimated water usage from 1.6 AFY to 0.6 AFY through use of water conservation techniques including Hügelkultur farming methods; irrigating with drip emitters; application of mulch; and rainwater capture. The estimated use of 0.6 AFY is low for an operation of its size, but within the range of reported water use by existing operators.

The Supplemental Report summarized published literature related to streamflow depletion of the Jonive Creek subwatershed. Available studies indicate that, under existing conditions, streamflow is reduced by 20 - 40% during the summer low flow season within the Jonive Creek subwatershed²⁴. This level of streamflow depletion is expected to cause moderate or major changes in natural structure and ecosystem function per Richter (2012)²⁵. As such, existing rates of streamflow

²¹ Hurvitz Environmental Services, Inc., "Hydrogeologic Assessment Report – Supplemental Information 2750 Burnside Road", dated April 12, 2023.

²² Sonoma Water and California Sea Grant. 2019. Implementation of California Coastal Salmonid Population Monitoring in the Russian River Watershed. Santa Rosa, CA.

²³ Kobor, J., & O'Connor, M., 2016. Integrated Surface and Groundwater Modeling and Flow Availability Analysis for Restoration Prioritization Planning, Green Valley\Atascadero and Dutch Bill Creek Watersheds, Sonoma County, California, 149 p.

²⁴ Kobor, J., and O'Connor, M., 2023. Sonoma County Well Ordinance Public Trust Review Area Delineation.

²⁵ Richter, B.D., Davis, M.M., Aspe, C., and Konrad, C., 2012. A Presumptive Standard for Environmental Flow Protection, River Research and Applications 28: 1312-1321.

depletion caused by cumulative effects of groundwater extraction represent a potential substantial adverse impact to instream habitat within Jonive Creek subwatershed.

The Supplemental Report estimated the timescale for groundwater extraction from the project well to cause streamflow depletion in Hudspeth Creek (the nearest perennial stream to the project well) of 58 days. Thus, groundwater pumping could impact streamflow within a single growing season, and could contribute to cumulative depletion of streamflow in the watershed.

The Supplemental Report also recommends and proposes the installation of 20,000 gallons of irrigation storage. Tanks would be filled during the winter through rainwater capture and groundwater, and used to offset water use during the summer when potential impacts are expected.

The Supplemental Report contends that the proposed use of 0.6 AFY is a de minimis use similar in magnitude to a rural single family home, commonly estimated to use 0.5 AFY. Limited water use of 0.6 AFY, water conservation practices, and tank storage to be filled during the wet season would result in less than significant impacts to groundwater recharge.

The project will be conditioned to increase supplemental water irrigation storage to 30,000 gallons and dry season water use will be limited to 0.05 AFY. With these measures total parcel water use during the dry season will be less than 0.5 AFY and considered small and would result in a less than significant impact to groundwater recharge with the proposed mitigation incorporated (HYD-1.)

Significance Level: Less than Significant Impact with Mitigation Incorporated

Mitigation Measure

Mitigation Measure HYD-1: Groundwater Supply Protection and Monitoring: To prevent depletion of groundwater supplies and ensure sustainable use, the following measures shall be implemented:

- a. **Access Easement** – An easement shall be recorded to allow Sonoma County personnel access to on-site water wells, monitoring wells, and water meters for groundwater data collection. Access shall be permitted Monday through Friday, 8:00 a.m. to 5:00 p.m. Easement language must be approved by Permit Sonoma Project Review staff and County Counsel.
- b. **Groundwater Monitoring & Meters** – All water wells shall have monitoring devices, and totalizing water meters shall be installed to measure groundwater extraction, subject to approval by Permit Sonoma.
- c. **Site Plan & Well Documentation** – A site plan showing the locations of wells, storage features, and water meters shall be submitted to PRMD. Monitoring wells shall be marked with a reference point, GPS coordinates, and elevation details.
- d. **Rainwater Capture** – A rainwater collection system with a minimum 10,000-gallon capacity shall be installed, with overflow directed to stormwater recharge features.
- e. **Riparian and Wetland Setbacks** – Prior to site disturbance, a **100-foot setback** from riparian areas, watercourses, and wetlands shall be marked in the field using metal fence posts or similar markers, spaced no more than **20 feet apart**. These markers shall be verified in the field by a Permit Sonoma Professional Geologist or Environmental Specialist.
- f. **Water Use Limits & Conservation** – Total groundwater use shall not exceed **0.6 acre-feet per year (AFY) or 0.5 AFY during the irrigation season (April 1 – October 31)**. If a three-year average exceeds these limits, the applicant shall update and implement a Water Conservation Plan, subject to PRMD approval.

