



Initial Study

Proposed Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

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

Publication Date: July 5, 2024

Public Review Period: July 5, 2024 - August 5, 2024

State Clearinghouse Number:

Permit Sonoma File Number: PLP24-0012 (UPE21-0064, ZPE24-0113, ZPE24-0114)

Prepared by: Joshua Miranda, Planner III

Phone: 707-565-1948

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

Project Name: Villa Vanto Farm

Project Applicant/Operator: Mario and Katharine Ghilotti

Project Location/Address: 4485 D St Petaluma CA 94952

APN: 020-130-037

General Plan Land Use Designation: Land Extensive Agriculture (LEA), 60 acres per dwelling unit

Zoning Designation: Land Extensive Agriculture with 60 acre per dwelling unit (LEA B6 60) with Combining Districts for Accessory Dwelling Unit Exclusion (Z), Scenic Resources (SR), and Valley Oak Habitat (VOH)

Decision Making Body: Sonoma County Board of Zoning Adjustments

Appeal Body: Sonoma County Board of Supervisors

Project Description: See Item III, below

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is 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
Agriculture & Forestry Resources	AG		X
Air Quality	AIR	X	
Biological Resources	BIO	X	
Cultural Resources	CUL	X	
Energy	ENERGY		X
Geology and Soils	GEO		X
Greenhouse Gas Emission	GHG		X
Hazards and Hazardous Materials	HAZ		X
Hydrology and Water Quality	HYDRO		
Land Use and Planning	LU		X
Mineral Resources	MIN		X
Noise	NOISE	X	X
Population and Housing	POP		X
Public Services	PS		X
Recreation	REC		X
Transportation	TRANS		X
Tribal Cultural Resources	TCR	X	
Utilities and Service Systems	UTL		X
Wildfire	FIRE		X
Mandatory Findings of Significance	MFS		X

RESPONSIBLE AND TRUSTEE AGENCIES

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

Table 2. Agency	Activity	Authorization
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
North Coast Regional Water Quality Control Board (NCRWQCB)	Discharge or potential discharge to waters of the state Wetland dredge or fill	California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver Clean Water Act, Section 404
U. S. Army Corps of Engineers	Permits for activities that involve any discharge of dredged or fill material into “waters of the United States,” including wetlands	Clean Water Act, Section 401
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	Incidental take permit for listed plant and animal species; Lake or streambed alteration	California Endangered Species Act (CESA), Section 2081 of the Fish and Game Code; Section 1600 of the Fish and Game Code
U. S. Fish and Wildlife Service (FWS) and or National Marine Fisheries Service (NMFS)	Incidental take permit for listed plant and animal species	Endangered Species Act
Sonoma County Public Infrastructure	Traffic and road improvements	Sonoma County Municipal Code, Chapter 15
Sonoma County Environmental Health	Retail Food Facility Permit	Sonoma County Municipal Code, Chapter 14

ENVIRONMENTAL FINDING:

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

Joshua Miranda

Prepared by: Joshua Miranda, Project Planner
July 5, 2024



Initial Study

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I. INTRODUCTION:

The project applicants, Mario and Katharine Ghilotti, owners of Villa Vanto Farm, propose a Use Permit to allow a up to 28 annual agricultural promotional events to promote the farm's products, small-scale agricultural processing operation, and farm retail sales on a 56.76 acre parcel within an existing 5,020 square foot agricultural barn structure. 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 Joshua Miranda, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by Villa Vanto Farm. 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 Joshua Miranda, Planner, at (707) 565-1948, for more information.

