



Proposed Mitigated Negative Declaration
Sonoma County Permit and Resource Management Department
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Permit Sonoma File Number: MNS18-0004
Prepared by: Alison Hodgkin
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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: Chalk Vista Minor Subdivision
Project Applicant/Operator: Cort Munselle
Project Location/Address: 1276 Jensen Ln, Windsor
APN: 162-020-007
General Plan Land Use Designation: DA 10
Zoning Designation: Diverse Agriculture, 10-acre residential density (DA B6 10), Accessory Unit Exclusion (Z), Geologic Hazard Area (G), Scenic Resource (SR), Valley Oak Habitat (VOH)

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

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

ENVIRONMENTAL FINDING:

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

Prepared by: Alison Hodgkin

Date: February 7, 2022



I. INTRODUCTION

Cort Munselle, on behalf of the property owner, Chalk Vista Vineyards, LLC, proposes to subdivide a 38-acre parcel resulting in three parcels at 1276 Jensen Lane in unincorporated Windsor. 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 Alison Hodgkin, Planner II with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Munselle Civil Engineering and Land Surveying, on behalf of the property owner. Technical studies were provided by qualified consultants to support the conclusions in this Expanded Initial Study. Technical studies, other reports, documents, and maps referred to in this document are available for review through the Project Planner, or the Permit and Resource Management Department (Permit Sonoma) Records Section.

Please contact Hannah Spencer, Supervising Planner, at hannah.spencer@sonoma-county.org or (707) 565-1928 for more information.

II. PROJECT DESCRIPTION

The existing 38-acre property is predominately planted in vineyard and undeveloped. The property owner proposes to subdivide the property into three parcels: Parcel 1 at 11.92 acres, Parcel 2 at 10.78 acres and Parcel 3 at 15.34 acres in size. Additional project elements include the proposed construction of two septic lines and one culvert upgrade associated with development of a 650-ft private roadway to provide access to each of the three parcels. Following approval of the minor subdivision, the applicant will be required, as a condition of approval, to submit a complete application(s) and fees to rescind the existing Prime Land Conservation (Williamson) Act contract on the property and replace with three new separate Prime Williamson Act contracts for each parcel resulting from the subdivision pursuant to Sonoma County's Uniform Rules for Agricultural Preserves.

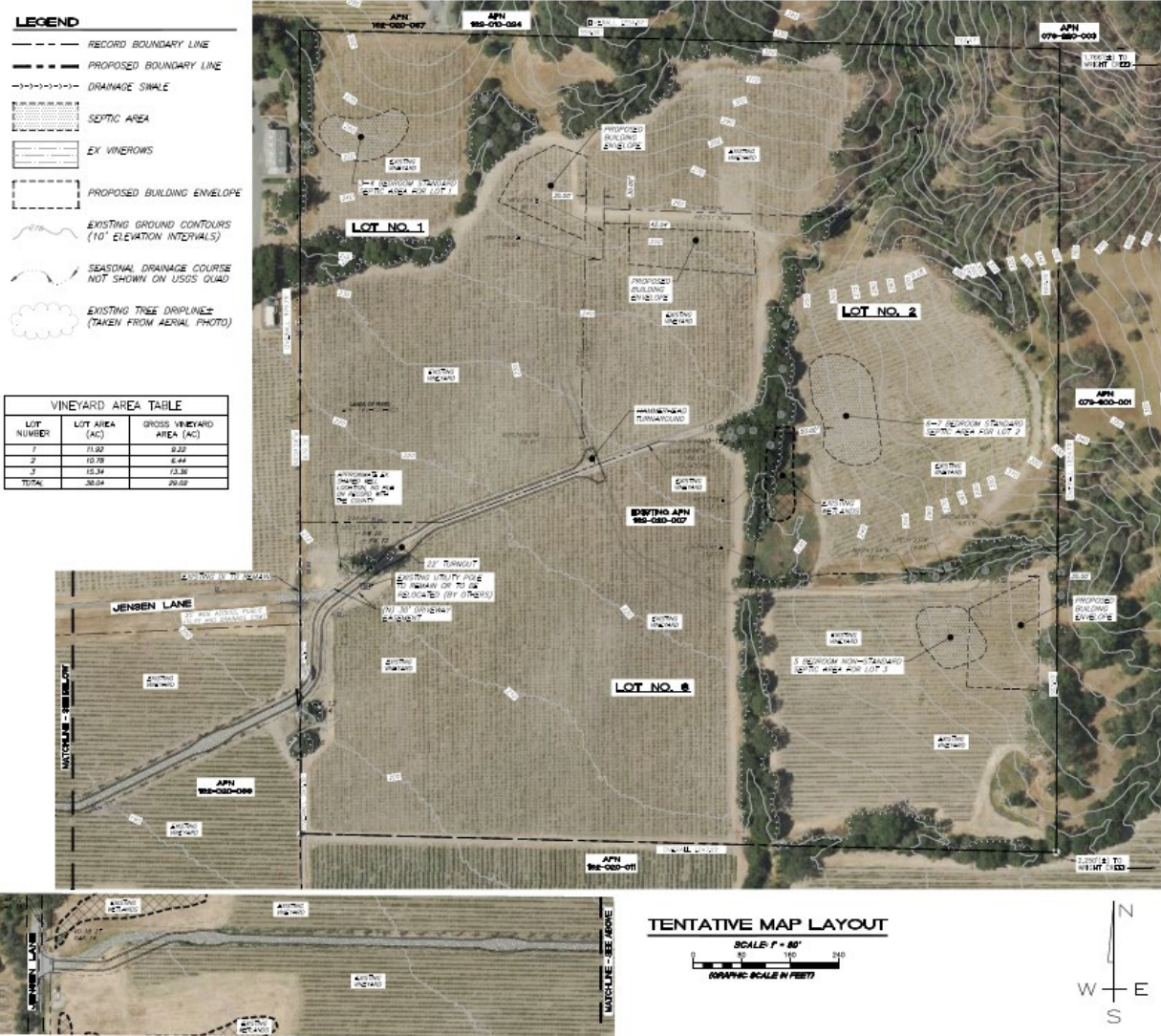
Currently, access is provided on the west side of the property via Jensen Lane, a public utility and drainage easement. The proposed roadway entrance would require upgrades to the existing access road and culvert in the south-central portion of the property.

The property is level to gently sloping land. Two seasonal drainages run through the property. The proposed septic lines would be jack-and-bore underneath the existing drainages in the north-central and northwestern portion of the property.

No new structures are proposed with this application however, because the property is within the Scenic Resources (SR) Combining District, the applicant is required to provide building envelopes for all three proposed parcels on the Tentative Map.

Although the project does not propose development at this time, future development could include one single family dwelling on each resulting parcel in accordance with the DA Zoning District and permitted development standards of the Sonoma County Code. Accessory Dwelling Units (ADUs) are not permitted on the property because the land is within the Z Accessory Dwelling Unit Exclusion Combining District (Sonoma County Code Article 76).

Figure 1. Tentative Map



III. SETTING

The project site is located approximately 0.25 miles east of the Town of Windsor at the terminus of Jensen Lane. The property and adjacent parcels directly to the west, south and east are designated Diverse Agriculture (DA) by the Sonoma County General Plan and zoned DA (10-acre). The adjacent parcel directly to the north is designated Resources and Rural Development (RRD) by the Sonoma County General Plan and zoned RRD (20-acre). Surrounding land uses are predominantly vineyards, agricultural and residential uses along surrounding roadways.

IV. ISSUES RAISED BY THE PUBLIC OR AGENCIES

Agency Referral

A referral packet was drafted and circulated on December 5, 2018, to inform and solicit comments from selected relevant local, state and federal agencies; and to special interest groups that were anticipated to take interest in the project. The Northwest Information Center requested a cultural resources study. No other issues were raised by the agencies.

Tribal Consultation under AB 52

Referrals were sent to the following Tribes on December 5, 2018:

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

No tribe requested formal consultation on the proposed project.

Public Comments

An early neighborhood notice was sent to adjacent property owners on August 27, 2018. No issues, comments or questions were received from surrounding property owners.