Mitigation Monitoring

Mitigation Monitoring HYD-1: Groundwater Supply Protection and Monitoring: Permit Sonoma will ensure compliance with Mitigation Measure HYDRO-1 through review and approval of the recorded access easement, groundwater monitoring devices, totalizing water meters, and site plan documentation before project operation. The rainwater capture system and riparian/wetland setback markers will be inspected before site disturbance. Groundwater use will be monitored annually, with corrective action required if usage exceeds limits. Compliance with all applicable groundwater regulations, reporting, and conservation measures will be enforced as needed.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

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. The project is located on a relatively flat previously cleared area of the parcel. Additionally, all construction activities are required to adhere to Sonoma County Code [Sections 11-14-040](#) and [26-88-254\(f\)\(20\)](#) requiring that best management practices be incorporated in project activity to further control surface water runoff. Runoff and stormwater control requirements for cannabis cultivation prohibit draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator is required to prepare a storm water management plan and an erosion and sediment control plan for County review and approval, including best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the best management practices for cannabis cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and fires, Section 26-88-254(f)(20).

Compliance with SWRCB Cannabis General Order WQ 2019-0001-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, effective as of April 16, 2019, requires submittal of a Site Management Plan describing best management practices (BMPs) to protect water quality and may also require a site erosion and sediment control plan, disturbed area stabilization plan, and/or nitrogen management plan, depending on size and site characteristics of the operation.

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:

Project compliance with County Code requirements related to storm water runoff and drainage would ensure that the project would not increase the rate or amount of surface runoff. Additionally, any project construction or grading would require silt fencing and straw wattles be installed around all construction areas, and straw would be spread on all disturbed surfaces, which would reduce any potential runoff during construction.

Existing site elevations and topography would remain largely unchanged after project construction, and overall drainage patterns would remain essentially the same. The cultivation area would include outdoor cultivation within a fenced premises on a relatively flat previously cleared area of

the parcel. Improvements to the existing access road will include some grading and graveling for weather proofing. The project would collect and store rainwater from the roofs of two 120-square foot storage sheds. Grading would be subject to a grading permit, which requires that all new runoff be contained and treated onsite. Because overall drainage patterns would not change, the project would not result in substantial new surface runoff or flooding on- or off-site, either during construction or post-construction and the flooding impact would be less than significant.

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:

Permit Sonoma Grading and Stormwater Section staff reviewed the project referral on November 22, 2021 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 which would ensure that runoff water would not exceed drainage capacity or substantially add to polluted runoff

Significance Level: Less Than Significant Impact

iv. Impede or redirect flood flows?

Comment:

The parcel is not in the 100-year flood zone or Special Flood Hazard Area (SFHA)²⁶ (i.e., the area that would be inundated by the flood event has a one percent chance of being equaled or exceeded in any given year). Refer to responses 10.c.ii and 10.c.iii above for discussion of hydrological impacts.

Significance Level: Less Than Significant Impact

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

Comment:

According to Sonoma General Plan Figure PS-1f²⁷, 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: Less than Significant Impact

²⁶ Sonoma County. General Plan 2020 Public Safety Element. "Flood Hazard Areas Fig. PS-1e," <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetyfloodhazardareas>, accessed February 20, 2025.

²⁷ Sonoma County. General Plan 2020 Safety Element. "Dam Failure Inundation Hazard Areas, Figure PS-1f," <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/publicsafety/publicsafetydamfailureinundationhazardareas>, accessed February 20, 2025.

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 not located in a priority groundwater basin as defined under the Sustainable Groundwater Management Act (SGMA). The nearest SGMA basin is the Santa Rosa Valley-Santa Rosa Plain Medium Priority Groundwater Basin, nearest boundary of which is located proximately 2.5 miles east of the project site. Though the project would not be subject to a sustainable groundwater plan, compliance with the County requirements discussed above in this section would protect against groundwater depletion or use of groundwater in an unsustainable manner.

The project would not conflict with or obstruct the 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 the community. It does not involve the construction of a large physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that could impair mobility within an established community or between a community and outlying areas. All improvements associated with the buildout of the project would be constructed within the boundaries of the project site. The project does not include or propose expansion beyond the parcel boundaries nor does the project include changes to the existing roadway layout.

