



Proposed Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department
(Permit Sonoma)

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

Publication Date: 9/17/2020
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Permit Sonoma File Number: MNS19-0003
Prepared by: Katrina Braehmer
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Pursuant to Section 15071 of the State CEQA Guidelines, this proposed Mitigated Negative Declaration and the attached Initial Study, including the identified mitigation measures and monitoring program, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below:

Project Name: Judge Subdivision
Project Applicant/Operator: Linda R. Judge
Project Location/Address: 657 Formschlag Lane, Penngrove 94951
APN: 047-061-025
General Plan Land Use Designation: RR 5
Zoning Designation: AR B6 5, RC100/50
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

Topic Area	Abbreviation	Yes	No
Aesthetics	VIS	X	
Agricultural & Forest Resources	AG		X
Air Quality	AIR	X	
Biological Resources	BIO	X	
Cultural Resources	CUL	X	
Energy	ENE		X
Geology and Soils	GEO		X
Greenhouse Gas Emission	GHG		X

Hazards and Hazardous Materials	HAZ		X
Hydrology and Water Quality	HYDRO		X
Land Use and Planning	LU		X
Mineral Resources	MIN		X
Noise	NOISE	X	
Population and Housing	POP		X
Public Services	PS		X
Recreation	REC		X
Transportation	TRAF		X
Tribal Cultural Resources	TCR	X	
Utility and Service Systems	UTL		X
Wildfire	WILD		X
Mandatory Findings of Significance		X	

RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Responsible and Trustee Agencies

Table 2. Agency	Activity	Authorization
Sonoma County Permit and Resource Management Department (Permit Sonoma)	Requires that grading, septic and building permits be obtained for development of this site	
U. S. Army Corps of Engineers	Wetland dredge or fill	Clean Water Act, Section 401
Regional Water Quality Control Board (San Francisco Bay)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver
Regional Water Quality Control Board (San Francisco Bay)	Wetland dredge or fill	Clean Water Act, Section 404
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
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)	Impacts to species or habitat	Endangered Species Act

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: Katrina Braehmer Date: 8/12/2020



Expanded Initial Study

Sonoma County Permit and Resource Management Department (Permit Sonoma)

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I. INTRODUCTION

Linda R. Judge proposes to subdivide a 13.11-acre parcel into two parcels, 8.11 and 5.00 acres in size at 657 Formschlag Lane in Penngrove. 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 Katrina Braehmer, Project Review Planner with the Sonoma County Permit and Resource Management Department (Permit Sonoma), Project Review Division. Information on the project was provided by Linda R. Judge and Dimensions 4 Engineering. 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).

Please contact Katrina Braehmer, Project Planner, at (707) 565-1903 for more information.

II. PROJECT DESCRIPTION

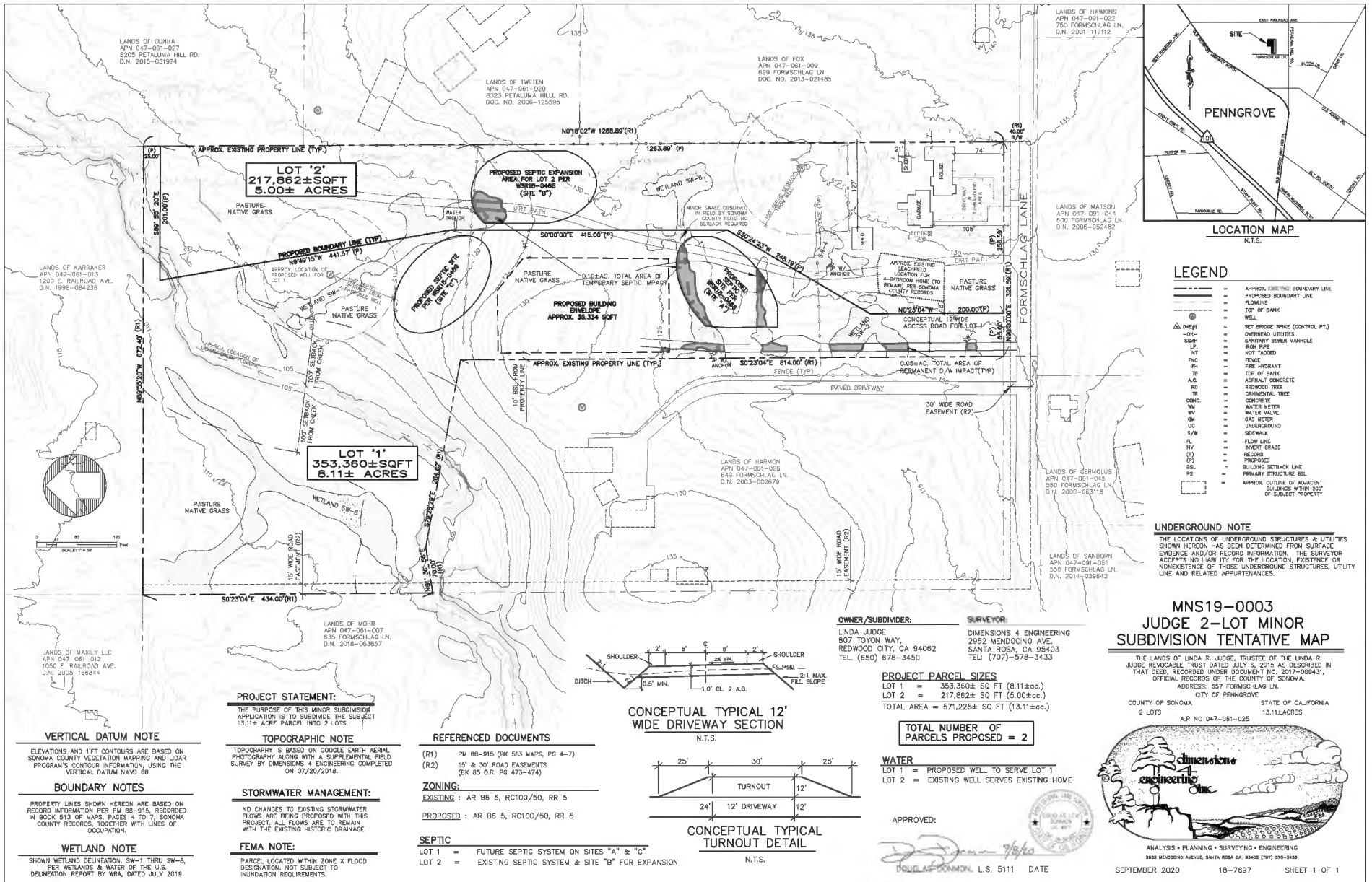
Linda R. Judge proposes to subdivide a 13.11-acre parcel into two parcels, 8.11 and 5.00 acres in size. The property is developed with a single family residence, detached garage, and two accessory sheds clustered near the roadway. All existing development will be located entirely within the boundaries of proposed Lot 2. A domestic well and septic system serve the residential uses. The applicant has identified a 35,334-square foot building envelope and designated well and septic areas for proposed Lot 1, which is undeveloped. No specific development proposals are included with this application. An existing paved driveway off of Formschlag Lane provides access to proposed Lot 2. The applicant proposes a new driveway and 12-foot wide road for access to the building envelope on Lot 1. See Figure 1 for the tentative map.

