



## ***Proposed Mitigated Negative Declaration***

### **Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

Publication Date: April 4, 2025

Public Review Period: April 4, 2025 – May 5, 2025

State Clearinghouse Number:

Permit Sonoma File Number:

**MNS24-0001**

Prepared by: Mark Shurvinton

Phone: (707) 565-6186

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

**Project Name:** MNS24-0001

**Project Applicant/Operator:** LPL Investments, LLC

**Project Location/Address:** 4825 Bodega Avenue, Petaluma CA 94952

**APN:** 021-110-070

**General Plan Land Use Designation:** Rural Residential 3

**Zoning Designation:** Agriculture and Residential (allowed density: 3 acres per dwelling), and combining zones for Oak Woodland and Scenic Resources

**Decision Making Body:** Project Review and Advisory Committee

**Appeal Body:** Planning Commission

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

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

**Table 1. Summary of Topic Areas**

Topic Area	Abbreviation*	Yes	No
Aesthetics	VIS	X	
Agriculture & Forestry Resources	AG		X
Air Quality	AIR	X	
Biological Resources	BIO	X	
Cultural Resources	CUL	X	
Energy	ENERGY		X
Geology and Soils	GEO		X
Greenhouse Gas Emission	GHG		X
Hazards and Hazardous Materials	HAZ		X
Hydrology and Water Quality	HYDRO		X
Land Use and Planning	LU		X
Mineral Resources	MIN		X
Noise	NOISE	X	
Population and Housing	POP		X
Public Services	PS		X
Recreation	REC		X
Transportation	TRANS		X
Tribal Cultural Resources	TCR	X	
Utilities and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		X

## RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Agency	Activity	Authorization
U. S. Army Corps of Engineers	Wetland dredge or fill	Clean Water Act, Section 401
	Work in navigable waters	Rivers and Harbors Act, Section 106
Regional Water Quality Control Board (San Francisco Bay)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologon) – Waste Discharge requirements, general permit or waiver
	Wetland dredge or fill	Clean Water Act, Section 404



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
U. S. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental take permit for listed plant and animal species	Endangered Species Act

**ENVIRONMENTAL FINDING:**

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

**Mark Shurvinton**

Digitally signed by Mark Shurvinton  
Date: 2025.04.01 15:27:26 -07'00'

Prepared by:

Date:



## ***Expanded Initial Study***

**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

### **I. INTRODUCTION:**

Minor Subdivision to subdivide a 17.87-acre parcel into four parcels of 4.30 acres, 3.0 acres, 3.0 acres, 3.0 acres, and a 4.57-acre designated remainder. 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 Mark Shurvinton, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by LPL Investments, LLC. Technical studies were provided by qualified consultants to support the conclusions in this Expanded Initial Study. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) Records Section. Contact Mark Shurvinton, Planner I, at (707) 565-6186, for more information.

### **II. EXISTING FACILITY**

The property comprises one single legal parcel developed with a single-family dwelling with well, septic, and various agricultural accessory structures. The property is developed with direct access to Monte Vista Lane. All existing structures are within 300 ft of Bodega Ave and would be encompassed by the proposed designated remainder.

The property was created by Parcel Map 8266, recorded under Book 383, Page 47-48 of Sonoma County Records on May 19, 1986. The property, Parcel 1 of PM8266, is encumbered by a building setback line of 200-feet from Bodega Avenue, a designated Scenic Corridor, a building setback line from an unnamed drainage along the northern property line, and a 40-foot-wide Roadway and Public Utility Easement as reflected on the 1986 Parcel Map.

### **III. PROJECT DESCRIPTION**

The applicant proposes a Minor Subdivision to subdivide a 17.87-acre parcel into four residential parcels of 4.30 acres (Parcel 1), 3.0 acres (Parcel 2), 3.0 acres (Parcel 3), 3.0 acres (Parcel 4), and a 4.57-acre Designated Remainder. The application does not include a request to develop the four newly created parcels. The proposed Designated Remainder parcel is currently developed with a single-family dwelling served by private onsite well and septic systems, and various agricultural accessory structures. All proposed parcels would be served by new individual private well and septic systems.



The proposed parcels would be served directly by Monte Vista Lane, a county-maintained road, with the exception of Parcel One which would be served by an existing approximately three hundred-foot long shared driveway easement connecting to Monte Vista Lane. An approximate 4.5 acre designated remainder is proposed along Bodega Ave with an existing well, septic, and single-family dwelling with various agricultural accessory structures.

## **IV. SETTING**

Located at 4825 Bodega Avenue in Petaluma, California, the property is situated within a Rural Residential land use cluster with Agricultural-Residential zoning, characterizing a low-density residential area with potential agricultural compatibility. The landscape features gently sloping terrain typical of Sonoma County's coastal hills region, hosting a mix of grasslands, and maintained landscaped areas. The terrain ranges in elevation between  $\pm 160$  feet in the northwest and  $\pm 70$  feet in the southeast. An unnamed drainage flows from west to east along the northern property line of the parcel.

Bodega Avenue hosts a proposed Class II bikeway, indicating planned non-motorized transportation infrastructure.

The project area is located within the medium priority Petaluma Valley groundwater basin, as defined by the California Department of Water Resources Bulletin 118, and Class 1 and Class 2 Groundwater Availability Areas which are Major Groundwater Basins (Class 1) and Major Natural Recharge Areas (Class 2). The project area is in a State Responsibility Area for fire protection within a Moderate Fire Hazard Severity Zone.

## **V. ISSUES RAISED BY THE PUBLIC OR AGENCIES**

### **Agency Referral**

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project. The Northwest Information Center requested a cultural resources study, which was subsequently prepared by Tom Origer and Associates. Permit Sonoma Natural Resources Division requested a Hydrogeologic Study, which was subsequently prepared by Hurvitz Environmental Services Inc. No other issues were raised by the referral agencies.

### **Tribal Consultation under AB 52**

Referrals were sent to the following Tribes:

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

Permit Sonoma did not receive requests for consultation.

### **Public Comments**

A neighborhood notice was sent to adjacent property owners prior to the publication of this document. No issues were raised by neighbors.

## VI. OTHER RELATED PROJECTS

Permit Sonoma is currently processing a minor subdivision application for File No. MNS17-0004 located across the street at 4880 Bodega Avenue, Petaluma. The application proposes subdivision of a 10-acre property into three residential parcels (State Clearing House No. 2025030569, MND public review period March 13, 2025-April 12, 2025).

## VII. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

Rick Young, on behalf of LPL Investments, 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 site is located within a Scenic Corridor designated by the Sonoma County General Plan. The project site is not located on a scenic hillside, nor would it involve tree removal, construction or grading that would significantly affect a scenic vista. All proposed structures within the Scenic



Corridor are subject to an increased setback or design review to ensure consistency with Scenic Corridor zoning and General Plan requirements.

The proposed Designated Remainder Parcel located along the Bodega Avenue frontage would continue to be encumbered by the Scenic Corridor combining district. The proposed Designated Remainder Parcel is developed with a single family dwelling and accessory structures. No development is proposed as part of this application, though the creation of new parcels (Parcels 1 – 4) would need to consider the possibility of development in the future. All proposed Parcels are located outside the Scenic Corridor, and all future structures would be subject to the development standards of the Agriculture Residential Zoning District, including building setbacks from property lines and roadways, a maximum building height of 35-feet, and maximum lot coverage of 18,000 square feet or 15% of the parcel acreage, whichever is greater. Additionally, the surrounding area is developed with single family dwellings, residential accessory uses, and some agricultural structures. Future development of the resulting parcels would blend in with the existing neighborhood characteristics not resulting in adverse effects to the scenic vistas. Because future development will occur outside the Scenic Corridor, and future development would match the existing neighbor characteristics and comply with Zoning Development Standards, there will be a less than 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 district. The project does not involve the 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 17.85-acre site and surrounding lands is agricultural and residential. Gently sloping up from Bodega Ave the parcel is cohesive with the pastoral grazing lands of the area. Using the County's Visual Assessment Guidelines<sup>1</sup> to analyze the site of potential development, the project site is characterized as having moderate visual sensitivity because it is within a rural land use designation where there are natural features of aesthetic value, such as vegetation and gentle slopes. The project does not involve a specific development proposal, therefore future development is required to be consistent with the Agriculture Residential Zoning District allowed uses and development standards. The project's visual dominance can be categorized as subordinate. The site of potential development, Parcels 1-4, is set back outside of the scenic corridor and is not substantially visible to the public, however, any new residential or agricultural structures would blend with existing development in the surrounding landscape. Utilizing the Visual Assessment Guidelines' matrix, the project's visual impact would be less than significant.

