



## ***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

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**Publication Date:** 6/24/2025  
**Public Review Period:** 6/24/2025 to 7/23/2025  
**State Clearinghouse Number:** 2025021012  
**Permit Sonoma File Number:** MNS21-0002  
**Prepared by:** Katerina Mahdavi  
**Phone:** (707) 565-1392

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

**Project Name:** 2485 Middle Two Rock Minor Subdivision, MNS21-0002  
**Project Applicant/Operator:** Joshua Melcon  
**Project Location/Address:** 2485 & 2525 Middle Two Rock Rd, Petaluma, CA 94952  
**APN:** 021-160-041  
**General Plan Land Use Designation:** Diverse Agriculture (DA 10)  
**Zoning Designation:** Diverse Agriculture (DA 10), Z (Accessory Dwelling Unit Exclusion), Riparian Corridor (RC50/25) Oak Woodland Habitat (OAK)  
**Decision Making Body:** Sonoma County Project Review Advisory Committee  
**Appeal Body:** Sonoma County Planning Commission  
**Project Description:** See below

### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

**Table 1. Summary of Topic Areas**

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

## **RESPONSIBLE AND TRUSTEE AGENCIES**

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

**Table 2. Responsible and Trustee Agencies**

<b>Agency</b>	<b>Activity</b>	<b>Authorization</b>
Sonoma County Permit and Resource Management Department (Permit Sonoma)	Requires that grading, septic and building permits be obtained for development of this site	Sonoma County Code Chapters: 7, 11, & 24
California Department of Fish and Wildlife	Impacts to species or habitat	California Endangered Species Act; Sections of the California Fish and Game Code related to Fully Protected Species, nongame mammals, nesting birds, and California Species of Special Concern
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
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
Regional Water Quality Control Board (San Francisco Bay)		

**ENVIRONMENTAL FINDING:**

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

Prepared by: Peter Kaljian

Date: 2/26/2025

*Katerina Mahdavi*

Amended by: Katerina Mahdavi

Date: 6/20/2025



## ***Expanded Initial Study***

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

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## **I. INTRODUCTION**

Joshua Melcon has proposed to subdivide a 41.55-acre parcel resulting in four parcels: lot one at 10.73 acres, lot two at 10.32 acres, lot three at 10.24 acres, and lot four at 10.26 acres in size at 2525 Middle Two Rock Road in Petaluma. 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 Peter Kaljian, Project Review Planner and amended by Katerina Mahdavi, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Brian Alan Curtis of Curtis and Associates, on behalf of Joshua Melcon. Technical studies provided by qualified consultants are attached to this Expanded Initial Study to support the conclusions. Other reports, documents, maps and studies referred to in this document are available for review at the Permit and Resource Management Department (Permit Sonoma) Records Section.

Please contact Katerina Mahdavi, Project Planner, at (707) 565-1392 for more information.

## **II. EXISTING FACILITY**

The project site is currently developed with one primary dwelling and one accessory dwelling unit and other agricultural structures. The existing home would remain on proposed lot 3 while the accessory structure would become a primary structure on lot 2. All well permits to support the proposed lots have been attained in advance of this application (WEL20-0313, WEL20-0313). Additionally, all pre perc tests have been performed for all proposed septic areas (WSR20-0140, WSR20-0347, WSR20-0348). Access to the existing structures is via a driveway connecting directly to Middle Two Rock Road, this driveway would be improved to meet fire access requirements as well as those requirements in the Subdivision Map Act.

## **III. PROJECT DESCRIPTION**

Joshua Melcon proposes to subdivide a 41.55-acre parcel into four parcels: parcel one at 10.73 acres, parcel two at 10.32 acres, parcel three at 10.24 acres, and parcel four at 10.26 acres. The assessor parcel map shows this parcel to be 40.01 acres, however, once a survey was completed by Brian Curtis with Curtis and Associates based on the parcel's legal description the parcel was determined to be 41.55 acres. The 41.55-acre parcel currently contains a single family home towards the back of the property (to remain on proposed lot three), a 1200 sq ft accessory dwelling unit near the frontage of Middle Two Rock Road (to remain on proposed lot two), and various accessory agricultural buildings. No structures are proposed with this application, however, building envelopes have been identified for each lot. Existing access is from a driveway off Middle Two Rock Road. The existing driveway is proposed to be improved to a subdivision road connecting each lot to Middle Two Rock Road. Septic permits for the proposed lots have already been obtained. Additional wells have been drilled on proposed lot one and would serve the proposed lots through the extension of service and associated easements. The terrain is primarily dominated by non-native annual grassland with a few clusters of trees. Mixed riparian forest runs over the northwest corner of the existing parcel that connects to an unidentified USGS blue-line stream



## V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

### Agency Referral

A referral packet circulated on March 9<sup>th</sup>, 2021 to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project. The Northwest Information Center requested a cultural resources study. No other issues were raised by the agencies.

### Tribal Consultation under AB 52

Referrals were sent on March 9<sup>th</sup>, 2021 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 Pomos Stewarts Point Rancheria  
Federated Indians of Graton Rancheria

No tribe requested further information or consultation.

### Public Comments

No comments from the public have been received by Permit Sonoma regarding this at this time.

## VI. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

end of this report and are incorporated herein by reference.