III. SETTING

The project site is located approximately 0.5 miles north of downtown Penngrove, 0.5 miles south of the City of Rohnert Park, and 0.30 miles west of Petaluma Hill Road. The property and much of the area is designated Rural Residential in the Sonoma County General Plan, and zoned AR (Agriculture and Residential). To the immediate north of the project site are parcels with the Diverse Agriculture land use designations and zoning. Land use in the area is largely rural residential and agricultural.

Elevations range from 100 to 130 feet above sea level with slopes between 0 and 10 percent. Vegetation on the site is predominantly non-native grassland, with a large grove of Eucalyptus trees running along the eastern boundary. Lichau Creek, a mapped, intermittent blue-line stream tributary to the Petaluma River, traverses approximately 750 linear feet diagonally across the rear third of the parcel. Riparian vegetation along the creek is dominated by Himalayan blackberry. The site is located within the Santa Rosa Plain Conservation Area and designated Critical Habitat for California Tiger Salamander.

Figure 1. Tentative Map



IV. ISSUES RAISED BY THE PUBLIC OR AGENCIES

Agency Referral

A referral packet was drafted and circulated to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project. The Northwest Information Center requested a cultural resources study, which was subsequently prepared by Tom Origer & Associates. The San Francisco District of the United States Army Corps of Engineers (USACE) requested a jurisdictional wetland delineation, which was subsequently conducted by WRA Environmental Consultants. The delineation was submitted to the USACE by email on July 28, 2019 by the project applicant/property owner. No other issues were raised by the agencies.

Tribal Consultation under AB 52

Referrals were sent to the following Tribes:

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

The Mishewal Wappo Tribe of Alexander Valley requested to be notified of all activity on the site. The cultural resources study prepared by Tom Origer & Associates was sent to the Chairman of Mishewal Wappo and all Tribes that provided a response to the referral. Permit Sonoma received no further correspondence.

Public Comments

An early neighborhood notice was sent to adjacent property owners upon submittal of the application. One neighbor responded by email requesting to view the proposed tentative map and to share concerns about the subdivision's potential to divide the responsibility of maintenance of the Eucalyptus trees along the property's eastern boundary.

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will

reduce the impact to a less than significant level.

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

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

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

1. AESTHETICS

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

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

Comment

The project site is not located within a designated scenic area by the Sonoma County General Plan or the Penngrove Area Plan. The site borders a Community Separator, and Petaluma Hill Road, east of the project site, is a designated Scenic Corridor. The parcel is screened from Petaluma Hill Road by a stand of Eucalyptus trees bordering the eastern property boundary. The project site is not located on a scenic hillside, nor would it involve tree removal, construction or grading that would significantly affect a scenic vista. 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 does not involve removal of any trees, rock outcroppings, or historic buildings and is therefore not expected to significantly impact scenic resources.

Significance Level

No Impact

c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Comment

The character of the 13.11-acre site and surrounding lands is rural residential. Using the County's Visual Assessment Guidelines¹, 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 residential or agricultural, the project's visual dominance can be categorized as co-dominant. New structures will blend with other development in the surrounding landscape. Utilizing the Visual Assessment Guidelines' matrix, the project's visual impact will be less than significant.

Significance Level

Less than Significant

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, but at future buildout, residential structures will introduce new sources of light and glare. Lighting on future development will be required to be Dark Sky compliant or a similar certification.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

Mitigation Measure VIS-1: NOTE ON MAP: Prior to issuance of building permits, an exterior lighting plan shall be submitted for review by Permit Sonoma Project Review staff. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.

Monitoring VIS-1: The Project Review Planner shall review the map to ensure that the note is shown correctly on the map. Permit Sonoma Staff shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. Permit Sonoma shall not sign off final occupancy on the Building Permit until it is demonstrated that improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, Permit Sonoma shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke or modify the permit.

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

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 maps². The developed portion of the site is designated as Other Lands, and the rest of the parcel is designated Farmland of Local Importance.

Significance Level

No Impact

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

Comment

The project site is zoned AR (Agriculture and Residential), which allows for single family residential development. The site is occasionally utilized for grazing by neighbors' livestock and is not subject to a Land Conservation contract. The nearest contracted land is directly east, contiguous to Petaluma Hill Road, and is under County-initiated phase out. The project is not expected to conflict with zoning for agricultural use or 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

² 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>

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

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 2017³. 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 PM₁₀ standard, and State and federal PM_{2.5} 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_x] 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 May 2017*⁴, the proposed use is well below the emission thresholds for PM₁₀, PM_{2.5} 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?

³ 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_may2017-pdf.pdf?la=en

⁴ Ibid

Comment

State and Federal standards have been established for the “criteria pollutants”: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulates (PM₁₀ and PM_{2.5}). The pollutants NO_x (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 and NO_x, 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_x).

The project will have no long-term effect on PM_{2.5} and PM₁₀, because all surfaces will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction. 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 Project Review 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 residentially zoned with limited agricultural uses and abuts other residential and agricultural parcels. The project would not expose these sensitive receptors to significant concentrations of pollutants because of the analysis above in 3(b) 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, during construction of future build-out there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by Mitigation Measure AIR-1.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure AIR-1.

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 LIA, LEA, or DA. The project site is adjacent to DA-zoned lands, therefore, the subdivision conditions of approval will require the property owner to record a Right to Farm Declaration.

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

Significance Level

Less than Significant

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.

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).

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.

Comment

The existing parcel is developed with a single family residence, detached garage, and two accessory sheds clustered near Formschlag Lane. The rest of the site is predominantly non-native grassland, with a large grove of Eucalyptus trees running along the eastern boundary. The dominant grass species include perennial ryegrass (*Festuca perennis*), foxtail barley (*Hordeum murinum*), wild oats (*Avena barbata*), and brome fescue (*Festuca bromoides*). Grasses are the dominant cover, however several native and non-native forbs are also present within the grassland including lupine (*Lupinus sp.*), clover (*Trifolium spp.*), sheep’s sorrel (*Rumex acetosella*), hawksbit (*Leontodon saxatilis*), cats ear (*Hypochaeris spp.*), and big heron’s bill (*Erodium botrys*)⁵. The Eucalyptus grove has a continuous canopy and vegetation below is dominated by non-native grasses and poison oak.

⁵ Spicher, Doug, “Biological Resources Assessment, 657 Formschlag Lane, Sonoma County, California”, WRA Environmental Consultants, May 2019

The local watershed is the Petaluma River and the regional watershed is Frontal San Pablo Bay Estuaries. Lichau Creek, a mapped, intermittent blue-line stream tributary to the Petaluma River, traverses approximately 750 linear feet diagonally across the rear third of the parcel. The creek is mapped on the National Wetland Inventory as freshwater emergent wetland. The site is located within designated Critical Habitat for the California Tiger Salamander and within the regulatory Santa Rosa Plain.