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

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

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

1. AESTHETICS

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

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

Comment

The project will not have a substantial adverse effect on a scenic vista. The project is located in an area designated as visually sensitive by the Sonoma County General Plan; specifically, the property and surrounding area is a designated as a Community Separator and Chalk Hill Road is designated as a Scenic Corridor. A designation as a Scenic Corridor requires development to be setback 200' from the frontage of Chalk Hill Road. As the property is located approximately 0.5 miles east of Chalk Hill Rd., future development of the project site will be located well outside of the 200-foot Scenic Corridor setback. The property lies within the northern portion of the Community Separator east of the City of Windsor. Community Separators are rural open space and agricultural and resource lands that separate cities and other communities, prevent sprawl, protect natural resources and provide city and community identity by providing visual relief from continuous urbanization. On November 7, 2018, Permit Sonoma staff conducted a visual analysis of the project site. It was determined that based on the existing site vegetation and topography (gently sloping terrain), any future development on proposed Parcels 1 and 2 would be screened from view from public roadways. Permit Sonoma staff requested the applicant to utilize story poles on proposed Parcel 3 (moderately steep terrain) to assess the potential impact of any future development. Based on visual assessment of the story poles, staff determined any aesthetic impacts of future development on Parcel 3 would be minimal (only visible from one bridge on Pleasant Avenue right before Chalk Hill Road). Additionally, future development would be subject to Administrative Design Review as required by the Zoning Code Scenic Resources Combining District development criteria for building within a Community Separator. The project does not involve tree removal, construction or grading that would significantly affect a scenic vista. Therefore, the project will not have a significant impact on a scenic vista.

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

No Impact

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

Comment

The character of the 38-acre site and surrounding lands is agricultural and resources and rural development. Using the County’s Visual Assessment Guidelines¹, staff characterized the project site as having high visual sensitivity because it is located in the Scenic Resources Combining District and classified as a “Community Separator.” As stated above, Community Separators are rural open space and agricultural and resource lands that separate cities and other communities, prevent sprawl, protect natural resources and provide city and community identity by providing visual relief from continuous urbanization. The project does not involve a specific development proposal, however, the zoning of the property would allow for future residential development. Potential future residential development would be restricted to the proposed Building Envelopes and driveways shown on the Tentative Map. A condition of approval incorporated into the project would limit any building construction (residential or agricultural) outside of the building envelope. By limiting all future residential and agricultural structures to the proposed Building Envelopes, future residential or agricultural structures would be minimally visible from public view. Additionally, future residential development would be subject to Administrative Design Review which ensures visual impacts resulting from new construction is minimized, as required by the Zoning Code Scenic Resources Combining District development criteria for building within a Community Separator. Therefore, the project’s visual dominance can be categorized as subordinate. Utilizing the Visual Assessment Guidelines’ matrix below, the project’s visual impact will be less than significant.

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

Significance Level:

Less than Significant Impact with Mitigation Incorporated

¹ “Visual Assessment Guidelines,” Permit Sonoma, August 2021, <https://sonomacounty.ca.gov/PRMD/Regulations/Environmental-Review-Guidelines/Visual-Assessment-Guidelines/>

Mitigation:

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

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

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

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

Comment

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

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

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

2. AGRICULTURE AND FOREST RESOURCES

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

Would the project:

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

Comment

The site currently contains 29.02 acres of vineyards. According to the Sonoma County Important Farmlands Map, the project site is designated as prime farmland: *irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields.*

The site is predominantly planted in vineyards, is not developed with dwellings or agricultural structures and no additional development is proposed. The project involves the subdivision of a 38-acre parcel into three parcels, which is consistent with the General Plan density for the site. No change in the land use or zoning is proposed. Foreseeable development includes those agricultural and residential uses permitted by the Diverse Agriculture (DA) zoning district, which is not expected to convert a significant amount of important farmland to non-agricultural use. The primary use of the site would remain agricultural production in accordance with the sites land use and zoning district. Therefore, the project would not convert a significant amount of important farmland to non-agricultural use and therefore potential impacts are less than significant.

Significance Level:

Less than Significant Impact

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

Comment

The subject property has a DA (Diverse Agriculture) zoning designation and is under a Land Conservation (Williamson) Act contract. The DA zoning designation allows for single family residential development and agricultural uses and has a minimum parcel size of 10 acres.

Sonoma County Uniform Rules for Agricultural Preserves² Rule 10.0 allows for subdivision of contracted land if the subdivision is consistent with the General Plan and Zoning Code, if each resulting parcel would separately qualify for a land conservation contract and be consistent with the requirements of the Act and each resulting parcel conforms with the requirements of the Subdivision Map Act.

Eligibility requirements for Williamson Act contracts in Uniform Rule 4.0 require properties to be agricultural or open space land devoted to qualifying agricultural or open space uses, i.e., a minimum of 50% of land is continuously used or maintained for agricultural uses, open space uses, or a combination of both. Parcels under Prime Williamson Act Contracts must devote at least 50 percent of the land to prime agricultural uses. Prime Agricultural Land is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meets the minimum income requirements. For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income.

The site is 38 acres and proposed to be subdivided into three parcels. Parcel 1 would be 11.92 acres and include 9.22 acres planted in vineyard, Parcel 2 would be 10.78 acres and include 6.44 acres planted in vineyard and Parcel 3 would be 15.34 acres and include 13.36 acres planted in vineyard. Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively,

² Sonoma County Uniform Rules for Agricultural Preserves:
<https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147555121>

cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For each proposed Parcel, the 15% threshold would apply. The project site does not currently contain any residential or other non-agricultural compatible uses, however future residential development of the site permitted by the DA Zoning District and the Uniform Rules compatible uses would be limited to the proposed building envelopes and septic areas delineated on the Tentative Map. Future development of the building envelopes and driveways on all three parcels and the non-standard septic area (Parcel 3 only) would result in vineyard removal for each proposed parcel, as detailed below.

- Parcel 1 proposes a building envelope 0.33 acres in size and a driveway 0.16 acres in size (4.1% of Parcel). Approximately 0.49 acres of vineyard would be removed to develop the parcel's driveway and building envelope, reducing the 9.22-acre vineyard to 8.73 acres, or 73% of the parcel. Parcel 1 proposes a 0.2-acre standard septic area which will remain in vineyard production and is a compatible use occupying 1.7% of the parcel.
- Parcel 2 proposes a building envelope 0.31 acres in size and a driveway 0.13 acres in size (4.1% of Parcel). Approximately 0.44 acres of vineyard would be removed to develop the parcel's driveway and building envelope, reducing the 6.44-acre vineyard to 6 acres, or 55% of the parcel. Parcel 2 proposes a 0.37-acre standard septic area which will remain in vineyard production and is a compatible use occupying 3.4% of the parcel.
- Parcel 3 proposes a building envelope 0.42 acres in size, a driveway 0.24 acres in size and a non-standard septic area 0.2 acres in size (7.4% of Parcel). Approximately 0.86 acres of vineyard would be removed to develop the parcel's driveway, septic area and building envelope, reducing the 13.36-acre vineyard to 12.5 acres, or 81% of the parcel.

Each proposed parcel would exceed the 10-acre minimum parcel size for a prime agricultural contract, and at least 50% of each proposed parcel will be devoted to a qualifying prime agricultural use (vineyard). Compatible uses for each proposed parcel do not occupy more than 15 percent of the total proposed parcel size. Additionally, the existing 29.02-acre vineyard averages \$492,712 per year which results in an average of \$16,978 per acre per year thus exceeding the required minimum income for prime vineyard operations. The proposed parcels are expected to individually meet the minimum income requirement for a prime contract. A standard Condition of Approval requires that the landowner submit an application to Permit Sonoma to rescind and replace the Land Conservation Act contract with three separate contracts for each resulting parcel, prior to recordation of the Parcel Map. Each parcel resulting from this subdivision will continue to be used for prime agricultural uses and will be eligible for a prime replacement Contract.

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

No Impact

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

Comment

See the comment under section 2(c) above.

Significance Level:

No Impact

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

Comment

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

Significance Level:

No Impact

3. AIR QUALITY

The methodologies and assumptions used in preparation of this section follow the CEQA Guidelines developed by the Bay Area Air Quality Management District (BAAQMD), as revised in May 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 Northern Sonoma County Air Pollution Control District (NSCAPCD).

Would the project:

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

Comment

The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for state and federal ozone standards, the state PM₁₀ standard, and the state and federal PM_{2.5} standard. The District has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides (NO_x) and volatile organic compounds, also referred to as Reactive Organic Gases (ROG)). The project will not conflict with the District's air quality plans because the proposed use is well below the emission thresholds for ozone precursors (see discussion in (b) below).

Significance Level:

Less than Significant Impact

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

Comment

The project will not have a cumulative effect on ozone because it will not generate substantial traffic which would result in substantial emissions of ozone precursors (ROG and NO_x). See discussion above in 3 (b). The project will have no long-term effect on PM_{2.5} and PM₁₀, because all surfaces will be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be

³ Bay Area Air Quality Management District, "California Environmental Quality Act, Air Quality Guideline," May 2017. https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

insignificant. However, there could be a significant short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction of the proposed driveways and future residential development of each proposed Parcel, as permitted by the DA Zoning District. These emissions could be significant at the project level, and could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in Mitigation Measure AIR-1 below.

