



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

Project Name:	Bloomfield Minor Subdivision
Project Applicant:	Ray Carlson and Associates
Landowner:	Jackson Family Investments III, LLC
Project Location/Address:	3225 Bloomfield Rd., Sebastopol
APN:	025-100-043
General Plan Land Use Designation:	Land Extensive Agriculture 160
Zoning Designation:	LEA (Land Extensive Agriculture) 160-acre density and combining zones for Z (Accessory Unit Exclusion), RC50/50 (Riparian Corridor with 50-ft setbacks), RC100/50 (Riparian Corridor with 100-ft and 50-ft setbacks), and OAK (Oak Woodland Combining).
Decision Making Body:	Sonoma County Board of Supervisors
Project Description:	See below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

Table 1. Summary of Topic Areas

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

Agency	Activity	Authorization
Regional Water Quality Control Board (North Coast or San Francisco Bay)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologen) – Waste Discharge requirements, general permit or waiver
State Water Resources Control Board	Generating stormwater (construction, industrial, or municipal)	National Pollutant Discharge Elimination System (NPDES) requires submittal of NOI
California Department of Fish and Wildlife	Lake or streambed alteration	Fish and Game Code, Section 1600
Bay Area Air Quality Management District (BAAQMD)	Stationary air emissions	BAAQMD Rules and Regulations (Regulation 2, Rule 1 – General Requirements; Regulation 2, Rule 2 – New Source Review; Regulation 9 – Rule 8 – NOx and CO from Stationary Internal Combustion Engines; and other BAAQMD administered Statewide Air Toxics Control Measures (ATCM) for stationary diesel engines

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 incorporated as conditions of approval for the project, and a Mitigated Negative Declaration has been prepared. The applicant has agreed in writing to incorporate identified mitigation measure into the project plans.

Brendan Norton



I. INTRODUCTION

Note: On November 7, 2024, Permit Sonoma revised the Mitigated Negative Declaration (MND) to address to California Fish and Wildlife (CDFW) comments received during the first circulation period. As a result, new and revised mitigation measures for the protection of biological resources have been incorporated into this revised MND. In accordance with CEQA Guidelines Section 15073.5, public recirculation of the MND is required.

Ray Carlson and Associates, on behalf of the property owner, Jackson Family Investments III, LLC, proposes to subdivide a 350+/- acre parcel resulting in two parcels at 3225 Bloomfield Rd in unincorporated Sebastopol. 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 Brendan Norton, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Ray Carlson and Associates, on behalf of the property owner. 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 Brendan Norton, Planner, at brendan.norton@sonoma-county.org or (707) 565-1623 for more information.

II. PROJECT DESCRIPTION

The existing 350+/- acre property is predominately planted in vineyard and contains one single family residence. The property owner proposes to subdivide the property into two parcels: Lot 1 at 134+/- acres and Lot 2 at 213+/- acres in size. Following approval of the minor subdivision, the applicant will be required, as a condition of approval, to submit complete application(s) and fees to rescind the existing Non-prime Land Conservation (Williamson) Act contract on the property and replace with two new separate Prime and Hybrid Williamson Act contracts for each parcel resulting from the subdivision pursuant to Sonoma County's Uniform Rules for Agricultural Preserves (Uniform Rules).

Currently, access is provided on the west side of the property via a private road that connects to Bloomfield Road, a county-maintained roadway. The project site is located within the Two Rock Quadrangle south of the city of Sebastopol. The property contains 178.17 acres of vineyards and associated agricultural infrastructure, one single-family residence, an unnamed tributary of Blucher Creek, grasslands, and oak woodlands. Proposed Lot 1 would be 134+/- acres in size and include 92.84 acres (69%) planted in vineyard. Lot 2 would be 213+/- acres in size and include 85.33 acres (40%) planted in vineyard and over 100 acres devoted to open space (46%).

No new structures are proposed with this application however, because the property is subject to a Williamson Act Land Conservation Contract, the applicant is required to provide building envelopes on the Tentative Map for the two proposed parcels.

Although the project does not propose development at this time, future development could include one single family dwelling in the building envelope on Lot 1 in accordance with the LEA Zoning District and permitted development standards of the Sonoma County Code. The building envelope on Lot 2 already contains the one, single-family residence allowed by the LEA Zone. Accessory Dwelling Units (ADUs) are not permitted on the property because the land is within the Z Accessory Dwelling Unit Exclusion Combining District (Sonoma County Code Article 76). All future development must be consistent with the Uniform Rules.

Figure 1. Tentative Map



III. SETTING

The project site is located approximately 2.5 miles northeast of the unincorporated community of Bloomfield just off Bloomfield Road. The property and adjacent parcels directly to the west, south and east are designated Land Extensive Agriculture (LEA) by the Sonoma County General Plan and zoned LEA with a 160-acre density. The adjacent parcels directly to the north are designated Diverse Agriculture (DA) by the Sonoma County General Plan and zoned DA with a 20-acre density. Surrounding land uses are predominantly vineyards, agricultural and residential uses along surrounding roadways.

IV. ISSUES RAISED BY THE PUBLIC OR AGENCIES

Agency Referral

A referral packet was drafted and circulated on February 10, 2020, 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 Northwest Information Center requested a cultural resources study. No other issues were raised by the agencies.

During the original MND circulation period, Permit Sonoma received a letter from California Department of Fish and Wildlife (CDFW) on April 13, 2023. The CDFW letter recommended new and revised mitigation measures for the project. No other agencies commented on the original MND.

Tribal Consultation under AB 52

Referrals were sent to the following Tribes on February 10, 2020:

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

No Tribe requested formal consultation on the proposed project.

V. 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.

Potentially Significant Unless Mitigated: The project would have the impact described, and

the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

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

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

The property owner, Jackson Family Investments III, LLC, 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 will not have a substantial adverse effect on a scenic vista. The project is not located in an area designated as visually sensitive by the Sonoma County General Plan and would not involve tree removal, construction or grading that would significantly affect a scenic vista. Therefore, the project will not have a significant impact on a scenic vista.

Significance Level:

Less than Significant Impact

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

Comment

The project is not located on a site visible from a state scenic highway and is not within the HD (Historic District) combining zoning district. The project does not involve removal of any trees, rock outcroppings, or historic buildings and is therefore not expected to significantly impact scenic resources.

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 character of the +/-347.24-acre site and surrounding lands is agricultural and resources and rural development. Using the County's Visual Assessment Guidelines, staff characterized the project site as having **moderate** visual sensitivity because it is located within a rural land use designation but

does not have land use or zoning designations protecting scenic resources. The project does not involve a specific development proposal however, the zoning of the property would allow for future residential development (1 dwelling unit per 160 acres). Potential future residential development would be restricted to the proposed building envelopes and roadways shown on the Tentative Map. A condition of approval incorporated into the project would limit any residential building construction to the proposed building envelope. By limiting all future residential structures to the building envelopes, future residences would be minimally visible from public view. Therefore, the project's visual dominance can be categorized as **subordinate**. Utilizing the Visual Assessment Guidelines' matrix below, the project's visual impact will be less than significant.

Sensitivity	Dominant	Co-Dominant	Subordinate	Subordinate
Maximum	Significant	Significant	Significant	Less than significant
High	Significant	Significant	Less than significant	Less than significant
Moderate	Significant	Less than significant	Less than significant	Less than significant
Low	Less than significant	Less than significant	Less than significant	Less than significant

Significance Level:

Less than Significant Impact with Mitigation Incorporated

Mitigation:

Mitigation Measure VIS-1: The following note shall be printed on the parcel map:

NOTE ON MAP: "No residential building construction shall occur outside the building envelopes. Modification of the building envelopes can only be accomplished through a Certificate of Modification which addresses visual, biotic, and archeological resources."

Mitigation Monitoring VIS-1: The Project Planner shall ensure that the above note appears on the Final Map/Parcel Map Check Print prior to recordation.

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

Comment

The project does not propose any structures at this time but could be developed with residential structures associated with the permitted uses of the Land Extensive Agriculture zoning district in the future. Therefore, any future residential structures will introduce new sources of light and glare. Lighting on future development will be required to be Dark Sky compliant or a similar certification.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure VIS-2: The following note shall be printed on the parcel map:

NOTE ON MAP: "Prior to issuance of building permits, an exterior lighting plan shall be submitted

review. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.”

Mitigation Monitoring VIS-2: The Project Review Planner shall review the map to ensure that the note is shown correctly on the map. Permit Sonoma Staff shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit until it is demonstrated that improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke or modify the permit.

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

The site currently contains 178.17 acres of vineyards. According to the Sonoma County Important Farmlands Map, the project site is designated as Grazing Land, Unique Farmland, Farmland of Statewide Importance, and Prime Farmland.

The site is predominantly planted in vineyards. Lot 1 is not developed but does contain 92.84 acres of vineyards, vineyard roads, a pump house, large irrigation pond and a well. Lot 2 contains 85.33 acres of vineyards, vineyard roads, a single-family residence, three barns, a small irrigation pond and a well.

The project involves the subdivision of a 347.24-acre parcel into two lots, which is consistent with the General Plan density for the site. No change in the land use or zoning is proposed. Foreseeable development includes those agricultural and residential uses permitted by the Land Extensive Agriculture (LEA) zoning district within the designated building envelopes, which are located within areas of the property designated as Grazing Land. While the property is subject to a Williamson Act contract, all non-agricultural use development is limited to a total of 5 acres on each proposed lot.

Lot 1 proposes a building envelope 1.64 acres in size and a new driveway 0.63 acres in size. No vineyard would be removed to develop the parcel's driveway or building envelope. Lot 1 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Lot 2 proposes a building envelope 3.29 acres in size which is already developed with a single-family residence. No vineyard would be removed as the parcel's building envelope and driveway

already exist. Lot 2 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the project is not expected to convert a significant amount of important farmland to non-agricultural use. The primary use of the site would remain agricultural production in accordance with the sites land use and zoning district and potential impacts are less than significant.

Significance Level:

Less than Significant Impact

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

Comment

The subject property has a LEA (Land Extensive Agriculture) zoning designation and is under a Land Conservation (Williamson) Act contract for non-prime agricultural land, recorded under Book 2516, Page 775; located within Agricultural Preserve No. 2-375. The LEA zoning designation allows for single family residential development and agricultural uses and has a minimum lot size of 1.5 acres.

Sonoma County Uniform Rules for Agricultural Preserves Rule 10.0 allows for subdivision of contracted land if the subdivision is consistent with the General Plan and Zoning Code, if each resulting parcel would separately qualify for a land conservation contract and be consistent with the requirements of the Act and each resulting parcel conforms with the requirements of the Subdivision Map Act.

Eligibility requirements for Williamson Act contracts in Uniform Rule 4.0 require properties to be agricultural or open space land devoted to qualifying agricultural or open space uses, i.e., a minimum of 50% of land is continuously used or maintained for agricultural uses, open space uses, or a combination of both. Parcels under Prime and Hybrid Williamson Act Contracts must devote at least 50 percent of the land to qualifying agricultural and/or open space uses, meet the minimum income criteria, if applicable, and meet the minimum parcel size for each contract type; which in this case include: a 10-acre minimum parcel size for prime contracts; and a 40-acre minimum parcel size for hybrid contracts that consist of a combination of prime agricultural land and open space uses.

Prime Agricultural Land is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meets the minimum income requirements. For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. Open Space Use means the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production, if the land is within any of the following: a scenic highway corridor; a wildlife habitat area, a saltpond, a managed wetland area; a submerged area; or an area enrolled in the USDA Conservation Reserve Program of Conservation Reserve Enhancement Program. A Wildlife Habitat Area is further defined as a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat area shall include any land area designated in the General Plan as a biotic habitat area or riparian corridor.

The site is 350+/- acres and proposed to be subdivided into two parcels. Proposed Lot 1 would be 134+/- acres in size and include 93+/- acres (69%) planted in vineyard. Lot 2 would be 213+/- acres in size and include 85+/- acres (40%) planted in vineyard and over 100 acres devoted to open space (46%). In July 2017, a Biological Assessment prepared by Kjeldsen Biological Consulting finds that Lot 2 contains qualifying open space uses and wildlife habitat areas consisting of grasslands, woodlands, wetlands, and a riparian corridor for an unnamed tributary of Blucher Creek.

Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively,

cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For each proposed Parcel, the 5-acre threshold would apply. The building envelope on Lot 1 is not developed but could include a future single-family residence and septic area in areas delineated on the Tentative Map and as permitted by the LEA Zoning District and Uniform Rules (compatible uses). The building envelope on Lot 2 is currently developed and contains a single-family residence and agriculture-related compatible uses.

- Lot 1 proposes a building envelope 1.64 acres in size and a new driveway 0.63 acres in size. No vineyard would be removed to develop the parcel's driveway or building envelope. Lot 1 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively would not exceed the 5-acre threshold.
- Lot 2 proposes a building envelope 3.29 acres in size which is already developed with a single-family residence. No vineyard would be removed as the parcel's building envelope and driveway already exist. Lot 2 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively would not exceed the 5-acre threshold.

Additionally, the existing 178.17-acre vineyard averages \$590,378 per year which results in an average of \$3,316 per acre per year thus exceeding the required minimum income for prime vineyard operations. There is no income requirement for land devoted to open space uses. The proposed parcels are expected to individually meet the minimum income requirement for a prime contract. In accordance with the County's Uniform Rules for Williamson Act contracts, a standard Condition of Approval for the project requires that the landowner submit an application to Permit Sonoma to rescind and replace the Land Conservation Act contract with two separate contracts, one for each resulting parcel, prior to recording the Parcel Map. Proposed Lot 1 will continue to be used for prime agricultural uses and will be eligible for a prime replacement contract. Proposed Lot 2 will continue to be used for a combination of prime and open space uses and will be eligible for a hybrid replacement contract.