WRA Environmental Consultants performed an assessment of biological resources, which included field surveys on February 27, 2019 and March 29, 2019, to evaluate the potential presence of sensitive biological communities, the potential for biological communities on the site to support special-status plant and wildlife species, and the potential presence of any other sensitive natural resources protected by local, state, or federal laws and regulations. The assessment found that sensitive natural communities onsite include potential seasonal wetlands, the intermittent stream, and riparian vegetation. Five special-status plant species and seven special-status wildlife species have moderate to high potential to occur within the study area.

At the time of the field surveys, no special-status plant species were observed within the studied area. A white-tailed kite, a California Fully Protected raptor species, was observed on an adjacent property during the February site visit.

Special-status Plant Species

Five special-status plant species have the potential to occur onsite:

- Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*)
- Two-fork clover (*Trifolium amoenum*)
- Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*)
- Cotula navarretia (*Navarretia cotulifolia*)
- Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*)

Because the project site is located within the region of "no effect" on listed plants within the Santa Rosa Conservation Strategy, plant species listed under that Conservation Strategy were determined to not have potential because any development would have "no effect"⁶.

To reduce the potential impact to a less than significant level, pre-construction surveys for those plant species with potential to occur onsite are recommended as Mitigation Measure BIO-1.

Special-status Wildlife Species

Foothill yellow-legged frog (Rana boylei)

Foothill yellow-legged frog (FYLF) is currently a candidate for listing (as threatened) under the California Endangered Species Act, and is a state Species of Special Concern. FYLF occurs in a variety of lotic systems, and prefers shallow, flowing water with a rocky substrate. FYLF have an affinity for inundated streams and immediately surrounding habitats, generally use stream corridors for movement and are rarely observed far from water (typically less than ten feet). Breeding typically occurs in the spring; aquatic breeding sites are often near stream confluences, with egg masses typically deposited in low-flow areas with cobble and/or gravel. Though some egg masses may be laid in areas with relatively closed canopies, the species prefers to deposit eggs in open areas where

⁶ Spicher, Doug, "Biological Resources Assessment, 657 Fornschnag Lane, Sonoma County, California", WRA Environmental Consultants, May 2019

shade is reduced⁷.

There is a record for this species from “lower Lichau Creek”. The record is non-specific in terms of location and is from 1987. The segment of Lichau Creek within the project site does contain some course substrate and early spring flows that could be conducive to oviposition in at least some years. However, it is likely that in most years, the features within the creek that would be inhabited by larva (e.g. runs, pool tail-outs) do not remain inundated long enough for larval FYLF to reach metamorphosis. The deepest pools may remain inundated, but these are not suitable for FYLF larva because they lack course substrates that the larva rely on to hide under and feed on. Additionally, bullfrogs (*Lithobates catesbeianus*) were observed during the site visit and their presences further reduces the likelihood that the project site serves as a breeding site for FYLF because bullfrogs both compete with and prey upon FYLF and are a reservoir species for disease. Despite the fact that it is unlikely for FYLF to utilize Lichau Creek as a breeding site in the project site, it may serve as a conduit for travel between more suitable sites upstream and downstream. As such, FYLF may occasionally be present in the stream, particularly if suitable habitats persist immediately upstream and downstream. Because of nearby documented occurrences and the presence of some suitable habitat for metamorphosed FYLFs, FYLF has a moderate potential to be present at the project site.

Because Lichau Creek is not within the proposed disturbance footprint, there would be no significant impacts to FYLF. The building envelope for Lot 1 would be approximately 80 feet from the 100-foot Riparian Corridor streamside conservation area required by the Sonoma County Zoning Code and General Plan.

Steelhead - Central California Coast DPS (Oncorhynchus mykiss irideus)

The Central California Coast DPS is listed as Threatened by the ESA, and includes all naturally spawned populations of steelhead (and their progeny) in California streams from the Russian River to Aptos Creek, and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), excluding the Sacramento-San Joaquin River Basin. Steelhead typically migrate to marine waters after spending two years in freshwater, though they may stay up to seven. They then reside in marine waters for 2 or 3 years prior to returning to their natal stream to spawn as 4-or 5-year-olds. Steelhead adults typically spawn between December and June. In California, females typically spawn two times before they die. Preferred spawning habitat for steelhead is in perennial streams with cool to cold water temperatures, high dissolved oxygen levels and fast flowing water. Abundant riffle areas (shallow areas with gravel or cobble substrate) for spawning and deeper pools with sufficient riparian cover for rearing are necessary for successful breeding.

The project site does not contain suitable habitat for spawning, or rearing of young. However, it may be used by steelhead that are migrating upstream or to the ocean because it does not appear that there are fish passage barriers that would preclude steelhead from traveling through the project site. Due to its small size, prevalence of fine grains and exposed nature, the creek is unlikely to support resident salmonids during the summer rearing season. As with the FYLF, because Lichau Creek is not within the proposed disturbance footprint and the required setback from the top of bank for any future disturbance is 100 feet, there would be no significant impacts to steelhead.

Pacific (western) pond turtle (Emmys marmorata)

The only native freshwater turtle in California, Pacific pond turtle (PPT) is a California Species of Special Concern, found in suitable aquatic habitat throughout California west of the Sierras. It inhabits perennial aquatic habitats, such as lakes, ponds, rivers, streams, and canals that provide submerged

⁷ Spicher, Doug, “Biological Resources Assessment, 657 Formschlag Lane, Sonoma County, California”, WRA Environmental Consultants, May 2019

cover and suitable basking structures, such as rocks and logs. PPT prefer to nest on unshaded slopes close to their aquatic habitat, and hatchlings require shallow water with relatively dense vegetation for foraging for aquatic invertebrates. Turtles require suitable aquatic habitat for most of the year; however, to escape periods of high water flow, high salinity, or prolonged dry conditions, PPT may move upstream and/or take refuge in vegetated, upland habitat for up to four months. Although upland habitat is utilized for refuge and nesting, this species preferentially utilizes aquatic and riparian corridors for movement and dispersal.

The aquatic features in the project site do not have sufficient depth, size and complexity to support this species for prolonged periods, though it may occasionally transit through the creek or forage there briefly. The nearest documented occurrence in the CNDDDB is about a mile south of the studied area. Due to the potential for the species to transit through the project site via Lichau Creek, PPT has a moderate potential to occur within the project site. Because Lichau Creek is not within the proposed disturbance footprint and the required setback from the top of bank for any future disturbance is 100 feet, no significant impacts would occur to PPT.

White-tailed kite (Elanus leucurus)

The white-tailed kite is a California Fully Protected Species, and is resident in open to semi-open habitats throughout the lower elevations of California, including grasslands, savannahs, woodlands, agricultural areas and wetlands. Vegetative structure and prey availability seem to be more important habitat elements than associations with specific plants or vegetative communities (Dunk 1995). Nests are constructed mostly of twigs and placed in trees, often at habitat edges. Nest trees are highly variable in size, structure, and immediate surroundings, ranging from shrubs to trees greater than 150 feet tall (Dunk 1995). This species preys upon a variety of small mammals, as well as other vertebrates and invertebrates.