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<sup>1</sup> "Visual Assessment Guidelines," Permit Sonoma, January 2019, <https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>



Significance Level

Less than Significant Impact

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

The subdivision application does not propose new structures, but at future buildout, 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 Impact with Mitigation Incorporated.

***Mitigation***

**Mitigation VIS-1 Exterior Lighting Plan: Note on the Map:**

Prior to issuance of building permits, an exterior lighting plan shall be submitted for review by Permit Sonoma Project Review staff. Exterior lighting shall be Dark Sky compliant, or otherwise low mounted, downward casting, full-cutoff, 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.

**Monitoring VIS-1:** 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. Permit Sonoma 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, Permit Sonoma 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 project site is not designated as Prime or Unique Farmland, or Farmland of Statewide Importance on the Important Farmland maps. It is designated as Farmland of Local Importance and Grazing Land reflecting the most recent utility of the site for residential use. The parcel sizes meet the minimum size for AR (Agriculture/Residential) Zoning and would accommodate small scale agricultural use as is intended by the General Plan.

Significance Level  
No Impact

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

Comment

The project site is zoned AR (Agriculture and Residential), which allows for single family residential development and accessory agricultural uses. The site is not subject to a Land Conservation contract. The nearest contracted land is west of the project site approximately 17,000 feet away. The project is not expected to conflict with zoning for agricultural use or lands under a Land Conservation contract.

The proposed subdivision maintains a minimum 3-acre lot size to accommodate potentially viably agricultural use. Additionally, as a Condition of Approval, each resulting lot from the proposed subdivision will be required to record a right to farm declaration on each new parcel, that informs future property owners that farming practices occur within the vicinity.

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 is not 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:**

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



**Would the project:**

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

**Comment:**

The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for State and federal ozone standards, the State PM<sub>10</sub> standard, and State and federal PM<sub>2.5</sub> standards. 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<sub>x</sub>] 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 (see discussion in (b) below).

**Significance Level:**

Less than Significant Impact.

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

**Comment:**

As described in the current BAAQMD CEQA Guidelines, the BAAQMD has developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions.

If the project meets the screening criteria in Table 3-1 (Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes) of the BAAQMD CEQA Guidelines, the project will not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the Thresholds of Significance shown in Table 2-2 of the BAAQMD CEQA Guidelines. Additionally, operation of the proposed project would also result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions.

Based on its proposed size of 4 new rural residential lots, the proposed project is below the single-family land use construction-related screening size (114 dwelling units) and the operation criteria pollutant screening size (325 dwelling units). Following use of the screening criteria for ROG and NO<sub>x</sub>, found in the BAAQMD Air Quality Guidelines (Table 3-1), a detailed air quality study is not required, and emissions of criteria pollutants from the project would be less than significant. Furthermore, as the project would not result in a significant air quality impact, it would not result in a cumulatively considerable contribution to regional air quality impacts.

The project would not have a cumulative effect on ozone because it would not generate substantial traffic, which would result in substantial emissions of ozone precursors (ROG and NO<sub>x</sub>). The project would have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub>, because all surfaces would be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation would be minimal. However, there could be a significant short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction. Mitigation Measure AIR-1 would reduce this potential impact to a less than significant level.

Although the project would generate some ozone precursors from new vehicle trips, the size of the project is small, and the project would 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).

Wood smoke from fireplaces and wood stoves are sources of fine particulate matter. Wood smoke is a major contributor to reduced visibility and reduced air quality on winter evenings in both urban and rural areas. Sonoma County building regulations limit fireplaces to natural gas fireplaces, pellet stoves and EPA-Certified wood burning fireplaces or stoves. With the restriction on fireplace design, fine particulate emissions from this project would be a less than significant impact.

Construction activities would generate dust, particulates, and emissions from construction related vehicles, resulting in potential cumulative impacts. However, Mitigation Measure AIR-1 below would address these impacts.

**Significance Level:**

Less than Significant with Mitigation Incorporated.

***Mitigation:***

**Mitigation Measure AIR-1 Construction Dust and Air Quality Control: NOTE ON MAP:** The following BAAQMD recommended basic construction measures and air quality control measures shall be included in the construction contract specifications for all projects onsite and implemented during construction:

- a. A Construction Coordinator shall be designated by the project applicant, and a sign shall be posted on the site including the Coordinator's 24-hour phone number for public contact regarding dust, trackout, and air quality complaints. The Coordinator shall respond and take corrective action within 48 hours. The Coordinator shall report all complaints and their resolutions to Permit Sonoma staff.
- b. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- c. Trucks hauling soil, sand and other loose materials over public roads shall cover the loads, or shall keep the loads at least two feet below the level of the sides of the container, or shall wet the load sufficiently to prevent dust emissions.
- d. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- e. Vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
- f. Final surfacing (i.e., pavement or concrete, gravel, landscaping) shall be completed as soon as possible after earthwork is finished, unless seeding or soil binders are used.
- g. Idling time of diesel-powered construction equipment shall be limited to five minutes. Signs shall be posted reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall have a CARB-certified visible emissions evaluator check equipment prior to use at the site.

**Monitoring AIR-1:** Permit Sonoma staff shall verify that the AIR-1 measures are noted on the subdivision map prior to recordation and on subsequent site alteration, grading, building, and subdivision improvement plans prior to issuance of 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 residentially zoned with limited agricultural uses and abuts other residential and agricultural parcels. The project would not expose these sensitive receptors to significant concentrations of pollutants because of the analysis above in 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 of future build-out 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.

**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. However, the project is likely to result in new residences 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 adjacent to DA-zoned lands, therefore, the subdivision conditions of approval will require the property owner to record a Right to Farm Declaration.

Construction equipment may generate odors during project construction. The impact would be less than significant as it would be a short-term impact that ceases upon completion of the project.

**Significance Level:**

Less than Significant Impact.

## **4. BIOLOGICAL RESOURCES:**

### **Regulatory Framework**

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

#### **Federal**

##### ***Federal Endangered Species Act (FESA)***

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce



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

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

#### ***The Migratory Bird Treaty Act of 1918 (MBTA)***

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

#### ***The Clean Water Act (CWA)***

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

#### **Section 404.**

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



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

#### **Section 401.**

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

#### State

##### ***California Endangered Species Act (CESA)***

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

##### ***Fish and Game Code 1600-1602***

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

##### ***Nesting Birds***

Nesting birds, including raptors, are protected under CFGF 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 CFGF 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 CFGF 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest



abandonment and/or loss of reproductive effort is considered “take” by CDFW.

### ***Non-Game Mammals***

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

### ***California Fully Protected Species and Species of Special Concern***

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

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

### ***Porter-Cologne Water Quality Control Act***

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

### **Local**

### ***Sonoma County General Plan***



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

### ***Riparian Corridor Ordinance***

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

### ***Valley Oak Habitat (VOH) Combining District***

The VOH combining district is established to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of *Sonoma County General Plan 2020* Resource Conservation Element Section 5.1. Design review approval may be required of projects in the VOH, which would include measures to protect and enhance valley oaks on the project site, such as requiring that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

### ***Sonoma County Tree Protection Ordinance***

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

## **Project Analysis**

**Would the project:**

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

#### **Comment:**

#### ***Special-Status Species***

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (The Service) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to



regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat species designated as "High Priority" by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated High Priority" are defined as "imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats.

#### *Endangered Species Act*

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

#### *Critical Habitat*

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

#### *Essential Fish Habitat*

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



NMFS (50 CFR 600.920).

In June of 2024 Huffman-Broadway Group, Inc. (HBG) conducted a study of the project site (Attachment 2) A total of 39 special status species of plants, 39 special status animals, and 2 sensitive natural communities are known to occur within the vicinity of the Review Area as a result of the California Natural Diversity Database search (CNDDDB, June 2024). Based on the database search, literature review and habitat types found on the Review Area, none of 39 special-status plant species listed in the CNDDDB were identified as having a potential to occur within the Review Area.