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

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

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

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

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment

Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. Localized impacts to sensitive receptors generally occur when sources of air pollutants and sensitive receptors are located near one another. The project site is zoned for agricultural and residential uses but is predominantly surrounded by vacant land and vineyards. There are two residences on adjacent parcels located approximately 400 and 500 feet away from the proposed building envelope on Parcel 1. The project would not expose these sensitive receptors to significant concentrations of pollutants because of the analysis above in 3(a) and 3(b). The proposed project would not create an incompatible situation as neither the residential use of the project site nor the neighboring uses involve stationary or point sources of air pollutants which generate substantial pollutant concentrations. Although there will be no long term increase in emissions, during construction there could be significant short term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by Mitigation Measure AIR-1.

Significance Level:

Less than Significant with Mitigation Incorporated.

Mitigation:

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

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

Comment

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

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

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

Significance Level:

Less than Significant Impact

4. BIOLOGICAL RESOURCES

This section of the MND provides an analysis of potential impacts to biological resources on the project site, including sensitive habitats, special-status plant and wildlife species, and protected tree species. A Biological Resources Assessment Report was prepared by WRA Environmental Consultants (WRA) in May 2018⁴. The report provides an overview of the biological resources on the project site, including special-status plant and wildlife species and sensitive habitats. WRA biologists also conducted a site visit to the project site on April 13, 2018.

Following the remote assessment, on April 13, 2018, two biologists with 40-hour Corps wetland delineation training traversed the entire project site on foot to document: (1) terrestrial natural communities, (2) existing conditions and to determine if such provide suitable habitat for any special-status plant or wildlife species, (3) if and what type of aquatic natural communities (e.g., wetlands) are present, and (4) if special-status species are present.

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

⁴ WRA Environmental Consultants (WRA), "Biological Resources Assessment," May 2018

Would the project:

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

Regulatory Framework

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

FEDERAL

Federal Endangered Species Act (FESA)

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

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

Critical Habitat

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

Essential Fish Habitat

Essential Fish Habitat (EFH) is regulated through the National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA). Protection of Essential Fish

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

The Migratory Bird Treaty Act of 1918 (MBTA)

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

STATE

California Endangered Species Act (CESA)

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

California Fully Protected Species and Species of Special Concern

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

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

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

Nesting Birds

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

Non-Game Mammals

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

Other Special-Status Plants – California Native Plant Society

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

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

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

Additional endangerment codes are assigned to each taxon as follows:

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

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

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

LOCAL

Sonoma County General Plan

The *Sonoma County General Plan 2020* Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

Comment

A Biological Resources Assessment (BRA) was prepared by WRA, Inc. in May 2018 for the proposed project. At the time, the BRA identified the following biological communities on the property as: Agriculture (17.82 acres), Developed (2.23 acres), Non-native Grasslands (10.84 acres), Coast Live Oak Woodland (6.20 acres), Seasonal Wetland (0.42 acres) and Ephemeral Stream (0.17 acres).

Methods used by WRA to evaluate the potential occurrence of special-status species on the property included a thorough literature and database search. Database searches for known occurrences of special-status species focused on the Healdsburg, Guerneville, Geyserville, Jintown, Mount Saint Helena, Mark West Springs, Santa Rosa, Sebastopol, and Camp Meeker USGS 7.5-minute quadrangles.

WRA also conducted a site visit to the property to search for suitable habitats for special-status species. The site assessment was intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity in order to determine its potential to occur on the property.

During the search of background literature, prior to the site visit to the property, WRA biologists utilized the USFWS Critical Habitat for Threatened and Endangered Species online mapping tool to determine if critical habitat for any species occurs in the project area (USFWS 2018). WRA's BRA found that the property was not within designated critical habitat for any federal listed species and therefore, did not anticipate impacts to critical habitat due to implementation of the proposed project.

Special-status Plant Species.

Implementation of the proposed project has the potential to affect 12 special-status plant species. The BRA found that 100 special-status plant species were documented in the vicinity of the property and that 12 had the potential to occur on the property.

None of the plants were observed during the site visits. 12 of the 100 special-status plants with the potential to occur on the property are listed below along with the California Native Plant Society (CNPS) rare plant ranking, potential to occur and flowering period.

Special-Status Plant Species	CNPS Rank	Potential to Occur	Flowering Season
1. Napa false indigo (<i>Amorpha californica</i> var. <i>napensis</i>)	1B – Rare, threatened, or endangered in California or elsewhere	Moderate	April - July

2. Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	1B – Rare, threatened, or endangered in California or elsewhere	Moderate	March - June
3. Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>)	1B – Rare, threatened, or endangered in California or elsewhere	Moderate	March - June
4. Large-flowered mariposa lily (<i>Calochortus uniflorus</i>)	4 – Watch List: plants of limited distribution	Moderate	April - July
5. Johnny-nip (<i>Castilleja ambigua</i> ssp. <i>ambigua</i>)	4 – Watch List: plants of limited distribution	Moderate	March - August
6. Streamside daisy (<i>Erigeron biolettii</i>)	3 - Review List: Plants about which more information is needed	Moderate	June - October
7. Nodding harmonia (<i>Harmonia nutans</i>)	4 – Watch List: plants of limited distribution	Moderate	March - May
8. Hayfield tarplant (<i>Hemizonia congesta</i>)	1B – Rare, threatened, or endangered in California or elsewhere	Moderate	April - November
9. Harlequin lotus (<i>Hosackia gracilis</i>)	4 – Watch List: plants of limited distribution	Moderate	March - July
10. Mt. Diablo cottonweed (<i>Micropus amphibolus</i>)	3 - Review List: Plants about which more information is needed	Moderate	March - May
11. Marsh microseris (<i>Microseris paludosa</i>)	1B – Rare, threatened, or endangered in California or elsewhere	Moderate	April - July
12. Oval-leaved viburnum (<i>Viburnum ellipticum</i>)	2B - Rare, threatened, or endangered in California but more common elsewhere	Moderate	May - June

To reduce the potential impact to special-status plant species to a less than significant level, a rare plant survey for those species with moderate potential to occur is recommended as Mitigation Measure BIO-1.

Special-status Wildlife Species.

The property is not located in a Riparian Corridor Combining Zone and is not designated critical habitat. While located in the Santa Rosa Conservation Strategy Study Area (as discussed in Question 4(f)), the property is outside the reach of the California Tiger Salamander.

Implementation of the proposed project has the potential to affect 3 special-status wildlife species. The BRA found that 35 special-status wildlife species were documented in the vicinity of the property, all of which were birds, and three of which had a moderate to high potential to occur.

The remaining 32 special-status wildlife species were found not have the potential to occur due to one or more of the following reasons: Aquatic habitats (e.g., rivers, ponds, estuaries) necessary to support the special-status wildlife species were not present, Vegetation habitats (e.g., vernal pool complexes, coastal prairie) that provide nesting and/or foraging resources necessary support the

special-status wildlife species were not present, Physical structures and vegetation (e.g., mines, coastal bluffs) necessary to provide nesting, cover, and/or foraging habitat to support the special-status wildlife species were not present, Host plants (e.g., dog violet, cream cups) necessary to provide larval and nectar resources for the special-status wildlife species were not present, Historic and contemporary disturbance (e.g., human visitation, intensive mechanical noise) deter the presence of the special-status wildlife species from occupying the property and/or the property is outside (e.g., north of, west of) of the special-status wildlife species documented nesting range (applicable to birds).

The three special-status wildlife species with the potential to occur on the property are discussed below:

1. Oak titmouse (*Baeolophus inornatus*), USFWS Bird of Conservation Concern. Moderate Potential. This relatively common species is a year-round resident throughout much of California including most of the coastal slope, the Central Valley and the western Sierra Nevada foothills. Its primary habitat is woodland dominated by oaks; the species may also occur in riparian areas and residential settings. Local populations have adapted to woodlands of pines and/or junipers in some areas (Cicero 2000). The oak titmouse nests in tree cavities, usually natural cavities or those excavated by woodpeckers, though they may partially excavate their own (Cicero 2000). Seeds and arboreal invertebrates make up the birds' diet. Oak woodland on the project site provides suitable year-round habitat for this species, which is relatively common in Sonoma County.
2. White-tailed kite (*Elanus leucurus*), CDFW Fully Protected Species. Moderate Potential. The white-tailed kite is a year-round resident raptor that occurs 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 project site provides suitable year-round habitat for white-tailed kites, including for nesting.
3. Nuttall's woodpecker (*Picoides nuttallii*). USFWS Bird of Conservation Concern. High Potential. Nuttall's Woodpecker is a year-round resident throughout most of California west of the Sierra Nevada. Typical habitat is oak or mixed woodland, and riparian areas (Lowther 2000). Nesting occurs in tree cavities, principally those of oaks and larger riparian trees. Nuttall's woodpecker also occurs in older residential settings and orchards where trees provide suitable foraging and nesting habitat. This species forages on a variety of arboreal invertebrates. This species is relatively common throughout much of Sonoma County. Oak woodland on the project site provides suitable year-round habitat.