The grasslands within the project site may provide suitable foraging habitat for the species while trees may provide suitable nesting structure. The grazed nature of the pasture/grassland within the project site may decrease habitat suitability, but nearby areas are likely to provide sufficient foraging habitat. It was determined that white-tailed kite has a moderate potential to occur on the project site. Potential impacts to this species and their habitats could occur during the removal of vegetation or during ground-disturbing activities. These activities could result in the direct removal or destruction of active nests or may create audible, vibratory, and/or visual disturbances that cause birds to abandon active nests. Pre-construction surveys for active bird nests, outlined under Mitigation Measure BIO-2, would reduce impacts to White-tailed kite to a less than significant level.

Yellow warbler (Dendroica petechia brewsteri)

Yellow Warbler occurs most commonly in wet, deciduous thickets along stream courses, especially those dominated by willows. This species is found at lower elevations in California and at higher elevations along watercourses with riparian growth. Warbler populations have declined due to brood parasitism by brownheaded cowbirds (*Molothrus ater*) and habitat destruction. This species' diet is primarily comprised of insects, supplemented with berries.

The project site does not contain extensive dense willow growth that would be most typical for the species, but the marginal habitat that does exist could support nesting for this species. As such yellow warbler has a moderate potential to occur on the project site. Potential impacts to this species and their habitats could occur during the removal of vegetation or during ground-disturbing activities. These activities could result in the direct removal or destruction of active nests or may create audible, vibratory, and/or visual disturbances that cause birds to abandon active nests. Pre-construction surveys for active bird nests, outlined under Mitigation Measure BIO-2, would reduce impacts to Yellow warbler to a less than significant level.

Pallid bat (Antrozous pallidus)

Pallid bat is a California Species of Special Concern. They occur in a number of habitats ranging from rocky arid deserts to grasslands and higher elevation coniferous forests, but are most abundant in the arid Sonoran life zones below 6,000 feet. Pallid bats often roost in colonies of between 20 and several hundred individuals. Roosts are typically in rock crevices, tree hollows, mines, caves, and a variety of man-made structures, including vacant and occupied buildings. Tree roosting has been documented in large conifer snags (e.g. ponderosa pine), inside basal hollows of redwoods and giant sequoias, and within bole cavities in oak trees. They have also been reported roosting in stacks of burlap sacks and stone piles. Pallid bats are primarily insectivorous, feeding on large prey that is taken on the ground, or sometimes in flight. Prey items include arthropods such as scorpions, ground crickets, and cicadas. Considering the presence of large trees in the studied area, as well as water and foraging opportunities, this species has a moderate potential to occur within the project site. The project site does not contain suitable hibernation roosts (cavern-like structures or buildings). Because no tree removal is proposed with the project, impacts to Pallid bat are unlikely. To reduce impacts to a less than significant level, Mitigation Measure BIO-3 shall be implemented prior to construction.

California tiger salamander (Ambystoma californiense)

The Sonoma County Distinct Population Segment (DPS) of the California tiger salamander (CTS) is listed as Endangered under the ESA and Threatened under the CESA. The Santa Rosa Plain Conservation Strategy, developed by the US Fish and Wildlife Service, established an area for the protection and continued existence of California tiger salamander (CTS) and three endangered plant species: Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), and Sebastopol meadowfoam (*Limnanthes vinculans*). The Conservation Strategy (USFWS 2005) outlines the specific species of concern for this area along with guidance for specific conservation measures. In 2007, the Corps consulted with the USFWS on Section 404 permitting within the Conservation Strategy area, which resulted in a Programmatic Biological Opinion. This 2007 PBO outlines the mitigation requirements resulting from impacts to wetlands and associated impacts to CTS and the three listed plants, and can be appended to permits authorized by the Corps. The PBO provides the framework for the mitigation requirements for CTS and the three listed plant species.

CTS is a large terrestrial salamander restricted to grasslands and low-elevation foothill regions in California (generally under 1500 feet) where it uses seasonal aquatic habitats for breeding. This salamander breeds in natural ephemeral pools, or ponds that mimic ephemeral pools (e.g., stock ponds that go dry), and occupy substantial areas surrounding the breeding pool as adults. Larval CTS require at least 10-12 weeks to complete their larval stage, so pools must be inundated for at least this long for them to support successful CTS recruitment. CTS spend most of their life in grasslands surrounding breeding pools, surviving hot, dry summers by living underground in burrows such as those created by ground squirrels, gophers or other mammals. Individuals may also use deep cracks or holes in the ground where the soil atmosphere remains near the water saturation point of breeding pools. During wet periods, CTS may emerge from refugia and feed in the surrounding grasslands.

During the site visit on February 27, 2019, no aquatic features with capacity for extended inundation periods were documented. Rain was heavy in the days prior to the site visit and as a result, some shallow (less than 6 inches deep) puddles were observed on the periphery of the Study Area, but these were vegetated with upland annual grass species, indicating that inundation periods for these small features is short in duration. The only persistent aquatic feature on the property is Lichau Creek, located in the northern portion of the property. During the site visit, the creek was flowing at its bankful capacity and was about 20 feet wide. Water velocity was high, and the creek could not be crossed safely, though the habitat on the other side could clearly be seen and is non-native annual grassland dominated pasture. Lichau Creek is not suitable to support CTS breeding and larval development due to its high velocity flows after heavy rain events. Because no aquatic habitats

suitable to support CTS occur on the site, if CTS were to occur onsite, they would need to colonize the area from off-site aquatic breeding locations. No occurrences of CTS on the south side of Lichau Creek are documented in the CNDDDB.

The project site is not disked and ground dwelling rodents, specifically California pocket gopher (*Thomomys bottae*) and voles (*Microtus* sp.) were observed. Ground-dwelling mammals are essential to create the burrows that CTS are dependent upon, and density of burrows was moderate throughout the studied area, with the greatest densities being found in the northern parts of the studied area. Based on these observations, the project site could support upland dwelling CTS if they could disperse from nearby adjacent habitats.

A data search of the California Natural Biodiversity Database (CNDDDB) revealed two extant occurrences of CTS within two miles of the project site. These are northwest of the project site, located 0.76 miles and 1.16 miles away from the project site, respectively. The occurrence located 0.76 miles from the Study Area is for adult individuals caught in a trap and the further occurrence represents larval individuals in breeding habitat. Both of these occurrences are separated from the majority of the project site by Lichau Creek. An additional occurrence is located 0.54 miles to the northeast, but this population is listed as extirpated in the CNDDDB, and also appears to be on the north side of Lichau Creek, though the CNDDDB record is not precise enough to provide certainty. There are no verifiable occurrences south of the studied area on the east side of HWY 101.

The landscape surrounding the project site is low-density residential and agricultural and as such, some barriers to CTS dispersal and persistence such as roads, disked fields, and natural creeks are present between occupied breeding habitats and the project site. Though these barriers to dispersal are not insurmountable individually, in aggregate they reduce the probability that CTS would be able to use the suitable upland habitats present at the project site.