Joshua Melcon has agreed to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

## 1. AESTHETICS

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

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

**Comment**

The project is not located in an area designated as visually sensitive by the Sonoma County General Plan or the West Petaluma Area Plan. It is not located on a scenic hillside, nor would it involve construction or grading that would significantly affect a scenic vista. The project will have no impact on a scenic vista.

**Significance Level:**

No Impact

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

**Comment**

The 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 proposes the removal of two trees in order to meet emergency access standards, these trees are not visible from a state scenic highway. The project does not involve the removal of any, 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 41.55-acre site and surrounding lands is rural residential. Clusters of trees and shrubs along the northern and eastern property lines generally screen the site from public view along Middle Two Rock Road. Using the County's Visual Assessment Guidelines<sup>1</sup>, 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 under the assumption that future development will be consistent with the Diverse Agriculture zoning including residential, the project's visual dominance can be categorized as subordinate. The site is not substantially visible to the public,

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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/>

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.

**Significance Level**

Less than Significant Impact

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

**Comment**

The project does not propose any structures and therefore will not create a new source of substantial light or glare. However, future buildings may present the opportunity to create a new source of substantial light or glare and therefore shall comply with standard lighting conditions for rural areas and include the following note on the Map. NOTE ON MAP: Prior to issuance of building permits, an exterior lighting plan shall be submitted for review. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site.

**Significance Level**

Potentially Significant Unless Mitigated

**Mitigation Measure: VIS-1**

NOTE ON MAP: Prior to issuance of building permits, an exterior lighting plan shall be submitted for review. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky

**Mitigation 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. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit until it is demonstrated that improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke or modify the permit.

## **2. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**Comment**

The project site is not designated as Prime or Unique Farmland, or Farmland of Statewide Importance on the Important Farmland maps<sup>2</sup>. It is designated as Farmland of Local Importance and Grazing Land reflecting the most recent utility of the site for residential use. This parcel currently contains ±35 acres of farmland, the project identifies ±12 acres of farmland that would be lost due to the subdivision building envelopes and road, and future septic systems. Therefore, the project is not expected to convert a significant amount of farmland to non-agricultural use. The primary use of the site would remain agricultural production in accordance with the sites land use and zoning district and potential impacts are less than significant. The proposed lot sizes meet the minimum 10 acres for DA Zoning and would accommodate small scale agricultural use as is intended by the General Plan.

**Significance Level**

Less than Significant Impact

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

**Comment**

The project site is zoned DA (Diverse Agriculture), which allows for single family residential development. The site is not currently in agricultural use. It is not subject to a Land Conservation contract. The proposed subdivision maintains a minimum 10 acre lot size to accommodate potential future agricultural use. This is consistent with the General Plan and DA zoning for agricultural use and would not conflict with nearby lands under a Land Conservation contract.

**Significance Level**

No Impact

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

**Comment**

The project 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

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<sup>2</sup> California Department of Conservation, "Sonoma County Important Farmland 2016," CA Department of Conservation, April 2018, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Sonoma.aspx>

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

**Comment**

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use.

**Significance Level**

No Impact

### 3. AIR QUALITY

The methodologies and assumptions used in preparation of this section follow the CEQA Guidelines developed by the Bay Area Air Quality Management District (BAAQMD), as revised in May 2017<sup>3</sup>. Information on existing air quality conditions, federal and state ambient air quality standards, and pollutants of concern was obtained from the U.S. Environmental Protection Agency (U.S. EPA), California Air Resources Board (CARB), and BAAQMD.

**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]). Based on thresholds developed by BAAQMD in its report, *California Environmental Quality Act Air Quality Guidelines 2022*<sup>4</sup>, the proposed use is well below the emission thresholds for PM<sub>10</sub>, PM<sub>2.5</sub> and ozone precursors and does not conflict with or obstruct the implementation of applicable air quality plans.

**Significance Level**

Less than Significant

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Comment**

State and Federal standards have been established for the “criteria pollutants”: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). The pollutants NO<sub>x</sub> (nitrogen oxides) and reactive organic gases (ROG) form ozone in the atmosphere in the presence of sunlight. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines are also considered a source. Following use of the screening criteria for ROG

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<sup>3</sup> Bay Area Air Quality Management District, “California Environmental Quality Act, Air Quality Guidelines,” May 2017, [https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening\\_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc\\_lang=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc_lang=en)

<sup>4</sup> Ibid

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.

**Significance Level**

Less than Significant

- c) **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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Comment**

The project will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO<sub>x</sub>).

The project will have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub>, because all surfaces will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction if development were to occur in the future. These emissions could be significant at the project level, and could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in the following mitigation measure.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

**Mitigation Measure AIR-1:** NOTE ON MAP: All construction shall implement the following dust control measures:

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

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

- d) **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 agricultural by zoning and abuts other agricultural and residentially zoned parcels of very low density. The area is characterized by its open grazing land. The nearest sensitive receptor is over a mile from the parcel. The project would not expose sensitive receptors to significant concentrations of pollutants because of the analysis above in 3(b) and 3(c). 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, if development were to occur in the future, during construction, there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by Mitigation Measure AIR-1.

**Significance Level**

Less than Significant with Mitigation Incorporated

**Mitigation**

See Mitigation Measure AIR-1.