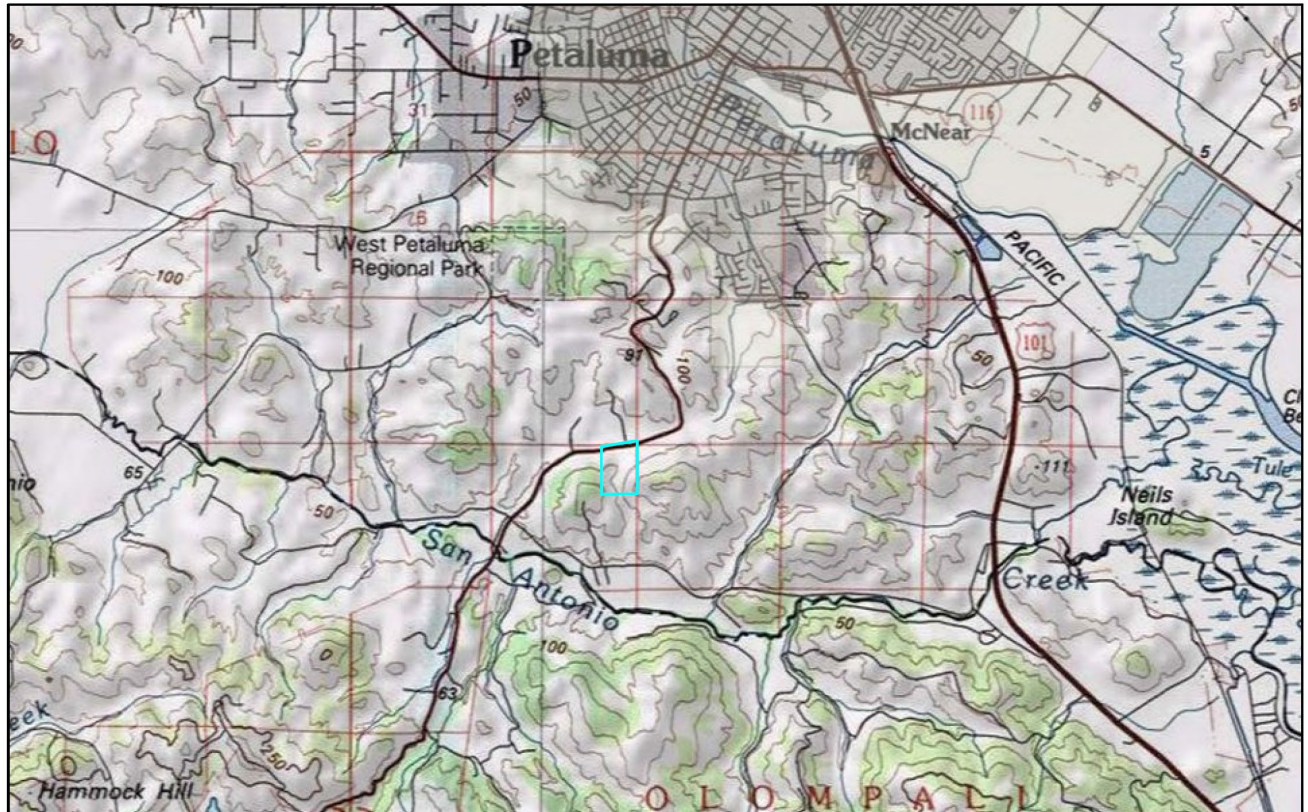
II. EXISTING FACILITY

The project is located at 4485 D Street, Petaluma, within the southwestern rural unincorporated area of Sonoma County, approximately 0.8 miles north of the Sonoma/Marin County line and 0.8 mile south of the City of Petaluma.

Access to the 56.76-acre project site is provided via existing driveway from D Street, a county-maintained road. The property is developed with an existing single-family dwelling, a barn, and an onsite wastewater treatment system for 12 bedrooms that is currently under construction, located near the northern property boundary. An existing ranch road leads from D Street to the 5,020 square foot two-story agricultural barn structure that is proposed to be used for small scale agricultural processing, farm retail and event uses. Surrounding the agricultural barn are existing lawn and patio areas proposed to be used for the events. The northernmost lawn area extends to the pond. Uphill to the east and west of the agricultural barn are three-5,000 gallon Water Tanks that are fed by onsite springs. In the southwest corner of the property is a newly constructed well in 2022 (Permit Sonoma File No. WEL22-0189). The property and surrounding area is located in a Class 4 Groundwater Availability area, outside of the Petaluma Valley Priority Groundwater Basin. The property benefits from a Land Conservation Contract for non-prime agricultural uses (cattle grazing and horse breeding), recorded in 2002.

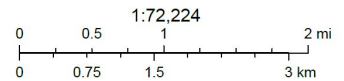
The project site is pastureland with steep terrain, grass covered rolling hills, scattered oak tree stands, and a northerly flowing ephemeral creek drainage originating from an onsite pond and pond spillway. Current agricultural operations include 10 acres devoted to a beef cattle grazing operation, 8.5 acres of pastureland devoted to brood mares, and associated livestock infrastructure (fencing, corrals, water troughs). Currently, the landowner is planting 11.5 acres in lavender under Agricultural Grading Drainage Project Permit No. AGD22-0004 and building a 1,260 square foot horse barn under Agricultural Exempt Building Permit No. AEX21-0046.

Figure 1: Vicinity Map



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City Limit



III. PROJECT DESCRIPTION

The project is a request for a Zoning Permit for farm retail sales, and small-scale agricultural processing of 11.5-acres of lavender grown onsite, and a Use Permit to allow 28 annual agricultural promotional events to promote the lavender agricultural processing and other products produced on site. An existing two-story agricultural barn structure, 5,020 gross square feet in size, will be used to accommodate a 3,575 square foot lavender processing area, a 215 square foot farm retail sales area, two restrooms, and 95 square feet of accessory storage area. A 690 square foot area at the second floor of the barn will continue to be used as a private office for the Owner, and an adjacent 85 square foot area with a bathroom. Project construction activities include an over 2,000 foot-long new driveway leading from D Street to the agricultural barn and five new paved parking spaces plus five ADA-parking space. The remaining parking spaces are in a designated compacted rock area with perimeter fencing and a graded, leveled, and mowed pasture providing up to 150 additional spaces.