Significance Level:

Less than Significant 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 designated forest land, is not zoned Timberland Production (TP), or located near forest land or lands zoned TP. Therefore, the project will not conflict with or have any effect on forest lands or lands zoned TP.

Significance Level:

No Impact

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

Comment

See the comment under section 2(c) above.

Significance Level:

No Impact

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

Comment

The 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

The methodologies and assumptions used in preparation of this section follow the CEQA Guidelines developed by the Bay Area Air Quality Management District (BAAQMD), as revised in May 2017. Information on existing air quality conditions, federal and state ambient air quality standards, and pollutants of concern was obtained from the U.S. Environmental Protection Agency (U.S. EPA), California Air Resources Board (CARB), and Northern Sonoma County Air Pollution Control District (NSCAPCD).

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 PM₁₀ 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 (NO_x) 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. The proposed project could potentially allow for one new single-family dwelling on Lot 1. Existing agricultural and residential uses onsite will not change.

Significance Level:

Less than Significant Impact

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

Comment

The project will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO_x). See discussion above in 3 (b). The project will have no long-term effect on PM_{2.5} and PM₁₀, because all surfaces will be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction of the proposed driveway and future residential development of Lot 1, as permitted by the LEA Zoning District. Note: Lot 2 contains an existing residence and driveway. These emissions could be significant at the project level, and could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in Mitigation Measure AIR-1 below.

Although the project will generate some ozone precursors from new vehicle trips to two new parcels zoned for agricultural and residential use (up to one primary dwelling unit per parcel), the project will not have a cumulative effect on ozone because it will not generate substantial traffic resulting in significant new emissions of ozone precursors (ROG and NOx). See discussion in 3 (a) above.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure AIR-1: The following note shall be printed on the parcel map:

NOTE ON MAP: "All construction shall implement the following dust control measures:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site."

Mitigation Monitoring AIR-1: Permit Sonoma staff shall ensure that the note is on the map prior to recordation and that the measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits.

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment

Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. Localized impacts to sensitive receptors generally occur when sources of air pollutants and sensitive receptors are located near one another. The project site is zoned for agricultural and residential uses but is predominantly surrounded by vacant land and vineyards. There are two residences on adjacent parcels located over 1,000 feet east of the proposed building envelope on Lot 1. The project would not expose these sensitive receptors to significant concentrations of pollutants because of the analysis above in 3(a) and 3(b). The proposed project would not create an incompatible situation as neither the residential use of the project site nor the neighboring uses involve stationary or point sources of air pollutants which generate substantial pollutant concentrations. Although there will be no long term increase in emissions, during construction there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by Mitigation Measure AIR-1.

Significance Level:

Less than Significant with Mitigation Incorporated.

Mitigation:

See Mitigation Measure AIR-1 and Mitigation Monitoring AIR-1 above.

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

Comment

The project is not an odor-generating use. Any future residential or agricultural development as permitted by the LEA zoning district would be sited near an odor-generating use: agricultural lands. The County permits the operation of properly conducted agricultural operations on agricultural land and has declared it County policy in the Sonoma County Right to Farm Ordinance (Ordinance No. 5203) to conserve, protect, enhance, and encourage properly conducted agricultural operations on agricultural land. The County has determined in Ordinance No. 5203 that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

Ordinance No. 5203 also requires recordation of a Declaration Acknowledging Right to Farm in connection with all discretionary permits and single-family dwelling building permits on, or within 300 feet of, any lands zoned LIA, LEA, or DA. The project site is zoned LEA and located adjacent to DA-zoned lands. Therefore, the subdivision standard conditions of approval will require the property owner to record a Right to Farm Declaration.

Construction equipment may generate odors during project construction of Lot 1. The impact would be less than significant as it would be a short-term impact that ceases upon completion of the project. Lot 1 and Lot 2 are already in agricultural production. No new permanent odor generating uses will result from the project.

Significance Level:

Less than Significant Impact

4. BIOLOGICAL RESOURCES

This section of the MND provides an analysis of potential impacts to biological resources on the project site, including sensitive habitats, special-status plant and wildlife species, and protected tree species. A Biological Assessment was prepared by Kjeldsen Biological Consulting (KBC) in July 2017 for a previous Lot Line Adjustment (File No. LLA17-0015) which created the subject 350+/- acre project parcel. Specifically, the Biological Assessment includes an assessment of impacts that may result from future construction on Lot 1. As the building envelope proposed for Lot 2 is already developed with a single family residence and agricultural structures and no new structures or new land uses are proposed on Lot 2. Foreseeable development on the project site would be those agricultural and residential uses permitted by the Land Extensive Agriculture (LEA) zoning district (e.g. single family dwelling and accessory structures) within the designated building envelope proposed for Lot 1. KBC conducted field work at the property on May 1 and July 17, 2017.

On April 13, 2023, during the original circulation period of the MND, Permit Sonoma received agency comments from CDFW detailing concerns regarding potentially significant impacts to sensitive biological resources on the project site. In response to comments received, Wiemeyer Ecological Services (WES) prepared a habitat evaluation on September 13, 2023 to evaluate four areas of possible development that may occur in the future to determine if these areas exhibit suitable upland aestivation habitat for California tiger salamanders. A second site visit was performed on May 8, 2024 to evaluate aquatic habitats at the site, which consist of two perennial ponds, a large perennial reservoir, a seasonal wetland, a perennial drainage and several seasonal tributary drainages.

Based on information and data collected and analyzed, mitigation measures are provided herein to minimize and/or avoid potential biological resource impacts in accordance with the CEQA Guidelines.

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?**

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.

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 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, whether or not those lands are occupied by the subject species. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard (which is applied to ensure that a federal action would not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat).

Essential Fish Habitat

Essential Fish Habitat (EFH) is regulated through the National Marine Fisheries Service (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 EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" [16 USC 1802(10)]. NMFS further defines EFH as areas that "contain habitat essential to the long-term survival and health of our nation's fisheries" EFH 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).

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.

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.

California Fully Protected Species and Species of Special Concern

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

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a

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

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.

Other Special-Status Plants – California Native Plant Society

The California Native Plant Society (CNPS), a non-profit plant conservation organization, publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic version (<http://www.cnps.org/cnps/rareplants/inventory/>).

The Inventory employs the California Rare Plant Ranking (CRPR) to assign plants to the following categories:

- 1A Presumed extinct in California
- 1B Rare, threatened, or endangered in California and elsewhere
- 2 Rare, threatened, or endangered in California, but more common elsewhere
- 3 Plants for which more information is needed – A review list
- 4 Plants of limited distribution – A watch list

Additional endangerment codes are assigned to each taxon as follows:

- 1 Seriously endangered in California (over 80% of occurrences threatened/high degree of immediacy of threat)
- 2 Fairly endangered in California (20-80% occurrences threatened)
- 3 Not very endangered in California (<20% of occurrences threatened, or no current threats known)

CRPR 1A, 1B, and 2 plants consist of individuals that may qualify for listing by state and federal agencies. As part of the CEQA process, such species should be fully considered, as they meet the

definition of threatened or endangered under the NPPA and Sections 2062 and 2067 of the CFGC. CRPR 3 and 4 species are considered to be plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFW recommend that these species be evaluated for consideration during the preparation of CEQA documents.

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. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

Comment

A Biological Assessment (BA) was prepared by Kjeldsen Biological Consulting (KBC) in July 2017. The KBC report identifies habitat types on the property as: Vineyards, Valley and Foothill Grasslands, Cismontane Woodlands, Wetland and Riparian Corridor of the unnamed tributary of Blucher Creek.

Methods used by KBC to evaluate the potential occurrence of special-status species on the property included thorough research of available background material and on-site reconnaissance. During the scoping phase for this project, KBC considered: 1) records from the California Department of Fish and Wildlife California Natural Diversity Data Base (CDFW CNDDDB Rare Find-5), 2) Biogeographic Information and Observation System Online mapping tool, 3) the California Native Plant Society (CNPS) Electronic Inventory of Rare or Endangered Plants, 4) U.S. Fish and Wildlife species list for the Quadrangle and 5) Historic aerial photographs.

KBC conducted field work at the property on May 1 and July 17, 2017 to search for suitable habitats for special-status species. The site assessment was intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity in order to determine its potential to occur on the property. Species known for the nine surrounding Quadrangles were also considered based on habitat on the property.

Special-status Plant Species.

KBC biologists analyzed 45 potential “target” special-status plant species. The taxa included were selected based on CDFW, CNDDDB and USFWS target plant species. Of the 45 target special-status plant species, KBC notes the project site contains potential habitat for the following 10 species:

1. Franciscan Onion - *Allium peninsulare* var. *franciscanum*
2. Napa False Indigo - *Amorpha californica* var. *napensis*
3. Bent-flowered Fiddleneck - *Amsinkia lunularis*
4. Big-scale Balsamroot – *Balsamorhiza macrolepis* var. *macrolepis*
5. Round-leaved Filaree – *California macrophylla*
6. Vine Hill Clarkia - *Clarkia imbricate*
7. Dwarf Downingia - *Downingia pusilla*
8. Fragrant Fritillary - *Fritillaria liliacea*
9. Jepson's Leptosiphon - *Leptosiphon jepsonii*
10. Pitkin Marsh Lily* - *Lilium pardalinum* ssp. *pitkinense*

However, KBC biologists did not observe any target species on or near the project site during the site visits conducted in May and July 2017. The KBC report concludes absence for all 45 special-status plant species based on the following factors: historical agricultural use and disturbance, soil types,

lack of proper hydrology/topography, lack of any records, plant associates present, canopy closure and field studies. The KBC report finds that the project will not have a substantial impact to special-status plant species, either directly or through habitat modifications based on the lack of habitat required for their presence and the historical use of the project site. Although the KBC report does not find potential for significant impacts to special status plant species, Permit Sonoma concurs with CDFW's comments regarding the project's potential impacts to Sebastopol Meadowfoam.

CDFW's April 13, 2023 agency comments identify potential project-specific impacts to Sebastopol Meadowfoam (*Limnanthes vinculans*) based on a nearby occurrence. Specifically, records indicate an occurrence from 1992 of Sebastopol meadowfoam within 0.75 miles of the project site. CDFW finds the project could result in the removal of Sebastopol meadowfoam and its habitat or off-site impacts to the species from hydrological modification or other indirect impacts where suitable habitat occurs adjacent to the project site, resulting in impacts including mortality and take, and a violation of CESA. Sebastopol meadowfoam is considered an endangered species pursuant to Section 15380 of the CEQA Guidelines. Impacts to Sebastopol meadowfoam could substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. CDFW recommended a Special-Status Plants Survey dependent on a Sebastopol Meadowfoam Habitat Assessment as a mitigation measure, which is included as Mitigation Measure BIO-1.

Special-status Wildlife Species.

KBC biologists analyzed the 20 potential "target" special-status animal species within a five-mile radius of the project site based on CDFW CNDDDB and USFWS data, none of which were observed on or near the project site.

The KBC report identified seven special-status animal species in Table I - Animals with potential to occur on the project site:

1. Burrowing Owl - *Athene cunicularia*
2. Swainson's Hawk - *Buteo swainsoni*
3. San Bruno Elfín Butterfly - *Callophrys mossii bayensis*
4. White-tailed Kite - *Elanus leucurus*
5. Western Pond Turtle - *Emys marmorata*
6. California Red-Legged Frog - *Rana draytonii*
7. American Badger - *Taxidea taxus*

The KBC report stated the proposed project would not have a substantial impact to special-status animal species given the lack of suitable habitat on the property, with two exceptions the American Badger and Raptors. Additionally, the KBC report discussed the potential for habitat of the Western Pond turtle and Red Legged Frog, however no habitat was observed onsite.

In response to CDFW's 2023 agency comments, Wiemeyer Ecological Science (WES) performed an on-site California Tiger Salamander Habitat Evaluation on September 13, 2023 and May 8, 2024.

American Badger

KBC biologists observed active American Badger (Badger) burrows on the property adjacent to the Building Envelope on Lot 1. Badgers are included on the USFWS list of Mammalian Species of Special Concern, since it appears that there has been a substantial reduction in range and abundance in several areas where it was formerly common. Badgers mate between July and August and females give birth in March. A badger may change dens every day, except when it has young. Badgers maintain several burrows throughout their home range. They use these burrows or dens for sleeping, raising young and storing food. Badgers move between their different homes, sometimes picking a different burrow on different days.

The habitat impacted by the proposed project is such that there is little reason to expect impacts to special-status species on-site or off-site. On-site and off-site impacts will be less than significant according to recommendations in the KBC report, if standard erosion control measures and construction best management practices are implemented in addition to the proposed mitigation. Pre-construction Surveys for American Badger are included as Mitigation Measure BIO-2.

Raptors

KBC biologists did not find any indication of nesting raptors on the project site or near the vicinity of the proposed project area. No nests, whitewash, nest droppings or perching was found to be associated with the proposed project area. However, the KBC report did find that eucalyptus trees adjacent to the building envelope on Lot 1 have the potential for nesting raptors.

Typical nesting season for raptors is (March 1 through July 31). Any development of the site between the dates of March 1 through July 31 will require a pre-construction raptor survey. Surveys should be conducted by a qualified biologist. A qualified wildlife biologist should conduct pre-construction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities. If active bird nests are found during preconstruction surveys, a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged.