#### Special Status Plant Species:

Based on the database search, literature review and habitat types found on the Project Site, none of 39 special-status plant species were identified as having a potential to occur within the Project Site Area. Although some of these species have been known to occur in the general vicinity of the Project Site, suitable habitat for these species was not found on the property. Additionally, none of the species identified were observed in the Project Site during surveys conducted during the flowering period of most of the species by three separate HBG biologists on April 16, 2024, April 18, 2024, and May 23, 2024.

The 2024 HBG biological assessment found that special status plant species found in this part of Sonoma County require habitat conditions not found on the Project Site. The non-native landscaping vegetation and weedy/ruderal vegetation at the property does not provide suitable habitat for any of the 39 special status plant species noted in Table 2 of Attachment 2. Plant species known from the area listed in Table 2 require specialized habitats such as salt, brackish, or freshwater marsh, cismontane woodland, valley and foothill grassland, coastal scrub or coastal prairie, chaparral, coniferous or broadleaf evergreen forest, or are species that are found in serpentine or other specialized soils. Due to the extensive non-native vegetation found in the Review Area, this site is a poor candidate for supporting special status plant species. The Review Area does not contain habitat suitable for native plant species and is not expected to support special status species of plant.

#### Special Status Animal Species:

The 2024 HBG biological assessment found that six special status animal species (one invertebrate, one amphibian, one reptile, two birds, and one mammal) with at least a Moderate Potential for occurrence on the Project Site. HBG provides the following assessment:

### INVERTEBRATES

One special status invertebrate was identified as potentially occurring at the Project Site.

#### **Western bumble bee (*Bombus occidentalis*):**

**Range.** This species has undergone severe declines in area of occupancy, number of occurrences, and relative abundance since the mid-20th century; previously, it was one of the most abundant bumble bees in the western United States and Canada.

**Habitat.** Found in a range of habitats, including mixed woodlands, farmlands, urban areas, montane meadows and into the western edge of the prairie grasslands (COSEWIC 2014b). Food plants include: *Ceanothus*, *Centaurea*, *Chrysothamnus*, *Cirsium*, *Geranium*, *Grindellia*, *Lupinus*, *Melilotus*, *Monardella*, *Rubus*, *Solidago*, and *Trifolium* (Williams et al. 2014b).

**Project Site Occurrence.** Moderate Potential. Not observed to be present. The Project Site has Moderate Potential to be used for episodic foraging as several nectar producing plant species are present which are known to be used by the western bumble bee. These include *Geranium* (*Geranium dissectum*), Bristly ox-tongue (*Helminthotheca echioides*), and *Trifolium* (*Trifolium hirtum*).



## FISH

No special-status fish species were identified as potentially occurring in the Review Area.

## AMPHIBIANS

One special-status amphibian species was identified as potentially occurring in the Review Area.

### **California red-legged frog (*Rana draytonii*):**

Range. Native historical range extended from southern Mendocino County in northwestern California south (primarily west of the Cascade-Sierra crest) to northwestern Baja California (Shaffer et al. 2004).

Special-Status Listing. Federally listed as threatened, CDFW Species of Special Concern (CDFW 2024).

Habitat. California red-legged frogs (CRLF) have been observed in aquatic and terrestrial habitats, including marshes, streams, lakes, reservoirs, ponds and other permanent, or near permanent, sources of water. Although they occur in ephemeral streams or ponds, CRLF are expected to thrive in permanent deep-water pools with dense stands of overhanging willows and emergent vegetation, and suitable sites for basking. However, they have been observed in various aquatic environments, including stock ponds and artificial pools with little to no vegetation. California red-legged frogs usually are observed near water but can move long distances over land between water sources during the rainy season. The life cycle and patterns of movement of the CRLF have evolved along with the local California climate of wet, cool winters and dry, warm summers. With the onset of the winter rains, CRLF move from dry-season refuges to ponds and streams that can support breeding and successful tadpole development. Tadpoles generally take until late summer or early fall to complete metamorphosis, and then the maturing young frogs (metamorphs) move to aquatic areas to take cover from predators.

Adult frogs often remain year-round at perennial ponds with deep water, but some depart for dry season refuges once breeding is over. Juveniles (frogs that are older than metamorphs but not yet sexually mature) disperse widely over the landscape during the first winter and will take residence in almost any water source. During the dry months of summer and fall, CRLF seek suitable dry season refuge sites that may include deep water holes in drying streams, springs and spring boxes, seeps, and small mammal burrows (especially in or near vegetation). However, CRLF must hydrate at least every couple of days to survive. Thus, such small mammal refuge sites must be close to a permanent water source for frogs to rehydrate. To find these refuges, frogs will travel several hundred yards where suitable refuges are abundant and up to three miles in moist coastal areas. Often, long distance movements are in a relatively straight line over hills and drainages between the beginning and end points.

Project Site Occurrence. Moderate Potential. CRLF is known to occur in the general vicinity of the Review Area as the nearest known location for CRLF in the CNDDDB is from a location just over 0.4 mile to the east. This record was of three tadpoles caught and released in May of 2017 in a marshy area of Wiggins Creek about 0.2 miles northeast of Skillman Road at Liberty Road northwest of Petaluma. Although streamside vegetation is not well-developed within the intermittent stream adjacent to the Review Area, some water was present in this stream adjacent to the Review Area at the time of the last HBG field review (May 23). Although the extensive and tall growth of non-native weedy species with a large amount of thatch throughout the onsite grasslands is generally not conducive in terms of movement of CRLF across the site, the extent of this vegetation changes seasonally and would be subject to change should the grazing regimen on the property be changed. Many dens of Botta's pocket gopher were found throughout the Review Area, and these could provide suitable refugial sites by CRLF during their seasonal movements from the stream to nearby



uplands. Habitat for CRLF within the Review Area is not optimal, but use of the site by CRLF cannot be ruled out.

## REPTILES

One special-status reptile species was identified as potentially occurring in the Review Area.

### **Western pond turtle (*Emys marmorata*):**

Range. Range extends from Washington or British Columbia to central California.

Special-Status Listing. CDFW Species of Special Concern (CDFW 2024). Note. that CNDDDB uses the species scientific name *Emys marmorata* is synonymous with *Actinemys marmorata*.

Habitat. Western pond turtles occupy ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. The turtles prefer aquatic habitats with calm waters, vegetated banks and emergent logs or rocks to use as basking sites. The turtles also rely on suitable upland areas of scrub and woodlands for aestival refugia and may use upland habitats up to 0.5 km from water for activities such as egg-laying. Pond turtles living in streams may vacate flood-prone areas during the rainy season. Western pond turtles occur broadly in suitable habitats throughout the state of California.

Project Site Occurrence. Moderate Potential. Although streamside vegetation is not well-developed within the intermittent stream adjacent to the Project Site, some water was present in this stream adjacent to the Review Area at the time of the last HBG field review (May 23). The ephemeral stream on the property adjacent to the Review Area contains marginally suitable habitat for western pond turtle. Although the extensive and tall growth of non-native weedy species with a large amount of thatch throughout the onsite grasslands is generally not conducive in terms of movement of western pond turtle across the site, the extent of this vegetation changes seasonally and would be subject to change should the grazing regimen on the property be changed. Upland habitat for western pond turtles within the Project Site is not optimal, but use of the site by the turtle as refugial habitat or even nesting cannot be ruled out. If western pond turtle were present in the stream on the adjacent property, a turtle could wander into the Review Area to use the onsite uplands.

## BIRDS

Two special-status avian species were identified as potentially occurring at the Project Site.

### **White-tailed Kite (*Elanus hudsonius*):**

Range. From southwestern Washington south to northwestern Baja California (mainly in Central Valley of California).

Special-Status Listing. CDFW Fully Protected Species (CDFW 2024).

Habitat. The white-tailed kite occurs in grasslands, agricultural fields, wetlands, oak woodland and oak savannah habitats in coastal foothills and valleys and throughout the Central Valley into the Sierra Foothills. They nest in a variety of trees and shrubs and prefer rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Winter foraging areas consist of open grasslands, meadows, or marshes close to isolated, dense-topped trees for nesting and perching. The main source of food consists of voles.

Project Site Occurrence. Moderate Potential. Not observed to be present, however, trees on and adjacent to the Review Area are suitable for nesting and suitable foraging areas are present in the area.