Significance Level: No Impact

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

Comment:

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

The General Plan Land Use Designation on this parcel is Diverse Agriculture (DA). The DA category 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. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of

this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element.

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

- Protection against intensive development of lands constrained by natural hazards and proliferation of growth in areas where there are inadequate public services and infrastructure (General Plan Land Use Element 2.7- Natural Resource Land Use Policy): The project site is not constrained by steep slopes, biotic or scenic areas, poor soils or water, geologic hazards, or fire and flood-prone areas. No new structures are proposed as part of the project and no new public services or infrastructure are needed to serve the project.
- The project is designed in harmony with the natural and scenic qualities of the local area (Policy LU-12g), as the project would be setback at least 100-feet from the property line and would be screened by existing vegetation and topography.
- Preservation of biotic and scenic resources (General Plan Goal LU-10, Objective LU-10.1, Goal, 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 stormwater, surface water, and groundwater pollution.
- Maintaining very low residential densities (General Plan Objective LU-12.6): The project does not propose to increase residential density or construct new residences.
- Nighttime lighting and preservation of nighttime skies and visual character of rural areas (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4b, and Policy OSRC-4c): The project would use minimal, motion-activated exterior lights and all night lighting from mixed light greenhouse will be contained within the structures, which would comply with County requirements related to location, shielding, and light levels.
- 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 be consistent with regulations designed to avoid long-term declines in available groundwater resources or water quality.
- Noise (General Plan Goal NE-1): Project construction and operations, including cannabis cultivation and processing, would not exceed the general plan noise standards Table NE-2 (See Section 12, Noise, for further discussion).

Within the Diverse Agriculture land use and zoning designation, commercial cannabis cultivation (up to one acre of cultivation area) operations are allowed land uses with a use permit. The proposed project would be consistent with the County Code for the DA 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).

The primary use of any parcel within one of the three agricultural land use categories (LIA, LEA, DA) must involve agricultural production and related processing, support services, and visitor serving uses. Allowed non-agricultural land uses must be conducive to continued agricultural production. The parcel maintains grazing animals onsite which will continue on the project parcel. A condition of approval will require that onsite agricultural uses (or other comparable agricultural use) be continued as long as the permit is active.

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

regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level: Less than Significant with Mitigation Incorporated

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.²⁸ Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

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

Significance Level: No Impact

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

Comment:

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

Significance Level: No Impact

13. NOISE:

Would the project:

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

Comment:

Noise may be defined as loud, unpleasant, or unwanted sounds. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying. The decibel scale

²⁸Sonoma County. "Aggregate Resources Management Plan," Available at: <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/aggregateresourcemanagement>, accessed February 20, 2025.

(dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness. There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6dB with each doubling of distance from a point, or stationary, source of a sound, and 3 dB for each doubling of distance from a mobile source of the sound. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. When more than one-point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73dB.

County noise standards for non-transportation operational noise (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 2. Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2 from General Plan)

Hourly Noise Metric¹ (dBA)	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹The sound level exceeding n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

Potential sources of noise associated with cannabis operations can include emergency generators, HVAC equipment such as fans circulation, ventilation, exhaust, etc., blowers and heaters, and alarms (on equipment such as forklifts). County Code Section 26-88-254(g)(6) includes the following standard pertaining to cannabis: “Cultivation operations shall not exceed the General Plan Noise Standards table NE-2, measured in accordance with the Sonoma County Noise Guidelines.” In addition, the Code includes a provision that “the use of generators as a primary source of power shall be prohibited.”

The proposed project does not include any permanent structures or HVAC equipment; therefore, no operational noise would be generated by equipment, other than the potential for backup generator use to run well pumps during a power outage.

Traffic. Transportation noise would be generated by employee vehicles (5 total employees) as well as deliveries to the project site. Most employees would work during daytime hours and deliveries would occur between the hours of 8:00 am to 5:00 pm. Burnside Road is a Local Road as designated by Sonoma Public Infrastructure for which there is no traffic data.

The parcels in the immediate vicinity of the project vary in size, ranging from about two acres up to about seventeen acres and average about seven acres. These parcels are primarily used for residential purposes, with some agricultural uses, such as vineyards, and a few vacant parcels. Given the seasonality of the operation and low number of employees and vehicle trips, the transportation noise would not be likely to result in a significant contribution to the existing ambient traffic noise level in the area.