**e) Create objectionable odors 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 Land Intensive Agriculture(LIA), Land Extensive Agriculture(LEA), or Diverse Agriculture(DA). The project site is adjacent to DA-zoned lands and nearby LEA-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

## **4. BIOLOGICAL RESOURCES**

### **Regulatory Framework**

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

### **FEDERAL**

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

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

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

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

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

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

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

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

#### ***Section 404.***

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

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

#### *Section 401.*

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

## **STATE**

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

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

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

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

### ***Nesting Birds***

Nesting birds, including raptors, are protected under CFGC Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under CFGC Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under CFGC 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

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

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

### ***California Fully Protected Species***

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.

### ***Species of Special Concern***

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.

***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.

### ***Riparian Corridor (RC) Combining District***

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

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

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

### **Would the project:**

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

### **Regulatory Framework**

#### ***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).

### **Comment**

The 41.55-acre project parcel is developed with three residences (one abandoned) and multiple outbuildings. The site comprises ruderal areas, non-native grasslands, and various tree species including Valley Oak, Coast Live Oak, and Redwood. The site slopes gently to the southwest, with a riparian corridor running across the northwest corner of the existing parcel. The drainage connects downstream as a tributary to the Petaluma River approximately 3 miles to the northeast.

The site is not located within a critical habitat area or the Santa Rosa Plain Conservation Area.

A biological resource assessment was prepared on October 31, 2023 and revised August 1, 2024 by

Kjeldsen Biological Consulting that evaluated the potential for special status species or sensitive habitats to occur on site. The assessment indicates that seventeen special status wildlife species and fifteen special status plant species have been documented within five miles of the project site; of this list, only California red-legged frog and Pitkin marsh lily have been documented within one mile. Due to the site characteristics, lack of habitat and based on the field survey and associated research, the site has been identified as having no potential to contain special status plant species and most of the identified special status animal species. The site was identified as unlikely to contain Ferruginous Hawk, White-tailed Kite, Silverspot Butterfly, or American Badger. At the time of the field survey, no occurrences of special-status plant or wildlife species had been documented on site and none were observed during the surveys. Even though it may be unlikely for the special status species to occur, there is still potential. Additionally, on-site drainages are likely to provide habitat for California Red Legged frog and the project would potentially adversely affect CRLF unless measures are provided to both ensure permanent long-term protection of on-site dispersal corridors, and short-term protections to ensure no direct mortality occurs to dispersing juveniles and adults. In the event any of the following measures cannot be implemented for any reason, consultation with the USFWS and/or CDFW is recommended to ensure complete avoidance of incidental take as defined in the Endangered Species Act (ESA) is provided.

### ***Special-status Wildlife Species***

#### *Nesting Birds and Raptors*

The trees on site could provide suitable habitat for nesting birds and raptors known to occur in the region. Birds and raptors are protected under the federal Migratory Bird Treaty Act (50 CFR 10.13). Their nests, eggs, and young are also protected under California Fish and Wildlife Code (§3503, §3503.5, and §3800). In addition, raptors such as the white-tailed kite (*Elanus leucurus*) are “fully protected” under Fish and Wildlife Code (§3511). Fully protected raptors cannot be taken or possessed (that is, kept in captivity) at any time. According to the biological assessment, there is limited potential with unlikely occurrences of the following California Species of Special Concern: Burrowing owl (*Athene cunicularia*), White-tailed kite (*Elanus leucurus*), Silverspot Butterfly, and Ferruginous Hawk. None of these species were observed during the field survey. There is a single recorded occurrence of the burrowing owl approximately two miles south of the project site. There are no documented occurrences of White-tailed kites within five miles. No trees are proposed for removal by the project and assuming a low to moderate potential of occurrence, no impacts to nesting birds or their habitat are anticipated. However, pre-construction surveys are required. Mitigation Measure BIO-8 would reduce the potential impact to nesting birds and raptors to a less than significant level.

#### *American badger*

The American badger, a California Species of Special Concern, is an uncommon, permanent resident found throughout most of the state. They are found in a variety of habitats, and are most abundant in drier open stages of shrub, forest, and herbaceous habitats that have friable soils (Zeiner, et al. 1990). Badgers are carnivorous, eating primarily small rodents, especially ground squirrels and pocket gophers, but also take a variety of other smaller prey (Zeiner, et al. 1990). Badgers dig their own burrows, and often reuse old burrows, but may dig new ones each night (Zeiner, et al. 1990). They are active year-round, though less so in winter. Badgers breed in summer and early fall, and implantation of the embryos is delayed, and young are typically born in March and April (Zeiner, et al. 1990). The young remain underground until the age of 6-8 weeks old. At age 3-4 months of age, badgers disperse to live in their own.

The grasslands on the project site provide potential habitat for the American badger although no potential badger burrows were observed on the site during the March 2019 reconnaissance. The project is unlikely to impact badgers, but pre-construction surveys are recommended. Mitigation Measure BIO-9 would reduce the potential impact to American badger to a less than significant level.

**Significance**

Less than Significant with Mitigation Incorporated

**Mitigation**

**Mitigation Measure**

**Mitigation Measure BIO-1:**

**NOTE ON MAP:** Dispersal Corridor No-Disturbance Buffer. A minimum 100-foot no-disturbance buffer should be provided between the proposed building envelopes and nearby riparian habitats or the top of bank of any drainage where no riparian habitat exists to protect CRLF dispersal habitats. Permanent fencing between the lots and the outer extent of the no-disturbance buffer should be provided to prevent any indirect effects resulting from human activities associated with the residences.