### **Burrowing Owl (*Athene cunicularia*):**

Range. Widespread distribution in North America.



Special-Status Listing. CDFW Species of Special Concern (CDFW 2024). CDFW adopted survey protocol and mitigation guidelines for burrowing owls as described in a March 7, 2012, Staff Report (CDFW 2012).

**Habitat.** Burrowing owls are small terrestrial owls commonly found in open grassland ranging from western Canada to portions of South America. Burrowing owl habitat can be found in annual and perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Burrowing owls are a subterranean nester, and in California, burrowing owls most commonly use burrows of California ground squirrel, but they also may use man-made structures, such as cement culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement. Burrowing owls may use a site for breeding, wintering, foraging, and/or migration stopovers during migration. While foraging, owls will perch on raised burrow mounds or other topographic relief such as rocks, tall plants, fence posts, and debris piles to attain better visibility. Occupancy of suitable burrowing owl habitat can be verified at a site by an observation of at least one burrowing owl, or, alternatively, presence of "decoration" at or near a burrow entrance which can include molted feathers, cast pellets, prey remains, eggshell fragments, or excrement.

**Project Site Occurrence.** Moderate Potential. No burrowing owls were observed during field reviews conducted by two separate HBG wildlife biologists on April 16 and 18 and May 23, 2024. Although the grasslands in Review Area are highly disturbed, there is some evidence of ground squirrel burrows within the grassland portion of the site. The tall grasses found on much of the site during the spring 2024 surveys is generally not conducive as habitat for nesting or foraging for burrowing, but as explained above, the nature of the grasslands can change based on season and upon the grazing regimen. Future presence of burrowing owls cannot be ruled out, especially if future colonies of California ground squirrels locate to the Review Area. There is a Moderate Potential for occupation of the site by California ground squirrels in the future and for the site to be used for episodic foraging or even nesting by burrowing owls.

## **MAMMALS**

One special-status mammal species was identified as potentially occurring on the Project Site. American Badger (*Taxidea taxus*):

### **American Badger (*Taxidea taxus*):**

**Range.** Large range in the western and central U.S., southern Canada, and northern and central Mexico; relatively common over much of range.

Special-Status Listing. CDFW Species of Special Concern (CDFW 2024).

**Habitat.** The CNDDDB indicates that suitable habitat for American badger includes the drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. American badgers need sufficient food, friable soils, and open uncultivated ground. American badgers dig their own burrows and prey on burrowing rodents. American badger can create a burrow over the course of a day and can, therefore, inhabit a site quickly.

**Project Site Occurrence.** Moderate Potential. Not observed to be present, however, suitable habitat for American badger occurs within the grassland habitat in the Review Area.

HBG's wildlife biologist observed 31 avian species at the site during the May 23, 2024, field review. The greatest diversity of native avian species was noted in the forested areas along the stream bordering the Review Area to the west and in the wind row of trees bisecting the area. Native bird species observed in these areas included California quail (*Callipepla californica*), acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Dryobates nuttallii*), chestnut-backed chickadee (*Poecile hudsonicus*), oak titmouse (*Baeolophus inornatus*), blue-gray gnatcatcher (*Poliophtila melanura*), Bewick's wren (*Thryomanes beweckii*), western flycatcher (*Empidonax difficilis*), black phoebe (*Sayornis nigricans*), California scrub-jay (*Aphelocoma californica*), American robin (*Turdus migratorius*), and dark-eyed junco (*Junco hyemalis*), along with raptors including turkey vulture (*Cathartes aura*) and both red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo*



lineatus). Other avian species observed in the Urban habitat around the structures and within the grasslands included Eurasian collared-dove (*Streptopelia decaocto*), Anna's hummingbird (*Calypte anna*), western bluebird (*Sialia mexicana*), lesser goldfinch (*Spinus psaltria*), California towhee (*Melospiza crissalis*), Bullock's oriole (*Icterus bullockii*), and great-tailed grackle (*Quiscalus mexicanus*). Barn swallows (*Hirundo rustica*), tree swallows (*Tachycineta bicolor*) and violet-green swallow (*Tachycineta thalassina*) were observed foraging for insects over the onsite grasslands. Non native house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and wild turkey (*Meleagris gallopavo*) were also observed.

The following Mitigation Measure would minimize or avoid impacts to special status plant and animal species from any future construction, reducing the potential impact to a level of insignificance.

Mitigation Measures:

**Mitigation Measure BIO-1: NOTE ON MAP: "Preconstruction Western Bumble Bee Survey.** A preconstruction clearance survey shall be conducted for the Western bumble bee by a qualified biologist within 48 hours of the start of ground disturbing activities, including mowing. A qualified biologist shall also be present during vegetation mowing and/or removal activities associated with construction. If Western bumble bee is observed, the bee or bees shall be allowed to disperse out of the construction area prior to continuing construction."

**Mitigation Monitoring BIO-1:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-2: NOTE ON MAP: "California red-legged Frog:** The following measures are recommended to minimize potential impacts to California red-legged frog:

1. A Qualified Biologist with experience in the identification of all life stages of the California red-legged frog, and its critical habitat, will survey the Project Site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is detected, the Project Developer shall notify the USFWS and the CDFW prior to the start of construction. If the USFWS or CDFW determines that adverse effects to the California red-legged frog cannot be avoided, the proposed project will not commence until the appropriate level of consultation with these agencies occurs.
2. The Project Developer will conduct work activities between May 1 and October 31 to avoid the breeding season of the California red-legged frog, when activities would be most disruptive to the species.
3. Before work begins on any proposed project, a Qualified Biologist will conduct a training session for all construction personnel, which will include a description of the California red-legged frog, its critical habitat, and specific measures that are being implemented to avoid adverse effects to the species and critical habitat during the proposed project.
4. A Qualified Biologist monitor will be present during all authorized construction activities involving ground disturbance. If the Qualified Biologist detects any life stage of the California red-legged frog on the Project Site during construction, work will cease immediately and the Project Developer or Qualified Biologist will notify the USFWS and CDFW via telephone and electronic mail. If the USFWS or CDFW determines that adverse effects to California red-legged frogs cannot be avoided, construction activities will remain suspended until these agencies complete the appropriate level of consultation.
5. During project activities, the Project Developer will ensure that all trash that may attract predators will be properly contained and removed from the work site and disposing of regularly.



Following construction, the Project Developer will ensure that all trash and construction debris is removed from work areas.

6. Prior to the onset of work, the Project Developer will have a plan in place for prompt and effective response to any accidental spills. The plan will include informing all workers of the importance of preventing spills and of the appropriate measures to implement should a spill occur.
7. The Project Developer will ensure that all refueling, maintenance, and staging of equipment and vehicles be conducted at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat. The Qualified Biologist will ensure contamination of aquatic or riparian habitat does not occur during such operations by implementing the spill response plan described in measure 6, above.
8. The Project Developer will ensure that all habitat contours are restored to their original configuration at the end of project activities in all areas that have been temporarily disturbed by activities associated with the project, unless it is determined that it is not feasible, or modification of original contours would benefit the California red-legged frog.
9. The Project Developer will ensure the project site is revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. The Project Developer will ensure locally collected plant materials are used to the extent practicable. The applicant will control invasive, exotic plants to the maximum extent practicable.
10. The Project Developer will ensure that the number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goals.
11. The Project Developer will ensure that Environmentally Sensitive Areas are delineated to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to habitat for the California red-legged frog. This goal includes locating access routes and construction areas outside of aquatic habitat and riparian areas to the maximum extent practicable. To control sedimentation during and after project implementation, the Project Developer will ensure that best management practices are implemented as outlined by the County. If best management practices are ineffective, as determined by the Qualified Biologist, the Project Developer will attempt to remedy the situation immediately, in coordination with the County.
12. The Qualified monitor will inspect all holes and trenches each morning. If the USFWS-and CDFW approved biological monitor finds a California red-legged frog in a hole or trench, the procedures from measure 4 above will apply.
13. If a work site is to be temporarily dewatered by pumping, the applicant will screen the intake with wire mesh not larger than 0.2 inch to prevent any California redlegged frogs not initially detected from entering the pump system. If California redlegged frogs are detected during dewatering, the applicant will halt work activities and will contact the USFWS and the CDFW to determine what measures may be necessary to avoid "take" of California red-legged frogs.
14. Upon completion of construction activities, the applicant will remove any diversions or barriers to flow in a manner that would allow flow to resume with the least disturbance to the substrate. The applicant will minimize alteration of the creek bed to the maximum extent possible and remove any imported material from the stream bed upon completion of the project.
15. Unless approved by the USFWS and CDFW, the applicant will not impound water in a manner that may attract California red-legged frogs.