To reduce the potential impact to special-status wildlife species to a less than significant level, pre-construction biological surveys for those species with moderate potential to occur are recommended as Mitigation Measure BIO-2.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-1: Conduct Rare Plant Survey

NOTE ON MAP: "If initial ground disturbance occurs during the flowering periods for Napa false

indigo (April – July), Bent-flowered fiddleneck (March – June), Big-scale balsamroot (March – June), Large-flowered mariposa lily (April – July), Johnny-nip (March – August), Streamside daisy (June – October), Nodding harmonia (March – May), Hayfield tarplant (April – November), Harlequin lotus (March – July), Mt. Diablo cottonweed (March – May), Marsh microseris (April – July) or Oval-leaved viburnum (May – June), 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 Monitoring BIO-1: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that minimization measures are listed on all site alteration, grading, building or improvement plans. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

Mitigation Measure BIO-2: Conduct Nesting Bird Avoidance or Conduct Pre-construction Surveys

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

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- (b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.
- (c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be

reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.”

Mitigation Monitoring BIO-2: Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

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

Regulatory Framework

California Fish and Game Code Sections 1600-1603

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

Sensitive Natural Communities

Sensitive natural communities are vegetation communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by CDFW (e.g., California Natural Diversity Database (CNDDDB⁵)) or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority. Impacts to

⁵ “California Natural Diversity Database”, California Department of Fish and Wildlife, <https://wildlife.ca.gov/Data/CNDDDB>.

sensitive natural communities and habitats must be considered and evaluated under the CEQA Guidelines.

California Oak Woodland Statute

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

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

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

Local

Sonoma County General Plan

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

Riparian Corridor Ordinance

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

Valley Oak Habitat (VOH) Combining District

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

Sonoma County Tree Protection Ordinance

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

Comment

Sensitive vegetation communities include riparian habitats or other sensitive natural communities identified in local or regional plans, policies, or regulations, or designated by the USFWS, NOAA Fisheries, or CDFW. The property is not located in a Riparian Corridor Combining Zone and is not designated critical habitat. While located in the Santa Rosa Conservation Strategy Study Area (as discussed in Question 4(f)), the property is outside the reach of the California Tiger Salamander. The property currently contains active vineyards. The BRA found that sensitive natural communities on the property include wetlands, streams and oak woodland. Wetlands are discussed in Question 4(c).

Streams.

The proposed project would include construction of two septic lines and one culvert upgrade underlying the main access road at the end of Jensen Lane. The two septic lines would be jack-and-bore underneath the drainages they cross in the north-central and northwestern portion of the property. In a letter from WRA Environmental Consultants⁶, the proposed septic lines would be beneath the channels and thereby avoid direct impacts to the streams and riparian habitats.

The property contains several ephemeral and intermittent streams. None of these drainages are mapped blue-line streams on the U.S. Geological Survey (USGS) quadrangle, nor are they designated Riparian Corridors under the Sonoma County Zoning Code or General Plan. Although the majority of the drainages have a tree canopy, there is minimal uniquely riparian vegetation associated with these drainages. All of the drainages contain a clear Ordinary High Water Mark (OHWM) and bed-and-bank; therefore, they are likely jurisdictional under Section 404 and Section 401 of the Clean Water Act, as well as Section 1600 of the California Fish and Game Commission (CFGC).

In the intermittent streams, flows run for the majority of the wet season and receive groundwater discharge to the channel extending to the surface hydrology later in the season, but dry out by late spring/early summer. None of the drainages contain extensive run-riffle-pool complexes, and are high gradient; therefore, salmonids are unlikely to utilize these drainages.

WRA advised that aquatic resource agencies be provided details of the septic line project elements (e.g., geotechnical studies, frac-out contingency plan) to ensure permitting and other considerations are not necessary. To ensure compliance with regulations protecting aquatic resources and associated sensitive biological resources, the WRA advised that the culvert upgrade element of the project would likely be subject to the following studies and permits:

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

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

⁶ March 9, 2020, letter from WRA Environmental Consultants to Bob Biederman, Munselle Civil Engineering summarizing potential impacts to aquatic resources at Chalk Vista Jensen Lane Project

(e.g., ArcGIS Shapefile, AutoCAD DWG) to inform the project design and be provided to the regulatory agencies.

- **Aquatic Resources Permit Application.**

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

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

- **Best Management Practices and Mitigation:**

As part of the application and to complete the project, all three agencies will require compensatory mitigation for temporal and spatial loss of aquatic resource functions, and the implementation of best management practices (BMPs) during project activities. Typical mitigation for culvert replacements (and similar project types in streams), includes grading of shaping of the streambank to prevent erosion; riparian and/or wetland plantings; and/or similar activities to uplift stream functions. A mitigation plan will necessarily be provided as part of the permit application, and should consider pre-project consultation with the resource agencies to ensure approval. BMPs will necessarily be included as part of the project to protect the stream and other potentially occurring sensitive biological resource. Typical BMPs for these project types include: seasonal work windows, biological monitoring, sediment trapping, exclusion areas, material and equipment restrictions, etc.

Coast Live Oak Woodland

Coast live oak woodland is present along the ephemeral drainages on the property. The project does not propose removal of any oak woodland as part of access road construction⁷.

The dominant tree, coast live oak (*Quercus agrifolia*), forms a continuous canopy; however, some small openings are present where roads cross over these drainage features. Secondary tree species include blue oak (*Quercus douglasii*), valley oak (*Q. lobata*), California bay (*Umbellularia californica*), and California buckeye (*Aesculus californica*). The understory has dense leaf litter with sparse to continuous vegetation cover. Common plant species observed in the understory include poison oak (*Toxicodendron diversilobum*), miner's lettuce (*Claytonia perfoliata*), common bedstraw (*Galium aparine*), and rough hedgenettle (*Stachys rigida*). In areas associated with ephemeral drainages, California blackberry (*Rubus ursinus*) was more dominant within the drainage and along the banks. Although it is not ranked as a sensitive vegetation alliance by CDFW, coast live oak woodland is protected by the County of Sonoma (Sonoma County 2008).

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

The project site is not located within Critical Habitat areas and is on the very far northeast edge of the Santa Rosa Plain Conservation Study Area outside of the potential range of the CTS (discussed in Question 4(f)). The project site has been developed in agricultural use, specifically an approximate 29 acres of vineyards. There are no USGS-designated blue-line streams located on the property.

Future development of each proposed parcel is limited to the building envelopes identified on the project's Tentative Map. The building envelopes on the Tentative Map are located in specific areas of the property which are intended to avoid impacts to sensitive habitat or other natural communities to the greatest extent practicable. Therefore, significant impacts to Coast Live Oak Woodland is not anticipated.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure BIO-3: Aquatic Resources Permit Application

NOTE ON MAP: "The Applicant shall obtain all required permits for working in and/or near Waters of the U.S. and Waters of the State prior to construction of the two septic lines and culvert upgrade.

⁷ MNS18-0004 SWLID Report, Munselle Civil Engineering, October 5, 2018

Those permits are likely to include Section 404 Nationwide Permit with the Corps, Section 401 Water Quality Certification with the Regional Water Quality Control Board (RWQCB), and Section 1600 Lake and Streambed Agreement with the California Department of Fish & Wildlife (CDFW). Any mitigation measures or Best Management Practices (BMPs) recommended by resource agencies as part of that permitting shall be followed.

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

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

Mitigation Monitoring BIO-3: Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are followed. All measures shall be noted on the final project plans.

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

Regulatory Framework

FEDERAL

The Clean Water Act (CWA)

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

Section 404.

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

Section 401.

Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the

Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

STATE

Porter-Cologne Water Quality Control Act

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

Comment

Wetlands.

The project site contains approximately 0.11 acres of potential wetlands on Parcel 2. The proposed building envelopes and access road/driveway construction are designed to avoid wetland areas⁸. The proposed building envelope on Parcel 2 is over 400 feet away from the existing wetland area.