1. Zoning Permit for Small Scale Agricultural Processing

The applicants propose a small-scale agricultural processing operation for processing of lavender grown onsite into various products. Most of the harvested lavender crops will be distilled into essential oils and hydrosol (similar to lavender water) within the existing agricultural barn structure. The remaining lavender will be dried and sold in its natural state for culinary and other uses. No lavender will be imported from any other farms and all the proposed processing will be limited to products grown onsite. The proposed

small-scale processing will take place within the existing 5,020 square foot, 2 story agricultural structure, located at the south end of the property, where the distillation equipment is housed, and the processing will be contained within the existing structure.

The agricultural barn structure will be used primarily for small scale agricultural processing. The lavender will be processed into essential oil and hydrosol through a distillation process that will occur within the inside the barn structure. The essential oil and hydrosol will then be processed, packaged, and stored within the structure to be sold. Additionally, lavender in its raw state will be dried in the building for the same purpose. The barn structure will also serve as storage for farm equipment, and machinery need for maintain the property.

The small-scale processing will be seasonal, with two harvests a year. Up to four employees will assist in the processing activities. The first harvest will take place in the early spring and the second harvest will take place in in the fall. Processing of crops will take place between the hours of 8 AM and 4 PM daily. The processing machinery will be used for several months during each harvest season.

2. Zoning Permit for Farm Retail Sales

The applicant proposes farm retail sales, that would occur within a 215 square foot portion of the existing agricultural barn. The products grown, processed, marketed, and packaged, including the lavender oil, hydrosol, sachets, bundles, and bath salts, on site will be for sale in this area. The retail will have up to two employees dedicated to operating the farm retail sales. Retail services will be open to the public by appointment only from 10 AM until 6 PM.

3. Use Permit for Agricultural Promotional Events

The applicants also proposed to have up to 28 annual agricultural promotional events per year to promote the farms products described above. The proposed events will also be used to educate customers and event attendees about the farm's products produced onsite, and about the practices implemented onsite. Promotional events are planned to take place outdoors at the adjacent areas to the barn structure, and the barn structure at times. The barns' primary function is to house farm equipment and the processing operation but is also proposed to be used at times in conjunction with the proposed events.

Event Types

Promotional events will include a variety of events such as farm-to-table meals, educational seminars, field trips, agricultural industry meetings, custom scent workshops, customer events, and private gatherings. The following types of promotional events are proposed annually:

- a. 15 Private Gatherings (80-200 attendees)
- b. 10 Customer, Educational, Marketing, Farm to Table Events (40 -120 attendees)
- c. 2 Charity Fundraising Events (50-150 attendees)
- d. 1 Industry related event (40-120 attendees)

Event Season and Hours of Operation

Events are proposed to be year-round, occurring mostly on weekends, with few taking place during weekdays. Events are proposed to start no earlier than 11 AM and end no later than 10 PM. Events will range in attendee size from 40 to 200 participants, as described above.

Promotional Products Used and Showcased at Events

A farm retail sales area is located inside the southeast corner of the agricultural barn structure. This area includes a countertop and display space to market products made from crops grown on-site during special events. Additionally, Villa Vanto's products will be showcased and used for the periodic events.

The agricultural products produced on site include dried lavender, hydrosol, sachets, bath salts, essential oils, custom herbal perfume scents, olive products, and honey.

All events are actively promotional and will be contractually required to Villa Vanto products at a ratio of

one product per guest minimum Villa Vanto and local products will be highlighted in either the menu or as part of the event program. All events will include the opportunity to purchase local products individually and by subscription during the event.

Music

Live and amplified music is proposed within the agricultural barn structure only. Music will end by 10:00 PM for all events. The noise level during events is proposed to adhere to the limits set forth in Table NE-2 in the Sonoma County General Plan.

Access and Parking

The subject property is located at 4485 D St. Ext., 3 miles west of downtown Petaluma and is developed with an existing driveway. An additional access is proposed to be developed that will provide additional access to the project site and parking proposed onsite. Five new paved parking spaces plus five ADA-parking space will be provided for. The remaining parking spaces are in a designated compacted rock area with perimeter fencing and a graded, leveled, and mowed pasture providing up to 150 additional spaces. In total there will be up to 160 parking spots available onsite.

Food Preparation

Meals will be served during events. All meals will be prepared by caterers offsite and delivered to the site ready to plate. The barn is not proposed to be equipped with a catering kitchen facility; therefore caterers will use catering warming trays and similar techniques onsite. Offsite preparation of meals will include preparation and cooking of Villa Vanto farm products provided in advance to caterers. Villa Vanto farm products to be served include lavender.

Restrooms

Portable restrooms will be provided for guests attending promotional events. At least one accessible restroom will be provided for all events. The accessible restroom will have an accessible path of travel to the facility and fixtures which meet requirements for access by the disabled. The existing onsite septic system will not be used for events.