16. A USFWS-and CDFW approved biologist will permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area to the maximum extent possible. The Qualified Biologist will be responsible for ensuring that his or her activities are in compliance with the California Fish and Game Code requirements.”

**Mitigation Monitoring BIO-2:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-3: NOTE ON MAP: “Preconstruction Western Pond Turtle Survey:** A Qualified Biologist shall conduct a preconstruction 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 the Project Site. Turtle nests shall be avoided. The Permittee 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-3:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-4; NOTE ON MAP: “White-tailed Kite:** If construction is proposed during the nesting season, a qualified biologist will conduct a bird nesting survey of the project site and adjacent areas pursuant to Mitigation Measure #5 that will include a search for raptor nests within the Project Site and areas adjacent to the Project Site. The preconstruction survey will be conducted within 5 days prior to ground disturbance and will include a search for nests of white-tailed kite. If an active white-tailed kite nest is detected during the survey, the nest site shall be protected by implementing a minimum 500-foot buffer zone around the nest marked with orange construction fencing. If an active nest is located outside of the Project Site, the buffer shall be extended onto the project site and demarcated with orange construction fencing where it intersects the Project Site. The qualified biologist, in consultation with CDFW, may modify the size of buffer zone based on the type of construction activity, physical barriers between the construction site and the active nest, behavioral factors, and the extent the whitetailed kite may have acclimated to disturbance. No construction or earthmoving activity shall occur within the established buffer zone until it is determined by a qualified biologist that the young have fledged or that the nesting cycle is otherwise determined to complete based on monitoring of the active nest.”

**Mitigation Monitoring BIO-4:**

If construction occurs during nesting bird season (February 1-August 31) then, prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-5: NOTE ON MAP: “Preconstruction Nesting Bird Survey A** preconstruction nesting bird survey shall be conducted if construction occurs during the bird nesting season (February 1- August 31). The survey should be conducted within 5 days prior to the start of work. The survey should include the entire project footprint and areas immediately adjacent to the project work area. The survey should include the trees and shrubs on and immediately adjacent to the project work area. Other large trees in the project vicinity are on the opposite sides of major roads; birds nesting in these trees are unlikely to be impacted by the proposed project; however, a



qualified biologist conducting surveys shall determine the appropriate survey area. If the survey indicates the potential presence of nesting birds, a buffer should be placed around the nest and marked with orange construction fencing within which no work will be allowed until the young have successfully fledged or the nest has otherwise become inactive. The size of the nest buffer will be determined by a qualified biologist and will be based to a large extent on the nesting species, its sensitivity to disturbance, and the context of the nest location. In general, typical buffer widths range from 500 feet for large raptors such as buteos, 250 feet for small raptors such as accipiters, and 100 feet for passerines (songbirds) and other bird species. Buffers may be increased or decreased, as appropriate, with approval from CDFW. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by the biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest. A copy of the nesting bird survey report shall be provided to the County prior to construction.”

**Mitigation Monitoring BIO-5:**

If construction occurs during nesting bird season (February 1-August 31) then, prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-6: NOTE ON MAP: “Preconstruction Burrowing Owl Survey.** Prior to any ground disturbance, pre-construction surveys for burrowing owl shall be conducted within the project and a minimum of 150 meters from the project site to the extent properties are accessible. The preconstruction surveys shall be conducted within 2 weeks prior to the onset of any grounddisturbing activities. Surveys shall be conducted by a qualified Biologist following the CDFW staff report (CDFW 2012), including survey methods and Biologist qualifications, to establish the status of burrowing owl on the project site. If no burrowing owls are detected during the preconstruction survey, no further action is necessary. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed in accordance with previously described methods. If burrowing owl is found to occupy the project site during the nonbreeding season (September 1 to January 31), occupied burrows shall be avoided by establishing a no-disturbance buffer zone marked by orange construction fencing a minimum of 100 feet around the burrow. Buffers may be increased to address site-specific conditions using the impact assessment approach described in the CDFW 2012 staff report. If a qualified Biologist determines that the location of an occupied burrow(s) may be impacted even with a 100-foot buffer, or the burrow(s) are in al ocation(s) on the project site where a buffer cannot be established without preventing the proposed project from moving forward, then a passive relocation effort may be instituted to relocate the individual(s) out of harm’s way pursuant to a Burrowing Owl Exclusion Plan prepared in accordance with the CDFW 2012 staff report. The applicant will coordinate the Burrowing Owl Exclusion Plan with CDFW and provide habitat mitigation consistent with the 2012 CDFW Staff Report. If burrowing owl is found to be present during the breeding season (February 1 to August 31), the proposed project ground-disturbing activities shall follow the CDFW 2012 staff report recommended avoidance protocol whereby occupied burrows shall be avoided with a nodisturbance buffer of between 50 meters and 500 meters depending on time of year and disturbance level, as described in the 2012 CDFW staff report. This breeding season buffer zone shall remain until the young have fledged or an unsuccessful nesting attempt is documented.”

**Mitigation Monitoring BIO-6:**

Prior to any ground disturbance(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the project biologist, CDFW, or USFWS to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-7: NOTE ON MAP: “Preconstruction American Badger Survey:** The following measures shall be implemented to avoid or minimize direct and indirect impacts on American badger within or immediately adjacent to the proposed project:



a. No sooner than seven (7) days, prior to ground disturbance activities associated with initial project construction, a qualified biologist, familiar with badger life history and who possesses experience with identification of active badger burrows and badger activity patterns shall conduct a preconstruction survey to determine the locations of any active winter or natal American badger dens within 100 feet of proposed ground disturbance areas. Potential badger dens located during the surveys shall be evaluated (typically with remote cameras) to determine activity status.

b. Any natal dens determined to be used by American badger, as identified from the surveys, shall be avoided and a 100-foot buffer marked with orange construction fencing shall be established around the dens during ground disturbance activities until it is determined by the qualified biologist that the den is no longer active, and the young are no longer dependent upon the den for survival.

c. If construction occurs during the non-breeding period (typically from June through February) and an individual badger is determined to be using a non-natal den within 50- feet of the construction footprint construction shall be halted until the badger has left the den on its own accord, as determined by the biologist through monitoring of the den and/or the use of motion-detection cameras. Once it is determined that the den is vacant the den can be excavated and upon confirmation that the den is not occupied, the den can be collapsed and construction can continue.”

**Mitigation Monitoring BIO-7:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the badger habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

**Mitigation Measure BIO-8: NOTE ON MAP: Preconstruction Bat Measures.** To reduce to impacts to special status bat or other protected species of bat, the following mitigation measures will be followed:

**Structure Removal:**

a. A qualified bat biologist shall conduct a habitat assessment and surveys for special status species of bats prior to any structure removal. The survey methodology shall include an initial habitat assessment and survey several months before project construction, to facilitate sufficient time to implement the exclusion plan described below, and the types of equipment used for detection.

b. A bat exclusion plan shall be submitted to CDFW for approval if bats are detected within structures during the above survey. The plan shall be implemented prior to project construction and allow bats to leave the structures unharmed. The plan shall: (1) recognize that both the maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm, and (2) identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project construction, and include an associated management and monitoring plan with implementation funding.

**Tree Removal.** Prior to any tree removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). Trees without suitable habitat for bats can be removed. If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed



survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. If a two-step removal is used, two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting a two-step methodology, tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If construction occurs during the non-breeding period (typically from June through February)."

**Mitigation Monitoring BIO-8:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the bat habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

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

**Comment:**

The HBG biological assessment found Two sensitive natural communities occur within the 10-mile CNDDDB database search radius: Northern Vernal Pool and Coastal Brackish Marsh. Neither of these communities occur within the Review Area or in the immediate vicinity. The unnamed creek on the adjacent property that extends along the western boundary of the Review Area is potentially subject to regulation by the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act and by the San Francisco Bay Regional Water Quality Control Board under the Porter-Cologne Water Pollution Control Act. The stream corridor would also likely be subject to CDFW jurisdiction under Section 1602 of the California Fish and Game Code.