The property contains three potential seasonal wetlands that were dominated by facultative or wetter herbaceous species, including Italian rye grass (*Festuca perennis*), Mediterranean barley (*Hordeum marinum*), poverty rush (*Juncus tenuis*), toad rush (*J.bufoinus*), and hyssop loosestrife (*Lythrum hyssopifolia*). The substrate is composed of native, relatively undisturbed clay loam exhibiting indications of hydric soils (e.g., redoximorphic mottles) with water collecting from direct precipitation and localized runoff, and remaining saturated throughout the wet season, but drying by late spring.

The on-site seasonal wetlands contain all three wetland parameters (i.e., vegetation, soils, and hydrology) sufficient to meet the Corps’ standard of wetland. Final jurisdictional limits are determined by the United States Army Corps of Engineers (Corps) and Environmental Protection Agency; however, given the proximity to (ephemeral) drainages that eventually flow into a traditionally navigable water (Russian River), these features are likely to be considered jurisdictional under Sections 404/401 of the CWA. Likewise, the ephemeral drainages would be considered under Sections 404/401 of the CWA and Section 1600 of the CFGC. Therefore, permitting with the Corps and RWQCB would be required if future projects posed a direct or indirect impact to the on-site wetland features, while permitting with the Corps, RWQCB, and CDFW would be required for similar impacts to the ephemeral drainages.

All construction grading will be required to comply with Chapter 11 of Sonoma County Code – Construction Grading and Drainage, including setbacks for wetlands in SCC 11.14.110 which require 100-foot setback from wetlands designated as biotic habitat and 50 feet from all other wetlands, unless a wetlands report recommends a lesser or greater setback.

The proposed project is designed to avoid wetlands on the property and therefore is not anticipated to have a significant impact on state or federally protected wetlands.

⁸ Munselle Civil Engineering Application File MNS18-0004 Proposal Statement dated December 4, 2018

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measure BIO-3 and Mitigation Monitoring BIO-3.

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

Comment

The property is located within a much larger tract of agricultural/viticultural and lightly developed land east of urban development in Windsor. The property also intergrades a substantially larger area of wooded/forested hills approximately 30 miles in length (oriented roughly northwest/southeast) and approximately six miles wide; this latter area is only very lightly developed overall and presumably serves as a movement and habitat corridor for an array of wildlife, and provides a linkage between the baylands of Sonoma and Napa Counties and other rural areas to the north.

While a (very small) component of this greater landscape setting, the property itself does not provide corridor functions beyond connecting similar agricultural/viticultural land parcels to the south, west and north. Within this context, agricultural expansion and/or limited development on the property is in and of itself unlikely to result in any significant impacts to local wildlife movement or impede the use of native wildlife nursery sites.

Ephemeral streams (even when dry) and associated vegetation within the property presumably provide very localized movement and shelter habitat for common wildlife species. The proposed project does not include tree removal and is designed to avoid streams and wetlands on the property and therefore is not anticipated to interfere with the movement of wildlife.

Significance Level:

Less Than Significant Impact

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

Local Ordinances:

Sonoma County General Plan

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

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.

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

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.

Comment

The project does not propose the removal of trees which are protected by the Tree Protection Ordinance listed in Sonoma County Zoning Code (Section 26-88-010(m)). The project site is located within areas of special resource protection, specifically, the site has the combining zone overlay for Valley Oak Habitat (VOH) and Scenic Resources (SR). Siting of future development would need to comply with VOH and SR policies.

The proposed project would subdivide the property into three parcels. Future development of the property could result in one single-family dwelling per parcel. Accessory Dwelling Units (ADUs) are not permitted on the property because the land is within the Z Accessory Dwelling Unit Exclusion Combining District (Sonoma County Code Article 76) Each parcel proposes a building envelope on the Tentative Map. All future development would be limited to the parameters of the building envelopes shown on the Tentative Map. The building envelopes on the Tentative Map are located in areas of the property which specifically avoid impacts to Valley Oak Habitat and Scenic Resources.

With implementation of Mitigation Measures BIO-1 through BIO-4, the project would be consistent with Sonoma County General Plan 2020 Land Use Element and Open Space & Resource Conservation Element goals, policies, and objectives to protect natural resources and lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures BIO-1 – BIO 3 and Mitigation Monitoring BIO 1 – BIO 3.

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

Comment

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

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

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

The Conservation Strategy Study Area (Study Area) is 20 miles long and six miles wide. Based on the Study Area Overview Map, the project site is located within the Conservation Strategy Study Area although it is located on the very northeast edge outside of the potential CTS Range. Therefore, no CTS mitigation is required and the project will not conflict with the Strategy.

Significance Level:

Less than Significant Impact

5. CULTURAL RESOURCES

Would the project:

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

Comment

An archaeological evaluation of the site was conducted by Tom Origer and Associates in April 2018⁹. Field survey findings indicated that there are no prehistoric or historic archaeological site indicators observed within the study area. In regards to the built environment on the project site, there is potential that a structure on site has historic significance due to age of the structure and architectural style. The proposed project does not involve alteration to this structure. Therefore, proposed project is not believed to cause a substantial adverse change to significant historical resources on the subject property.

Significance Level:

No Impact

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

Comment

On October 3, 2018, Permit Sonoma staff referred the project application to Native American Tribes within Sonoma County to request consultation under AB-52 (the request for consultation period ended November 3, 2018. 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. The evaluation concluded that there are no known archaeological 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:

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

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

⁹ Historical Resources Study of the Property at 1276 Jensen Lane, Tom Origer & Associates, April 6, 2018.

or earthwork plan sheets:

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

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

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

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

Comment

The cultural resources evaluation conducted by professional archaeologists in January 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 CUL-1 and Mitigation 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 CUL-1 and Mitigation 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

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

Significance Level:

Less than Significant Impact

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

Comment

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

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

Significance Level:

Less than Significant Impact

7. GEOLOGY AND SOILS

Would the project:

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

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

Comment

The property is located within Earthquake Fault Zone for the Rodgers Creek Fault (EFZ) as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map (California Geological

Survey)¹⁰ and designated by Sonoma County as within the Geologic Hazard Combining Zone (G district). The following Sonoma County Code sections are relevant to development within the G District:

- Sec. 26-70-020. - Permitted uses. All uses permitted within the respective district with which the G district is combined shall be permitted, except that no structure intended for human occupancy or otherwise defined as a project in the Alquist-Priolo Special Studies Zone Act, shall be permitted to be placed across the trace of an active fault or within fifty feet (50') of the surface trace of any fault.
- Sec. 26-70-030. - Geologic reports required. Geologic reports shall be required for development of properties within the G district and shall describe the hazards and shall include mitigation measures to reduce risks to acceptable levels.

The applicant provided a Fault Rupture Hazard Evaluation prepared by PJC & Associates, Inc. dated September 5, 2019 (Fault Study)¹¹. The Fault Study included a review of available geologic maps and publications, interpretation of geomorphic features, discussion of historic earthquakes activity and earthquake probabilities, and a subsurface exploration of the site. The Fault Study documented that the project parcel and proposed building sites are within the active fault zone of the Rodgers Creek Fault; however, the subsurface investigation did not identify any surface fault traces of an active or inactive fault within 50 feet of the proposed building envelopes, as proposed in the tentative subdivision map titled "Proposed Chalk Vista Subdivision" prepared by Munselle Engineer Civil Engineering, dated July 25, 2019.

The subsurface exploration involved excavating trenches with a depth of 3 to 7 feet in an orientation that was roughly perpendicular to the expected direction of the Rodgers Creek Fault. Total trench length was roughly 300 feet. The trench of locations were designed to intersect any fault that could pass within 50 feet of the proposed building envelopes. Once excavated, the trench walls were observed and logged. No indication of faulting was noted.

Permit Sonoma conducted a site visit on July 23, 2019, to observe the walls of the excavated trenches. During the field review by staff no observations of any features indicative of active fault movement were noticed. The Fault Study was reviewed and found to accurately characterize the site. No further information was requested from Permit Sonoma in regard to surface fault rupture.

The applicant also provided a Preliminary Geotechnical Study Report prepared by RGH Consultants, Inc., dated May 7, 2018 (Geotechnical Report)¹². The Geotechnical Report noted that while the project site was not within a current Alquist-Priolo Earthquake Fault Zone, it is located within the previous Healdsburg earthquake fault zone which indicates potential for surface rupture at the site. The Geotechnical Report recommended design-level geotechnical studies for future building sites/residences. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, design-level geotechnical studies addressing the potential for surface fault rupture are required for each proposed parcel. Therefore, no significant adverse effects from earthquake faults are expected given Mitigation Measure GEO-1 will reduce potential impacts to a less than significant level.