Figure 2: Proposed Site Plan



- ① MAIN ENTRANCE
- ② EXISTING CREEK/ RIPARIAN AREA
- ③ EXISTING POND
- ④ SECONDARY ENTRANCE/ EXIT
- ⑤ RESIDENCE (FORMER BARN) WITH PROPOSED BACKYARD
- ⑥ FUTURE EQUESTRIAN BARN
- ⑦ PASTURES/ HORSE PEN
- ⑧ HORSE DRINKING FOUNTAIN
- ⑨ OAK TREE ALLEY
- ⑩ ORCHARD
- ⑪ OLIVE GROVE
- ⑫ LAVENDER FIELDS WITH COVER CROP
- ⑬ SEASONAL/ ROTATION CROP
- ⑭ FUTURE RESIDENCE
- ⑮ NEW BARN- CONSTRUCTED IN 2021
- ⑯ PROPOSED BRIDGE
- ⑰ EXISTING NATIVE OAK FOREST
- ⑱ FUTURE BOARWALK
- ⑲ UNDISTURBED GRAZING AREAS

Villa Vanto Farm

IV. SETTING

The parcel is located approximately 0.86 miles south of the City of Petaluma and 0.75 miles north of the Sonoma/Marin County border. The parcel and those surrounding are within the Petaluma Dairy Belt Area Plan. Additionally, the surrounding parcels have similar developments build outs single family dwelling units, accessory structures and some agricultural structures and uses. Nearby properties are subject to Land Conservation Contracts. Topographic conditions consist of rolling hills, and steep terrain onsite. Existing residential development at the project site is located towards the northeast side of the property and the existing agricultural barn structure is located at the south end of the property. All adjacent parcels share the same Land Extensive Agriculture (LEA) Land Use designation and LEA base zoning district. The property is located within a State Responsibility Area and in a Moderate Fire Hazard Severity Zone.

V. ISSUES RAISED BY THE PUBLIC OR AGENCIES

A referral packet was drafted and circulated on January 12, 2021, to inform and solicit comments from selected relevant local, state and federal agencies, local Tribes, neighbors within 300 feet of the project site; and to special interest groups that were anticipated to take interest in the revised project. Comments were received from:

- Permit Sonoma Building Division
- Permit Sonoma Fire Prevention
- Permit Sonoma Natural Resources Division
- Permit Sonoma Grading and Stormwater Division
- Northwest Information Center
- City of Petaluma Engineering Division
- Sonoma Public Infrastructure formerly Department of Transportation of Public Works

Referral agency comments included recommended mitigated measures and standard conditions of approval for the project.

Assembly Bill 52 Project Notifications were sent to the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Torres Martinez Desert Cahuilla Indians, Mishewal Wappo Tribe of Alexander Valley, Middletown Rancheria Band of Pomo Indians, Lytton Rancheria of California, Kashia Pomos Stewarts Point Rancheria and Federated Indians of Graton Rancheria. No Tribe requested formal consultation on the proposed project.

Public Comments on the proposed project have been received, which were entered into the project file. Issues raised as areas of potential environmental concern include violation of the Sonoma County General Plan, Sonoma County Zoning Code, the Uniform Rules Governing Williamson Act Contracts, preservation of rural agricultural character and structures. These comments were not in response to a formal public review period or County action.

VI. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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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.

Mario and Katharine Ghilotti have 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:

According to the Open Space Maps for Planning Area 8, the project is in an area designated as visually sensitive by the Sonoma County General Plan. The project is located along a Scenic Corridor, therefore new development would require design review to ensure that new development is consistent with Sonoma County Zoning Code Article 64 (SR Scenic Resource Combining District) which is intended to reduce impacts to scenic resources. A separate new driveway and gate will be developed to serve the agricultural barn structure and event area. No new structures are proposed within the 200-foot Scenic Corridor setback from D-Street. The existing barn is located approximately 1,500 feet from D-Street and is screened by topography. Construction of the driveway, outdoor event area and associated landscaping will not result in any new structures. Additionally, the project does not propose any changes to the existing residence located near D-Street.

Following County Visual Assessment Guidelines, public viewpoints were considered for determining the project's visibility to the public. Based on the Visual Assessment Guidelines, Table 1: Site Sensitivity, the project location would be considered "High" because:

The site or any portion thereof is within a land use or zoning designation protecting scenic or natural resources, such as General Plan designated scenic landscape units, coastal zone, community separators, or scenic corridors. The site vicinity is generally characterized by the natural setting and forms a scenic backdrop for the community or scenic corridor. This category includes building and construction areas within the SR designation located on prominent hilltops, visible slopes less than 40 percent or where there are significant natural features of aesthetic value that are visible from public roads or public use areas (i.e. parks, trails etc.). This category also includes building or construction sites on prominent ridgelines that may not be designated as scenic resources but are visible from a designated scenic corridor.

Based on County Visual Assessment Guidelines, Table 2: Visual Dominance, the project would be considered "Co-Dominant" because:

Project is minimally visible from public view. Element contrasts are weak – they can be seen but do not attract attention. Project generally repeats the form, line, color, texture, and night lighting of its surroundings.

The project's visual effect on the visual character or quality of the site and its surroundings was determined based on County Visual Assessment Guidelines, Table 3: Thresholds of Significance for Visual Impact Analysis.