The stream zone beyond the western edge of the Review Area is subject to the set back equal to two and a half times the height of the stream bank plus 30 feet or 30 feet outward from the top of bank, whichever is greater per not 3 on Parcel Map 8266 (Recorders book of maps, book 383 page 47). Grading work and land disturbance shall be set back the prescribed distance from top of stream banks, unless a greater setback is required by general plan, local coastal plan, or zoning code. The noted setback from the top of bank of the stream on the adjacent property extends into the Project Site as shown on the proposed Tentative Map (Attachment 4). The project proposes to retain the existing creek setback required by the 1986 recorded subdivision map thereby reducing impacts to less than significant.

**Significance Level:**

Less than Significant Impact.

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

**Comment:**

Huffman-Broadway Group, Inc. did not identify any wetlands within the development areas of the project site. The 2024 HBG biological assessment states provides the following:

On April 18, 2024, Greg Huffman of HBG conducted an initial reconnaissance investigation of the Review Area for the presence of wetlands and other Waters of the U.S. potentially subject to federal jurisdiction under the Clean Water Act or state or local jurisdiction under the Porter-Cologne Act or the Section 1602 Fish and Game Code jurisdiction of CDFW. The review included an investigation of existing landforms, vegetation, hydrology, and soil conditions, but consisted of a preliminary review of



the area for wetland habitats. No areas were found within the Project Site that would be considered wetlands or sensitive habitat pursuant to state or federal wetland criteria.

A stream was found adjacent to the western boundary of the Review Area. This stream was observed to have intermittent flow in a northward direction crossing through a culvert under Bodega Avenue. The wetted portion of this stream (area below Ordinary High Water) may be regulated by the Corps of Engineers as a water of the U.S. under Section 404 of the Clean Water Act. The creek and its banks would likely be regulated by the SFBRWQCB as a water of the state of California under the Porter-Cologne Act. The creek would also be considered a stream course subject to the jurisdiction of the CDFW pursuant to Section 1602 of the California Fish and Game Code. The Project Site is outside of these agencies' landward geographical reach of jurisdiction. However, the stream is subject to the note on Parcel Map 8266 (Bk 383, pg 47) requiring a setback equal to two and a half times the height of the stream bank plus 30 feet or 30 feet outward from the top of bank, whichever is greater. Grading work and land disturbance shall be set back the prescribed distance from top of stream banks, unless a greater setback is required by general plan, local coastal plan, or zoning code. The setback from the top of bank of the stream on the adjacent property extends into the Project Site as shown on the proposed Tentative Map (Attachment 4).

The project does not propose development. Potential future development on the property is subject to the abovementioned creek setback and therefore will not impact any Sensitive Natural Communities regulated by the California Department of Fish and Wildlife or US Fish and Wildlife. Additionally, there are no seasonal wetlands or vernal pools on the Project Site and no riparian vegetation is proposed to be removed by the project.

#### **Significance Level**

Less than Significant Impact

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

#### **Comment**

The study conducted by Huffman-Broadway Group, Inc. environment along the west edge of the property provides suitable breeding habitat for various species of amphibian that would be expected to include species such as Pacific chorus frog (*Pseudacris regilla*), California slender salamander (*Batrachoseps attenuatus*), arboreal salamander (*Aneides lugubris*), and western toad (*Anaxyrus boreas*), among others. These species could wander into the Review Area during portions of their life cycle. Reptiles were not observed during the field survey, but likely species, especially in the grasslands, would include western fence lizard (*Scoloperus occidentalis*), southern alligator lizard (*Elgaria multicarinatus*), Pacific gopher snake (*Pituophis catenifer*), and common garter snake (*Thamnophis sirtalis elegans*). Mammals observed at the site during the May 23, 2024, field review included California vole (*Microtus californicus*) in the non-native grassland area. Many dens of Botta's pocket gopher (*Thomomys bottae*) and several that could possibly support California ground squirrel (*Otospermophilus beecheyi*) were also observed in the grasslands during the field review. Other mammals expected at the site, especially around human habitation, would include Virginia opossum (*Didelphis virginiana*), Norway rat (*Rattus norvegicus*), house mouse (*Mus musculus*), deer mouse (*Peromyscus maniculatus*), striped skunk (*Mephitis mephitis*), and raccoon (*Procyon lotor*).

Due to the creek setback and proposed mitigation measures BIO-1 through BIO-8, the project is not expected to disrupt or interfere with the movement of wildlife or impede the use of native wildlife nursery sites. The existing trees on site may provide habitat for roosting bats and nesting birds. Many common bird species (including their eggs and young), are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). Impacts to migratory birds are typically avoided by removing vegetation during non-nesting season or by having a qualified biologist verify absence immediately prior to vegetation removal. Mitigation Measures BIO-8 is sufficient to address potential impacts to birds protected by the Migratory Bird Act to a level that would be less than significant.



**Significance Level:**

Less than Significant with Mitigation Incorporated.

**Mitigation**

See Mitigation Measure and Monitoring BIO-1, BIO-2, BIO-3, and BIO-4, BIO-5, BIO-6, BIO-7, AND BIO-8.

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

Potential impacts to biological resources have been discussed and addressed by Mitigation Measures in the preceding sections 4(a) through 4(d), consistent with policies in the General Plan and standards in the Zoning Code. With Mitigation Measures BIO-1 through BIO-4, and the Oak Woodland combining deistic (SCC Sec.26-67-020), the project will have no conflict with any local regulations protecting biological resources. Additionally, the project site is zoned with the Valley Oak Habitat Combining district, although the project would still be subject to the Sonoma County Tree Protection ordinance. However, no trees are proposed to be removed with the project. Future tree removal would be subject to the tree protection ordinance, and protected tree species would require mitigation to be removed.

**Significance Level:**

No Impact.

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

**Comment:**

The project site is not located within the area of the Santa Rosa Plain Conservation Strategy, nor within the Sonoma County General Plan 2020 designated Critical Habitat area for CTS or CRLF,. However, the HBG study (attachment 2) did identify potent CTS habitat along the western border of the parcel, building envelopes and Mitigation measures BIO-1 though BIO-4 discussed above ensure that the project does not conflict with any local, regional, state, or federal conservation plans.

**Significance Level:**

Less than Significant with Mitigation Incorporated.

**Mitigation**

See Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 and associated monitoring and PM 8266 Note 4.

## **5. CULTURAL RESOURCES:**

**Would the project:**

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

**Comment**

The current project site has been developed with a residential structure and outbuildings. Northwest Information Center reviewed this project for potential to impact cultural resources. Two structures were identified as having potential to be a historic resource. These structures are the main house and a barn on the proposed designated remainder and no changes are proposed to these structures. Tom Origer & Associates completed a cultural resources study of the property and identified an historical ranch complex within the study area on the proposed designated remainder parcel. No



alterations are proposed to the buildings; therefore, no resource-specific recommendations were proposed.  
(Documentation pertaining to this study is on file at Tom Origer & Associates (File No. 2024-038). Additionally, as all identified structures are within the scenic corridor along Bodega Ave any future changes to these structures would require a design review including a landmarks commission review. As a result, this project would not cause adverse change in the significance of a historical resource.

**Significance Level**

Less than Significant Impact

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

**Comment**

On February 16, 2024, 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.

An Archaeological Resource Management Report prepared by Tom Origer & Associates on April 26, 2024 did not identify any archeological resources on the project site. Construction resulting from the subdivision approval (e.g. construction of access road and structures) could uncover archaeological resources, therefore Mitigation Measure CUL-1 has been incorporated into the project to reduce potential impacts to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation Measure CUL-1:** 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."

**Monitoring CUL-1:** Building/grading permits shall not be approved for issuance by Permit Sonoma



staff until the above note is printed on the subdivision improvement plans, on the recorded subdivision map, and future building/grading permit plans on the project site.