Significance Level:

Less than Significant with Mitigation Incorporated

¹⁰ California Geological Survey Department of Conservation, California Earthquake Hazards Zone Application (EQ Zapp), <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

¹¹ Report Fault Rupture Hazard Evaluation, PJC & Associates, Inc., September 5, 2019

¹² Preliminary Geotechnical Study Report, prepared by RGH Consultants, Inc., dated May 7, 2018

Mitigation:

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

NOTE ON MAP: “As specific construction plans are developed for each parcel, site specific geotechnical reports shall be developed for each property addressing surface fault rupture, seismic ground shaking, liquefaction, landslides and soils. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall conform with the specifications and criteria contained in the project geotechnical report which may include structural setbacks from unstable areas. The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit, the geotechnical engineer shall also inspect the construction work and shall certify to Permit Sonoma, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.”

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

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.

While the project does not propose development or construction of structures, any future development would be subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Standard conditions of approval require that building permits be obtained for all construction and that development projects meet all standard seismic and soil test/compaction requirements.

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

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

The Geotechnical Report recommended future development be located outside areas of identified slope instability, foundations of future residences be installed as recommended in the report and planned fills adequately keyed into underlying bedrock material. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, design-level geotechnical studies addressing the potential for seismic ground shaking are required for each proposed parcel. Based on this uniformly applied regulatory process and Mitigation Measure GEO-1, the project would not expose people to substantial risk of injury from seismic shaking, and the potential impact is less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

iii. Seismic-related ground failure, including liquefaction?

Comment

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. The California Department of Conservation has not evaluated the subject area and project site for liquefaction hazards. All new structures are subject to engineering standards of the California Building Code. The Geotechnical Report for the project site referenced published maps (Witter, et al., 2006) which indicate that the property is located within an area delineated as having low susceptibility to liquefaction and densification. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, site-specific geotechnical studies addressing the potential for liquefaction will be required for each property. Because of the project area's low susceptibility to liquefaction, permitting standards in Sonoma County Code required for all construction activities and Mitigation Measure GEO-1, potential impacts are less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

iv. Landslides?

Comment

The project site is located within or in close proximity to active landslide features as presented in Geology for Planning in Sonoma County Special Report 120, California Division of Mines and Geology, 1980¹³. Mapping was completed at a regional scale and not suitable for site specific evaluation; however, a site-specific slope stability analysis was provided for the property.

The applicant provided a Slope Stability Study prepared by PJC & Associates, Inc. dated September 19, 2019 (Slope Stability Study)¹⁴. The Slope Stability Study included a review of available geologic maps and publications, interpretation of geomorphic features, subsurface exploration of the site, laboratory testing of soil samples, and quantitative analysis of slope stability.

The Slope Stability Study documented that the project parcel and proposed building sites are within landslide features as mapped in Special Report 120. Field investigation and interpretation of geomorphic terrain using LiDAR did not identify any active or inactive landslide features within or overlapping the proposed building envelopes, as proposed in the tentative subdivision map titled "Proposed Chalk Vista Subdivision" prepared by Munselle Engineer Civil Engineering, dated July 25, 2019. A number of active landslide features were identified in the nearby area, but none were interpreted as posing a risk to development within proposed building envelopes.

Proposed building sites for Parcels 1 and 2 are on gently sloping terrain with slope angles below roughly 10% and were interpreted to have low potential for slope failure. The proposed building

¹³ https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP_120.pdf

¹⁴ Email from Robert Pennington, P.G., Natural Resources Geologist dated October 9, 2019.

envelope for Parcel 3 is on moderately steep terrain with a slope between 10 and 20%. The Slope Stability Study included a quantitative slope stability analysis using site specific soil properties. Results indicated stable conditions under static and seismic event conditions.

The Geotechnical Report found landslide features were mapped and observed at the project site. The report recommended that future development, including roadway and utilities, should avoid the areas mapped in Appendix A – Plate 2 of the Geotechnical Report, unless remedial work is performed to stabilize the slope. The report suggested that remedial work could include removing landslide debris and constructing a buttress. Mitigation Measure GEO-1 would require a note be placed on the parcel map stating that, prior to building permit issuance, site-specific geotechnical studies addressing the potential for landslides will be required for each property and that the design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations, and structural components shall conform with the specifications and criteria contained in the project geotechnical report which may include structural setbacks from unstable areas.

Therefore, no significant adverse effects from landslides are expected given the proposed building envelopes are outside of the areas mapped in Appendix A – Plate 2 of the Geotechnical Report, required Mitigation Measure GEO-1 and the Sonoma County Code requirements and standards that need to be met.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

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

Comment

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

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

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

from entering storm drain systems, waterways or adjacent lands.

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

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

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

Significance Level:

Less than Significant Impact

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

Comment

Permit Sonoma staff requested a site-specific slope stability analysis for the property. Based on the findings in the Slope Stability Study prepared by PJC & Associates, Inc. dated September 19, 2019, the project parcel and proposed building sites are within landslide features as mapped in Special Report 120. Field investigation and interpretation of geomorphic terrain using LiDAR did not identify any active or inactive landslide features within or overlapping the proposed building envelopes, as proposed in the tentative subdivision map titled "Proposed Chalk Vista Subdivision" prepared by Munselle Engineer Civil Engineering, dated July 25, 2019. A number of active landslide features were identified in the nearby area, but none were interpreted as posing a risk to development within proposed building envelopes.

The proposed building envelopes shown on the Tentative Map for Parcels 1 and 2 are located on gently sloping terrain with slope angles below roughly 10 percent and were interpreted to have low potential for slope failure. The proposed building envelope for Parcel 3 is on moderately steep terrain with a slope between 10 and 20 percent. The Slope Stability Study included a quantitative slope stability analysis using site specific soil properties. Results indicated stable conditions under static and seismic event conditions.

The Geotechnical Report concluded that it is geotechnically feasible to subdivide the property and construct single-family residences, leachfields and access roads on the new lots. The conclusions in the Geotechnical Report related to surface and expansive soils, downslope creep and fill and foundation support will need to be verified by conducting site-specific geotechnical reports for each property which is required under Mitigation Measure GEO-1 as a note on the final parcel map. Site-specific geotechnical reports should finalize recommended structural setbacks from unstable areas, grading techniques, construction of hillside fills and foundation support on sloping terrains.

Given the mandated conditions and standards that need to be met and required Mitigation Measure GEO-1, no significant adverse effects from unstable soils and therefore, impacts will be less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

Less than Significant Impact

8. GREENHOUSE GAS EMISSIONS

Regulatory Setting

Executive Order S-3-05

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

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

Executive Order B-30-15

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

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

California Global Warming Solutions Act of 2006 (AB 32)

In 2006, the California State Legislature adopted Assembly Bill (AB) 32 (codified in the California Health and Safety Code [HSC], Division 25.5 – California Global Warming Solutions Act of 2006), which focuses

on reducing GHG emissions in California to 1990 levels by 2020. HSC Division 25.5 defines GHGs as CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ and represents the first enforceable statewide program to limit emissions of these GHGs from all major industries with penalties for noncompliance. The law further requires that reduction measures be technologically feasible and cost effective. Under HSC Division 25.5, CARB has the primary responsibility for reducing GHG emissions. CARB is required to adopt rules and regulations directing state actions that would achieve GHG emissions reductions equivalent to 1990 statewide levels by 2020.

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

The First Update to the Scoping Plan was approved by CARB in May 2014 and built upon the initial Scoping Plan with new strategies and recommendations. In 2014, CARB revised the target using the GWP values from the IPCC AR4 and determined that the 1990 GHG emissions inventory and 2020 GHG emissions limit is 431 MMTCO_{2e}. CARB also updated the State's BAU 2020 emissions estimate to account for the effect of the 2007–2009 economic recession, new estimates for future fuel and energy demand, and the reductions required by regulation that were adopted for motor vehicles and renewable energy.

Senate Bill 97

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

Senate Bill 32 and Assembly Bill 197

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

2017 Climate Change Scoping Plan Update

In response to SB 32 and the 2030 GHG reduction target, CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB, 2017). CARB determined that the target Statewide 2030 emissions limit is 260 MMTCO_{2e}, and that further commitments will need to be made to achieve an additional reduction of 50 MMTCO_{2e} beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the Cap-and-Trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by Executive Order B-30-15.