Based on the February 27, 2019 site visit, it was determined that no breeding habitat for CTS is present within the studied area. Potential CTS upland habitat is present on the project site due to the presence of non-native annual grasslands and a moderate density of fossorial mammals being present. However, the nearest documented extant occurrence of occupied breeding habitat for CTS is located about a mile from the site, on the other side of Lichau Creek from most of the studied area. Due to the distance from documented occupied breeding habitats and the cumulative barriers between, and the fact that the nearest occurrence to the project site is considered extirpated by the CDFW, it was determined that CTS are unlikely to occur within the project area. However, the project site is within designated Critical Habitat for CTS, which applies regardless of habitat conditions or presence/absence of the species. Non-developed areas within the project site are considered Critical Habitat for CTS, and impacts to these habitats require mitigation. Mitigation as required by the 2007 Programmatic Biological Opinion for the Santa Rosa Plain will reduce potential impacts to CTS to a less than significant level. See Mitigation Measure BIO-4.

Significance

Less than Significant with Mitigation Incorporated

Mitigation

Mitigation Measure BIO-1: NOTE ON MAP: If initial ground disturbance occurs during the flowering periods for Sonoma alopecurus (May-July), two-fork clover (April-June), Congested-headed hayfield tarplant (April-November), cotula navarretia (May-June), or Gairdner's yampah (June-October), a qualified biologist shall conduct a pre-construction survey of the disturbance area prior to construction activities. Surveys shall be either focused or protocol-level surveys and follow methodologies outlined in relevant agency protocols. If special-status plants are observed, their locations shall be mapped and CDFW shall be contacted to determine the appropriate mitigation measure to avoid impacts on

the species.

Mitigation Measure BIO-2: NOTE ON MAP: 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.

Mitigation Measure BIO-3: NOTE ON MAP: If initial ground disturbance or building demolition occurs during the bat maternity roosting season (May 1 through August 31), a qualified biologist shall conduct a bat roost assessment of trees and structures within 100 feet of the construction site. Surveys shall be conducted immediately prior to construction (within 1 to 2 days). If the biologist determines there is potential for maternity roosting bats to be present within 100 feet of the project site, nighttime emergence surveys shall be performed to determine if maternity roosting bats are present. If bat maternity roosts are present, the biologist shall establish an appropriate exclusion zone around the maternity roost. Once all young have become independent of the roost, construction may take place in the former exclusion zone.

Monitoring BIO-1 through BIO-3: The Project Review Planner shall review the map to ensure that all notes are shown correctly on the map. Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of pre-construction surveys and ensure that measures recommended by the biologist or CDFW to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

Mitigation Measure BIO-4: Prior to approval of subdivision improvement plans, the applicant is required to obtain an Incidental Take Permit (ITP) from CDFW pursuant to the California Endangered Species Act for take of California tiger salamander (CTS), unless determined to be unwarranted by CDFW. The applicant is also required to provide mitigation for impacts to potential CTS habitat, consistent with requirements of the Santa Rosa Plain Conservation Strategy and the 2007 Programmatic Biological Opinion. All CTS mitigation will be provided at an off-site location and will consist of the purchase of CTS credits from an approved mitigation bank. The appropriate mitigation ratio area shall be negotiated with the USFWS and CDFW during Endangered Species Consultation and processing of the ITP, and shall be no less than 1:1 unless the applicant is able to obtain a "no effect" determination or similar clearance by the USFWS. The CTS mitigation described above will be implemented prior to approval of subdivision improvement plans and recordation of the map.

Monitoring BIO-4: Permit Sonoma staff shall withhold issuance of subdivision improvement permits until verification is received indicating that CTS mitigation has been completed.

- 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?**

Comment

The WRA assessment found that sensitive natural communities onsite include potential seasonal wetlands, Lichau Creek, and riparian vegetation.

All blue-line streams shown on USGS maps are designated for protection in the Sonoma County General Plan. Streamside conservation areas have also been established in the Riparian Corridor Combining Zones to protect riparian habitat. Land disturbance, including vegetation removal, within the designated streamside conservation area must comply with the General Plan and Riparian Corridor Ordinance policies for a specified distance from the top of the highest bank. The streamside conservation area for Lichau Creek is 100 feet from the top of bank.

The project proposes two parcels, one of which is already developed with residential uses near Formschlag Lane, over 700 feet from Lichau Creek. Lot 2 is undeveloped and the applicant proposes a 35,334 square foot building envelope approximately 80 feet from the designated streamside conservation area. All future development on Lot 2 would be required to occur within the building envelope, with the exception of the proposed 12-foot wide access road leading to Formschlag Lane.

The project does not propose any disturbance within the streamside conservation area, thus no impact will occur to the creek or riparian habitat. Impacts to seasonal wetlands and mitigation are discussed in section 4(c). With Mitigation Measure BIO-5 discussed in the following section, there will be no significant impacts to riparian habitat or other sensitive natural communities.

Significance Level

No Impact

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

Comment

WRA Environmental Consultants conducted a wetland delineation on March 29, 2019 to determine the presence of potential wetlands and other waters subject to federal jurisdiction under Section 404 of the Clean Water Act⁸. Eight seasonal wetlands identified as potentially jurisdictional wetlands were found on the project site. The 1.32-acres of wetlands were dominated by Italian ryegrass, barley (*Hordeum marinum*, FAC), curly dock, fiddle leaf dock, hawkbit, and buttercup. Less common plants included meadow barley (*Hordeum brachyantherum*, FACW), California buttercup (*Ranunculus californicus*, FACU), and wild rye (*Elymus triticoides*, FAC). There were no isolated wetlands or man-induced wetlands on the project site.

Of the 1.32 acres of seasonal wetlands onsite, 0.16 acres would require fill (permanent effects) to develop the 12-foot access road and for future development within the proposed building envelope. Mitigation Measure BIO-5 requires the applicant to obtain authorization for wetland fill from the US Army Corp of Engineers and the San Francisco Bay Regional Water Quality Control Board, and to mitigate at a minimum ratio of 1:1 on a functions and values basis. This will reduce the impact to wetlands to a less than significant level.

Significance Level

Less than Significant with Mitigation Incorporated

⁸ Spicher, Doug, and Rhiannon Korhummel, "Wetlands and Waters of the U.S. Delineation, 657 Formschlag Lane Penngrove, California (APN: 047-061-025)", WRA Environmental Consultants, July 2019

Mitigation

Mitigation Measure BIO-5: The applicant shall obtain the necessary permits from the US Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board to fill the 0.16 acres of seasonal wetlands. Impacts to seasonal and perennial wetland features shall be fully mitigated at a minimum 1:1 ratio on a functions and values basis (“no net loss”); however, the final wetland mitigation requirements will be determined by the regulatory agencies during the permitting process.

Monitoring BIO-5: Prior to approval of subdivision improvement plans, the applicant shall provide evidence that authorization to fill wetlands pursuant to Section 404 and Section 401 of the Clean Water Act has been finalized. Final authorization requires:

- a. Obtaining a Section 401 water quality certification from the San Francisco Bay Regional Water Quality Control Board (RWQCB).
- b. Obtaining a Section 404 permit from the US Army Corps of Engineers.
- c. Confirmation of the purchase of credits equivalent to at least 0.16 acres of seasonal wetlands from an approved wetland creation mitigation bank within the designated Santa Rosa Plain to the Corps prior to conducting work within waters of the US.