**Table 3
Thresholds of Significance for
Visual Impact Analysis**

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>
<i>Maximum</i>	Significant	Significant	Significant	Less than significant
<i>High</i>	Significant	Significant	Less than significant	Less than significant
<i>Moderate</i>	Significant	Less than significant	Less than significant	Less than significant
<i>Low</i>	Less than significant	Less than significant	Less than significant	Less than significant

Considering the project site's "High" sensitivity and the project's "Subordinate" visual dominance, the project is considered to have a less-than-significant effect on the existing visual character or quality of the site and its surroundings.

Significance Level:

Less than Significant

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

Comment:

The project does propose tree removal to accommodate for a new driveway however, the project site is not visible from a state scenic highway. The project does not propose to rock outcroppings, or historic buildings therefore the project is not expected to result in significant impacts to 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 56.76-acre site and surrounding lands is agricultural and rural development. The existing agricultural barn structure utilizes wood siding and is set back approximately 1,500 feet from D Street, which helps blend the building into the natural setting without substantial degradation of the existing visual character. The proposed parking lot will be adjacent to the structure and will not be visible from the public road. The nearest public park is Helen Putnam Regional Park located approximately 1.2 miles away from the project site, the subject property is not visible from the park due to existing topography. The project will not cause a degradation to the existing visual character or quality of the site and its surroundings.

Significance Level:

Less than Significant Impact.

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

Comment:

The project utilizes an existing agricultural barn structure; however the event use of the site will introduce new sources of light and glare. The County's standard development regulations under Article 82 of the Zoning Code (Design Review), minimizes the impact of new development and uses by ensuring that exterior lighting is designed to prevent glare, and preclude the trespass of light on to adjoining properties and into the night sky. Standard Conditions of Approval for the project require that an exterior lighting plan for barn be submitted and approved by the Project Planner prior to issuance of any development permit and/or prior to commencing of any uses allowed by the use permit. County standards require that exterior lighting 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. A final site inspection is required to verify that all lighting improvements have been installed according to the approved plans and conditions.

Significance Level:

Less than Significant Impact.

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:

According to the Farmland Mapping and Monitoring Program maps, the entire 56.76-acre subject parcel is located within the Grazing Land Designation. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to a non-agricultural use, and the primary use of the site would remain agricultural.

Significance Level:

No Impact.

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

Comment:

The project site is zoned LEA (Land Extensive Agriculture) which allows Small Scale Agricultural Processing, Farm Retail, and related agricultural promotional activities with zoning and use permit approval. Specifically, the project is consistent with the Zoning Code requirements for Small Scale Agricultural Processing Facilities, under Section 26-18-210 which establishes performance standards for small-scale facilities to support agricultural production and facilitate start-up operations, while ensuring neighborhood compatibility and minimizing potential for environmental impacts.

The project is also consistent with the Zoning Code requirements for Farm Retail Facilities, under Section 26-18-140 Section 26-88-215 which establish standards for year-round on-farm retail sales to encourage and increase opportunities for access to healthy foods, support continued use of agricultural lands for agricultural production, improve the economic viability of farming enterprises, while retaining the rural character of agricultural areas and ensuring the potential for land use conflicts and environmental impacts are minimized. Farm Retail Facilities allow incidental agricultural promotional activities, including educational tours for promotion of agricultural products, participation in farm trails, and similar promotional activities.

The project has been determined to be consistent with the purpose of the LEA Zoning District which is to enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land; and implement the land extensive agriculture land use category of the general plan and the policies of the Agricultural Resources Element. The proposed project is consistent with General Plan objective Agricultural Resources Element Policy AR-4.1 and Policy AR-4a in that the subject property intends to enhance the agricultural use onsite through the planting and processing of lavender, coupled with agricultural promotional events, and further establishes the properties primary use as agricultural. The project results in minor conversion of grazing land to allow for an additional driveway for improved circulation onsite. Additionally, the agricultural promotional activities promote products processed on site, are secondary and incidental to the primary agricultural use of the property and are compatible with existing uses in the area. The project will not be detrimental to the rural character of the area.

Land Conservation Contract:

The property is subject to a Non-Prime Land Conservation (Williamson) Act contract, recorded under Document No. 2002-206762. Non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year-round row crops, ornamental trees or flowers, and dry farming. The proposed decrease in the number of cattle onsite would be offset by the proposed establishment of 11.5 acres of lavender to be planted. A combination of the maintenance of 11 acres of grazing land, 11.5 acres of lavender, 8.5 acres of pastureland for breeding brood mares maintains 42.5 acres of land (or 75% of the property) devoted to agricultural uses consistent with the Sonoma County Uniform Rules minimum agricultural use threshold of 50% of the property. Additionally, the current agricultural operation generates an average of \$4,000 per year and is expected to continue meeting the Uniform Rules minimum annual gross income requirement of \$2,000.00 per Farm Operation and \$2.50 per acre of production.

The Sonoma County Uniform Rules Rule 8.3 B. allows for agricultural support uses as compatible uses which include:

1. Processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.
2. Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer's markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.