In addition to the minimum 100-foot buffer surrounding the drainages, an additional 100-foot wide corridor extending from the terminus of the centrally located drainage (which terminates in the middle of the site) to either the property line or nearest riparian buffer is also required to provide safe dispersal for any CRLF emerging from this feature. Both temporary and permanent fencing as described above should be provided.

All buffer zones should be clearly demarcated in the field during construction-related activities (including construction) using flagging and signage to prevent incidental trespass by construction personnel into these areas. No project activities including staging of materials, loitering, eating, drinking, smoking, refueling, placement of hazardous materials, parking of vehicles, nor any other construction-related activity is permitted in these areas. Further vegetation clearing and/or removal of topsoil in this area is strictly prohibited; mowing may be performed prior to construction for fire control and/or access. Furthermore, placement of spoils will be restricted to areas outside any buffer zones (including any buffer zones established for sensitive species).

**NOTE ON MAP BIO-2:** Environmental Training. A worker awareness environmental training program (program) should be presented by a qualified biologist to construction personnel prior to the start of construction activities. The program should include information on sensitive species with potential to occur including identifying characteristics, the location of sensitive habitats in the vicinity of the Project along with a map showing their respective “no-disturbance” buffer zones, and what to do in the event a sensitive species is identified during the course of construction activities. A copy of the training plan should be maintained on-site, and an affidavit should be provided for all attendees to sign to document compliance with this measure.

**NOTES ON MAP BIO-3:** Work Windows for Initiating Construction Activities. To minimize potential impacts to CRLF that may utilize upland habitat on-site temporarily during dispersal events, new ground disturbing activities (including grubbing) should be initiated between June 15 and October 15 to avoid the period when CRLF may be present in the uplands. All outdoor work should be performed during daylight hours only; no work should be performed within 30 minutes of sunrise or sunset.

If it is not feasible to initiate activities during this work window, the following additional measures (3a and 3b) should be implemented.

**BIO-3a.** Wet Weather Restriction. No work should occur when there is greater than a 70% chance of rain greater than one quarter inch in the forecast. Work should not resume until there is no rain forecasted. A qualified biologist should survey the site following any rain event to ensure that no CRLF have entered the work area.

**BIO-3b:** Daily Inspections. For any ground-disturbing activity occurring between October 15 and

June 15, a daily inspection should be performed by a qualified biological monitor prior to the start of work each day. The monitor should inspect the entire work area, including under any stockpiled materials, vehicles, and any trenches or holes for the presence of CRLF. If found, the animal should be allowed to leave the area on its own. If the animal cannot leave the area on its own accord, USFWS must be contacted.

**NOTE ON MAP BIO-4: Pre-construction Surveys and Burrow Excavation.** Pre-construction surveys for CRLF should be performed no less than 48 hours prior to the start of project activities (including construction, vegetation clearing, staging, and/or any other project-related activity). The survey should be performed by a qualified biologist with familiarity identifying CRLF and other special status species with potential to occur. All areas of the project site and adjacent buffer areas should be searched. Any suitable burrows (as determined by the qualified biologist) should be examined prior to excavating using either a camera probe (or other USFWS approved detection method); if clear, the burrow should be hand excavated immediately following under the direct supervision of a qualified biologist. If CRLF (or CTS) is found, work should be halted, and USFWS contacted. If possible, the animal should be allowed to leave the area on its own. If it does not leave on its own, all work should remain halted until the USFWS provides authorization for work to resume.

**NOTE ON MAP BIO-5: Wildlife Exclusion Fencing.** Wildlife exclusion fencing should be maintained around the perimeter of the construction site throughout ground-disturbing activities (including grubbing). The fencing should be installed under the direction of a qualified biologist, and be at least 36 inches high, and trenched in at least 4 inches below the surface. Exit funnels should be installed every 300 feet. Periodic monitoring by a biological monitor should be performed to ensure the integrity of the fence is maintained to prevent CRLF from accessing the work area. All staging and stockpiled materials should be placed inside the exclusion fencing.

**NOTE ON MAP BIO-6: Biodegradable Erosion Control Materials.** Tightly woven fiber netting or similar material should be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting) rolled erosion control products, or similar material should not be used. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

**NOTE ON MAP BIO-7: Exit Ramps.** Trenches and holes should be covered and inspected daily for stranded animals. Trenches and holes deeper than one foot should contain escape ramps at a maximum slope of 2:1 to allow trapped animals to escape.

**NOTE ON MAP BIO-8:** If initial ground disturbance or vegetation removal occurs during the breeding season for nesting birds (February 1 through August 31), a qualified biologist shall conduct a breeding bird survey no more than 14 days prior to ground disturbance to determine if any birds are nesting in underground burrows or dens, or in trees on or adjacent to the project site. If active nests are found close enough to the project site to affect breeding success, the biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending on the species, nest location, and existing visual buffers, but typically would entail a minimum of 500 feet for raptor species and 300 feet for other migratory species. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone. If initial ground disturbance is delayed or there is a break in project activities of more than 14 days within the bird-nesting season, then a follow-up nesting bird survey shall be performed to ensure no nests have been established in the interim. If a burrowing owl or occupied burrow is found, CDFW will be contacted to determine the appropriate mitigation measure to avoid impacts on the species, which may include relocating the owl or burrow to a safe location.