To reduce the potential impact to raptors to a less than significant level, KBC recommended surveys for nesting birds be conducted within 14 days prior any ground breaking on the project site. Nesting bird survey is included as Mitigation Measure BIO-3.

The KBC report also discussed two other special-status animal species listed in *Table I - Animals* in the report with potential to occur on the project site.

California Red-Legged Frog

The project vicinity (quadrangle) is designated as a sensitive occurrence for the California Red-legged frog (CRLF). California Red-legged Frog (*Rana draytonii*) is listed as a federally threatened species by USFWS. USFWS can assume presence of CRLF at a site based on suitable habitats and proximity of a site from known CRLF breeding sites and require mitigation for loss of upland habitat. While KBC biologists conclude in the report the potential for this species on the project site is low, the seasonal drainage and reservoirs surrounding the project contains potential habitat for this species.

The CRLF inhabits permanent or nearly permanent water sources (quiet streams, marshes, and reservoirs). They are highly aquatic and prefer shorelines with extensive vegetation. If CRLF were present, KBC biologists concluded it is likely they would stay within the vegetated areas adjacent to seasonal wetlands and would unlikely use upland habitat on the project site. No mitigation for the CRLF was recommended in the KBC report; however, Permit Sonoma recommends CRLF surveys during construction activities to ensure direct and indirect impacts to CRLF within or adjacent to the proposed building envelopes are avoided/minimized. CNDDDB records indicate an occurrence from 2009 of California red-legged frog within one mile of the project site. The site is located within the California Wildlife Habitat Relationships (CWHHR) predicted range for the species and supports potentially suitable habitat. Removal of suitable habitat in the vicinity of the unnamed tributaries to Blucher Creek could result in injury or direct mortality of California red-legged frog if they occur on-site. Frogs can migrate long distances and occupy riparian habitat and any area with persistent summer moisture as they search for new breeding habitat. CRLF Survey is included as Mitigation Measure BIO-4 which has been updated to reflect CDFW's April 2023 recommendation.

Burrowing Owl

The Western Burrowing Owl is a California State "species of special concern." Its nest, eggs, and young are also protected under California Fish and Game Code (§3503 and §3503.5) and it is

protected under the federal Migratory Bird Treaty Act. This owl has no special federal listing status.

Burrowing owl habitat is usually found in annual and perennial grasslands, characterized by low growing vegetation. Often, the Burrowing Owl utilizes rodent burrows, typically California ground squirrel burrows, for nesting and cover. They may also on occasion dig their own burrows or use man-made objects such as concrete culverts or rip-rap piles for cover. They exhibit high site fidelity, reusing burrows year after year. Occupancy of suitable Burrowing Owl habitat can be verified at a site by observation of these owls during the spring and summer months or, alternatively, its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement (white wash) at or near a burrow. Burrowing owls typically are not observed in grasslands with tall vegetation or wooded areas because the vegetation obscures their ability to detect avian and terrestrial predators. Since Burrowing Owls spend the majority of their time sitting at the entrances of their burrows, grazed grasslands seem to be their preferred habitat because it allows them to view the world at 360 degrees without obstructions.

Permit Sonoma received CDFW comments on April 13, 2023, which note that the project site is located within predicted winter range for the burrowing owl, as the site could support potentially suitable overwintering habitat. CDFW finds the project could result in the removal of burrowing owl habitat and direct disturbance or mortality of wintering burrowing owl, or auditory or visual disturbances. Burrowing owl is a Species of Special Concern, therefore, if burrowing owl is present in or adjacent to the project area and would be impacted, project impacts to burrowing owl would be potentially significant. To reduce impacts to burrowing owl to less-than-significant, CDFW recommends a Burrowing Owl Survey which is included as Mitigation Measure BIO-5.

Western Pond Turtle

The Western Pond Turtle is found throughout California and is listed by the State as a Species of Concern. It does not have Federal status. Suitable habitat consists of any permanent or nearly permanent body of water or slow-moving stream with suitable refuge, basking sites and nesting sites. Refuge sites include partially submerged logs or rocks or mats of floating vegetation. Basking sites can be partially submerged rocks or logs, as well as shallow sloping banks with little or no cover. Nesting occurs in sandy banks or in soils up to 100 meters away from aquatic habitat.

The KBC report found that although aquatic habitat exists within the reservoirs on the property, the project sites does not contain habitat which would support this species. Although the KBC report does not find potential for significant impacts to Western Pond Turtle, Permit Sonoma concurs with CDFW's April 13, 2023 comments regarding site is located within CWHR predicted range for the species and supports potentially suitable habitat. CDFW's findings the project could result in the removal of suitable habitat within western pond turtle dispersal distance from aquatic habitat and could result in direct mortality of the species as western pond turtles can move more than four miles up or down stream. Therefore, CDFW finds the project area is within the mobility range of western pond turtle observations. The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat. For an adequate environmental setting and to reduce impacts to western pond turtle to less-than-significant, CDFW recommends a Western Pond Turtle Survey as a Mitigation Measure, included as Mitigation Measure BIO-6.

California Tiger Salamander

The Sonoma County Distinct Population Segment (DPS) of CTS was listed as endangered on March 19, 2003 (USFWS 2003), and final critical habitat was designated on August 31, 2011. The Central Valley DPS is Federal listed as threatened, and CTS is listed as threatened state-wide under the California Endangered Species Act.

Life History and Habitat Requirements

CTS require both wetland and adjacent upland habitat to complete their life cycle. Sub adult and adult CTS spend the dry summer and fall months of the year in upland refugia habitat in the burrows of

small mammals, such as California ground squirrels (*Otospermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*) or in soil cracks. Once fall or winter rains begin, they emerge from the upland sites on rainy nights to feed and to migrate to breeding pools. Historically, CTS utilized vernal pools, but the species also currently breeds in stockponds.

Occurrence of CTS is significantly associated with occurrence of ground squirrels or other burrowing small mammals. CTS cannot persist without upland habitat. Adult CTS may migrate up to ~1.4 miles from their upland sites to breeding sites, but most CTS remain much closer to breeding sites, as was found in one study that showed 95% of salamanders remained within 630 meters of their breeding pool in Solano County (Trenham and Shaffer 2005).

Status of Species in the Project Area

The September 2023 evaluation conducted by WES was performed to evaluate four specific areas, considered "Areas of Possible Development", to determine if these four areas exhibit suitable upland habitat for the California Tiger Salamander. While all four of the areas of possible development could support potentially suitable upland aestivation habitat for CTS as they contain a moderate density of fossorial mammal burrows, which CTS use as underground refugia during the majority of their lifespan, they are all located beyond 1.3-miles from the two closest known CTS breeding sites. Although there does not appear to be any significant barriers to movement for CTS, the hilly terrain between the site and the two known CTS breeding sites further limits the likelihood that CTS would travel from the two known CTS breeding sites to any of the four areas of possible development at the site as they would prefer relatively flat, open grassland habitat when dispersing from breeding pools to aestivation sites.

The report states that, although adult CTS have been observed up to 1.3 miles from breeding sites, it is highly unlikely that the CTS travels farther than 1.3 miles from breeding sites to upland sites, especially if there is suitable habitat closer to their breeding pools. The seasonal drainages and the perennial drainage at the site would not be considered suitable breeding habitat for CTS as CTS prefer natural ephemeral pools or ponds that mimic them (stock ponds that are allowed to go dry). It is highly unlikely CTS would breed in any drainage courses at or near the site. The WES habitat evaluation report concludes that any future development within the four areas of possible development would result in the minor loss of potentially suitable upland aestivation habitat for CTS, but this loss would not be considered a significant loss of suitable CTS habitat and would not result in the "take" of CTS or jeopardize the continued existence of CTS, particularly since the development areas are outside of designated critical habitat and known migratory ranges for the species.

On May 8, 2024, WES performed a second site visit to evaluate aquatic habitats on the site. The four "Areas of Possible Development", two perennial ponds, the perennial reservoir and portions of the perennial and seasonal drainages were evaluated and surveyed. The WES report found that it is highly unlikely for CTS to breed at any drainage courses at or near the site due to insufficient pond water depth suitable for breeding habitat. The two perennial ponds at the site are unsuitable for CTS breeding habitat due to the presence of predators such as the American bullfrog and large-mouth bass, which are known to eat CTS eggs. The WES report concludes that these aquatic habitats were found not to provide suitable breeding habitat and that any future development within the four areas of possible development would result in the minor loss of potentially suitable upland aestivation habitat for CTS, but this loss would not be considered a significant loss of suitable CTS upland aestivation habitat and would not result in the "take" of CTS or jeopardize the continued existence of CTS. "Take", as defined under the Endangered Species Act, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Therefore, no mitigation measures are proposed for CTS.

Significance Level:

Less than Significant

Mitigation Measures:

Mitigation Measure BIO-1: Conduct Sebastopol Meadowfoam Habitat Assessment

NOTE ON MAP: “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of Sebastopol Meadowfoam Habitat on and near the project site as a result of construction-related vegetation removal and site disturbance:

Sebastopol Meadowfoam Habitat Assessment. The project shall conduct a habitat assessment for Sebastopol meadowfoam within and adjacent to the project site and shall obtain CDFW’s written approval of the assessment, prior to ground-disturbing activities. If it is determined through the habitat assessment that habitat for Sebastopol meadowfoam occurs on-site or adjacent to the site where it may be impacted, then the following Special-Status Plant Survey mitigation measure below shall be implemented.

Special-Status Plants Survey and Permitting. The project shall submit to CDFW two years of completed botanical surveys and associated reports and obtain CDFW’s written approval of the reports prior to initiation of project activities. The botanical surveys and reports shall follow CDFW’s *2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*. If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW’s *2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, such as altering off-site hydrological conditions where the species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the project, including Sebastopol meadowfoam, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

Mitigation Monitoring BIO-1: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map 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 surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

Mitigation Measure BIO-2: Conduct Pre-construction Surveys for American Badger

NOTE ON MAP: “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of American Badger burrows on and near the project site as a result of construction-related vegetation removal and site disturbance:

1. If feasible, conduct all ground-disturbing activities between September 1 and February 28 to avoid the natal season for American badger. If it is not feasible to conduct ground-disturbing activities to avoid natal season for American badger, complete the following:
 - a. Conduct a survey by a qualified biologist for natal burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and

staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Survey results will remain valid for a period of 21 days following the date of the survey.

- b. In the event that an active natal burrow is discovered in the surveys area, postpone all ground-disturbing construction activities within this area until the Operating Entity consults with the California Department of Fish and Wildlife to determine the appropriate size of a no-disturbance buffer. This area will be flagged and no ground-disturbing activity will be allowed to occur here until it is determined that the young have dispersed the natal burrow.
2. Outside the natal season, conduct a survey for active badger burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Exclusion techniques will be used to passively relocate any badgers that are present in the disturbance area or within 50 feet of project activities. Exclusion techniques, such as installation of a one-way door in the burrow entrance, would exclude badgers from entering the burrow. Burrows with exclusion techniques will be monitored to confirm badger usage has been discontinued. After badger use has been discontinued, burrows outside the disturbance area, but within 50 feet of construction activities, will be temporarily covered with plywood sheets or similar material. Burrows within the project work area will be hand-excavated and collapsed to prevent reoccupation.
3. A qualified biologist shall conduct a worker environmental awareness program to provide construction personnel with information on their responsibilities with regard to the American badger. At a minimum, the training shall describe the species and their habitat, the importance of the species and its habitat, measures that are being implemented to conserve the species, and actions to take in the event badgers are observed in the work area. Include information about sensitive habitats and badger presence in interpretive signage for the project."

Mitigation Monitoring BIO-2: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that minimization measures are listed on all site alteration, grading, building or improvement plans. 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 surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

Mitigation Measure BIO-3: Conduct Nesting Bird Avoidance or Conduct Pre-construction Surveys

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

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- (b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys

shall be conducted at the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

- (c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season."

Mitigation Monitoring BIO-3: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

Mitigation Measure BIO-4: Conduct California Red-legged Frog Survey

NOTE ON MAP: "To avoid/minimize direct and indirect impacts to California red-legged frog (CRLF) within or adjacent to the building envelope as a result of project implementation, the following measure shall be implemented:

California Red-Legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If California red-legged frog are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the

project. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the project shall consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.

Mitigation Monitoring BIO-4: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that minimization measures are listed on all site alteration, grading, building or improvement plans. 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 surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

Mitigation Measure BIO-5: Conduct Burrowing Owl Habitat Assessment and Survey

NOTE ON MAP: “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of burrowing owls on and near the project site as a result of construction-related vegetation removal and site disturbance:

Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) survey methodology prior to project activities beginning during the non-breeding wintering season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology to ensure the owl is not disturbed by project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to project construction.

Mitigation Monitoring BIO-5: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to construction and 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.

Mitigation Measure BIO-6: Conduct Western Pond Turtle Survey

NOTE ON MAP: “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of Western Pond Turtles on and near the project site as a result of construction-related vegetation removal and site disturbance:

Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction survey for the western pond turtle and their nests within 48 hours of the commencement of project activities. If western pond turtle or their nests are detected at any time CDFW shall be notified immediately, and

the Qualified Biologist shall relocate the turtle to appropriate habitat within suitable stream habitat closest to where it was found. The project shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.

Mitigation Monitoring BIO-6: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to construction and 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.