Short-Term (Temporary) Noise. No new permanent structures are proposed as part of the project; however, grading and gravelling would be conducted associated with access road improvements. Construction noise would be temporary and short term as the impact would cease upon completion of construction. While residents could experience temporary noise from construction equipment and transport of construction materials, this work would be conducted within the allowable hours of 8:00 am and 5:00 pm. Extreme noise generating construction methods, such as impact pile driving, are not proposed. The nearest offsite residences are approximately 440-feet and 450 north of the proposed project site, additionally there is one residence approximately 650-feet to the west, and two residences over 700-feet to the southeast. Due to the temporary short term nature of construction noise and distance to nearby receptors no significant impacts are anticipated for short term temporary noise.

Long-Term (Operational) Noise. Project operations would not require any heavy equipment or machinery. No new permanent structures are proposed as part of the project. Since the project proposes outdoor cultivation, operations would not occur year-round, but only seasonally from May through October.

Additionally, noise-generating activities would be limited to typical agricultural operations such as planting, maintenance, and harvesting, which generally produce minimal noise levels comparable to existing agricultural uses in the area. Worker activity, including hand tools and small equipment, would be intermittent and typically occur during normal daytime hours, reducing the potential for nighttime noise disturbances.

The project site is located in a rural area with existing agricultural land uses, and the nearest sensitive receptors (such as residences) are expected to be at a sufficient distance to avoid significant noise impacts. Furthermore, all operations must comply with Sonoma County's General Plan Noise Standards (County Code Chapter 30), which regulate noise levels for agricultural activities.

Given the seasonal nature of operations, lack of heavy machinery, low number of employees, and compliance with existing noise regulations, the project's noise impact would be less than significant.

Significance Level: Less than Significant Impact

b) Generation of excessive groundborne vibration or groundborne noise levels?

Comment:

The project does not includes construction activities that may generate ground borne vibration and noise.

Significance Level: No Impact

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

Comment:

The site is not within an Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan.

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 5 employees, including full-time and part-time seasonal staff, 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 housing necessitating the construction of replacement housing elsewhere?**

Comment:

No housing will be displaced by the project and no replacement housing is proposed to be constructed.

Significance Level: No Impact

15. PUBLIC SERVICES:

Would the project:

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

Comment:

Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services. The proposed project does not propose new housing, nor would it generate significant new demand for housing in the area (a maximum of 5 employees are proposed). This small increase in employment opportunities is not anticipated to result in an indirect increase in population requiring construction of new or altered government facilities. Therefore, the

project would not necessitate or facilitate construction of new public facilities.

Significance Level: No Impact

i. Fire protection?

Comment:

The project is located within the State Responsibility Area (SRA), under CalFire jurisdiction. The parcel is located in the Gold Ridge Fire Protection District. The nearest fire station to the site is the Gold Ridge Fire District station which is 6 minutes (3.0 miles) from the project site.

Sonoma County Fire Prevention reviewed the project description and plans on June 28, 2023, and required that the project include fire protection methods such as emergency water supply and 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 or requirements requires the construction of new or expanded fire protection or emergency medical facilities, project impacts on fire protection and emergency medical services would be less than significant.

Significance Level: Less than Significant

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 5 jobs as part of the operation. The project would not include the construction of a substantial number of homes or businesses or an 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:

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

Significance Level: No Impact

iv. Parks?

Comment:

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

Significance Level: No Impact

v. Other public facilities?

Comment:

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

Significance Level: No Impact

16. RECREATION:

Would the project:

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

Comment:

The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities. The project will have no impact on the use of existing neighborhood and regional parks or other recreational facilities.

Significance Level: No Impact

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

Comment:

The proposed project does not involve 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:

As the project consists of outdoor cultivation, operations would be seasonal spanning from April through October. Therefore, trips associated with the project would also be seasonal. The maximum number of employee generated daily trips is 15 (if all 5 employees were to travel to the site in a day); delivery/vendor truck trips are estimated at 4 truck trips per year.