3. Facilities for and the conduct of services supporting the production of an agricultural commodity for commercial purposes within the county, including veterinary services and farm equipment repair services.

4. Wells, septic systems, and wastewater treatment ponds necessary for agricultural support uses.

Additionally, Uniform Rule 8.3 H allows agricultural promotional events provided they meet the following requirements:

1. Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that:
 - a. The events last no longer than two consecutive days and do not provide overnight accommodations: and
 - b. No permanent structure dedicated to the events is constructed or maintained on the contracted land.

Uniform Rule 8.2 allows compatible uses to be developed on contracted land provided that they collectively occupy no more than 15% of the contracted land as a whole, or 5 acres, whichever is less, excluding public roads, private access roads, and driveways. The proposed farm retail, small ag processing facility, agricultural barn structure septic system, and parking lot, and outdoor areas to be used by the event collectively occupy 1.43 acres, which is less than the maximum 5-acre compatible use threshold allowed under contract.

The proposed project does not conflict with the Land Conservation (Williamson) Act contract because the proposed small scale agricultural processing, farm retail, and agricultural promotional event uses are listed as compatible uses and the property will continue to be maintained in qualifying non-prime agricultural uses.

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 proposed project is consistent with the sites Land Extensive Agriculture land use designation and LEA B6 60 Zoning District, subject to the granting of a Use Permit for agricultural promotional events and Zoning Permits for the Farm Retail and Small-Scale Agricultural Processing Facilities. The site is not under a Resource and Rural Development land use designation or under a TP (Timberland Production) zoning district. The use would have no impact on forest lands or Timber Production zones.

Significance Level:
No Impact.

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

Comment:

The project does not result in a loss of forest land or conversion of forest land to non-forest use, because there is no forest land onsite.

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 existing environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. The project sites land is not classified as farmland but rather grazing lands according to the Farmland Mapping and Monitoring Program maps and the project site is not classified as forest land, therefore there will be no impact.

Significance Level:

No Impact.

3. AIR QUALITY:

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

Would the project:

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

Comment:

The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is currently designated as a nonattainment area for state and federal ozone standards, the state PM 10 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 or involve construction of transportation facilities that are not addressed in an adopted transportation plan (see discussion in 1 (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 (a). The project will have no long-term effect on PM_{2.5} and PM₁₀, because all surfaces will be paved gravel, landscaped or otherwise treated to stabilize bare soils, and dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction. These emissions could be significant at the project level, and could also contribute to a cumulative impact.

Although the project will generate some ozone precursors from new vehicle trips average of 20 vehicle trips per day 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 NO_x).

Although there would be no longer term significant increase in emissions, during construction of the road improvements there could be a short-term dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by the mitigation measures described below.

This impact would be reduced to less than significant by including dust control measures as described in the following mitigation measure:

Mitigation Measure AIR-1: The following note shall be printed on all construction plans:

NOTE ON PLANS: "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: Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on all construction plans including plans for building and grading.

Significance Level:

Less than Significant with Mitigation Incorporated

c) Expose sensitive receptors to substantial pollutant concentrations?

Comment:

Sensitive receptors include hospitals, schools, and convalescent facilities. The nearest sensitive receptor is a residence, located approximately 1,000 feet away from the project site. The project would not expose these types of receptors to significant concentrations of pollutants as none are located within a one-mile radius of the site. The nearby residential areas also would not be exposed to significant concentrations of pollutants on a long-term basis.

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 the mitigation measure described in item 3 (b) above.

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:

BAAQMD's CEQA Air Quality Guidelines (2022) identifies land uses associated with odor complaints to include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants.

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.

The proposed small scale agricultural processing of lavender, farm retail, and agricultural promotional event uses are not land uses that typically generate odors. The proposed lavender processing is small in scale and will be contained within the agricultural barn structure during the two harvest season. This would not generate objectionable odors affecting a substantial number of people, and the impact would be less than significant with the following mitigation measure.

Significance Level:

Less than Significant Impact with Mitigation.

Mitigation Measure AIR-2:

Any odor 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 qualified professional to evaluate the problem and recommend additional measures to reduce outdoor odor generation, such as including use of engineered solutions such as Vapor-Phase Systems (Fog Systems), and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (ongoing)

Mitigation Monitoring AIR-2:

Permit Sonoma staff shall perform a site inspection to verify any odor complaint received and shall evaluate odor complaint history, whether the small scale processing operation is creating objectionable odors affecting a substantial number of people, and may require that the project go back to the Board of Zoning Adjustments for review of additional measures to reduce outdoor odor generation, including use of engineered solutions such as Vapor-Phase Systems (Fog Systems).

4. BIOLOGICAL RESOURCES:

Regulatory Framework

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

Federal

Federal Endangered Species Act (FESA)

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

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

removal, damage, or destruction of such species in violation of state law.

The Migratory Bird Treaty Act of 1918 (MBTA)

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

The Clean Water Act (CWA)

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

Section 404.