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

Regulatory Framework

California Fish and Game Code Sections 1600-1603

Streams, lakes, and riparian vegetation, as habitat for fish and other wildlife species, are subject to jurisdiction by CDFW under Sections 1600-1603 of the CFGC. Any activity that will do one or more of the following -(1) substantially obstruct or divert the natural flow of a river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake -generally requires a 1602 Lake and Streambed Alteration Agreement (LSAA). The term "stream," which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as follows: "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life." This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (14 CCR 1.72). In addition, the term "stream" can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFW 1994). Riparian vegetation is defined as "vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself" (CDFW 1994). In addition to impacts to jurisdictional streambeds, removal of riparian vegetation also requires a Section 1602 LSAA from CDFW.

Sensitive Natural Communities

Sensitive natural communities are vegetation communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by CDFW (e.g., California Natural Diversity Database (CNDDDB) or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority. Impacts to sensitive natural communities and habitats must be considered and evaluated under the CEQA Guidelines.

California Oak Woodland Statute

In September 2004, State Bill 1334 was passed and added to the State Public Resources Code as Statute 21083.4, requiring Counties to determine in their CEQA documents whether a project in its jurisdiction may result in a conversion of oak woodlands that would have a significant effect on the environment. In addition, if the County determines that a project may result in a significant impact to

oak woodlands, the County shall require one or more of the following mitigation alternatives to mitigate for the impact:

- 1) Conserving oak woodlands through the use of conservation easements.
- 2) Plant an appropriate number of trees, including maintaining the plantings and replacing dead or diseased trees. Required maintenance of trees terminates seven years after the trees are planted. This type of mitigation shall not fulfill more than half of the mitigation requirement for the project. This type of mitigation may also be used to restore former oak woodlands.
- 3) Contribute funds to the Oak Woodlands Conservation Fund.
- 4) Other mitigation measures developed by the County.

The CFGC (Section 1361) defines oak woodland habitat as “an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover.”

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.

Tree Protection Ordinance (Code Section 26-88-010(m))

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. The tree protection ordinance requires a zoning permit and mitigation (e.g. replanting, preservation or in-lieu fees) when removing certain tree species above 6 inches diameter. A use permit is required for certain large trees exceeding specific thresholds as listed below.

Oak Woodland Ordinance (Code Section 26-67)

The Oak Woodland Ordinance, adopted in 2024, addresses tree removal and development within Oak Woodlands on parcels located in the OAK Combining Zone. The ordinance allows for one-time woodland conversion up to half-acre, but otherwise requires a use permit for most larger-scale projects in Oak Woodlands.

Comment

Sensitive vegetation communities include riparian habitats or other sensitive natural communities identified in local or regional plans, policies, or regulations, or designated by the USFWS, NOAA Fisheries, or CDFW.

The vegetation associations or alliances on the property consist of vineyards, grasslands, woodlands, wetland, and riparian corridor of the unnamed tributary of Blucher Creek. The California Native Plant Society Inventory of Rare and Endangered Plants classifies the vegetation on the site as Cismontane Woodland and Valley and Foothill Grassland. The criteria for classifying the vegetation on the site as per Sawyer et al, 2009, A Manual of California Vegetation, Second Edition as Forest or Woodland Alliance and Semi-natural grassland with Herbaceous Layer.

The project as proposed will not impact any Sensitive Natural Communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Riparian Vegetation.

The property is located in a Riparian Corridor Combining Zone but is not designated critical habitat or located in the Santa Rosa Conservation Strategy Study Area and is therefore outside the reach of the California Tiger Salamander. KBC biologists found that the property includes seasonal drainages (see *Drainages* below). There is one USGS-designated blue-line stream (unnamed tributary of Blucher Creek) that runs north-south with riparian corridors located on the property.

No riparian vegetation will be removed by the proposed project and KBC biologists found that the proposed project would not substantially interfere 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.

Wildlife Corridors.

The proposed project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plans.

KBC biologists did not identify any wildlife corridors associated with the project sites and found the proposed project would not significantly alter movement of wildlife through the property.

Portions of the property will continue to function as wildlife habitat, watershed, and open space. The proposed project will not lead to significant impacts to habitat fragmentation in the region, significant species exclusion, or significant change in species composition in the region.

Grasslands.

The project site contains habitats that include Semi-Natural Herbaceous Grassland and California Annual Grassland Alliance (Annual Grassland). The grasslands of the proposed project area do not meet the criteria for native Grassland and would not be considered a species with limited distribution or a sensitive natural plant community given the lack of typical native grassland species and diversity. The grasses present on the project site are within an understory and not associated with historic grasslands.

The project will incrementally reduce a small amount of grassland habitat. KBC biologists concluded, the proposed project will not result in significant changes in avifauna and or rodent utilization in the area.

Woodlands.

The woodland/forest on the property is dominated by live oaks. Understory vegetation is limited because of grazing, shade and leaf litter. The project will incrementally reduce a small amount of oak woodland.

Although it is not ranked as a sensitive vegetation alliance by CDFW, coast live oak woodland is protected by the County of Sonoma (Sonoma County 2008).

Should any tree removal occur, the proposed project shall be required to adhere to all general provisions, tree protection methods during construction, and compensatory mitigation requirements of the Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-010 [m]).

Future development of each proposed parcel is limited to the building envelopes identified on the project's Tentative Map. The building envelopes on the Tentative Map are located in specific areas of the property which are intended to avoid impacts to sensitive habitat or other natural communities to the greatest extent practicable.

In 2024, the project site was zoned for Oak Woodland, and although there are no oak trees proposed for removal, type conversion of land in the boundaries of Oak Woodland is subject to the provisions of Article 67 of the Zoning Code. Type conversion activities include, but are not limited to, clearing, grading, or otherwise modifying land for roads, driveways, buildings or building pads, utility easements, and Agricultural Crop Cultivation within an Oak Woodland. Mitigation Measure BIO-7 reduces potential impacts to Oak Woodlands to less than significant.

Drainages.

As mentioned above under *Riparian Vegetation*, the property includes seasonal drainages ("Waters of the State"). There is one USGS-designated blue-line stream that runs north-south located on the property. An unnamed tributary of Blucher Creek with a riparian corridor bisects the property. Proposed access to the building envelope on Lot 1 is via an existing 12-foot wide gravel driveway that crosses the tributary to Blucher Creek. No new grading is proposed for the driveway to Lot 1; however, 2,300-feet of this driveway will be resurfaced with an impervious material (paved) to meet County Fire Code requirements. The existing 12-foot to 18-foot wide gravel road located on Lot 2 crosses the unnamed tributary to Blucher Creek as well; however, there is no widening, grading, or resurfacing proposed for this road.

Any future construction and grading activities proposed for the project site will be required to comply with Chapter 11 of Sonoma County Code – Construction Grading and Drainage. Additionally, KBC biologists advised that the drainages on the property are considered "Waters of the U.S.". California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Resources Control Board must be consulted prior to any potential impact to the bed and or bank of these drainages. Construction equipment has the potential to impact seasonal drainages on the property during construction. Any alteration or filling will required CDFW permits, ACOE permits, and Regional Water Quality Control Board Certification. Construction and erosion control BMPs during construction of the site is needed to prevent any significant off-site impacts.

Consultation with CDFW is required for any work within the bed and/or bank or potential impact to riparian habitat, emergent wetland, or other sensitive natural communities. This requirement is included as Mitigation Measure BIO-4. The following studies and permits may be required:

- **Formal Delineation of Waters of the U.S. and Waters of the State.**

The ordinary high water mark (OHWM) would be mapped for the U.S. Army Corps of Engineers (Corps), and the top-of-bank and riparian habitat edge for the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). The mapping should be conducted with mapping grade GPS units or higher resolution equipment such as a ground survey. These data should then be documented in a digital spatial format (e.g., ArcGIS Shapefile, AutoCAD DWG) to inform the project design and be provided to the regulatory agencies.

- **Aquatic Resources Permit Application.**

Once verified by the regulatory agencies, a permit application should be filed with the respective regulatory agencies. The following permits and associated agencies would be necessary for the project to be in compliance:

- **Section 404 Nationwide Permit #3, #13, or #14:** Under Section 404 of the Clean Water Act (CWA), Nationwide Permits (NWP) can be issued by the Corps for small scale projects without substantial cumulative impacts. The threshold is typically less than one-half acre of impacts or similarly spatially confined impact; a culvert replacement would meet this threshold. One of several NWPs could be applied for: NWP #3 Maintenance (for maintenance on any previously authorized fill or fill placed before 1978); NWP #13 Bank Stabilization (to stabilize banks for erosion control or prevention); or NWP #14 Linear Transportation Projects (to construct or improve roads). In addition to the permit application, the applicant would need to provide the formal delineation, a project description (including timing, extent, equipment, materials), plan drawings, biological assessment, and any mitigation plans/actions to avoid or minimize impacts to sensitive biological resources. The Corps can be consulted prior to submittal of the permit to determine which NWP should be selected and outline the permit and mitigation to meet the Corps standards.
- **Section 401 Water Quality Certification:** Under Section 401 of the CWA, federal permits (i.e., NWP) must comply with state water quality requirements. Obtaining a Section 401 Water Quality Certification (WQC) from the RWQCB would run concurrent with the Corps permitting timelines, and must be issued within one year. Prior to completing the final WQC, RWQCB requires documentation of CEQA review by the lead agency (e.g., IS/MND, EIR). In addition to the permit application, the applicant would need to provide the formal delineation, a project description (including timing, extent, equipment, materials), plan drawings, biological assessment, and any mitigation plans/actions to avoid or minimize impacts to sensitive biological resources. The RWQCB can be consulted prior to submittal of the LSAA to ensure that the proposed project and mitigation is sufficiently compensatory for the project impacts.
- **Section 1600 Lake and Streambed Agreement:** Under Section 1600 of the California Fish and Game Code (CFGF), individuals or agencies must notify the California Department of Fish and Wildlife (CDFW) prior to conducting activities in or around lakes, rivers, or streams that may (1) divert or obstruct natural flow; (2) change the bed, channel, or bank; (3) use of material; and/or (4) deposit or dispose of material in. In addition to the permit application, the applicant would need to provide the formal delineation, a project description (including timing, extent, equipment, materials), plan drawings, biological assessment, and any mitigation plans/actions to avoid or minimize impacts to sensitive biological resources. The Lake and Streambed Agreement (LSAA) can be concurrent with the NWP and WQC,

and would require completed CEQA documentation. The CDFW can be consulted prior to submittal of the LSAA to ensure that the proposed project and mitigation is sufficiently compensatory for the project impacts.

Mitigation Measure BIO-4 will ensure avoidance and protection of the seasonal drainage and riparian vegetation on the property during resurfacing of the existing driveway serving Lot 1. The proposed project will not lead to significant impacts to habitat fragmentation in the region, significant species exclusion, or significant change in species composition in the region. Therefore, potential impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service is less than significant with mitigation incorporated.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-7: Tree Protection

NOTE ON MAP: "Development resulting removal of native oak trees or type conversion of land in the boundaries of Oak Woodland, is subject to the provisions of Article 67 of the Zoning Code. Type conversion activities include, but are not limited to, clearing, grading, or otherwise modifying land for roads, driveways, buildings or building pads, utility easements, and Agricultural Crop Cultivation within an Oak Woodland."

Mitigation Monitoring BIO-8: Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are followed. All measures shall be noted on the final project plans.

Mitigation Measure BIO-8: Aquatic Resources Permit Application

NOTE ON MAP: "The Applicant shall obtain all required permits for working in and/or near Waters of the U.S. and Waters of the State. Those permits are likely to include Section 404 Nationwide Permit with the Corps, Section 401 Water Quality Certification with the Regional Water Quality Control Board (RWQCB), and Section 1600 Lake and Streambed Agreement with the California Department of Fish & Wildlife (CDFW). Any mitigation measures or Best Management Practices (BMPs) recommended by resource agencies as part of that permitting shall be followed."

Grading shall occur during the dry season (April 1 through October 15) and should be suspended during unseasonable rainfalls of greater than one-half inch over a 24-hour period. If rainfall is in the forecast, standard erosion control measures (e.g., straw waddles, bales) should be deployed within the active working area.

Construction personnel should be informed of the location of the site's aquatic resources with high visibility flagging or staking prior to construction. No materials or equipment shall be lain down in or near the aquatic resources, and spill prevention materials shall be deployed for all construction equipment."

Mitigation Monitoring BIO-8: Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are

followed. All measures shall be noted on the final project plans.

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

Regulatory Framework

FEDERAL

The Clean Water Act (CWA)

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.

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

Section 401.

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

STATE

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Act (Porter-Cologne Act) (California Water Code § 13260) requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the “waters of the State” to file a report of discharge with the RWQCB through an application for waste discharge. “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.” The RWQCB protects all waters in its regulatory scope but has special responsibility for isolated wetlands and headwaters. These water bodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the CWA. If a 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

The KBC report found that no wetlands or vernal pools were associated with the proposed building envelopes and soil percolation areas identified on the Tentative Map. KBC finds that the proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. All construction grading will be required to comply with Chapter 11 of Sonoma County Code – Construction Grading and Drainage. The proposed project is not anticipated to have a significant impact on state or federally protected wetlands.

Significance Level:

Less than Significant

- 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

The KBC report found that there were no migratory wildlife corridors associated with the proposed building envelopes and soil percolation areas identified on the Tentative Map. The KBC report concluded the proposed project will not significantly alter movement of wildlife through the property.

Therefore, the proposed project will have a less than significant impact on native resident or migratory fish or wildlife species, wildlife corridors or wildlife nursery sites.

Significance Level:

Less Than Significant Impact

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

Local Ordinances:

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. The *Sonoma County General Plan* calls for the protection and enhancement of Sonoma County's natural habitats and diverse plant and animal communities by establishing standards and programs to protect native trees, plant communities, riparian corridors, and timber resources.