The project would be accessed via the existing driveway off Burnside Road, a Local Road according

to the County Maintained Road system map²⁹. Burnside Road is a paved road that is generally 20-feet in width. The nearest crossroad with traffic volume data is Barnett Valley Road, which is approximately 0.6 miles from the project site. According to the most recent traffic volume data for Barnett Valley Road at postmile 20.06 near the junction of Burnside and Barnett Valley Road, Average Daily Traffic volume is calculated to be 689 vehicles per day³⁰. Given the minimal number of average daily trips that would be generated by the project and the existing volumes of vehicles on local roadways, the project would have a less than significant impact on the traffic circulation system.

The area is not served by public transit. The closest public transit stop is served by Sonoma County Transit at the Freestone Bus Stop on Bodega Highway near the intersection of Highway 116, Hessel, and Blank Road, approximately 3.5 miles from the project site. The project is also located in a rural area with no designated bikeways, sidewalks, or other bicycle or pedestrian facilities. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.

Significance Level: Less than Significant Impact

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (evaluation of transportation impacts of land use projects using vehicle miles traveled)?

Comment:

Traffic impacts under CEQA have traditionally been assessed based on increases in intersection delays measured by Level of Service (LOS). However, with the passage of SB 743, transportation impacts under CEQA are now assessed 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. The Governor's Office of Planning and Research (OPR) has issued a "Technical Advisory on Evaluating Transportation Impacts in CEQA" (2018) to determine if the project's VMT may or may not cause a significant transportation impact. The OPR screening threshold for small projects indicates projects that generate or attract fewer than 110 trips per day would result in a less than significant transportation impact.

The Cannabis Trip Generation form completed by the applicant, stated the project could generate a maximum of 15 trips per day assuming all 5 employees were working onsite at the same time) which is below the threshold, 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

²⁹ Sonoma County. 2020. General Plan Road Inventory, "County Maintained Road Postmile System Map." [County-Maintained Road System \(arcgis.com\)](#), accessed February 20, 2025.

³⁰ Sonoma County Department of Transportation & Public Works. 2020. County Roads Functional Classification Map. Accessed [Functional Classification \(arcgis.com\)](#), accessed February 20, 2025.

d) Result in inadequate emergency access?

Comment:

Emergency vehicle access would be provided directly via Burnside Road, which is a County-maintained two-lane roadway at least 20-feet wide. The project site will contain one locked, gated entrance, which will be designed to be at least 2-feet wider than the lane serving the gate and the gate will be located at least 30-feet from the roadway to allow an emergency vehicle to stop without obstructing traffic. The entrance will be equipped with Knox Boxes to allow emergency responders full access whenever needed. The project site will contain a fire truck turnaround and a vehicle turnout along the access driveway to the project site. Additionally, project plans would require review by the Sonoma County Fire Prevention Division during the building permit process to ensure compliance with emergency access issues.

The project site is accessible via an existing gate off of Burnside Road. Employee parking would be provided near the base of the access road and entrance to the cultivation area. State Fire Safe Regulations (14 CCR 1270.00 et seq.) provide road standards to ensure concurrent civilian evacuation and access for emergency wildfire equipment. Access to the site via Burnside Road complies with State Fire Safe Regulations. The driveways from the gated entrance will be at least 20-feet wide, a fire safe turnaround will be constructed and a turnout along the access road will be installed. Conditions of approval require that the project be designed to meet State Fire Safe Regulations.

Due to the low number of employees, Fire Safe Regulations-compliant emergency access via Burnside Road, and internal access design, there would be adequate emergency access to the project and the impact would be less than significant.

Significance Level: Less than Significant Impact

18. TRIBAL CULTURAL RESOURCES:

Would the project:

a) 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:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k), or

ii) A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Comment:

On November 9, 2021, Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52. The request for consultation period ended December 9, 2021. No requests for consultation were received.

A cultural resources records search from the Northwest Information Center (CHRIS-NWIC), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission (NAHC) indicates there are no known tribal cultural resources or unique archaeological resources associated with TCR's located within the project boundaries.³¹

Archival research indicates that the project site had not been previously subjected to a cultural resources study. The NWIC Record Search showed no prehistoric Native American Sites. There are no ethnographically described resources located within the project area. There are no known archaeological resources on the site, but the project could uncover such materials during grading and construction. As described under section 5.b and 5c, the Sonoma County grading ordinance includes provisions related to previously unknown archaeological resources and buried human remains that may be accidentally encountered during project implementation that require work to be immediately halted within the vicinity and Permit Sonoma notified. The County also has a standard "accidental discovery" condition of approval that requires work to be halted if unanticipated buried cultural resources are encountered during construction. The condition is applied to all use permits that involve ground disturbance.