- 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 project is not expected to disrupt or interfere with the movement of wildlife or impede the use of native wildlife nursery sites. Lichau Creek is a potential wildlife corridor for steelhead, Pacific pond turtle, and foothill yellow-legged frog. For foothill yellow-legged frog, the stream may serve as a conduit between breeding habitats downstream of the project area and summer habitat upstream of the project area. For steelhead, the stream may serve as a conduit for movement between upstream spawning habitat and the ocean where they spend a significant portion of their lives⁹. Because Lichau Creek is not within the disturbance footprint of the proposed project, no significant impacts to wildlife corridors for aquatic species will occur.

The existing trees on site may provide habitat for roosting bats and nesting birds, although no tree removal is proposed at this time. Many common bird species (including their eggs and young), are given special protection under the Migratory Bird Treaty Act of 1918. Impacts to migratory birds are typically avoided by removing vegetation during non-nesting season or by having a qualified biologist verify absence immediately prior to vegetation removal. Mitigation Measures BIO-2 and BIO-3 are sufficient to address potential impacts to birds protected by the Migratory Bird Act to a level that would be less than significant.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measures and Monitoring BIO-2 and BIO-3.

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

⁹ Spicher, Doug, “Biological Resources Assessment, 657 Formschlag Lane, Sonoma County, California”, WRA Environmental Consultants, May 2019

Comment

Potential impacts to biological resources have been discussed and addressed by Mitigation Measures in the preceding sections 4(a) through 4(d), consistent with policies in the General Plan and standards in the Zoning Code. With Mitigation Measures BIO-1 through BIO-5, 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

The project site is located within the area of the Santa Rosa Plain Conservation Strategy, and within designated Critical Habitat area for CTS. Mitigation measures BIO-4 and BIO-5 discussed above ensure that the project does not conflict with any local, regional, state, or federal conservation plans.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measures BIO-4 and BIO-5 and associated monitoring

5. CULTURAL RESOURCES

Would the project:

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

Comment

Eileen Barrow of Tom Origer & Associates conducted a cultural resources evaluation of the project site in April 2019¹⁰. Because the structures onsite do not embody any distinctive characteristics of a type, period, or method of construction, they would not meet criteria for inclusion on the California Register.

No structure, object, or other element meeting the definition of a historical resource was found, therefore there will be no impact.

Significance Level

No Impact

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

Comment

On March 14, 2019, Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52 (the request for consultation period

¹⁰ Barrow, Eileen, M.A., "Cultural Resources Study for the Judge 2-Lot Minor Subdivision at 657 Formschlag Lane, Penngrove, Sonoma County, California", Tom Origer and Associates, April 30, 2019

ended April 15, 2019. No requests for consultation were received.

As mentioned in the discussion of section 5(a), Tom Origer & Associates conducted a cultural resources evaluation of the project site. During a field visit, no archaeological site indicators were observed. Application of a buried sites model indicated a low potential for buried resources. There are no known archaeological resources on site, but construction related to the project could uncover such materials. The following mitigation measure will reduce potential impacts to less than significant.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

Mitigation Measure CUL-1: 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 (Permit Sonoma) – 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 Permit Sonoma. 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 Permit Sonoma 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 subdivision improvement plans.

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

Comment

The cultural resources evaluation conducted by professional archaeologists in April 2019 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 residential development projects, outside of meeting Title 24 requirements discussed above. Additionally, the project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. Therefore, the project would not conflict with or obstruct with applicable State and local plans for promoting use of renewable energy and energy efficiency.

Significance Level

Less than Significant

7. GEOLOGY AND SOILS

Would the project:

a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

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

Comment

The project site is not within a fault hazard zone as delineated by the Alquist-Priolo fault maps¹¹.

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.

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

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

¹¹ California Department of Conservation, "EQ Zapp: California Earthquake Hazards Zone Application", May 15, 2020, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

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

Significance Level

Less than Significant

iii. Seismic-related ground failure, including liquefaction?

Comment

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. According to the Sonoma County Hazard Mitigation Plan¹², most of project site is located in an area of very low susceptibility to liquefaction (Figure 8.1). The areas adjacent to Lichau Creek have moderate to very high susceptibility to liquefaction. All new structures are subject to engineering standards of the California Building Code. Because the area where future development would occur on the project site has low susceptibility to liquefaction and engineering standards are required for all permitted construction activities, potential impacts would be less than significant.

Significance Level

Less than Significant

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 (Figure 8.11), the project site is located in an area with very low susceptibility to landslides¹³. The project site is relatively flat with very limited 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. Project conditions of approval require that building and grading permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements, therefore potential impacts from landslides are reduced to less than significant.

Significance Level

Less than Significant

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

Comment

Future project related construction could involve grading, cuts and fills which require the issuance of a grading permit. Improper grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosional impacts, and increase soil erosion on and off site which could adversely impact downstream water quality. Erosion and sediment control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County

¹² "2016 Sonoma County Operational Area Hazard Mitigation Plan", Sonoma County Permit and Resource Management Department, and Fire and Emergency Services Department, September 2017

¹³ Ibid

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 quantity impacts at a less than significant level during and post construction.

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

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

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

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

Significance Level

Less than Significant

- 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 6.a.ii, iii, and iv, above. However, site specific geologic investigation will be conducted through the site development permitting process, which require construction techniques that account for site specific conditions.

Significance Level

Less than Significant

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994),**

creating substantial direct or indirect risks to life or property?

Comment

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. According to the National Resources Conservation Service Soil Survey of Sonoma County¹⁴, soils on the project site where new construction would occur mostly consists of Cotati fine sandy loam, 2 to 9 percent slopes. Cotati fine sandy loam has a low shrink-swell potential and is not considered an expansive soil. However, on site soils have not been tested for their expansive characteristics. As stated above, new structures are subject to engineering standards of the California Building Code, including standard seismic and soil test/compaction requirements. Therefore, the potential building failure impact related to expansive soils would be less than significant.

Significance Level

Less than Significant

- 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 lot.

Significance Level

Less than Significant Impact

8. GREENHOUSE GAS EMISSIONS

Would the project:

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

Comment

A Climate Action 2020 Plan was developed by the Sonoma County Regional Climate Plan Authority (RCPA) in 2016 but was unable to be formally adopted due to litigation. The Sonoma County Board of Supervisors adopted a Climate Change Action Resolution on May 8, 2018 which acknowledged the Climate Action 2020 Plan and resolved to "...work towards the RCPA's countywide target to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050" as well as adopting twenty goals for reducing GHG emissions including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of goods and services¹⁵. The Bay Area Air Quality Management District (BAAQMD) has published greenhouse gas significance thresholds for use by local governments in the report titled *California Environmental Quality Act Air Quality Guidelines May 2017*. For projects other than stationary sources, the greenhouse gas significance threshold is 1,100 metric tons per year (equivalent to approximately 60 single-family dwelling units).