**NOTE ON MAP BIO-9:** Prior to any ground disturbing activity, pre-construction surveys for American Badger den sites will be conducted by a qualified biologist. These surveys will be conducted no less than 14 days and no more than 30 days prior to the start of ground disturbing activities. If active badger dens are found, a 100-foot no-work buffer will be established around occupied maternity dens

throughout the pup-rearing season (February 15 through July 1) and a 50-foot no-work buffer around occupied dens during other times of the year. If non-maternity dens are found within the proposed work area, the dens will be monitored for badger activity. If the biologist determines that the dens may be occupied, passive den exclusion measures will be implemented for three to five days to discourage the use of these dens prior to project disturbance activities.

**NOTE ON MAP BIO-10: Structure Removal:** A qualified bat biologist shall conduct a habitat assessment and surveys for special status species 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.

A bat exclusion plan shall be submitted to CDFW for approval if bats are detected 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). 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. 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 two-step 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.

**Mitigation Monitoring BIO-1 through BIO-10:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the required notes are shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that all notes are shown correctly on all site alteration, grading, building or improvement plans. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

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

### **Regulatory Framework**

#### ***California Fish and Game Code Sections 1600-1603***

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

#### ***Sensitive Natural Communities***

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

#### ***California Oak Woodland Statute***

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

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

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

### **Local**

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

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

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

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

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

The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-010 [m]) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26-02-140) as the following species: big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), madrone (*Arbutus menziesii*), oracle oak (*Quercus morehus*), Oregon oak (*Quercus garryana*), redwood (*Sequoia sempervirens*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), and their hybrids. The tree protection ordinance requires a zoning permit and mitigation (e.g. replanting, preservation or in-lieu fees) when removing certain tree species above 6 inches diameter. A use permit is required for certain large trees exceeding specific thresholds as listed below.

### ***Oak Woodland Ordinance (Code Section 26-67)***

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

### **Comment**

The vegetation associations or alliances on the property consist of Trees, shrubs and grasslands that provide nesting and foraging habitat for a variety of birds. Mature trees on the property provide potential habitat for nesting raptors and certain species of special-status roosting bats. The grasslands also provide potential habitat for badgers.

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

### ***Riparian Vegetation***

USGS-designated blue-line stream riparian habitats in Sonoma County are protected by the Riparian Corridor Ordinance. There are protected riparian corridors on the project site in the north west corner. The RC (Riparian Corridor) 50/25 (50 foot development setback and 25 foot agriculture setback) will remain on proposed lot 1.

The project proposes building envelopes to limit development to specific areas of the parcel. To reduce potential impacts to riparian resources, the envelopes incorporate a 100-foot setback from the top of bank and this area shall be observed as a streamside conservation area.

No riparian vegetation will be removed by the proposed project and Environmental Scientist Ms. Macmillian, M.S. and Restoration Ecologist Ms. Peron-Burdick, M.S., found that the proposed project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

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

Consultation with CDFW is required for any work within the bed and/or bank or potential impact to riparian habitat, emergent wetland, or other sensitive natural communities. Under Section 1600 of the California Fish and Game Code (CFGC), individuals or agencies must notify the California Department of Fish and Wildlife (CDFW) before conducting activities in or around lakes, rivers, or streams that may (1) divert or obstruct natural flow; (2) change the bed, channel, or bank; (3) use of material; and/or (4) deposit or dispose of material. In addition to the permit application, the applicant would need to provide the formal delineation, a project description (including timing, extent, equipment, materials), plan drawings, biological assessment, and any mitigation plans/actions to avoid or minimize impacts to sensitive biological resources. The Lake and Streambed Agreement (LSAA) can be concurrent with the NWP and WQC, and would require completed CEQA documentation. The CDFW can be consulted prior to submittal of the LSAA to ensure that the proposed project and mitigation is sufficiently compensatory for the project impacts.

Mitigation Measure BIO-1 through 12 will ensure avoidance and protection of the stream and drainages and riparian vegetation on the property during construction of the subdivision road and any potential future residences. The proposed project will not lead to significant impacts to habitat fragmentation in the region, significant species exclusion, or significant change in species composition in the region. Therefore, potential impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service is less than significant with mitigation incorporated.

#### *Wildlife Corridors.*

The proposed project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plans. Macmillan and Peron-Burdick identified the site as a movement corridor for California Red leg Frog but did not identify any other wildlife corridors associated with the project sites and found the project as proposed would not significantly alter movement of wildlife through the property.

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

#### *Grasslands.*

The project site contains Annual Grassland. The grasslands of the proposed project area do not meet the criteria for native Grassland and would not be considered a species with limited distribution or a sensitive natural plant community given the lack of typical native grassland species and diversity.

The project will incrementally reduce a small amount of grassland habitat. Macmillan and Peron-Burdick concluded, the proposed project will not result in significant impacts to native grasslands

#### *Woodlands.*

The woodland/forest on the property is dominated by coastal live oak. The project will incrementally reduce a small amount of oak woodland.

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

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

In 2024, the project site was zoned for Oak Woodland, and although there are no oak trees proposed for removal, type conversion of land in the boundaries of Oak Woodland is subject to the provisions of Article 67 of the Zoning Code. Type conversion activities include, but are not limited to, clearing, grading, or otherwise modifying land for roads, driveways, buildings or building pads, utility easements, and Agricultural Crop Cultivation within an Oak Woodland. Mitigation Measure BIO-12 reduces potential impacts to Oak Woodlands to less than significant.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation:**

**Mitigation Measure BIO-11: Aquatic Resources Permit Application**

**NOTE ON MAP:** "The project shall consult with CDFW to determine if on-site aquatic features are subject to Fish and Game Code section 1600 et seq or shall submit an LSA notification for any on-site or indirect off-site impacts to streams. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat as approved in writing by CDFW. Temporary impacts shall be restored onsite in the same year as the impact."