Significance Level: Less Than Significant Impact

19. UTILITIES AND SERVICE SYSTEMS:

Would the project:

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

Comment:

The project does not involve the construction or need for the relocation construction of water, wastewater treatment, stormwater drainage, electrical power, natural gas, or telecommunication facilities. Domestic wastewater disposal would be provided by portable restrooms and potable water would be provided via an onsite well. The project will utilize existing facilities for electrical power and telecommunications. The project will not utilize natural gas and there are no natural gas facilities in the area.

The proposed project would not require or result in construction of new public roads, sidewalks, or storm water drainage facilities. A rainwater harvesting system would be installed to capture up to water annually from the roofs of the two 120 square foot storage shed structures. Grading and Stormwater Section staff reviewed the project referral and provided conditions of approval to comply 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 in compliance with all applicable standards of the County Code.

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?**

³¹ ALTA Archaeological, "Archaeological Survey Report ," September 27, 2022.

Comment:

As discussed throughout Section 10 Hydrology and Water Quality, the project would use water from the existing onsite well in addition to a rainwater catchment system for project operations. The project is located within a Class 2 Groundwater Area. A County-required hydrogeologic report determined that by applying several water conservation practices including: Hügélkultur Farming Methods; Irrigating with Drip Emitters; Application of Mulch and Rainwater Capture the groundwater usage rate proposed for this project of 0.06 AFY appears sustainable, and consistent with previously designated rates. Therefore, the potential pumping effects on stream depletion for this project are considered de minimis.

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 does not include indoor or mixed-light cannabis cultivation, which typically require water and wastewater infrastructure for irrigation and facility operations. Instead, the project is limited to outdoor cultivation, which does not result in any wastewater generation. Additionally, all sanitary needs for on-site workers will be met through portable restrooms, eliminating any reliance on a municipal or private wastewater treatment provider.

Since the project does not generate wastewater that would require treatment by a wastewater service provider, there would be no impact on wastewater treatment capacity or existing commitments.

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 a solid waste management program in place 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.

However, to further reduce the solid waste disposal footprint, as a condition of approval, the project would be required to comply with the following Sonoma County Zoning Code waste management requirement:

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

green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public (Sec 26-88-254(g)(8)).”

The project is conditioned so that the applicant must provide a cannabis solid waste management plan detailing the disposal of cannabis waste for destruction, as well as a standard solid waste program covering all other types of waste. If composted, cannabis waste shall be ground, chipped or shredded as necessary and mixed with suitable materials and composted until it is no longer recognizable as cannabis by sight or smell. Waste containing cannabis must be made unusable and unrecognizable prior to leaving the licensed premises by grinding and incorporating the cannabis waste with non-consumable, solid wastes listed below, such that the resulting mixture is at least 50 percent non-cannabis waste: a. Paper waste; b. Cardboard waste; c. Food waste; or other compostable oil waste; and other wastes approved by the County that would render the cannabis waste unusable and unrecognizable.

The conditions described herein support and are consistent with California Department of Cannabis Control (DCC) Sections 8102(s), 8305 & 8306 regarding Utility and Service Systems.

Significance Level: Less than Significant Impact

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

Comment:

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. Sonoma County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs.

Significance Level: Less than Significant Impact

20. WILDFIRE:

According to the Sonoma GIS tool, the proposed project and surrounding area is located in a State Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designated as Moderate³². As noted in the General Plan Public Safety Element (p. PS-14): *the Moderate Fire Hazard Severity Zone includes: a) wildland areas of low fire frequency supporting modest fire behavior; and b) developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability.*

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

³² Sonoma County. 2020. Permit Sonoma GIS, Cannabis Site Evaluation. <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, Accessed February 21, 2025.

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

The project would not impair implementation of an adopted emergency response plan. There is no adopted emergency evacuation plan for the County, and the project would not change existing circulation patterns or effect emergency response routes. Project development plans would be required to be reviewed by a Fire Prevention Fire Inspector during the building permit process to ensure adequate emergency access is provided to the site.

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?