In the Update, CARB recommends statewide targets of no more than six metric tons CO_{2e} per capita by 2030 and no more than two metric tons CO_{2e} per capita by 2050. CARB acknowledges that since the statewide per capita targets are based on the statewide GHG emissions inventory that includes all

emissions sectors in the State, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections. To demonstrate how a local jurisdiction can achieve their long-term GHG goals at the community plan level, CARB recommends developing a geographically-specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called “CEQA-qualified” GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan.

Sonoma County Regional Climate Action Plan

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

California CEQA Guidelines

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

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

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

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

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

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

Would the project:

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

Comment

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). The BAAQMD has not published a new threshold since the State passed Senate Bill 32, which sets statewide GHG reduction targets of at least 40 percent below 1990 levels by 2030. In 2018, California met the goals of Assembly Bill 32 to reduce statewide GHG emission to 1990 levels by 2020. The BAAQMD recommended thresholds were originally intended to address the AB32 goals for 2020. Staff adjusted the BAAQMD recommended 2020 threshold downward by 40 percent to identify a 2030 threshold of 660 Mtons of CO₂e per year.

The proposed project could potentially allow for one single-family dwelling per parcel. Development of three single-family dwellings permitted by the DA Zoning District would not exceed 660 Mtons of CO₂e per year. Therefore, the project's GHG emissions would not significantly contribute to a cumulative impact on global climate change.

Significance Level:

Less than Significant Impact

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

Comment

The County's adopted goals and policies include GP Policy OSRC-14.4 to reduce greenhouse gas emissions 25% below 1990 levels by 2015. Sonoma County emissions in 2015 were 9% below 1990 levels, while the countywide population grew 4%. In May 2018, the Board of Supervisors adopted a Resolution of Intent to Reduce Greenhouse Gas Emissions that included adoption of the Regional Climate Protection Agency's goal to further reduce greenhouse gas emissions by 40% below 1990 levels by 2030 and by 80% below 1990 levels by 2050, consistent with SB32 and AB197 climate pollution reduction targets. The Resolution of Intent included specific measures that can further reduce greenhouse gas emissions.

All new development is required to evaluate all reasonably feasible measures to reduce greenhouse gas emissions and enhance carbon sequestration. Mitigation Measure GHG-1 below has been incorporated into the project as a condition of approval.

Significance Level:

Less than Significant Impact with Mitigation Incorporated

Mitigation:

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

Mitigation Measure GHG-1:

NOTE ON THE MAP: “Prior to issuance of a grading or building permit, the applicant shall submit a Greenhouse Gas Reduction Plan for PRMD review and approval reducing greenhouse gas emissions in the design, construction, and long-term operations of the project. The Greenhouse Gas Reduction Plan shall include all reasonably feasible measures to reduce greenhouse gas emissions to the maximum extent feasible. Measures that must be evaluated include but is not limited to: best available conservation technologies for all energy and water uses, installation of renewable energy facilities to meet demand on-site, provisions of electric vehicle charging stations, bicycle facilities including secure bike parking, and lockers and showers for employees, employing best management practices for carbon sequestration, such as no till soils, reduced use of fertilizers, etc.”

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 three parcels. The routine use and transport of substantial quantities of hazardous materials will not result from subdivision or subsequent development of the parcels. Any subsequent development on the site would necessitate a building permit that would require minimization measures to alleviate the risk of hazardous materials used during construction.

Significance Level:

Less than Significant Impact

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

There are no known hazardous materials sites within or adjacent to the project limits, based on a review of the following databases on June 28, 2021:

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

Significance Level:

No Impact

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

Comment

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

Significance Level:

No Impact

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

Comment

The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. Potential future development of the three parcels resulting from the proposed project 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

¹⁶ State Water Resources Control Board Geotracker, "Geotracker", State of California, Accessed June 28, 2021, <https://geotracker.waterboards.ca.gov/>

¹⁷ Department of Toxic Substances Control Envirostor, "Envirostor", State of California, Accessed June 28, 2021, <https://www.envirostor.dtsc.ca.gov/public/>

¹⁸ CalRecycle, "Solid Waste Information System", Accessed June 28, 2021, <https://www2.calrecycle.ca.gov/SWFacilities/Directory/>

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) and is not located in a moderate, high or very high Fire Hazard Severity Zone. Approximately 14.4 of the 38-acre parcel is located in the "Influence Zone" of the Wildland Urban Interface.

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.

Requirements to meet the County's 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 Impact

10. HYDROLOGY AND WATER QUALITY

Would the project:

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

Comment

The proposed project would subdivide the 38-acre parcel into three bare parcels and install a new private road and driveways to serve each parcel.

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

Additionally, through conditions of approval, Permit Sonoma will require the applicant to prepare and provide pre-construction biological surveys prior to development for the septic areas identified on the Tentative Map. The surveys will require proof of consultation with and/or permits from CDFW, the Regional Water Quality Control Board and the Army Corps of Engineers.

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

Significance Level:

Less than Significant Impact

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

Comment

The County uses a four-tier classification system to indicate general area of groundwater availability: Class 1 = Major Ground Water Basin, Class 2 = Major Natural Recharge Areas, Class 3 = Marginal Groundwater Availability and Class 4 = Low or Highly Variable Water Yield). The property is predominantly located in Groundwater Availability Class 1.

The project site is located within the Santa Rosa Valley – Santa Rosa Plain groundwater basin, which is considered a priority groundwater basin as designated by the Department of Water Resources in accordance with the Sustainable Groundwater Management Act.

PRMD Policy 8-1-14 requires discretionary projects within medium and high priority groundwater basins to comply with General Plan Policy WR-2e. General Plan Policy WR-2e calls for a hydrogeologic study that details potential impacts to groundwater resources from the project.

A hydrogeologic study was prepared for the project by O'Connor Environmental Inc. dated May 15, 2019 (OEI Report)¹⁹. The OEI Report estimated the project would result in up to 2.25 acre feet per year of increased groundwater pumping.

The OEI Report presented data on nearby wells, a summary of the aquifer conditions, and recharge based off a soil water balance model. Recharge (104 acre feet per year) is expected to be greater than or equal to groundwater withdrawals (52 acre feet per year) under proposed conditions for the project aquifer recharge area (134 acres). PRMD found the information in the report could be corroborated by increasing or stable trends in water level as observed in monitoring wells located within roughly 0.7 and 1.0 miles west of the project site. The OEI Report concluded there is little potential to negatively impact groundwater supply, groundwater levels in neighboring wells, and surface waters.

PRMD's Professional Geologist reviewed the report and determined the analysis in the hydrogeologic study was well documented and of appropriate detail and effort to support the findings.

No other conditions of approval related to groundwater supply or monitoring were recommended for the project by PRMD.

Significance Level:

Less than Significant Impact

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

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

Comment

There are two ephemeral and intermittent drainages on the property, neither of which are mapped blue-line streams on the USGS quadrangle, nor designated Riparian Corridors according to Sonoma County. Construction of the proposed access roadway would involve ground disturbance and create 71,477 sf of new impervious area which requires adherence to Sonoma County stormwater Low Impact Development regulation. Permit Sonoma reviewed the proposal and verified the project design

¹⁹ Email from Robert Pennington, P.G., Natural Resources Geologist dated October 9, 2019.

meets the design goal of 100% volume capture for the design storm as required by projects that create more than 1 acre of impervious area.

Additional impervious area would be created by future development of the property however, a complete Storm Water Low Impact Development Submittal for each parcel would be required during the building permit phase and all future development would be subject to stormwater low impact development regulations.

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

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

Significance Level:

Less than Significant Impact

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

Comment

The project proposes to create 71,477 sf of new impervious area to construct new roadway access to the three parcels.

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

- iii. **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

The site is located in the Santa Rosa Valley – Santa Rosa Plain priority groundwater basin however, the property is predominantly located in Groundwater Availability Class 1.

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

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

Significance Level:

Less than Significant Impact

11. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

Comment

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

Significance Level:

No Impact

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

Comment

The Sonoma County General Plan 2020 designates the project site as Diverse Agriculture with a 10-acre density. The Diverse Agriculture designation was applied to parcels that have the soil, climate, and water conditions to support farming but where small acreage intensive farming and part-time farming activities are predominant. The current land uses implement the provisions of the Diverse Agriculture land use category of the General Plan, consistent with the 10-acre density designated for the site, and the policies of the Agricultural Resource Element. The proposed Minor Subdivision of the property is consistent with this designation.

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 subdivide the property into three parcels. Future development of the property could result in one single-family dwelling per parcel. However, no substantial permanent increase in ambient noise levels in the vicinity of the project is anticipated with the occupation of three single-family dwellings.