¹⁴ NRCS Soils Survey of Sonoma County

¹⁵ 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

The proposed project could result in the construction of an additional single family dwelling unit and two accessory dwelling units, which would not exceed the 1,100 MT of CO₂e/year threshold of significance.

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.

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

Significance Level

Less than Significant

- 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 May 15, 2020:

1. The State Water Resources Control Board Geotracker database¹⁶,
2. The Department of Toxic Substances Control EnviroStor database¹⁷ (formerly known as Calsites), and
3. The Calrecycle Solid Waste Information System (SWIS)¹⁸.

The closest hazardous materials site on record are several LUST (Leaking Underground Storage Tank) cleanup sites no closer than a half mile from the project site. The most recent cleanup case was closed in 2006. Due to the distance between this site and the project site, no impacts are expected.

Significance Level

No Impact

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

Comment

The project site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan. The closest public use airport—Petaluma Municipal Airport—is more than four miles away.

Significance Level

No Impact

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Comment

The project would not impair implementation of, or physically interfere with the County's adopted

¹⁶ State Water Resources Control Board Geotracker, "Geotracker", State of California, Accessed May 18, 2020, <https://geotracker.waterboards.ca.gov/>

¹⁷ Department of Toxic Substances Control Envirostor, "Envirostor", State of California, Accessed May 18, 2020, <https://www.envirostor.dtsc.ca.gov/public/>

¹⁸ CalRecycle, "Solid Waste Information System", Accessed May 18, 2020, <https://www2.calrecycle.ca.gov/SWFacilities/Directory/>

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 Local Responsibility Area (LRA) served by the Rancho Adobe Fire Protection District. It is not directly within a Fire Hazard Severity Zone, but adjacent to a Moderate hazard area. 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 100-130 feet above mean sea level and contains gentle slopes ranging from 0-10 percent.

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.

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.

Application of County and State fire safe standards 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 Activity¹⁹. Construction activities subject to this permit include clearing, grading, stockpiling, excavation, and reconstruction of existing facilities involving removal and replacement. The General Permit requires submittal of a Notice of Intent (NOI) package, and development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which, in addition to other requirements, must include Best Management Practices (BMPs) to protect the quality of stormwater runoff.

At the time of proposed construction, Sonoma County also requires project applicants to prepare a grading and drainage plan (Erosion Prevention and Sediment Control Plan) in conformance with Chapter 11 (Construction Grading and Drainage Ordinance) and Chapter 11A (Storm Water Quality Ordinance) of the Sonoma County Code and the Sonoma County Storm Water Low Impact Development Guide, all of which include performance standards and Best Management Practices for pre-construction, construction, and post-construction to prevent and/or minimize the discharge of pollutants, including sediment, from the project site. Required inspections by Permit Sonoma staff insure that all grading and erosion control measures are constructed according to the approved plans.

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

Significance Level

Less than Significant

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

Comment

The project site is located within the Petaluma Valley groundwater basin, which is a priority groundwater basin as designated by the Department of Water Resources in accordance with the Sustainable Groundwater Management Act. The site is underlain by the Petaluma Formation, which contains abundant clay and is typically low-yielding (10-25gpm), but can yield moderate amounts of water when a well penetrates a significant thickness of sand and gravel. The County uses a four-tier classification system to indicate general areas of groundwater availability: Class 1 = Major Groundwater Basin, Class 2 = Major Natural Recharge Areas, Class 3 = Marginal Groundwater Availability and Class 4 = Low or Highly Variable Water Yield. The project site is located in Groundwater Availability Class 3. The project proposes one new well to serve proposed Lot 1.

A hydrogeologic report was prepared by O'Connor Environmental, Inc (OEI) in accordance with General Plan Policy WR-2E. For discretionary uses within Class 3 or 4 groundwater availability areas, Policy WR-2E requires a report establish that adequate groundwater quality and quantity are available, and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin.

The report, dated May 15, 2019, followed the requirements of Permit Sonoma Policy 8-1-14, and was reviewed and supported by the Permit Sonoma's staff hydrogeologist. The OEI Report estimated the project would result in up to 0.75 acre-feet per year of increased groundwater pumping²⁰. The report

¹⁹ 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

²⁰ Sherwood, Michael, PG, "Groundwater Report APN 047-061-025, Prepared per Sonoma County Policy & Procedure 8-1-14", O'Connor Environmental, May 15, 2019

presented data on nearby wells, a summary of the aquifer conditions, and recharge based off a soil water balance model. Recharge is expected to be greater than or equal to groundwater withdrawals. This is corroborated by increasing or stable trends in water level as observed in monitoring wells located within roughly 0.6 miles of the project site.

Well data

The existing well on the project parcel was completed in 1995 to a depth of 197 feet. At the time of completion, the static water level was 30 feet and the well had an estimated yield of more than 100 gpm with 160 feet of drawdown. During a well inspection performed in October 2017 by Anderson Pump and Well, the static water level was found to be 32 feet, suggesting that inter-annual water levels are relatively stable. The pump, tank, and controller were all replaced by Anderson Pump and Well on May 4, 2019. Communications with Anderson Well and Pump indicate that the new pump is set at a depth of 200 feet and that the static water level on May 4, 2019 was approximately 65 feet. This measurement is quite a bit deeper than the previously measured water level 18 months prior. Although it is unknown if the well had been recently pumped prior to this measurement, recent pumping of the well would be the most likely reason for a decrease in water level of this magnitude.

Well Completion Reports were obtained and accurately georeferenced for 24 nearby wells. Most of these wells are completed and screened entirely within the Petaluma Formation or the hydrogeologically similar Sand and Gravel of Cotati. These wells are typically between 100 and 200 feet deep, although deeper wells exist further away from Lichau Creek. Estimated yields are typically between 30 and 60 gpm. Static water levels are relatively shallow – typically less than 100 feet.

Project aquifer

The project site intersects an aquifer comprised of the Petaluma Formation with interfingering portions of the Sonoma Volcanics. OEI determined that the project's impact area is likely localized and constrained by topographic boundaries, for a total impact area of 119 acres. The majority of this area is underlain by the Petaluma Formation.

Water demand and recharge

Existing water demand within the project impact area is estimated to be 35.86 acre-feet per year, 0.87 acre-feet per year of which is from the project parcel currently. With the proposed project, the parcel will be subdivided into two smaller parcels, and minimally, a primary residence will be constructed on the newly created parcel. Water demand within the project impact area is estimated to increase by 0.75 acre-feet per year with the project to a total of 36.61 acre-feet per year. The approximately 13.1-acre project parcel, which accounts for 11 percent of the project impact area, will use 1.62 acre-feet per year, equivalent to 4 percent of water demand within the impact area. At full build out of the project impact area, based on a number of assumptions, estimated water use will increase to 42.16 acre-feet per year.

Using a soil water balance model, the OEI report estimated a mean annual recharge of 72.4 acre-feet per year within the project impact area. With implementation of the project, groundwater use in the project impact area will be equivalent to 51 percent of the estimated mean annual groundwater recharge. At full build-out of the project impact area, groundwater use will be equivalent to 56 percent of estimated recharge.