Scenic Resources (SR) Combining District

The purpose of the SR combining district is to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element.

Tree Protection Ordinance (Code Section 26-88-010(m))

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. The tree protection ordinance requires a zoning permit and mitigation (e.g. replanting, preservation or in-lieu fees) when removing certain tree species above 6 inches diameter. A use permit is required for certain large trees exceeding specific thresholds as listed below.

Oak Woodland Ordinance (Code Section 26-67)

The Oak Woodland Ordinance, adopted in 2024, addresses tree removal and development within Oak Woodlands on parcels located in the OAK Combining Zone. The ordinance allows for one-time woodland conversion up to half-acre, but otherwise requires a use permit for most larger-scale projects in Oak Woodlands.

Comment

The project does not propose the removal of trees which are protected by the Tree Protection Ordinance listed in Sonoma County Zoning Code (Section 26-88-010(m)). In 2024, the project site was zoned for Oak Woodland, and although there are no oak trees proposed for removal, type conversion of land in the boundaries of Oak Woodland is subject to the provisions of Article 67 of the Zoning Code. Type conversion activities include, but are not limited to, clearing, grading, or otherwise modifying land for roads, driveways, buildings or building pads, utility easements, and Agricultural Crop Cultivation within an Oak Woodland. See Mitigation Measure BIO-7 for tree protection. The project site is not located within areas of special resource protection.

The proposed project would subdivide the property into two parcels. Future development of the property could result in one single-family dwelling on Lot 1. Lot 2 is already developed with a single-family residence. Accessory Dwelling Units (ADUs) are not permitted on the property because the land is within the Z Accessory Dwelling Unit Exclusion Combining District (Sonoma County Code Article 76). All future residential development would be limited to the parameters of the building envelope for Lot 1 shown on the Tentative Map.

With implementation of Mitigation Measures BIO-1 through BIO-8, the project would be consistent with Sonoma County General Plan 2020 Land Use Element and Open Space & Resource Conservation Element goals, policies, and objectives to protect natural resources and lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures BIO-1 – BIO 8 and Mitigation Monitoring BIO 1 – BIO 8.

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

Comment

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The Santa Rosa Plain Conservation Strategy (Conservation Strategy) is an effort led by the U.S. Fish & Wildlife Service (FWS) to help communities comply with the federal Endangered Species Act. Specifically, to protect the following species (and associated habitat) that occur only on the Santa Rosa Plain:

- California Tiger Salamander (CTS), Sonoma Population
- Burke's Goldfield
- Sonoma Sunshine
- Sebastopol Meadowfoam

- Many-flowered Navarretia

The Conservation Strategy originated in a team-setting consisting of government-agency representatives and other parties interested in conserving and enhancing habitat for the CTS and the listed plants, while considering the need for development pursuant to the general plans of local jurisdictions.

The Conservation Strategy Study Area (Study Area) is 20 miles long and six miles wide. Based on the Study Area Overview Map, the project site is not located within the Conservation Strategy Study Area. The 2024 WES CTS Habitat Assessment finds the project site could support potentially suitable upland aestivation habitat for CTS as they contain a moderate density of fossorial mammal burrows, which CTS use as underground refugia during the majority of their lifespan, they are all located beyond 1.3-miles from the two closest known CTS breeding sites. WES finds that any future development in the project building areas would not be considered a significant loss of suitable CTS habitat and that it is highly unlikely for CTS to breed on or near the site due to insufficient pond water depth suitable for breeding habitat. Therefore, no CTS mitigation is required and the project will not conflict with the Strategy. See Section 4a. above.

Significance Level:

Less than Significant Impact

5. CULTURAL RESOURCES

Would the project:

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

Comment

An historic building evaluation of the project site was conducted by Clark Historic Resource Consultants in October 2000. The evaluation found the farmstead reflects association with agricultural settlement of western Sonoma County, specifically dairying in the Bloomfield area. The evaluation concluded that the property does not appear to be individually eligible to the National Register of Historic Places or the California Register of Historic Resources. Therefore, the proposed project is not believed to cause a substantial adverse change to significant historical resources on the subject property.

Significance Level:

No Impact

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

Comment

On February 10, 2020, Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52. No requests for consultation were received.

On January 30 and February 1 and 2, 2001, an archeological evaluation and literature review of the project site, including the adjacent 149.19 acre property to the west, was conducted by Archeological Resource Service (ARS), and is documented in *A Cultural Resources Evaluation of the Bloomfield Vineyard Development at the Lagomarsino Ranch, 3225 Bloomfield Road, Sonoma County California*, dated February 6, 2001, prepared by ARS. Field survey findings indicated that one isolated Native American artifact and a concentration of prehistoric tool manufacturing debris were

encountered along the unnamed tributary to Blutcher Creek on the adjacent property. The Cultural Resources Evaluation states isolated artifacts are common throughout the region, as known Native American habitation sites are located within vicinity of the project site. The Cultural Resources Evaluation recommends the area along the unnamed tributary to Blutcher Creek be considered archaeologically sensitive.

Although the project does not propose construction activities within the archeologically sensitive areas, the Cultural Resources Evaluation recommends an archeologist monitor any future soil disturbing activities occurring in these areas. The report notes that archaeological resources could be uncovered by future soil disturbing activities on the remainder of the property, however archaeological monitoring is not warranted outside of the sensitive areas. By incorporating Mitigation Measures CUL-1 and CUL-2 listed below, potential impacts to archaeological resources will be reduced to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure CUL-1: An Archaeological Monitor is required to be present onsite during all grading and ground disturbance work that occur within the riparian area along the unnamed tributary to Blutcher Creek. Prior to submittal of the application for Grading Permit or any other ground disturbing activity, the applicant shall provide a contact with a qualified consultant to monitor ground disturbing activities to Permit Sonoma.

The following note shall be printed on the parcel map:

NOTE ON MAP: All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

“An Archaeological Monitor is required to be present during all grading or other ground-disturbing work occurring within the riparian area along the unnamed tributary to Blutcher Creek. The Archaeological Monitor must be present on site before the start of any ground-disturbing work, including scraping. In the event that cultural resources are discovered at any time during grading, scraping or excavation within the property, all work should be halted in the vicinity of the find. Artifacts associated with prehistoric sites may 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 resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. The Archaeological Monitor and Permit Sonoma - Project Review Staff shall be notified. Permit Sonoma Staff should consult with the appropriate tribal representative(s) from the tribes known to Permit Sonoma to have interests in the area to determine if the resources qualify as Tribal Cultural Resources (as defined in Public Resource Code § 21074). If determined to be a Tribal Cultural Resource, Permit Sonoma would further consult with the appropriate tribal representative(s) and project proponents in order to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review Staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Evaluation and mitigation shall be at the applicant's sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma Staff and County Coroner must be notified immediately pursuant to State law so that an evaluation can be performed. If the remains are deemed to be Native

American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code would be followed."

Mitigation Monitoring CUL-1: Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

Mitigation Measure CUL-2: The following note shall be printed on the parcel map:

NOTE ON MAP: All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

"If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code."

Mitigation Monitoring CUL-2: Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

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

Comment

The cultural resources evaluation conducted by professional archaeologists in February 2001 did not discover any unique paleontological or geological feature on the property, although paleontological features may be uncovered during project-related construction. Mitigation Measures CUL-1 and CUL-2 will reduce potential impacts to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures CUL-1 and CUL-2 and Mitigation Monitoring CUL-1 and CUL-2.

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

Comment

No burial sites are known in the vicinity of the project, and the project site has already been disturbed by past construction. Mitigation Measures CUL-1 and CUL-2 will reduce potential impacts to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures CUL-1 and CUL-2 and Mitigation Monitoring CUL-1 and CUL-2

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

The project proposed does not include development, however if any future structures are built as permitted by the Zoning District, short-term energy demand would result from potential construction activities, including energy needed to power worker and vendor vehicle trips, and construction equipment. Long-term energy demand would result from operation of potential new residential or agricultural structures, which would include activities such as lighting, heating, and cooling of structures. Although implementation of the project could result in a net increase in energy usage, the increase would not be wasteful nor inefficient because of energy-efficient building design required by Title 24 of the California Building Code.

Significance Level:

Less than Significant Impact

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

Comment

The County of Sonoma has not adopted a local renewable energy plan; however, the General Plan includes a variety of policies intended to encourage development of renewable energy systems, while protecting sensitive resources and ensuring neighborhood compatibility.

The project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. Therefore, the project would not conflict with or obstruct with applicable State and local plans for promoting use of renewable energy and energy efficiency.

Significance Level:

Less than Significant Impact

7. GEOLOGY AND SOILS

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Comment

The property is not designated by Sonoma County as being within the located within the Geologic Hazard Combining Zone (G district), nor does it appear to be within an active fault, liquefaction or landslide zone according to the most recent Alquist-Priolo Earthquake Fault Zoning Map (California Geological Survey).

No significant adverse effects from earthquake faults are expected.

Significance Level:

No impact

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

Comment

The property is not located within an active fault zone. Future development would be subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that development projects meet all standard seismic and soil test/compaction requirements.

Grading permits are required for all project-related construction prior to commencement of ground disturbance and therefore, any required earthwork, grading, trenching, backfilling or compaction operations will be done in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code) and erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

All project related construction activities are required to comply with the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.) as part of the permitting process. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Significance Level:

Less than Significant

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

Comment

The property is categorized as having "Very Low Susceptibility" for liquefaction and does not appear to be within a liquefaction zone according to the most recent Alquist-Priolo Earthquake Fault Zoning

Map (California Geological Survey).

Future development of the Building Envelope on Lot 1 would be subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that development projects meet all standard seismic and soil test/compaction requirements.

No significant adverse effects from liquefaction are expected.

Significance Level:

Less than Significant Impact

iv. Landslides?

Comment

The property is not located within or in close proximity to active landslide features as presented in Geology for Planning in Sonoma County Special Report 120, California Division of Mines and Geology, 1980. Mapping was completed at a regional scale and not suitable for site specific evaluation.

The proposed building envelope for Lot 1 is located on gently sloping terrain with slope angles below 5% which indicates low potential for slope failure.

Therefore, no significant adverse effects from landslides are expected given the project area is not identified as having active landslide features and the Sonoma County Code requirements and standards that need to be met.

Significance Level:

Less than Significant Impact

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

Comment

Project-related construction could involve grading, cuts and fills which require the issuance of a grading permit. Improper grading, both during and post construction, has the potential to increase the volume of runoff from a project site which could have adverse downstream flooding and further erosional impacts, and increase soil erosion on and off site which could adversely impact downstream water quality. Erosion and sediment control provisions in Chapters 7 (Building Regulations) and 11 (Construction, Grading and Drainage) of Sonoma County Code require implementation of flow control best management practices to reduce runoff. County code requires treatment of runoff from the two-year storm event. Required inspection by Permit Sonoma staff insures that all grading and erosion control measures are constructed according to approved plans. These provisions, along with adopted best management practices, are specifically designed to maintain potential water quantity impacts at a less than significant level during and post construction.

Potential construction-related impacts to water quality are maintained at a less than significant level through implementation of the County's construction, grading and drainage requirements, adopted best management practices (silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern), mandated limitations on work in wet weather and standard grading inspection requirements.

Issuance of a grading permit requires the applicant to prepare and conform to an erosion

prevention/sediment control plan which clearly shows the best management practices that will be implemented during construction, the limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Conditions of approval for a grading permit would also prohibit tracking of soil or construction debris into the public right-of-way and runoff containing concrete waste or by-products from entering storm drain systems, waterways or adjacent lands.

For post construction water quality impacts, adopted grading permit standards and best management practices require that stormwater be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include requirements for stormwater treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

Development projects must comply with Chapter 11 of Sonoma County Code, specific project-related conditions of approval, standards/regulations adopted by the State and Regional Water Quality Control Board, Low Impact Development regulations and other adopted best management practices.

Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met.

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 property is not designated by Sonoma County as being within the located within the Geologic Hazard Combining Zone (G district), nor is it located within an active fault, liquefaction or landslide zone according to the most recent Alquist-Priolo Earthquake Fault Zoning Map.

Given the mandated conditions and standards that need to be met, no significant adverse effects from unstable soils are expected and therefore, impacts will 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 direct or indirect risks to life or property?**

Comment

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. Any future development would be subject to engineering standards of the California Building Code, including standard seismic and soil test/compaction requirements. Therefore, the potential building failure impact related to expansive soils would be less than significant.

Significance Level:

Less than Significant Impact

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

Comment

The project site is located within a Zone 2 natural groundwater recharge area. Proposed Parcel 1 is vacant and proposed Parcel 2 will continue to have an existing septic system serving the existing residence. Preliminary documentation (pre-perc tests WSR16-0272, -0273, and -0348) provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils on site could support a septic system and the required expansion areas for each proposed parcel. Standard conditions of approval require the applicant provide evidence of soils suitable for subsurface sewage disposal prior to recording the subdivision map.

Significance Level:

Less than Significant Impact

8. GREENHOUSE GAS EMISSIONS

Regulatory Setting

Executive Order S-3-05

The Governor announced on June 1, 2005, through Executive Order S-3-05, the following GHG emission reduction targets:

- By 2010, California shall reduce GHG emissions to 2000 levels;
- By 2020, California shall reduce GHG emissions to 1990 levels; and
- By 2050, California shall reduce GHG emissions to 80 percent below 1990 levels.