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

**Comment**

The cultural resources evaluation did not discover any unique paleontological or geological feature on the property, although paleontological features may be uncovered during project-related construction. Mitigation Measure CUL-1 will reduce potential impacts to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure and Monitoring CUL-1

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

**Comment**

No burial sites are known in the vicinity of the project however, buried features may be uncovered during project-related construction. Mitigation Measure CUL-1 will reduce potential impacts to less than significant.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure and Monitoring CUL-1

## **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**

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

**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. Although renewable energy



is encouraged, there is no requirement to develop renewable energy sources for single family development projects, outside of meeting Title 24 requirements discussed above. Additionally, 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

## 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.**

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

**Comment:**

The project site is not within a fault hazard zone as delineated by the Alquist-Priolo fault maps<sup>3</sup>.

**Significance Level:**

No Impact.

- ii. Strong seismic ground shaking?**

**Comment**

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which consider soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements.

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.

Based on this uniformly applied regulatory process, the project would not expose people to substantial risk of injury from seismic shaking, and the potential impact is less than significant.

**Significance Level**

Less than Significant

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

**Comment:**

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. According to the current Sonoma County Hazard Mitigation Plan<sup>4</sup>, the project site has a designation that ranges from very low to high susceptibility to liquefaction (Figure 8.1). All new structures are subject to engineering standards of the California Building Code.

Because engineering standards are required for all permitted construction activities, potential impacts would be less than significant.

**Significance Level:**

Less than Significant Impact.

**iv. Landslides?**

**Comment**

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials landslides are a hazard. The project site is relatively flat and according to the Sonoma County Hazard Mitigation Plan (Figure 8.11), the project site is located in an area with very low susceptibility to landslides<sup>5</sup>. All structures are required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which consider soil properties, seismic shaking and foundation type. Project conditions of approval require that building and grading permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements, therefore potential impacts from landslides are reduced to less than significant.

**Significance Level:**

Less than Significant

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

**Comment**

Future 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 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 of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code) requires implementation of flow control best management practices to reduce runoff. The Ordinance requires treatment of runoff from the two-year storm event. Required inspection by Permit Sonoma staff ensures that all grading and erosion control measures are constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential water quantity impacts at a less than significant level during



and post construction.

In regard to water quality impacts, County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

Issuance of a grading permit requires the applicant to prepare and conform to an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands.

For post construction water quality impacts, adopted grading permit standards and best management practices require that storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water 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.

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

**Significance Level:**

Less than Significant Impact.

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

**Comment:**

The project site is subject to seismic shaking and other geologic hazards as described in section 6(a)(ii), 6(a)(iii) and (6)(a)(iv), above. However, site specific geologic investigation will be conducted through the site development permitting process, which require construction techniques that account for site specific conditions.

**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. Soils on the project site where new construction would occur consist of Steinbeck loam 2 to 9% and 0 to 15% slopes. This soil type has a low shrink-swell potential and is not considered an expansive soil. However, on site soils have not been tested for their expansive characteristics. As stated above, new structures are 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 applicant has applied for Septic Design permits (SDA24-0001, and SDA24-0002) which have been completed and reviewed by health specialist with the Permit Sonoma Project Review Health Specialist showing the soils on site could support a septic system and the required expansion area for each proposed parcel.

**Significance Level**

Less than Significant

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

**Comment:**

The cultural resources evaluation conducted by professional archaeologists in April 2024 did not discover any unique paleontological or geological feature on the property, although paleontological features may be uncovered during project-related construction. Mitigation Measure CUL-1 will reduce potential impacts to less than significant.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure and Monitoring CUL-1

## 8. GREENHOUSE GAS EMISSIONS:

Would the project:

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

**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 CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub> 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 MMTCO<sub>2e</sub>. 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 MMTCO<sub>2e</sub>, and that further commitments will need to be made to achieve an additional reduction of 50 MMTCO<sub>2e</sub> 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 CO<sub>2</sub>e per capita by 2030 and no more than two metric tons CO<sub>2</sub>e 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;*

**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 new single-family dwellings on Lots 1, 2, and 4. The addition of three single family dwellings 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 proposed project will not conflict with a plan or policy regarding greenhouse gas emissions. See response to 8(a) above.

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 Lots 1 through 4 would include single family dwellings 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

## **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 four parcels within one designated remainder. The routine use and transport of substantial quantities of hazardous materials will not result from subdivision or subsequent development of the parcels. 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 the three parcels 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 17, 2025:

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. The closest public use airport—Petaluma Municipal Airport—is approximately five miles away.

**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. Subsequent residential development of the proposed three parcels 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 Wildland Fire Hazard Area map (Figure PS-1g) in the Sonoma County General Plan, the project site is located in a State Responsibility Area (SRA) and is designated as a Moderate Fire Hazard Severity Zone. Moderate Zones are generally located in grasslands and valleys, away from significant forested or chaparral wildland vegetation, as is the case with the project site. The site is approximately 200 feet above mean sea level and contain gentle slopes ranging from 10-16%. Strong north-east "Santa Ana" winds, typical in Sonoma County, can increase the severity of wildland fire in the fall months. During fire season, gradient winds are generally out of the south/southwest at 5-10 mph, strengthening to 10-15 mph in the late afternoon. These prevailing wind conditions are not unique to the project site.

As part of the County's planning referral process, the Sonoma County Permit and Resource Management's 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.

All construction projects must comply with County Fire Safe Standards (Sonoma County Municipal Code Chapter 13), including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site. Other code-required fire safe standards relate to fuel modification, defensible space, road naming, and addressing. In addition, because the project is within an SRA, all future construction onsite will need



to comply with State Fire Code standards, which among other items require maintaining and managing vegetation and fuels around buildings and structures.

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 subdivision could result in the grading of driveways and the placement of building pads that could disturb soil and affect the quantity and/or quality of stormwater runoff.

A construction project disturbing one or more acres of soil is required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit Order 2009-0009-DWQ for Discharges of Storm Water Runoff Associated with Construction Activity<sup>2</sup>. Construction activities subject to this permit include clearing, grading, stockpiling, excavation, and reconstruction of existing facilities involving removal and replacement. The General Permit requires submittal of a Notice of Intent (NOI) package, and development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which, in addition to other requirements, must include Best Management Practices (BMPs) to protect the quality of stormwater runoff.

At the time of proposed construction, Sonoma County also requires project applicants to prepare a grading and drainage plan (Erosion Prevention and Sediment Control Plan) in conformance with 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. Required inspections by Permit Sonoma staff insure that all grading and erosion control measures are constructed according to the approved plans.

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**

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<sup>2</sup> State Water Resources Control Board, "2009-0009-DWQ CONSTRUCTION GENERAL PERMIT", California Environmental Protection Agency, September 26, 2018, [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)



As designated by the Department of Water Resources in accordance with the Sustainable Groundwater Management Act. 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 1 and 2, within the Wilson Grove Formation Highlands groundwater basin, which is not a priority groundwater basin. Portions of the Designated Remainder Parcel are within the Petaluma Valley Priority Groundwater Basin, however, no new development is proposed on this parcel. Foreseeable development on each of the four proposed new lots includes those agricultural and residential uses permitted by the Agriculture Residential (AR) zoning district, such as one new single family dwelling, accessory structures and a well. According to Permit Sonoma Policy 8-2-1 water use guidelines, a primary dwelling with landscaping is expected to use 0.5 acre-feet of water per year; a Permit Sonoma staff geologist reviewed the submitted a Hydrogeological Assessment Report completed by Hurvitz Environmental Services Inc., completed on April 26, 2024 (Attachment 3) and determined the project would result in 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 an unnamed drainage feature on the west side of the site. Site drainage occurs by overland flow toward this stream.

Construction of potential new residential and agricultural structures as a result of this project would likely involve cuts, fills, and other grading. Unregulated grading during construction has the potential to increase soil erosion from a site, which could cause downstream flooding and further erosion, which could adversely impact downstream water quality. Construction grading activities shall be in compliance 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.

See section 7(b) for further discussion.

**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**

No development is proposed at this time, however, the project is likely to result in an increase in the amount of impervious surface area on the project site due to the construction of future residential or



agricultural structures.

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. They shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide. BMPs would prevent the alteration of site drainage, or increase 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

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

**Comment**

The site is not located in a 100-year flood plain where construction of new structures could impede or redirect flood flows.