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the U.S.”. “Waters of the U.S: include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting. Substantial impacts to waters of the U.S. may require an Individual Permit’s Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permit’s other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

Section 401.

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB). The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final

until completion of environmental review under the CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

State

California Endangered Species Act (CESA)

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

Fish and Game Code 1600-1602

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

Nesting Birds

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

Non-Game Mammals

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

California Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and

reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with “fully protected” species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

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

Porter-Cologne Water Quality Control Act

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

Local

Sonoma County General Plan

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

Riparian Corridor Ordinance

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

Valley Oak Habitat (VOH) Combining District

The VOH combining district is established to protect and enhance valley oaks and valley oak woodlands

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

Sonoma County Tree Protection Ordinance

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

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?**

Special-Status Species

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (The Service) Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Plant species on California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Bat species designated as "High Priority" by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines. Species designated High Priority" are defined as "imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats.

Endangered Species Act

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

existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species. Any action authorized, funded, or carried out by a federal agency or designated proxy (e.g., Army Corps of Engineers) which has potential to affect listed species requires consultation with The Service or NOAA Fisheries under Section 7 of the ESA.

Critical Habitat

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

Essential Fish Habitat

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

Comment:

A biological resource assessment (attachment 4) was prepared by Huffman-Broadway Group, INC in January 2024 for the proposed project. The project site contains eight plant communities or habitat types including; Annual Grassland, Coastal Oak Woodland, Fresh Emergent Wetland, Wet Meadow, Riverine, Urban, Valley Foothill Riparian, and Valley Oak Woodland. The study finds potential impacts to Special Status Species, further discussed below, will have a less than significant impact if mitigation measures BIO-1 through BIO-14 are implemented.

Special Status Plant Species and Sensitive Natural Communities

Based on the database search, literature review and habitat types found in the Project, five special status plant species were identified as having a moderate to high potential to occur within the Project Site (Appendix 3, Table 2). These five species are: the presumed extinct Petaluma popcornflower (*Plagiobothrys mollis* var. *vestitus*)(CRPR 1A); Congested-headed hayfield tarplant (*Hemizonia congesta*ssp. *Congesta*)(CRPR 1B.2), Two-fork clover (*Trifolium amoenum*)(Federally listed endangered and CRPR 1B.1), Sanford's arrowhead (*Sagittaria sanfordii*)(CRPR 1B.2); and North Coast semaphore grass (*Pleuropogon hooverianus*)(State CESA listed threatened and CRPR 1B.2). All other plant species identified in the database search were determined to be absent due to the absence of potential habitat documented by the CNDDB database. Focused rare plant surveys conducted by HBG on August 25 and September 21, 2023 found no special status plants. It should be noted that the project as proposed avoids habitat (ponds, wetlands, and moist soil/wet meadow areas) where Petaluma popcornflower, Two-fork clover, Sanford's arrowhead, and North Coast semaphore grass would typically be found. Congested-headed hayfield tarplant typically occurs in

grasslands and disturbed areas including roadsides. Similarly, Two-fork clover can be found in disturbed areas. Given the late season survey and approximately half of the Project Site's grassland and roadway areas had been burned over during the site survey a flowering period is recommended herein.

Impacts to special status plant species will be reduced to less than significant by incorporating Mitigation Measure BIO-1, Preconstruction Rare Plant Surveys (see below).

Special Status Wildlife Species

Western bumble bee (*Bombus occidentalis*):

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

Listing Status. CESA Candidate Endangered.

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

Threats. Ongoing threats to the species, particularly within the southern portions of its range, include pathogen spillover from commercially managed bumble bee colonies, increasingly intensive agricultural and livestock grazing and other land use practices, pesticide use, including neonicotinoid compounds), and habitat change.

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

Impacts to special status wildlife species will be reduced to less than significant by incorporating Mitigation Measure BIO-2, Preconstruction Bumble Bee Surveys (see below).

Mollusks

No special-status mollusk species was identified as potentially occurring on the Project site, therefore no mitigation is recommended.

Fish

No special-status Fish species was identified as potentially occurring on the Project site, therefore no mitigation is recommended.

Amphibians

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

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

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

Habitat. California red-legged frogs (CRLF) have been observed in aquatic and terrestrial habitats, including marshes, streams, lakes, reservoirs, ponds and other permanent, or near permanent, sources of water. Although they occur in ephemeral streams or ponds, CRLF are expected to thrive in permanent deep-water pools with dense stands of overhanging willows and emergent vegetation, and