Executive Order B-30-15

On April 29, 2015, Governor Brown issued Executive Order B-30-15. Therein, the Governor directed the following:

- Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.
- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets.
- Directed CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

California Global Warming Solutions Act of 2006 (AB 32)

In 2006, the California State Legislature adopted Assembly Bill (AB) 32 (codified in the California Health and Safety Code [HSC], Division 25.5 – California Global Warming Solutions Act of 2006), which focuses on reducing GHG emissions in California to 1990 levels by 2020. HSC Division 25.5 defines GHGs as CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ and represents the first enforceable statewide program to limit emissions of these GHGs from all major industries with penalties for noncompliance. The law further requires that reduction measures be technologically feasible and cost effective. Under HSC Division 25.5, CARB has the primary responsibility for reducing GHG emissions. CARB is required to adopt rules and regulations directing state actions that would achieve GHG emissions reductions equivalent to 1990 statewide levels by 2020.

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020. CARB developed and approved the initial Scoping Plan in 2008, outlining the regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs that would be needed to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the State's long-range climate objectives.

The First Update to the Scoping Plan was approved by CARB in May 2014 and built upon the initial

Scoping Plan with new strategies and recommendations. In 2014, CARB revised the target using the GWP values from the IPCC AR4 and determined that the 1990 GHG emissions inventory and 2020 GHG emissions limit is 431 MMTCO₂e. CARB also updated the State's BAU 2020 emissions estimate to account for the effect of the 2007–2009 economic recession, new estimates for future fuel and energy demand, and the reductions required by regulation that were adopted for motor vehicles and renewable energy.

Senate Bill 97

SB 97, enacted in 2007, directed OPR to develop California Environmental Quality Act (CEQA) Guidelines (*CEQA Guidelines*) “for the mitigation of GHG emissions or the effects of GHG emissions.” In December 2009, OPR adopted amendments to the *CEQA Guidelines*, Appendix G Environmental Checklist, which created a new resource section for GHG emissions and indicated criteria that may be used to establish significance of GHG emissions. Appendix F of the *CEQA Guidelines* states that, in order to ensure that energy implications are considered in project decisions, the potential energy implications of a project shall be considered in an EIR, to the extent relevant and applicable to the project. Appendix F of the CEQA Guidelines further states that a project's energy consumption and proposed conservation measures may be addressed, as relevant and applicable, in the Project Description, Environmental Setting, and Impact Analysis portions of technical sections, as well as through mitigation measures and alternatives.

Senate Bill 32 and Assembly Bill 197

In 2016, Senate Bill (SB) 32 and its companion bill AB 197, amended HSC Division 25.5 and established a new climate pollution reduction target of 40 percent below 1990 levels by 2030, while including provisions to ensure the benefits of state climate policies reach into disadvantaged communities.

2017 Climate Change Scoping Plan Update

In response to SB 32 and the 2030 GHG reduction target, CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB, 2017). CARB determined that the target Statewide 2030 emissions limit is 260 MMTCO₂e, and that further commitments will need to be made to achieve an additional reduction of 50 MMTCO₂e beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the Cap-and-Trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by Executive Order B-30-15.

In the Update, CARB recommends statewide targets of no more than six metric tons CO₂e per capita by 2030 and no more than two metric tons CO₂e per capita by 2050. CARB acknowledges that since the statewide per capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the State, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections. To demonstrate how a local jurisdiction can achieve their long-term GHG goals at the community plan level, CARB recommends developing a geographically-specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called “CEQA-qualified” GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan.

Sonoma County Regional Climate Action Plan

Climate Action 2020 and Beyond (CA2020) was the regional climate action plan for Sonoma County, adopted by the Sonoma County Regional Climate Protection Authority (RCPA) on July 11, 2016. CA2020 was not adopted as a qualified GHG reduction plan due to legal challenges and subsequent court decision. However, the underlying GHG emissions analysis and GHG inventory provides the basis for deriving a GHG threshold of significance.

California CEQA Guidelines

State CEQA Guidelines section 15064.4 specifically addresses the significance of GHG emissions, requiring a lead agency to make a “good-faith effort” to “describe, calculate or estimate” GHG emissions in CEQA environmental documents. Section 15064.4 further states that the analysis of GHG impacts should include consideration of (1) the extent to which the project may increase or reduce GHG emissions, (2) whether the project emissions would exceed a locally applicable threshold of significance, and (3) the extent to which the project would comply with “regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.”

The CEQA Guidelines do not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions. The 2009 amendments also include a new Subdivision 15064.7(c) which clarifies that in developing thresholds of significance, a lead agency may appropriately review thresholds developed by other public agencies, or recommended by other experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.

The California Natural Resources Agency has also clarified that the amended CEQA Guidelines focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA’s requirements for cumulative impact analysis (see Section 15064(h)(3)).

CEQA Guidelines section 15126.4(c) includes the following direction on measures to mitigate GHG emissions, when such emissions are found to be significant:

Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency’s decision;*
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures;*
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project’s emissions;*
- (4) Measures that sequester greenhouse gases;*

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, such as an adopted Climate Action Plan, for Sonoma County. Therefore, the project was analyzed under criterion A above and discussed below.

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. Therefore, construction

related GHG would not exceed established thresholds.

The proposed project does not propose the use of natural gas or new energy sources. The project could potentially result in one single-family dwelling on Lot 1. The addition of one single family dwelling would not generate significant VMT. All future construction on the property is required to meet the 2022 CALGreen requirements for EV charging stations. Therefore, 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's adopted goals and policies include GP Policy OSRC-14.4 to reduce greenhouse gas emissions 25% below 1990 levels by 2015. Sonoma County emissions in 2015 were 9% below 1990 levels, while the countywide population grew 4%. In May 2018, the Board of Supervisors adopted a Resolution of Intent to Reduce Greenhouse Gas Emissions that included adoption of the Regional Climate Protection Agency's goal to further reduce greenhouse gas emissions by 40% below 1990 levels by 2030 and by 80% below 1990 levels by 2050, consistent with SB32 and AB197 climate pollution reduction targets. All new development is required to evaluate all reasonably feasible measures to reduce greenhouse gas emissions and enhance carbon sequestration.

The project site is developed with a single family dwelling and agricultural structures. Foreseeable development on proposed Lot 1 would include a single family dwelling and accessory structures. The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing 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

The project proposes to subdivide a single parcel of land into two parcels. The routine use and transport of substantial quantities of hazardous materials will not result from subdivision or subsequent development of Lot 1. Any subsequent development on the site would necessitate a building permit that would require minimization measures to alleviate the risk of hazardous materials used during construction.

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

Subsequent development of Lot 1 may involve intermittent and small amounts of potentially hazardous materials such as fuel, lubricants, and cleaning materials during construction. Proper use of materials in accordance with local, state, and federal requirements, and as required by site development permits, will minimize the potential for accidental releases or emissions from hazardous materials. This will assure that the risks of the project impacting the human or biological environment will be reduced to a less than significant level.

Significance Level:

Less than Significant Impact

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

Comment

The project does not involve the use or transport of hazardous materials and the site is more than a mile from any existing or proposed school.

Significance Level:

Less than Significant 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 within or adjacent to the project limits, based on a review of the following databases on February 16, 2022:

1. The State Water Resources Control Board Geotracker database,
2. The Department of Toxic Substances Control EnviroStor database (formerly known as Calsites), and
3. The Calrecycle Solid Waste Information System (SWIS).

The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances Control or the CalRecycle Waste Management Board Solid Development Waste Information System (SWIS). The project area is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.

Significance Level:

No Impact

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

Comment

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

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. Potential future development of Lot 1 would not change existing circulation patterns significantly, would not generate substantial new traffic, and therefore would have no effect on emergency response routes.

Significance Level:

No Impact

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

Comment

According to the Sonoma County General Plan (Figure PS-1g, Wildland Fire Hazard Areas), the proposed project area is located within a State Responsibility Area (SRA) and is not located in a high or very high Fire Hazard Severity Zone. Portions of the 347-acre parcel are located in the "Influence Zone" of the Wildland Urban Interface and the entire project parcel is designated as a Moderate fire hazard severity zone. The General Plan describes Moderate fire hazard severity zones as "... 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.*"

As part of the County's planning referral process, the Sonoma County Permit and Resource Management Fire Prevention Division provided conditions of approval to manage wildland fire risks. Construction of the project would be required to comply with applicable requirements included in the Board of Forestry Fire Safe Regulations as well as the California Fire Code with local amendments as adopted in Sonoma County Code Chapter 13, including but not limited to fire sprinklers, emergency vehicle access, and maintaining a dedicated fire-fighting water supply onsite. Other required standards relate to fuel modification, defensible space, road naming, and addressing. See sections 17(d) and 20(a – d) below for additional discussion of wildfire.

The applicant has submitted an Exceptions to Standards to the Board of Forestry Fire Safety Regulations (BOF) that demonstrates safe access for emergency vehicles concurrently with civilian evacuation and unobstructed traffic circulation in the event of a wildfire emergency as determined by the Sonoma County Fire Marshal. On October 20, 2020, the Sonoma County Fire Prevention Division conducted a site visit and in November 2021, the Sonoma County Fire Marshal issued an exception from the BOF 20-foot road width requirement (14 CA Code of Regulations 1273.01), due to existing riparian corridors, pond, and associated setbacks; and the alternative methods providing the same practical effect toward defensible space. The Tentative Map for the proposed project documents the same practical effect alternatives which include: 1) a 20-foot wide roadway from Bloomfield Road to the existing drainage crossing, 2) two existing and one proposed turnaround along the 12 to 18-foot wide private roadway from the existing drainage crossing to the proposed subdivision entrance and 3) one existing turnaround at the proposed subdivision entrance.

Requirements to meet the County's Fire Safe Standards and the Board of Forestry Fire Safety Regulations reduces the project's potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires to a less than significant level.

Significance Level:

Less than Significant Impact

10. HYDROLOGY AND WATER QUALITY

Would the project:

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

Comment

The proposed project would subdivide the 347.27-acre parcel into two lots and pave an existing gravel vineyard road to provide driveway access to Lot 1. The driveway to Lot 2 is existing.

Following subdivision approval and at the time of proposed construction, Permit Sonoma requires the project applicant to prepare a grading and drainage plan in conformance with Chapter 11 Grading and Drainage Ordinance) and Chapter 11a (Storm Water Quality Ordinance) of the Sonoma County Code and the Sonoma County Storm Water Low Impact Development Guide, all of which include performance standards and Best Management Practices for pre-construction, construction, and post-construction to prevent and/or minimize the discharge of pollutants, including sediment, from the project site.

All of the above requirements and adopted best management practices are specifically designed to maintain potential water quality impacts at a less than significant level during and post construction.

Significance Level:

Less than Significant Impact

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

Comment

The Water Resources Element of the General Plan includes goals and policies for managing groundwater as a valuable and limited shared resource. The County uses a four-tier classification system to indicate general area of groundwater availability: Class 1 = Major Ground Water Basin, Class 2 = Major Natural Recharge Areas, Class 3 = Marginal Groundwater Availability and Class 4 = Low or Highly Variable Water Yield. Water Resources Element Policy WR-2e requires preparation of groundwater studies to verify the quality and quantity of groundwater and assess cumulative impacts associated with discretionary projects located in the Class 3 and 4 areas of the county.

The project site is located in Groundwater Availability Class 2, outside of any priority groundwater basins designated by the Department of Water Resources in accordance with the Sustainable Groundwater Management Act. The project site is currently developed with a residence on proposed Parcel 1 and vineyards on both Parcel 1 and Parcel 2. Foreseeable development includes those agricultural and residential uses permitted by the Land Extensive Agriculture (LEA) zoning district within the designated building envelope on proposed Parcel 1, such as one new single family dwelling. Accessory Dwelling Units are not allowed on the project site due to the property's zoning designation. According to Permit Sonoma Policy 8-2-1 default water use guidelines, a primary dwelling with landscaping is expected to use 0.5 acre-feet of water per year; a negligible expansion in groundwater use. Therefore, the project's impacts on groundwater supplies and groundwater recharge would be less than significant.

Significance Level:

Less than Significant Impact

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

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

Comment

There is one mapped blue-line stream on the USGS quadrangle for the property and associated riparian corridors according to Sonoma County. Future residential construction and development of the driveway to serve Lot 1 would involve ground disturbance and create 99,100 sf of new impervious area which requires adherence to Sonoma County stormwater Low Impact Development regulation. Permit Sonoma reviewed the proposal and verified the project design meets the design goal of 100% volume capture for the design storm as required by projects that create more than one acre of impervious area.

A complete Storm Water Low Impact Development Submittal would be required during the building permit phase for any proposed development on Lot 1 and all future development would be subject to stormwater low impact development regulations.

Construction grading activities must comply with performance standards in the Sonoma County Grading and Drainage Ordinance. The ordinance and adopted construction site Best Management Practices (BMPs) require installation of adequate erosion prevention and sediment control management practices. These ordinance requirements and BMPs are specifically designed to maintain water quantity and ensure erosion and siltation impacts are less than significant level during and post construction.

Additional discussion about erosion is provided in Question 7(b).

Significance Level:

Less than Significant Impact

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

Comment

The project proposes to create 99,100 sf of new impervious area which reflects development of the building envelope on Lot 1 and paving the existing gravel vineyard road to provide driveway access to Lot 1. Note: the building envelope and driveway access to Lot 2 are existing.