**Significance Level**

Less than Significant

- 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**

No 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 a priority groundwater basin. 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 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 General Plan Land Use Designation is Rural Residential with a 3-acre per dwelling unit density and the zoning district is Agriculture and Residential with the same density. The proposed subdivision of the current 17 acre parcel to four lots of 4.3, 3, 3, 3 acres with a 4.57 acre designated remainder is consistent with the overall density allocation of the project site. The project is also located within the West Petaluma Area Plan.

The West Petaluma Area Plan reflects three priorities: Establish a boundary, accommodate a variety of rural lifestyles and protect and maintain agriculture. The proposed project is consistent with the goals of the west Petaluma area plan in that the proposed project create additional lots to accommodate rural lifestyles, and is proposed in an existing rural residential zoning district that does not infringe on agricultural uses.

By implementing the mitigation measures identified in this document, the project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect.

**Significance Level**  
No 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:**

**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 project would result in a four parcel subdivision with a designated remainder. The resultant parcels would have the potential to be developed with single-family homes. Noise associated with single-family homes is expected to be similar to the noise levels experienced at the site currently. No substantial permanent increase in ambient noise levels in the vicinity of the project is anticipated.

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.

**Monitoring NOISE-1:** PRMD Project Review Division 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. PRMD 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 PRMD staff. If violations are found, PRMD 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**

This project does not propose any construction of new structures, however, as development of each parcel would be allowed it is taken under consideration. Any noise resulting in in development of any uses permitted without a condition use permit is anticipated to not be significant because they would be short-term and temporary (i.e. construction of a primary dwelling) 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 parcel has an assigned General Plan density of 1 dwelling unit per 3 acres of land (AR B6 3), the project parcel's density currently allows for three residences and two accessory dwelling units. The project would create four additional parcels, which would be permitted one single-family residence and two accessory dwelling units each, per the assigned density. At build out, the difference between what is currently allowed and potential conditions as a result of the project is four additional accessory dwelling units, which is not substantial. The project's impact on population growth is less than significant.

**Significance Level**

Less than Significant

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

**Comment**

The property is currently occupied by the owners. There are no existing residences on the property that would be displaced by the project.

**Significance Level**

No Impact

## 15. PUBLIC SERVICES:

Would the project:

- a) **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**

The potential addition of four primary dwelling units, 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 facilities needed for fire protection resulting from the project. Sonoma County Code requires that all new 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 addition of four primary dwelling units 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**

Sonoma County Code, Chapter 23 requires payment of parkland mitigation fees for all new residential development for acquisition and development of added parklands to meeting 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...”. Development fees collected by Sonoma County are used to offset potential impacts to public services, including park mitigation fees. The project should not result in the need for any new park facilities, and generally the demand for parks is addressed through fees.

**Significance Level**

Less than Significant Impact

**v. Other public facilities?**

**Comment**

The potential addition of 4 new primary dwelling units, 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 also 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 regard to the circulation system. There is a Class 2 bikeway proposed for Bodega Avenue, this project will not interfere with that proposal. 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, Sonoma Public Infrastructure (SPI) 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.

**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 up to two new primary dwellings, one each on lots 1, and 4 in accordance with the DA Zoning District and permitted development standards in Sonoma County Code.

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 three additional parcel zoned for agricultural and residential uses with one primary dwelling each would create an additional 37.76 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. This temporary construction-related impact will cease upon project completion, and the following standard condition of approval, issued by the Sonoma Public Infrastructure Department, 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 designated remainder would retain direct access to Bodega Ave. All proposed lots would have access to Monte Vista Lane. Lot 4 would have access to Monte Vista Lane from a private driveway that currently serves two adjacent lots as well as the existing parcel. This project would not change the number of parcels the driveway serves.

Future development on the site will have to comply with all emergency access requirements of the Sonoma County Fire Safety Code (Sonoma County Code Chapter 13) and the Board of Forestry Fire Safety Regulations, 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.

Construction activities 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

**e) Result in inadequate parking capacity?**

**Comment**

The Sonoma County Zoning Code's requirement for covered parking will ensure that off-street parking is available for all resultant parcels.

**Significance Level**

No Impact

## **18. TRIBAL CULTURAL RESOURCES:**

**Would the project:**



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

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

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

**Comment**

As discussed in section 5(a), Tom Origer and Associates conducted a cultural resources evaluation of the project site. There are Two structures identified as having potential to be a historic resource. These structures are the main house and a barn on the proposed designated remainder and no changes are proposed to these structures. Tom Origer & Associates completed a cultural resources study of the property and identified an historical ranch complex within the study area on the proposed designated remainder parcel. No alterations are proposed to the buildings; therefore, no resource-specific recommendations were proposed. However, but construction related to the project could uncover such materials. Mitigation Measure CUL-1 will reduce potential impacts to less than significant.

Additionally, as mentioned in the discussion of section 5(a), Tom Origer and Associates conducted a cultural resources evaluation of the project site. During the field visit, no archaeological site indicators were observed. Tom Origer and Associates determined there are no known archaeological resources within the study area. However, construction resulting from the subdivision approval (e.g. construction of access road and structures) could uncover archaeological resources, therefore Mitigation Measure CUL-1 has been incorporated into the project to reduce potential impacts to less than significant.

On February 16, 2024, 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.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure and 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 project would not contribute to the need for construction of new water or expanded wastewater treatment facilities, other than construction of new private septic systems.

**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 would be provided by on-site wells which will be located in Class 1 and 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**

New septic systems would be constructed for any future residential development. There would be no sewage treatment by an off-site provider.

**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 the proposed project. The potential addition of two single family residences 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 access to adequate permitted landfill capacity to serve 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, the project site is in a designated Moderate Fire Hazard Severity Zone in a State Responsibility Area. There is no adopted emergency response plan or an emergency evacuation plan for this area that the project would 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 areas for all the proposed lots are on gently level terrain with slope angles below roughly 10% and were interpreted to have low potential for slope failure. 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. However, certain access improvements, such as a subdivision road meeting fire-safe standards, must be constructed prior to recordation of the final parcel map. In the future, the parcels may be developed with residential and agricultural structures, which would necessitate the construction of emergency water sources and other utilities, in accordance with Sonoma County Code and Board of Forestry Fire Safety Regulations. Current water supply is via approved wells in a class 1 groundwater basin. With the application of fire-safe standards, future infrastructure for the proposed residential parcels will have a less than significant impact on fire risk.

**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

## 21. MANDATORY FINDINGS OF SIGNIFICANCE:

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

**Comment**

Potential project impacts on special-status plant and fish/wildlife species, and habitat are addressed in section 4. Implementation of the required mitigation measures (Mitigation Measures BIO-1 through 8) would reduce these potential impacts to a less than significant level. Potential adverse project impacts to cultural resources are addressed in section 5. Implementation of the required mitigation measures (Mitigation Measure CUL-1) will reduce potential impacts to a less than significant level.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measures and Monitoring BIO-1 through BIO-10, and CUL-1.

- 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, which may be cumulative off-site, but mitigation measures would reduce project impacts to less than significant levels.

**Significance Level**

Less than Significant

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

**Comment**

The proposed project does not have the potential to cause substantial adverse impacts on human beings, both directly and indirectly. However, all potential impact and adverse effects on humans 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

## Attachments

1. Steven J. Lafranchi & Associates, Inc. “Stormwater Management Plan” February 2024
2. Huffman-Broadway Group, Inc. “Biological and Regulatory Constraints Assessment” June 2024
3. Hurvitz Environmental Services Inc. “Hydrogeological Assessment Report” April 26, 2024



4. Steven J. Lafranchi & Associates, Inc., "Tentative Parcel Map" June 11, 2024



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13. Potter, Sandi, "Policy 8-1-14 Procedures for Groundwater Analysis and Hydrogeologic Reports", Permit and Resource Management Department, February 23, 2017.
14. "Sonoma County General Plan 2020 (as amended)", County of Sonoma, September 23, 2008
15. "Sonoma County General Plan Environmental Impact Report", County of Sonoma, January 2006.
16. "Sonoma County Municipal Code", County of Sonoma, Accessed January 30, 2025, [https://library.municode.com/ca/sonoma\\_county/codes/code\\_of\\_ordinances?nodeId=SONOMA\\_CO\\_CALIFORNIAMUCO](https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=SONOMA_CO_CALIFORNIAMUCO).
17. "Sonoma County Aggregate Resources Management Plan and Program EIR", County of Sonoma, 1994.



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