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

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

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. (use this if no nearby receptors, or 5:00 pm if nearby receptors) on weekdays and 9:00 a.m. and 7:00 p.m. (same note as above) on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, (same note as above) Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and

contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.

- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only (same note as above).
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.”

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

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

No Impact

14. POPULATION AND HOUSING

Would the project:

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

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

Significance Level:

No Impact

15. PUBLIC SERVICES

Would the project:

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

- i. **Fire protection?**

Comment

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

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

Significance Level:

Less than Significant Impact

ii. Police?

Comment

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

Significance Level:

Less than Significant Impact

iii. Schools?

Comment

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

Significance Level:

Less than Significant Impact

iv. Parks?

Comment

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

Significance Level:

Less than Significant Impact

v. Other public facilities?

Comment

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

Significance Level:

Less than Significant Impact

16. RECREATION

Would the project:

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

The project does not involve the construction or expansion of recreational facilities.

Significance Level:

No Impact

17. TRANSPORTATION

Would the project:

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

Comment

The project does not conflict with any adopted plans, ordinances, or policies in regards to the circulation system. There are no existing or proposed bicycle or pedestrian facilities immediately adjacent to the property. There are existing bicycle facilities along nearby roadways closer to the Town of Windsor, but this project will not interfere with those facilities.

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

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

Significance Level:

Less than Significant Impact

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

SB 743, which was signed into law by Governor Brown in 2013 and codified in Public Resources Code 21099, tasked the Office of Planning and Research (OPR) with establishing new criteria for

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

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

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

Comment

Although the project does not propose development at this time, future development could include one single family dwelling unit and residential accessory structures per each resulting parcel in accordance with the DA Zoning District and permitted development standards in Sonoma County Code. Accessory dwelling units would not be permitted on each resulting parcel while the land is subject to a Williamson Act contract.

Based on the OPR recommendations, Permit Sonoma utilized the Institute of Transportation Engineers (ITE) Manual Trip Generation publication (Tenth Edition) to determine the total daily trips that would result from the proposed subdivision. VMT impacts attributable to the proposed subdivision would be less than significant as the creation of two additional parcels zoned for agricultural and residential uses with up to one primary dwelling per parcel would create 28.3 trips per day (9.44 trips per dwelling unit), which is below the 110 trips per day VMT significance threshold.

Significance Level:

Less than Significant Impact

c) Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Comment

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

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

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

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

Significance Level:

Less than Significant Impact

d) Result in inadequate emergency access?

Comment

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.

Any future construction activities occurring on the site may result in traffic delays possibly slowing emergency response vehicles or restricting access to residences or nearby businesses. This is a short-term construction related impact that will cease upon project completion, and is therefore insignificant.

Significance Level:

Less than Significant Impact

f) Result in inadequate parking capacity?

Comment

The Sonoma County Zoning Code's requirement for covered parking will ensure that parking is included as part of future development of the three parcels.

Significance Level:

No Impact

18. TRIBAL CULTURAL RESOURCES

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

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

Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Comment

Tom Origer & Associates conducted a historical resources evaluation of the project site in April 2018. The study did not find any prehistoric or historical archaeological site indicators on the property. The field survey that was conducted included auger borings which did not yield any buried archaeological site indicators.

As part of the Historical Resources Study of the property prepared by Tom Origer & Associates for this project, a request was sent to the State of California's Native American Heritage Commission on March 15, 2018. The letter requested information from the sacred lands files and the names of Native American individuals and groups that would be appropriate to contact regarding the proposed project.

The Native American Heritage Commission replied with a letter dated March 20, 2018, in which they indicated that the sacred land file has no information about the presence of Native American cultural resources on the property.

On March 16 and 29, 2018, letters and follow-up emails were sent to the following groups requesting comments about the proposed project:

- Cloverdale Rancheria of Pomo Indians of California
- Dry Creek Rancheria Band of Pomo Indians
- Federated Indians of Graton Rancheria
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Lytton Rancheria of California
- Middletown Rancheria of Pomo Indians
- Mishewal-Wappo Tribe of Alexander Valley

Mr. Reg Elgin, Tribal Historic Preservation Officer of Dry Creek Rancheria, replied with a letter dated April 3, 2018, stating that the Tribe is not aware of any historic properties on the property and to inform them of any pertinent information that could arise as the project progresses.

Ms. Brenda L. Tomaras, attorney for Lytton Rancheria, replied with a letter dated April 3, 2018, stating that the property falls within traditional Pomo territory and that the Tribe requests a copy of the Historical Resources Report upon completion. No other comments were received.

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

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

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

effects?

Comment

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

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

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

Future development to provide electric power, natural gas and telecommunications utilities/services to the three parcels resulting from this subdivision would be evaluated as part of the permitting process for future development.

Significance Level:

Less than Significant Impact

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

Comment

The proposed project is located adjacent to the Town of Windsor Water District Urban Service Area boundaries. Sufficient water for future development would be provided by on-site wells which will be located in a Class 1 groundwater area. See section 10(b) for a discussion of impacts to groundwater supply.

Significance Level:

Less than Significant Impact

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Comment

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

Significance Level:

No Impact

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Comment

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from any future development on the project site. The

addition of 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 Impact

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

Comment

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

Significance Level:

Less than Significant Impact

20. WILDFIRE

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

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

Comment

As discussed in section 9, the project site is not in a designated State Responsibility Area (SRA) and is not classified as a Moderate, High or Very High Fire Hazard Severity Zone. Adjacent parcels to the North and East are designated as Moderate Fire Hazard Severity zone and within a State Responsibility Area. Presently, there is no adopted emergency response plan or an emergency evacuation plan for this area that the project could conflict with.

Significance Level:

No Impact

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

Comment

As discussed in section 9, the project site is in a designated Non-Wildland, Non Urban Severity Zone in a Local Responsibility Area. Topography, weather, and fuel (vegetation or structures) contribute to wildfire risk and behavior.²⁰

Proposed building sites for Parcels 1 and 2 are on gently sloping terrain with slope angles below roughly 10% and were interpreted to have low potential for slope failure. The proposed building envelope for Parcel 3 is on moderately steep terrain with a slope between 10 and 20%. With grades ranging from 0-20%, onsite slopes are unlikely to significantly exacerbate wildfire risk.

Potential wildfire fuel sources include grasslands, trees, vegetation, and structures (residential). As discussed in section 9, application of County and State fire safe standards, including requirements related to vegetation management and defensible space, will offset any increased wildfire risk

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

presented by prevailing winds or onsite fuel to a less than significant level.

Significance Level:

Less than Significant Impact

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

Comment

The project does not include plans for construction. Certain access improvements must be constructed prior to recordation of the final parcel map, which have been discussed in section 17. Future development would necessitate the construction of emergency water sources and other utilities, in accordance with Sonoma County Code and state law.

Infrastructure improvements for future site development, such as fire apparatus access, two-way roads, emergency water supplies, turnarounds at future building sites, addressing and fire right-of-way easements will require building permits, which impose certain standards related to fire safety and are reviewed by Sonoma County Fire and Emergency Services. With the application of fire safe standards, future development of the property will have a less than significant impact on fire risk.

Significance Level:

Less than Significant Impact

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

Comment

Refer to section 7 (Geology and Soils).

Significance Level:

Less than Significant Impact

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comment

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

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

See Mitigation Measures BIO-1 and BIO-2 and Mitigation Monitoring BIO-1 and BIO-2. Also see Mitigation Measure CUL-1 and Mitigation Monitoring CUL-1.

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

Comment

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

Significance Level:

Less than Significant Impact

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

Comment

The proposed project has the potential to cause 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 Impact

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2. Sonoma County Uniform Rules for Agricultural Preserves: <https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147555121>
3. Bay Area Air Quality Management District, "California Environmental Quality Act, Air Quality Guideline," May 2017. https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.
4. WRA Environmental Consultants (WRA), "Biological Resources Assessment," May 2018
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7. MNS18-0004 SWLID Report, Munselle Civil Engineering, October 5, 2018
8. Munselle Civil Engineering Application File MNS18-0004 Proposal Statement dated December 4, 2018
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17. CalRecycle, "Solid Waste Information System", Accessed October 24, 2019, <https://www2.calrecycle.ca.gov/SWFacilities/Directory/>.
18. Email from Robert Pennington, P.G., Natural Resources Geologist dated October 9, 2019.

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21. O'Connor Environmental, Inc., Groundwater Report, dated September 5, 2019
22. PJC & Associates, Inc., Slope Stability Study, dated September 19, 2019
23. RGH Consultants, Preliminary Geotechnical Study Report, dated May 7, 2018