Prior to grading or building permit issuance, construction details for all post-construction storm water Best Management Practices (BMPs) shall be submitted for review and approval by the Grading & Storm Water Section of Permit Sonoma. Post-construction storm water BMPs must be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. BMPs are required to be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide. BMPs would prevent the alteration of site drainage or increases in surface runoff and avoid flooding. Project Low Impact Development techniques would include limiting impervious surfaces, dispersing development over larger areas, and creation of storm water detainment areas. Post construction storm water BMPs include filtering, settling, or removing pollutants. Through standard permitting requirements, potential flooding impacts are reduced to a less than significant level.

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

Standard grading and building permit requirements will reduce potential runoff impacts to a less than significant level as discussed in Section 7(b), 10(a), and 10(c)(i) and (ii).

Significance Level:

Less than Significant Impact

- iv. impede or redirect flood flows?**

Comment

The County used FEMA Flood Insurance Rate Maps to map flood hazard areas in General Plan 2020 in order to guide the placement of housing outside of flood and other natural hazard areas. According to Figure PS-1e of the General Plan, the proposed subdivision is not located within the 100-year Flood Hazard Area. The property is not located within the F1 (Floodway) or F2 (Floodplain) combining district. Additionally, standard grading and building permit requirements will reduce potential runoff impacts to a less than significant level as discussed in Section 7(b), 10(a), and 10(c)(i) and (ii).

Significance Level:

Less than Significant Impact

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

Comment

The project site is not located in an area subject to seiche or tsunami, and according to Figure PS-1e of the General Plan, the project site is outside of the 100-year Flood Hazard Area.

Significance Level:

Less than Significant Impact

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

Comment

The project is subject to Chapter 11 (Construction Grading and Drainage Ordinance) and Chapter 11A (Storm Water Quality Ordinance) of the Sonoma County Code and the Sonoma County Storm Water Low Impact Development Guide, all of which include performance standards and Best Management Practices for pre-construction, construction, and post-construction to prevent and/or minimize the discharge of pollutants, including sediment, from the project site.

The site is not located in the Santa Rosa Valley – Santa Rosa Plain priority groundwater basin and is classified as a Groundwater Availability Class 2.

Additionally, the property is not located within Critical Habitat areas and is outside of the Santa Rosa Plain Conservation Study Area, thus outside of the potential range of the CTS as discussed in Question 4(f).

Therefore, the project will not impede or conflict with implementation of the Sonoma County Storm Water Low Impact Development Guidelines or the goals of the Sustainable Groundwater Management Act, as discussed in Sections 4(f), 7(b), and 10(a) through (d).

Significance Level:

Less than Significant Impact

11. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

Comment

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

Significance Level:

No Impact

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 Sonoma County General Plan 2020 designates the project site as Land Extensive Agriculture (LEA) with a 160-acre density. The LEA designation was applied to parcels that are best suited for permanent agricultural use and capable of relatively low production per acre of land. The current land uses implement the provisions of the Land Extensive Agriculture land use category of the General Plan, consistent with the 160-acre density designated for the site, and the policies of the Agricultural Resource Element. The proposed Minor Subdivision of the property is consistent with this designation.

The project site is also designated as Land Extensive Agriculture by the Petaluma Dairy Belt Area Plan. The Petaluma Dairy Belt Area Plan reflects these priorities: (1) The primary priority shall be to preserve and enhance the agricultural resources and protect the agricultural industry found in this study area; (2) Preserve the area's scenic beauty; (3) Accommodate a variety of rural life styles; (4) Encourage the development of an adequate transportation network which will accommodate proposed development and projected travel needs, and which will facilitate movement of agricultural products to the market place. Major Policies of the Area Plan include insuring that identified impacts are mitigated before approving land subdivisions or rezonings which increase residential densities and to avoid impacts and potential conflicts with the surrounding agricultural activities.

The subdivision proposal of a 350+/-acre property into two parcels is consistent with the Petaluma Dairy Belt Area Plan as the project does not increase residential density for the site, does not impact the area's scenic beauty, and does not result in impacts and conflicts with surrounding agricultural activities. The property currently has the zoning density to for two primary dwellings and is devoted to agricultural and open space uses. Proposed Parcel 2 contains an existing residence and foreseeable development on Proposed Parcel 1 are those residential and agricultural uses allowed by the LEA zoning district; with all structures limited to the proposed building envelope in an area outside of the existing vineyard. A standard condition of approval requiring recordation of a Declaration Acknowledging Right to Farm on the property has been incorporated into the project. A Declaration Acknowledging Right to Farm informs current and future landowners of the property that the subject property is located on or adjacent to agricultural land, Sonoma County permits the operation of properly conducted agricultural operations on agricultural land, and that Sonoma County has declared it County policy to conserve, protect, enhance, and encourage such operations. All other potential

impacts resulting from the project will be mitigated to levels of less than significant prior to recordation of the map, as discussed throughout this initial study.

Significance Level:

Less than Significant Impact.

12. MINERAL RESOURCES

Would the project:

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

Comment

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 is not located within a known mineral resource deposit area, according to the Sonoma County Aggregate Resources Management Plan, as amended in 2010.

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). 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

The Noise Element of the Sonoma County General Plan sets forth and requires standard compliance with noise related performance standards to regulate noise affecting residential and other sensitive receptors. The proposed project would subdivide the property into two parcels, one of which is already developed with a single-family residence and associated agricultural uses. Future development of Lot 1 could result in one single-family dwelling. However, no substantial permanent increase in ambient noise levels in the vicinity of the project is anticipated with the occupation of two single-family dwellings.

Short-term construction activities would periodically increase ambient noise levels at the project site and vicinity, and would subside once construction of the proposed project is completed. Mitigation Measure NOISE-1 would reduce the potential temporary noise impact to a less than significant level.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure NOISE-1: The following note shall be placed on the parcel map:

NOTE ON MAP: "All plans and specifications or construction plans shall include the following notes:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. (use this if no nearby receptors, or 5:00 pm if nearby receptors) on weekdays and 9:00 a.m. and 7:00 p.m. (same note as above) on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, (same note as above) Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.
- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only (same note as above).
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem."

Mitigation Monitoring NOISE-1: Permit Sonoma Project Review staff shall ensure the Note is on the Map prior to recordation, and that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise

consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

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

Comment

The project does not propose construction however, any future construction activities that may generate minor ground borne vibration and noise would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels.

Significance Level:

Less than Significant Impact

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

Comment

There are no known private airstrips within the project area and people residing or working in the project area would not be exposed to excessive noise.

Significance Level:

No Impact

14. POPULATION AND HOUSING

Would the project:

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

Comment

The project parcel's density currently allows for one primary single-family dwelling per 160 acres. Future development of the property could result in one primary single-family residence on Lot 1 which would not have a significant effect on unplanned population growth. Therefore, the project's impact on population growth is less than significant.

Significance Level:

Less than Significant Impact

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

Comment

The existing residence on Lot 2 would remain undisturbed and therefore, no displacement of people or housing would result from the project.

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:**

i. Fire protection?

Comment

Future development of the property, as discussed in Section 14(a) would not require or facilitate the provision of new public facilities or services that could result in substantial adverse physical impacts. Further, any impacts associated with population growth because of the assigned density of the parcel would have been examined at the time of the designation.

The Gold Ridge Fire Protection District will continue to serve this area. There will be no increased need for fire protection resulting from the project. Sonoma County Code requires that any future development meet Fire Safe Standards (Chapter 13), which includes fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. This is a standard requirement for all new development and therefore potential impacts would be less than significant.

Significance Level:

Less than Significant Impact

ii. Police?

Comment

The Sonoma County Sheriff will continue to serve the project area. There will be no significant increased need for police or other public services resulting from the proposed project or future development as discussed in section 14(a) and section 15(a).

Significance Level:

Less than Significant Impact

iii. Schools?

Comment

Development fees to offset potential impacts to public services, including school impact mitigation fees, are required by Sonoma County Code and state law for new subdivisions and residential developments. The provision of new schools or parks is not reasonably foreseeable as a result of this project.

Significance Level:

Less than Significant Impact

iv. Parks?

Comment

Development fees to offset potential impacts to public services, including parkland mitigation fees, are

collected by Sonoma County. The proposed project would not result in the need for any new park facilities, and generally the demand for parks is addressed through fees. Future development would be subject to Sonoma County Code, Chapter 23, which requires payment of parkland mitigation fees for all new residential development for acquisition and development of added parklands pursuant to General Plan Objective OSRC-17.1 to “provide for adequate parkland and trails primarily in locations that are convenient to urban areas to meet the outdoor recreation needs of the population...”.

Significance Level:

Less than Significant Impact

v. Other public facilities?

Comment

Future development of the property, as described in section 14(a), would not require or facilitate the provision of new public facilities or services that could result in substantial adverse physical impacts. Further, any impacts associated with population growth because of the assigned density of the parcel would have been examined at the time of the designation. Development fees associated with individual building permits of any future development would offset potential impacts to public services.

Significance Level:

Less than Significant 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 project would not significantly increase the use of existing neighborhood or regional parks, or other recreational facilities. Further discussion of project related population growth and impacts on public services is within sections 14 and 15.

Significance Level:

Less than Significant 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 project does not involve the construction or expansion of recreational facilities.

Significance Level:

No Impact

17. TRANSPORTATION

Would the project:

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

Comment

The project does not conflict with any adopted plans, ordinances, or policies in regards to the circulation system. There are no existing or proposed bicycle or pedestrian facilities immediately adjacent to the property. There are existing bicycle facilities along nearby roadways (Roblar, Valley Ford and Petersen), but this project will not interfere with those facilities.

In accordance with the County's guidelines for Traffic Impact Studies, the project's trip generation would be insignificant and does not necessitate a traffic impact study. As conditions of approval, the Department of Transportation and Public Works (TPW) requires the payment of Traffic Mitigation Fees, and that all existing and proposed driveways be upgraded or constructed to meet current County standards and AASHTO (American Association of State Highway and Transportation Officials) standards.

The Circulation and Transit Element of the Sonoma County General Plan includes objectives for maintaining an acceptable Level of Service (LOS C) for the roadway system. The proposed project does not alter the roadway configuration and would not significantly increase traffic on Jensen Lane and therefore would not impact Level of Service.

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)?

SB 743, which was signed into law by Governor Brown in 2013 and codified in Public Resources Code 21099, tasked the Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see Pub. Resource Code, § 21099, subd. (b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR) that provides recommendations and describes various options for assessing VMT for transportation analysis purposes. The VMT analysis options described by OPR are primarily tailored towards single-use development residential, office or office projects, not mixed-use projects and not hotel projects.

For residential projects, OPR recommends that VMT impacts be considered potentially significant if a residential project is expected to generate VMT per Capita (i.e., VMT per resident) at a rate that exceeds 85 percent of a regional average. OPR does not provide specific guidance on evaluating other land use types, such as hotels, except to say that other land uses could choose to use the method applicable to the land use with the most similarity to the proposed project.

OPR also recommends exempting some project types from VMT analysis based on the likelihood that such projects will generate low rates of VMT. OPR recommends that projects generating less than 110 trips per day generally may be assumed to cause a less than significant transportation impact.

Comment

Although the project does not propose development at this time, future development could include one primary dwelling on Lot 1 in accordance with the LEA Zoning District and permitted development standards in Sonoma County Code. Accessory dwelling units would not be permitted on either Lot 1 or Lot 2 due to the property's zoning designation.

Based on the OPR recommendations, Permit Sonoma utilized the Institute of Transportation Engineers (ITE) Manual Trip Generation publication (Tenth Edition) to determine the total daily trips that would result from the proposed subdivision. VMT impacts attributable to the proposed subdivision would be less than significant as the creation of one additional parcel zoned for agricultural and residential uses with one primary dwelling would create an additional 9.44 trips per day, which is well below the 110 trips per day VMT significance threshold.

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 due to geometric design features since it maintains the existing alignment of the roadway and conditions of approval require that new and existing driveways be constructed to meet County and AASHTO standards. The project does not propose incompatible uses that would increase traffic-related hazards.

Hazards to drivers, cyclists, and pedestrians could occur during construction operations for any future development of the site. This temporary construction-related impact will cease upon project completion, and the following standard condition of approval, issued by the Department of Transportation and Public Works, will reduce the impact to a level of insignificance:

"The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria prior to issuance of building permits:

- a. The entrance shall be of sufficient width to accommodate two-way traffic.
- b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
- c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway."

Significance Level:

Less than Significant Impact

d) Result in inadequate emergency access?

Comment

California Department of Forestry and Fire Protection Fire Safe Regulations, 14 California Code of Regulations, §1273.00, require developments in State Responsibility Areas to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. The applicant has requested an exception to the width standards to provide the same practical effect pursuant to 14 California Code of Regulations §1270.06 due to environmental conditions and physical site limitations. The exception has been reviewed and approved by the Sonoma County Fire Marshal.

The Tentative Map for the proposed project documents the same practical effect alternatives which include: 1) a 20-foot wide roadway from Bloomfield Road to the existing drainage crossing, 2) two existing and one proposed turnaround along the 12 to 18-foot wide private roadway from the existing drainage crossing to the proposed subdivision entrance and 3) one existing turnaround at the proposed subdivision entrance. Future development on the site will also have to comply with all

emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13), including emergency vehicle access requirements. Project development plans are required to be reviewed by a Department of Fire and Emergency services Fire Inspector during the building permit process to ensure compliance with emergency access issues.

Any future construction activities occurring on the site may result in traffic delays possibly slowing emergency response vehicles or restricting access to residences or nearby businesses. This is a short-term construction related impact that will cease upon project completion, and is therefore less than significant. See sections 9(g) and 20(a – d) for additional discussion of wildfire.

Significance Level:

Less than Significant Impact

f) Result in inadequate parking capacity?