**Mitigation Measure BIO-12: Tree Protection**

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

**Mitigation Monitoring BIO-11 and BIO-12:** Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are followed. All measures shall be noted on the final project plans.

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

## **Regulatory Framework**

### **FEDERAL**

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

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

#### ***Section 404.***

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

#### ***Section 401.***

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

### **STATE**

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

The Porter-Cologne Water Quality Act (Porter-Cologne Act) (California Water Code § 13260) requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the “waters of the State” to file a report of discharge with the RWQCB through an application for waste discharge. “Waters of the State” are defined by the Porter-Cologne Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB protects all waters in its regulatory scope but has special responsibility for isolated wetlands and headwaters. These water bodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the CWA. If a project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, The Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

#### **Comment**

Kjeldsen Biological Consulting did not identify any wetlands within the development areas of the project site. The proposed building envelopes will not impact any Sensitive Natural Communities regulated by the California Department of Fish and Wildlife or US Fish and Wildlife, seasonal wetlands or vernal pools. All construction grading will be required to comply with Chapter 11 of

Sonoma County Code – Construction Grading and Drainage. No riparian vegetation will be removed by the proposed project.

**Significance Level**

No 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 Kjeldsen Biological Consultant found that there were no identifiable wildlife corridors associated with the proposed project sites. 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 Measure 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

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

**Comment**

Potential impacts to biological resources have largely 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. The project will have no conflict with any local regulations protecting biological resources.

**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**

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in the Santa Rosa Plain, or within any designated Critical Habitat area, and therefore, would not conflict with any such plan.

**Significance Level**

No Impact

## 5. CULTURAL RESOURCES

Would the project:

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

**Comment**

The current project site has been developed with residential structures and outbuildings. Northwest Information Center reviewed this projects for potential to impact cultural resources. Three structures were identified as having potential to be a historic resource, however, those structures are no longer standing, one of which is labeled on the map as “collapsed house”. These features represent original home and out buildings that have over time ceased uses and maintenance. These buildings have slowly collapsed under their own weight due to the failure of construction materials due to exposure to the elements.

**Significance Level**

No impact

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

**Comment**

On March 9, 2021, 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 Archaeological Resource Services on April 27, 2023 did not identify any archeological resources on the project site and deemed it very unlikely to have buried resources. Construction resulting from the subdivision approval (e.g. construction of access road and structures within building envelopes) 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 notes are printed on the building, grading, and improvement plans.

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

**Comment**

The cultural resources evaluation 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, and the project site has already been disturbed by past 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.**

**Comment**

The project site is not within a fault hazard zone as delineated by the Alquist-Priolo fault maps<sup>5</sup>.

**Significance Level**

Less than Significant

- 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 take into account soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements.

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<sup>5</sup> California Department of Conservation, "EQ Zapp: California Earthquake Hazards Zone Application", April 4, 2019, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

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 PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

A geotechnical investigation, prepared by Reese and associates found the most significant geotechnical engineering factors that must be considered in design and construction are: 1) the presence of weak, porous topsoils and moderately expansive plastic soils overlying highly weathered rock materials on sloping terrain; 2) on-site soils subject to long-term erosion; and 3) the potential for strong seismic ground shaking. The report recommended 1) areas to be developed should be cleared of dense growths of grass and vegetation and should be stripped of the upper soils containing root growth and organic matter. 2) Wells, septic tanks, foundations or other underground obstructions encountered during grading should be removed or abandoned in place. 3) Areas 6: 1 and steeper to receive fill should be prepared by cutting level keyways at least 10 feet wide that extend at least 1 foot into firm underlying bedrock, as measured along the downhill side. 4) In general, cut and fill slopes should be inclined no steeper than 3: 1. 5) Imported fill, if used, should be nonexpansive and have a Plasticity Index of 15 or less.

Based on this uniformly applied regulatory process, and Mitigation Measure GEO-1 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 with Mitigation Incorporated

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

**NOTE ON MAP:** "All grading and building permits shall conform with recommendations of the Soil Investigation Melcon Residences 2485 Middle Two Rock Road Petaluma, California, prepared by Reese & Associates Consulting Geotechnical Engineers, Inc. dated May 18, 2022, or more recently approved soils report"

#### **Mitigation Monitoring GEO-1:**

Permit Sonoma staff shall ensure that recommendations are incorporated and that the recommendations are listed on all site alteration, grading, building, or improvement plans prior to issuance of grading or building permits.

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

#### **Comment**

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. The project site is located in a Liquefaction Hazard Area of very low susceptibility as identified in Sonoma County General plan Public Safety Element. All new structures are subject to engineering standards of the California Building Code. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit

issuance, site-specific geotechnical studies addressing the potential for liquefaction will be required for each property. Because of the project area's low susceptibility to liquefaction, permitting standards in Sonoma County Code required for all construction activities and Mitigation Measure GEO-1, potential impacts are less than significant.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation:**

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

**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. According to the Sonoma County Hazard Mitigation Plan Landslide Hazard Areas map (Figure 8.11) the project site is partially located in an area highly susceptible to landslides.