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The site is located in western Sonoma County composed of varying topography. Vegetation consists predominantly of more dense tree cover and some Oak Woodland interspersed with grassland and riparian areas. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

According to the Wildland Fire Hazard Area Map (Figure PS-1g) in the Sonoma County General Plan, the project site is located in the State Responsibility Area and within a Fire Hazard Severity Zone designated as Moderate, and is not within a Wildland Urban Interface. Projects located in High and Very High Fire Severity Zones are required by state and county code to have a detailed vegetation management plan developed and reviewed by the Sonoma County Fire Prevention Division before a building permit can be issued. This requirement does not apply to projects such as this one located in a Moderate Zone. However, all construction projects must comply with County Fire Code (Chapter 13) and Fire Safe Regulations, including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site. Construction and operation at the site must conform with adopted State standards as determined and implemented by CALFIRE and Sonoma County Fire officials intended to reduce the risk of wildfire to less than significant.

The project is situated in a previously cleared, relatively flat area of the parcel. There are no existing residences on the project site, and no permanent structures are proposed, other than two 120-square-foot storage sheds. Additionally, on-site activity would be limited to a maximum of five employees at any given time. Given these factors, the project minimizes potential wildfire risks by reducing fuel sources and limiting occupancy.

Furthermore, the absence of permanent structures and the seasonal nature of operations further reduce the likelihood of exposing project occupants to hazardous pollutant concentrations from a wildfire or contributing to the uncontrolled spread of a wildfire. As a result, the project's impact in this regard 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 environmental impacts. Ongoing

vegetation maintenance will be conducted in accordance with the Board of Forestry Fire Safety Regulations and Chapter 13A of the Sonoma County Code to reduce wildfire risk.

Additionally, the project includes a Fire Protection Plan that meets the requirements of Chapter 4 of the California Fire Code and outlines actions such as fuel load reduction, turnaround and turnout space, vegetation management, and fire break maintenance. Due to these requirements, the installation or maintenance of associated infrastructure would not increase fire risk or result in significant environmental impacts.

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 not located in an area at high risk for flooding, such as a 100-year flood hazard area. Additionally, drainage patterns at the project site would remain essentially the same as under existing conditions.

Significance Level: Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) **Does the project have the potential to 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, 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?**

Potential project impacts on special status plant and fish/wildlife species and habitats are addressed in Section 4. With the implementation of the required mitigation measures BIO-1 through BIO-6, impacts to the habitat of a fish or wildlife species would be less than significant.

As discussed in Section 5, the NWIC a cultural resources records search from the Northwest Information Center (CHRIS-NWIC), an archaeological field survey, and a Native American Sacred Lands File Search through the Native American Heritage Commission (NAHC) indicates there are no known tribal cultural resources or unique archaeological resources associated with TCR's located within the project boundaries.³³ Additionally, no requests for consultation were received from any Native American Tribes in response to the AB52 referral. The project is not expected to impact or eliminate important examples of major periods of California history or prehistory, and no mitigations were proposed.

Significance Level: Less Than Significant Impact with Mitigation Incorporated

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

Potential impacts associated with the proposed project are not expected to be cumulatively considerable. Most of the potential impacts associated with the project would be temporary during

³³ ALTA Archaeological, “Archaeological Survey Report ,” September 27, 2022.

project construction (limited to access road improvements) and would be less than significant with implementation of applicable BMPs and mitigation measures. The small amount of groundwater extraction for project operations (0.6 acre-feet per year), inclusive of employee uses and grazing on site, would be considered de minimis and comparable to use by a rural single-family residence. Within a two-mile radius of the project site at 2750 Burnside Road, there is one permitted cannabis operation and one use permit application under review. The permitted operation, located at 230 Gold Ridge Road approximately 1.6 miles away, holds a permit issued by the Sonoma County Department of Agriculture (APC21-0063) for up to 10,000 square feet of outdoor cultivation. The application under review, UPC18-0005, is for a use permit at 750 W Sexton Road, approximately 0.8 mile away, to allow 5,000 square feet of indoor cultivation, accessory propagation, and ancillary processing of site-grown cannabis within a new 5,100-square-foot structure. The applicant is currently operating under the penalty relief program, authorized to cultivate up to 3,600 square feet of indoor cannabis canopy. No other proposed discretionary projects were identified within the vicinity. The incremental effects of the proposed project when viewed in connection with the effects of past, current, and probable future projects are expected to be minimal

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?

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, biological resources, hydrology and water quality, hazardous materials, noise, cultural resources were analyzed and would be less than significant with implementation of the required mitigation measures.

Significance Level: Less than Significant with Mitigation Incorporated

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