The report concluded there is little potential to negatively impact groundwater supply, groundwater levels in neighboring wells, and surface waters²¹. The proposed project would therefore have a less than significant impact on groundwater supplies or recharge.

²¹ Sherwood, Michael, PG, "Groundwater Report APN 047-061-025, Prepared per Sonoma County Policy & Procedure 8-1-14", O'Connor Environmental, May 15, 2019

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

Lichau Creek, a dashed blue-line stream, runs through the rear third of the project site. Site drainage generally flows toward Lichau Creek, which is at the lowest elevation on the site.

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 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 detention 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 Rural Residential with a 5-acre per dwelling unit density and the zoning district is Agriculture and Residential with the same density. The project is also located within the Penngrove Area Plan.

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

Significance Level

No Impact

12. MINERAL RESOURCES

Would the project:

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

Comment

Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist). The project site is not located within a known mineral resource deposit area, according to the Sonoma County Aggregate Resources Management Plan, as amended in 2010.

Significance Level

No Impact

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

Comment

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

Significance Level

No Impact

13. NOISE

Would the project:

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

Comment

The Noise Element of the Sonoma County General Plan sets forth and requires standard compliance with noise related performance standards to regulate noise affecting residential and other sensitive receptors. The proposed project would result in a two parcel subdivision and likely the development of an additional single-family home, and potentially two accessory dwelling units. Noise associated with single-family homes is expected to be similar to the noise levels experienced at the site prior to the demolition of the previously existing residences. No substantial permanent increase in ambient noise levels in the vicinity of the project is anticipated with the occupation of two single-family homes and two accessory dwelling units.

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: 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 Permit Sonoma 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: Permit Sonoma Project Review Division staff shall ensure that the note is placed on the map prior to recordation, and that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

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

Comment

The project includes construction activities that 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 two residences and one accessory dwelling unit. The project would create one additional parcel, which would be permitted one residence and one accessory dwelling unit. At build out, the difference between existing and proposed conditions is one additional accessory dwelling unit, which is not substantial. The project's impact on population growth is less than significant.

Significance Level
Less than Significant

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

Comment

The existing residence on the property would not 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 one accessory dwelling unit, 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 designation.

The Rancho Adobe Fire Protection District will continue to serve this area. There will be no increased need for fire protection resulting from the project. Sonoma County Code requires that 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 one accessory dwelling unit 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 addition of one accessory dwelling unit, 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 regards to the circulation system of Sonoma County or the local community. There are no existing bicycle or pedestrian facilities in the immediate vicinity of the project. While a Class 2 bikeway is proposed for Petaluma Hill Road, 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, the Department of Transportation and Public Works (TPW) requires the payment of Traffic Mitigation Fees, and that all existing and proposed driveways be upgraded or constructed to meet current County standards and AASHTO (American Association of State Highway and Transportation Officials) standards.

The Circulation and Transit Element of the Sonoma County General Plan includes objectives for maintaining an acceptable Level of Service (LOS C) for the roadway system. The proposed project does not alter the roadway configuration and would not significantly increase traffic on Formschlag Lane or Petaluma Hill Road. Therefore, it would not impact Level of Service.

Significance Level

Less than Significant

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

Comment

Pursuant to CEQA Guidelines Section 15064.3, subdivision (b), and applicable starting July 1, 2020, Vehicle Miles Traveled (VMT) is now the appropriate metric to evaluate transportation impacts of land use projects, superseding use of the measure of traffic congestion (i.e. Level of Service). To assist with implementation of the new CEQA practice, the Sonoma County Transportation Agency (SCTA) is in the process of developing screening and modeling tools for local jurisdictions. In the interim, the Technical Advisory provided by the Governor's Office of Planning and Research offers a threshold to screen out smaller projects from further analysis. Absent substantial evidence otherwise or inconsistency with a general plan, 110 daily vehicle trips may be assumed to have a less than significant transportation impact²².

The density of the project site, as designated in the General Plan and Zoning Code, allows for two single family residences. The parcel could also have one accessory dwelling unit. The proposed subdivision would not increase the allowable density of the site, but would permit each of the resulting two parcels to have an accessory dwelling unit. The net change in maximum build out potential is thus one accessory dwelling unit.

The Institute of Transportation Engineers (ITE) Trip Generation Manual approximates 10 daily vehicle trips for a single family dwelling. Applying the ITE rates to each dwelling unit at maximum build out, the subdivision would increase the site's daily vehicle trip generation from 30 to 40 with the addition of a second accessory dwelling. Total trip generation would remain well below the small project screening threshold, therefore, the project is assumed to be consistent with CEQA Guidelines Section 15064.3, subdivision (b), and is expected to have a less than significant impact on VMT.

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 Department of Transportation and Public Works, will reduce the impact to a level of insignificance:

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

- a. The entrance shall be of sufficient width to accommodate two-way traffic.
- b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the

²² Governor's Office of Planning and Research, "Technical Advisory on Evaluating Transportation Impacts in CEQA", State of California, December 2018

- public road.
- c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with current AASHTO requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway."

Significance Level

Less than Significant Impact

d) Result in inadequate emergency access?

Comment

Access to Lots 1 and 2 will be from Formschlag Lane. 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), 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 insignificant.

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 the new parcel.

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**

Comment

As discussed in section 5(a), Tom Origer & Associates conducted a cultural resources evaluation of the project site. There are no known resources on site, but 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

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

See section 5 and section 18(a)(i). 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 a new septic system for Lot 1.

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 3 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 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 addition of a few 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 a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project.

Significance Level
Less than Significant

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 not directly within but adjacent to a Moderate Fire Hazard Severity Zone and within a Local Responsibility Area. There is no adopted emergency response plan or an emergency evacuation plan for this area that the project could conflict with.

Significance Level

No Impact

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

Comment

As discussed in section 9, the project site is not within a Fire Hazard Severity Zone, and within a Local Responsibility Area. Topography, weather, and fuel (vegetation or structures) contribute to wildfire risk and behavior.²³ The project site has gentle slopes between 0-10 percent, which 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 fire safe standards 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. Certain access improvements must be constructed prior to recordation of the final parcel map, which have been discussed in section 17. 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 state law. Infrastructure improvements for future site development will require building permits, which impose certain standards related to fire safety and are reviewed by Sonoma County Fire and Emergency Services. 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

²³ Fire Safe Sonoma, "Sonoma County Community Wildfire Protection Plan", September 20, 2016, <https://www.firesafesonoma.org/wp-content/uploads/cwpp-final.pdf>

- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Comment

Refer to section 7 (Geology and Soils).

Significance Level

Less than Significant

21. MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to 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 5) 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. Potentially significant impacts to aesthetics, air quality, and noise are reduced to a less than significant level through implementation of Mitigation Measures VIS-1, AIR-1, and NOISE-1.

Significance Level

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measures and Monitoring VIS-1, AIR-1, BIO-1 through 5, CUL-1, and NOISE-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 has 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

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