Proposed building envelopes for Parcels 3 and 4 are on gently sloping terrain with slope angles below roughly 10% and were interpreted to have low potential for slope failure. Portions of the proposed building envelope for Parcels 1 and 2 are on moderately steep terrain with a slope between 10 and 20%. The geotechnical report included a quantitative slope stability analysis using site specific soil properties. Results indicated stable conditions under static and seismic event conditions.

The Geotechnical Report found landslide features were mapped and observed at the project site. The report recommended that future development should implement stabilizing as identified in the report (Attachment 1). Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, All grading and building permits shall conform with recommendations of the Soil Investigation Melcon Residences 2485 Middle Two Rock Road Petaluma, California, prepared by Reese & Associates Consulting Geotechnical Engineers, Inc. dated May 18, 2022, or more recently approved soils report.

However, the site generally is not significantly steep with very limited localized landslide potential. 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 take into account soil properties, seismic shaking and foundation type. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, site-specific geotechnical studies addressing the potential for landslides will be required for each property and that the design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall conform with the specifications and criteria contained in the project geotechnical report which may include structural setbacks from unstable areas.

No significant adverse effects from landslides are expected as Mitigation Measure GEO-1 has been incorporated into the project and future construction must comply with Sonoma County Code requirements and standards.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation:**

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

**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 insures 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 quality 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 and mitigations BIO-1, BIO-2, and BIO-6, are 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 stormwater treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

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

**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 item 7.a.ii,

iii, and iv, above. However, site specific geologic investigation was conducted on the identified building envelopes on lots one and four. The report identified construction techniques that account for site specific conditions. The mitigation outlined in GEO-1 would reduce potential impacts to a less than significant level.

**Significance Level:**

Less than Significant with Mitigation Incorporated

**Mitigation:**

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

- 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 9 to 15% slopes. This soil type has a low shrink-swell potential and is not considered an expansive soil. The on site soils have been tested for their expansive characteristics as part of the Soil Investigation prepared by Reese & Associates Consulting Geotechnical Engineers, Inc. dated May 18, 2022 and recommendations were outlined. As stated above, new structures are subject to engineering standards of the California Building Code, including standard seismic and soil test/compaction requirements as well as incorporating the Reese & Associates recommendation as required in GEO-1. Therefore, the potential building failure impact related to expansive soils would be less than significant.

**Significance Level**

Less than Significant

- 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**

Preliminary documentation provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils on site could support a septic system and the required expansion area for each proposed parcel.

**Significance Level**

Less than Significant

## **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>2</sub>e. 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>2e</sub> per capita by 2030 and no more than two metric tons CO<sub>2e</sub> 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

**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, accessory dwelling, and agricultural structures. Foreseeable development on proposed Lots 1 and 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. 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

- 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 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. Additionally, Mitigation BIO-1 reduces risk of reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment by establishing zones restricting where hazardous materials may be stored.

**Significance Level**  
Less than Significant

- 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

- 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 January 29, 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.

**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 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

## 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 roads 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>6</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

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<sup>6</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)

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

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

**Comment**

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 2, within the Wilson Grove Formation Highlands groundwater basin, which is not a priority groundwater basin. The project site is currently developed with a residence on proposed Parcel 2 and 3. Proposed lot 2 would continue to be served by an existing well on proposed that proposed lot. The project would utilize three previously approved wells on Lot 1 to serve proposed parcels 1, 3, and 4. Foreseeable development includes those agricultural and residential uses permitted by the Divers Agriculture (DA) zoning district within the designated building envelope on proposed each parcel, such as one new single family dwelling. Accessory Dwelling Units are not allowed on the project site due to the property's zoning designation. According to Permit Sonoma Policy 8-2-1 default water use guidelines, a primary dwelling with landscaping is expected to use 0.5 acre-feet of water per year; a negligible expansion in groundwater use. Therefore, the project's impacts on groundwater supplies and groundwater recharge would be less than significant.

**Significance Level**

Less than Significant

**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 blue line stream on 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

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

**Comment**

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

**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

## **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 Diverse Agriculture with a 10-acre density. Each proposed lot exceeds the 10-acre minimum density. Each resultant lot proposes a building envelope that would accommodate a single-family home, accessory structures and well, septic improvements. The project is also located within the West Petaluma Area Plan and has been found to be consistent with the goals and policies of that area plan.

This project would be consistent with The Sonoma county General Plan Land Use element in that the subdivision dose not propose a change to the Divers Agricultural Use of the land and each lot would continue to hold the same land use.

This project is consistent with the Sonoma County zoning code in that the subdivision dosed not have any unique challenges that would require a variance or other such modifications to development standards. Each proposed lot is consistent with the prescribed density of the existing lot's zoning district.

This project is constant the Petaluma Dairy Belt Area Plan in that all environmental impacts identified by are being mitigated through the preparation of this MND including potential impacts to slope, geology, vegetation, and wildlife. In order to ensure compliance with all ports of the PDB area plan the resultant particles would be subject to rezoning to a district to prevent any subsequent divisions that would exceed the General Plan Land Use Plan density.

By implementing the mitigation measures identified in this document, the project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including in the Sonoma County General Plan, West Petaluma Area Plan, and zoning ordinance.

**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:**

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

**Comment**

The Noise Element of the Sonoma County General Plan sets forth and requires standard compliance with noise related performance standards to regulate noise affecting residential and other sensitive receptors. The project would result in a four parcel subdivision and the construction of a subdivision road. However, 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**

**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**

Implementation of the project includes construction of a subdivision road and may generate minor ground borne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels.