Comment

The Sonoma County Zoning Code's requirement for one covered parking space per parcel will ensure that parking is included as part of future development of Lot 1.

Significance Level:

No Impact

18. TRIBAL CULTURAL RESOURCES

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

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

Comment

A referral packet was drafted and circulated to the following Tribes on February 10, 2020:

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

Ms. Brenda L. Tomaras, attorney for Lytton Rancheria, replied with an email dated March 3, 2020, stating that the Tribe does not request further consultation on the project.

Mr. Ryan Peterson, from the Tribal Historic Preservation Department of Middletown Rancheria, replied with an email dated February 10, 2020, stating that the Tribal Historic Preservation Office reviewed the project and concluded that it is not within the aboriginal territories of the Middletown Rancheria.

No other comments were received and no tribe requested formal consultation on the proposed project.

A referral packet was also sent to the Northwest Information Center at Sonoma State University (NWIC) on February 10, 2020. In a response letter dated February 25, 2020, NWIC stated they had no record of any previous cultural resource studies for the proposed project area and provided the following recommendations:

1. Archaeological and Native American Resources.
Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Sonoma County have been found on ridges, midslope benches, in valleys, near ecotones, and near intermittent and perennial watercourses. The proposed project area is located south of Blucher Creek at the Knowles Corner Area and contains several hills and a large drainage canyon with a tributary of Blucher Creek. The project area contains partially wooded, scrub brush areas, as well as plowed fields. Given the similarity of one or more of these environmental factors, as well as other recorded resources in the vicinity, there is a moderate to high potential for unrecorded Native American resources in the proposed project area.
2. Built Environment.
The 1954 (photorevised 1971) USGS Two Rock 7.5' quad depicts seven buildings in the proposed project area. If present, these unrecorded buildings or structures meet the Office of Historic Preservation's (OHP) minimum age standard that buildings, structures, and objects 45 years or older may be of historical value, and therefore, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Alameda County conduct a formal CEQA evaluation.

An historic building evaluation of the project site was conducted by Clark Historic Resource Consultants in October 2000. The evaluation found the farmstead reflects association with agricultural settlement of western Sonoma County, specifically dairying in the Bloomfield area. The evaluation concluded that the property does not appear to be individually eligible to the National Register of Historic Places or the California Register of Historic Resources. Therefore, the proposed project is not believed to cause a substantial adverse change to significant historical resources on the property.

On January 30 and February 1 and 2, 2001, an archeological evaluation and literature review of the project site, including the adjacent 149.19 acre property to the west, was conducted by Archeological Resource Service (ARS), and is documented in *A Cultural Resources Evaluation of the Bloomfield Vineyard Development at the Lagomarsino Ranch, 3225 Bloomfield Road, Sonoma County California*, dated February 6, 2001, prepared by ARS. Field survey findings indicated that one isolated Native American artifact and a concentration of prehistoric tool manufacturing debris were encountered along the unnamed tributary to Blucher Creek on the adjacent property. The Cultural Resources Evaluation states isolated artifacts are common throughout the region, as known Native American habitation sites are located within vicinity of the project site. The Cultural Resources Evaluation recommends the area along the unnamed tributary to Blucher Creek be considered archaeologically sensitive. Although the project does not propose construction activities within the archeologically sensitive areas, the Cultural Resources Evaluation recommends an archeologist monitor any future soil disturbing activities occurring in these areas. The report notes that

archaeological resources could be uncovered by future soil disturbing activities on the remainder of the property, however archaeological monitoring is not warranted outside of the sensitive areas.

To reduce potential impacts to archaeological and Native American resources to a less than significant level, Mitigation Measures CUL-1 and CUL-2, and Mitigation Monitoring CUL-1 and CUL-2 require notes be printed on the parcel map and all building and/or grading permits. The notes require archaeological monitoring during soil disturbing activities within sensitive areas of the project site, and that all work be halted and immediate notification is provided to Permit Sonoma should any paleontological resources or prehistoric, historic or Tribal cultural resources are encountered during ground-disturbing work on the property.

Mitigation Measures CUL-1 and CUL-2, and Mitigation Monitoring CUL-1 and CUL-2 will reduce potential impacts to less than significant. Additionally, standard conditions of approval will ensure that a substantial adverse change in the significance of a Tribal cultural resource will not occur. See Section 5.c above.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure CUL-1 and Mitigation Monitoring CUL-1.

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 proposed project would not require any of the above-mentioned facilities.

Future development of Lot 1 would utilize an individual domestic well and private onsite septic system. Septic areas have been identified on the Tentative Map for this project. Therefore, the project will not impact a water or wastewater treatment system.

Future development would also be subject to Sonoma County Construction Grading and Drainage regulations, including erosion prevention/sediment control measures and not result in the relocation or construction of new or expanded storm water drainage.

Future development to provide electric power, natural gas and telecommunications utilities/services to Lot 1 of the proposed subdivision would be evaluated as part of the permitting process for future development. Note: The building envelope on Lot 2 is already developed with a single-family residence.

Significance Level:

Less than Significant Impact

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

Comment

Sufficient water for future development would be provided by on-site wells which will be located in a Class 2 groundwater area. See section 10(b) for a discussion of impacts to groundwater supply.

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

A new private onsite septic system would be constructed for future residential development on Lot 1. There would be no sewage treatment by an off-site provider. Future development would require the submittal of Subdivision Improvement Plans to the Survey and Land Development Section of Permit Sonoma for Well and Septic Section review. These plans shall show the outline of all existing and proposed septic tanks, sumps, wastewater disposal areas, reserve wastewater disposal areas and water wells within 100 feet of the proposed on-site and off-site improvements.

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 waste that would result from any future development on the project site. The addition of one, new single-family residence would not create solid waste in excess of the capacity of the County's solid waste system.

Significance Level:

Less than Significant Impact

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

Comment

Sonoma County has 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 waste that would result from the proposed project.

Significance Level:

Less than Significant Impact

20. WILDFIRE

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

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

Comment

As discussed in section 9(g), the project site is designated a State Responsibility Area (SRA) and is within a "Moderate" Fire Hazard Severity Zone. Adjacent parcels to the north, south, east and west are also designated SRA areas within a Moderate Fire Hazard Severity Zone. Presently, there is no adopted emergency response plan or an emergency evacuation plan for this area that the project could conflict with.

Significance Level:

No Impact

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

Comment

As discussed in section 9, the project site is in a designated Influence Wildland Urban Interface Zone, "Moderate" Fire Hazard Severity Zone in a State Responsibility Area. Topography, weather, and fuel (vegetation or structures) contribute to wildfire risk and behavior.

The building envelope for Lot 1 is on gently sloping terrain with slope angles below roughly 10% and were interpreted to have low potential for slope failure. The building envelope for Lot 2 is already developed. With grades ranging from 0-10%, onsite slopes are unlikely to significantly exacerbate wildfire risk.

Potential wildfire fuel sources include grasslands, trees, vegetation, and structures (residential). As discussed in section 9, application of County and State fire safe standards, including requirements related to vegetation management and defensible space, will offset any increased wildfire risk presented by prevailing winds or onsite fuel to a less than significant level.

Significance Level:

Less than Significant Impact

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

Comment

The project does not include plans for construction. Certain access improvements must be constructed prior to recordation of the final parcel map, which have been discussed in section 17. Future development would necessitate the construction of emergency water sources and other utilities, in accordance with Sonoma County Code and state law. California Department of Forestry and Fire Protection Fire Safe Regulations, 14 California Code of Regulations, §1273.00, require developments in State Responsibility Areas to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. The applicant has requested an exception to the width standards to provide the same practical effect pursuant to 14 California Code of Regulations §1270.06 due to environmental conditions and physical site limitations. The exception has been reviewed and approved by the Sonoma County Fire Marshal.

The Tentative Map for the proposed project documents the same practical effect alternatives which include: 1) a 20-foot wide roadway from Bloomfield Road to the existing drainage crossing, 2) two existing and one proposed turnaround along the 12 to 18-foot wide private roadway from the existing drainage crossing to the proposed subdivision entrance and 3) one existing turnaround at the proposed subdivision entrance.

Infrastructure improvements for future site development, such as fire apparatus access, two-way roads, emergency water supplies, turnarounds at future building sites, addressing and fire right-of-way easements will require building permits, which impose certain standards related to fire safety pursuant to Sonoma County Fire Safety Code (Chapter 13) and are reviewed by Sonoma County Fire and Emergency Services. With the application of California Department of Forestry and Fire Protection Fire Safe Regulations and Sonoma County Fire Safe Standards, future development of the property will have a less than significant impact on fire risk.

See sections 9(g) and 17(d) for additional discussion of wildfire.

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

Refer to section 7 (Geology and Soils).

Significance Level:

Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comment

Potential project impacts on special-status plant and fish/wildlife species, and habitat are addressed in section 4. Pre-construction biological surveys for any future development, as discussed in Section 4(a), would reduce potential impacts to a less than significant level. Potential adverse project impacts to aquatic resources are addressed in section 4(b). Potential adverse project impacts to cultural resources are addressed in section 5. Implementation of the required mitigation measures for historic and tribal cultural resources will reduce potential impacts to a less than significant level.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and BIO-8 and Mitigation Monitoring BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and BIO-8. Also see Mitigation Measures CUL-1 and CUL-2 and Mitigation Monitoring CUL-1 and CUL-2.

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

Comment

No project impacts have been identified in this Initial Study that are individually limited but cumulatively considerable. The project would contribute to impacts related to aesthetics, air quality, biological resources, cultural resources, and Tribal resources, and noise which have potential to be cumulative off-site, but mitigation measures would reduce project impacts to less than significant levels.

Significance Level:

Less than Significant Impact

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

Comment

The proposed project has the potential to cause adverse impacts on human beings, both directly and indirectly. However, all potential impact and adverse effects on human were analyzed, and would be less than significant with the mitigation measures identified in the Initial Study incorporated into the project.

Significance Level:

Less than Significant Impact

Attachments

1. Kjeldsen Biological Consulting, "Biological Assessment," July 2017
2. Initial Storm Water Low Impact Development Report, BC Engineering Group, July 26, 2021
3. Ray Carlson and Associates MNS20-0002 Proposal Statement, January 2019
4. Ray Carlson and Associates File MNS20-0002 Tentative Map, November 2021
5. Wiemeyer Ecological Sciences, "California Tiger Salamander Habitat Evaluation – 3225 Bloomfield Road, Sebastopol", CA, August 8, 2024
6. CDFW, "Bloomfield Minor Subdivision, Mitigated Negative Declaration, SCH No. 2023030499, Sonoma County", April 13, 2023

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2. Assessor's Parcel Maps, County of Sonoma
3. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
4. California Natural Diversity Database, California Department of Fish & Wildlife. <https://wildlife.ca.gov/Data/CNDDDB>
5. PRMD, Sonoma County General Plan 2020 (as amended), September 23, 2008.
6. PRMD, Sonoma County Petaluma Dairy Belt Area Plan, Adopted December 17, 1985 (Modified September 23, 2008).
7. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
8. Alquist-Priolo Special Studies Zones; State of California; 1983. http://www.conservation.ca.gov/cgs/rghm/ap/Pages/official_release.aspx
9. Flood Insurance Rate Maps, Federal Emergency Management Agency <https://msc.fema.gov/portal>
10. Special Report 120, California Division of Mines and Geology; 1980. ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_120/SR_120_Text.pdf
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12. Valley Oak Protection Ordinance, County Code Section 26-67; Sonoma County, December 1996.
13. Heritage or Landmark Tree Ordinance, County Code Chapter 26D; Sonoma County.
14. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
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https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sonomaCA1972/sonomaCA1972.pdf
16. Evaluation of Groundwater Resources, California Department of Water Resources Bulletin 118; 2003.
<http://water.ca.gov/groundwater/bulletin118/publications.cfm>
17. Sonoma County Congestion Management Program, Sonoma County Transportation Authority; December 18, 1995.
18. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
19. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.
20. Sonoma County Permit and Resource Management Department Noise Guidelines, 2017
21. Sonoma County Water Agency, Sonoma Valley Groundwater Management Plan, 2007 and annual reports. <http://www.scwa.ca.gov/svgw-documents/>
22. Sonoma County Water Agency, Santa Rosa Plain Groundwater Management Plan, 2014.
http://www.water.ca.gov/groundwater/docs/GWMP/NC-5_SRP_SonomaCoWaterAgency_GWMP_2014.pdf
23. "Visual Assessment Guidelines," Permit Sonoma, August 2021,
[https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/Assessor's Office, "Assessor's Parcel Maps", County of Sonoma](https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/Assessor's%20Office,%20Assessor's%20Parcel%20Maps)
24. Sonoma County Uniform Rules for Agricultural Preserves:
<https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147555121>
25. Bay Area Air Quality Management District, "California Environmental Quality Act, Air Quality Guideline," May 2017. [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en).
26. [CONFIDENTIAL] Historical Building Evaluation of 3225 Bloomfield road, Sonoma County, California APN 025-100-007, prepared by Clark Historic Resources Consultants, dated October 2000
27. [CONFIDENTIAL] A Cultural Resources Evaluation of the Bloomfield Vineyard Development at the Lagomarsino Ranch, 3225 Bloomfield Road, Sonoma County, California, prepared by Archaeological Resource Service, dated February 6, 2001
28. California Geological Survey Department of Conservation, California Earthquake Hazards Zone Application (EQ Zapp), <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

29. Permit and Resource Management Department, "Climate Change Action Resolution", County of Sonoma, May 8, 2018, http://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=784&meta_id=242232
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