#### **Significance Level**

Less than Significant

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

#### **Comment**

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

#### **Significance Level**

No Impact

## 14. POPULATION AND HOUSING

Would the project:

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

**Comment**

The project parcel's density currently allows for one residence for every 10 acres. The project would create three additional parcels, each of which would be permitted one residence. 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) **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 addition of two 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

**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 two dwelling units as discussed in section 14(a) and section 15(a).

**Significance Level**

Less than Significant

**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

**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

**v. Other public facilities?**

**Comment**

The potential addition of two 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

## **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

- 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 are no existing or proposed bicycle or pedestrian facilities in the immediate vicinity of the project. While a Class 2 bikeway is proposed for Bodega Avenue, which Middle Two Rock Road connects with to the east and west, 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

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

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

**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

**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. Proposed lots 1 and 2 would have direct access to Middle Two Rock Road and share an easement along their proposed shared border. Lots 3 and 4 propose access to Middle Two Rock Road via easement over lots 1, 2, and 3 closely following existing driveway to the existing house on proposed lot 3.

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

**f) 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

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), an initial desktop cultural resources evaluation of the project site was completed by Northwest Information Centers who indicated that this project site had the potential to have cultural resources. The only identified potential resources are the three structures discussed in 5(a). AB52 tribal referrals were sent out to 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 Pomos Stewarts Point Rancheria, and Federated Indians of Graton Rancheria and no tribe expressed interest consulting on this project. However, construction related to the project could uncover such materials. 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

## 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

- 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 a Class 2 groundwater area. See section 10(b) for a discussion of impacts to groundwater supply.

**Significance Level**

Less than Significant

- 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

- 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

## 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 Moderate Fire Hazard Severity Zone in a State Responsibility Area. Topography, weather, and fuel (vegetation or structures) contribute to wildfire risk and behavior.<sup>7</sup> The project site generally slopes downwards from the northwest. With grades ranging from 10-16%, onsite slopes are unlikely to significantly exacerbate wildfire risk. Strong north-east "Santa Ana" winds can increase the severity of wildland fire in the fall months. During fire season, gradient winds are generally out of the south/southwest at 5-10 mph, strengthening to 10-15 mph in the late afternoon. These prevailing wind conditions are common in Sonoma County.

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

- 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

- 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?**

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<sup>7</sup> Fire Safe Sonoma, "Sonoma County Community Wildfire Protection Plan", September 20, 2016, <https://www.firesafesonoma.org/wp-content/uploads/cwpp-final.pdf>

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

**Comment**

Potential project impacts on special-status plant and fish/wildlife species, and habitat are addressed in section 4. Implementation of the required mitigation measures (Mitigation Measures BIO-1 through 12) 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-12, 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 human were analyzed, and would be less than significant with the mitigation measures identified in the Initial Study incorporated into the project.

**Significance Level**

Less than Significant

## Attachments

1. Reese and Associates “Geologic Investigation” May 18 2022
2. Lucy Macmillian, M.S. and Anya Restoration Ecologist Ms. Peron-Burdick, M.S. “biological resources assessment” October 31, 2023 revised August 1, 2024
3. Thomas W. Atterbury, PE, “Fire Safety and Vegetation Management Plan” June 30, 2021
4. Thomas W. Atterbury, PE, o.b.o Atterbury & Associates “Stormwater Management Plan” February 23, 2021
5. Weeks Drilling and Pumping Company “Well Data And Completion Reports MNS21-0002” , December 19, 2017

## References

1. Assessor’s Office, “Assessor’s Parcel Maps”, County of Sonoma
2. Bay Area Air Quality Management District, “California Environmental Quality Act, Air Quality Guideline,” 2022 . [https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds\\_final\\_v2-pdf.pdf?rev=a976830c4a6bb624b020f72d25b3&sc\\_lang=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830c4a6bb624b020f72d25b3&sc_lang=en).
3. “California Natural Diversity Database”, California Department of Fish and Wildlife, <https://wildlife.ca.gov/Data/CNDDDB>.
4. California Department of Conservation, “EQ Zapp: California Earthquake Hazards Zone Application”, April 4, 2019, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.
5. CalRecycle, “Solid Waste Information System”, Accessed October 24, 2019, <https://www2.calrecycle.ca.gov/SWFacilities/Directory/>.
6. Department of Toxic Substances Control Envirostor, “Envirostor”, State of California, Accessed October 24, 2019, <https://www.envirostor.dtsc.ca.gov/public/>.
7. Department of Transportation and Public Works and the Permit and Resource Management Department, “Guidelines for Traffic Impact Studies”, County of Sonoma, May 2016.
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9. Fire Safe Sonoma, “Sonoma County Community Wildfire Protection Plan”, September 20, 2016, <https://www.firesafesonoma.org/wp-content/uploads/cwpp-final.pdf>.
10. “Flood Insurance Rate Maps”, Federal Emergency Management Agency, <https://msc.fema.gov/portal>
11. Permit and Resource Management Department, “Climate Change Action Resolution”, County of Sonoma, May 8, 2018, [http://sonoma-county.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=784&meta\\_id=242232](http://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=784&meta_id=242232).
12. Permit Sonoma, “Guidelines for the Preparation of Noise Analysis”, County of Sonoma, February

2019.

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).
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