suitable sites for basking. However, they have been observed in a variety of aquatic environments, including stock ponds and artificial pools with little to no vegetation. California red-legged frogs usually are observed near water, but can move long distances over land between water sources during the rainy season. The life cycle and patterns of movement of the CRLF have evolved along with the local California climate of wet, cool winters and dry, warm summers. With the onset of the winter rains, CRLF move from dry-season refuges to ponds and streams that can support breeding and successful tadpole development. Tadpoles generally take until late summer or early fall to complete metamorphosis, and then the maturing young frogs (metamorphs) move to aquatic areas to take cover from predators. Adult frogs often remain year-round at perennial ponds with deep water, but some depart for dry season refuges once breeding is over. Juveniles (frogs that are older than metamorphs but not yet sexually mature) disperse widely over the landscape during the first winter and will take residence in almost any water source. During the dry months of summer and fall, CRLF seek suitable dry season refuge sites that may include deep water holes in drying streams, springs and spring boxes, seeps, and small mammal burrows (especially in or near vegetation). However, CRLF need to hydrate at least every couple of days in order to survive. Thus, such small mammal refuge sites must be close to a permanent water source for frogs to rehydrate. To find these refuges, frogs will travel several hundred yards where suitable refuges are abundant and up to three miles in moist coastal areas. Often, long distance movements are in a relatively straight line over hills and drainages between the beginning and end points. Threats. Factors contributing to local declines include wetland destruction and degradation or fragmentation, urbanization, residential development, reservoir construction, stream channelization, livestock grazing of riparian vegetation, off-road vehicle activity, drought, overharvesting, and exotic fishes (bass, mosquitofish) and possibly bullfrogs. Conversion of habitat to more permanent ponds is an important threat (as this allows breeding waters to be invaded by non-native predators). Habitat characteristics and good leaping ability may render these frogs vulnerable to bullfrog predation, although in many areas red-legged frogs coexist with bullfrogs.

Project Site Occurrence. Habitats on the Project Site include shrubby and emergent riparian and pond vegetation, so suitable habitat for CRLF is present. The closest documented CRLF occurrence in the CNDDDB is less than 350 feet from the Project Site and in the same watershed. This record consisted of two adult CRLF and 27 young frogs found in a series of seven ponds located at the nearby Neely Ranch in 2016. Although CRLF were not observed by HBG during the August 8 and September 21, 2023 wildlife surveys at the site, a breeding population has occurred in close proximity to the Project Site, and suitable habitat occurs at the site in terms of both breeding habitat within the on-site pond and upland dispersal and possibly aestivation habitat within the onsite grasslands. There is a Moderate to High potential that CRLF could occur on the Project Site.

Impacts to special wildlife species will be reduced to less than significant by incorporating Mitigation Measure BIO-3, California Red Legged Frog Surveys (see below).

Western pond turtle (*Emys marmorata*):

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

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

Habitat. Western pond turtles occupy ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. The turtles prefer aquatic habitats with calm waters, vegetated banks and 31 emergent logs or rocks to use as basking sites. The turtles also rely on suitable upland areas of scrub and woodlands for aestival refugia and may use upland habitats up to 0.5 km from water for activities such as egg-laying. Pond turtles living in streams may vacate flood-prone areas during the rainy season. Western pond turtles occur broadly in suitable habitats throughout the state of California.

Threats. Distribution and abundance have declined as a result commercial exploitation for the pet trade, habitat loss and degradation, introduced species, and (locally) disease.

Project Site Occurrence. Present. Three western pond turtles were observed basking on woody

debris in the pond during both the August 25 and September 21, 2023 wildlife surveys.

Impacts to special wildlife species will be reduced to less than significant by incorporating Mitigation Measure BIO-4, Preconstruction Western Pond Turtle Survey (see below).

Nesting Raptors, Special-Status Birds, and Birds

Three special-status avian species were identified as potentially occurring at the Project site. These species are discussed below and include burrowing owl, white-tailed kite, and tricolored blackbird.

Note About Swainson's Hawk. The CNDDDB contains a nesting record of the state listed threatened Swainson's hawk from the area around San Antonio Creek just south of the Project Site. This sighting of a nesting Swainson's hawk dates from 1856 and is from a general location determined to be somewhere south of Petaluma along San Antonio Creek. The information within the CNDDDB correctly stipulates that this site is not within the known breeding range of Swainson's hawk. The nesting site is also undoubtedly extirpated, and this is acknowledged in the CNDDDB. Although some records of Swainson's hawk are noted in the eBird database for Sonoma County, these are of birds on migration down the Pacific Flyway or could be among the few birds that winter in Northern California. There are no recent Sonoma County breeding records for this species that nests primarily in the Central Valley. There is virtually no potential that a nesting Swainson's hawk would provide a constraint to proposed development at the site.

Tricolored Blackbird (*Agelaius tricolor*):

Range. Largely endemic to California. Most numerous in Central Valley and vicinity (CNDDDB, 2023). Special-Status Listing. CESA Threatened; CDFW Species of Special Concern (CDFW 2024).

Habitat. The tricolored blackbird is a highly colonial nesting species that breeds near freshwater, preferably in emergent wetlands with tall, dense growth of cattails or tules. Nesting sites require open water, protected nesting substrate, and foraging areas with insect prey within a few km of the colony. Even when the preferred nesting substrates are available, other vegetation may be used for nesting including sedges, nettles, willows, thistles, mustard, blackberry, wild rose, foxtail grass or barley. Since the 1970s with declines in populations, nesting in cereal crops and dairy silage has been documented. Tricolored blackbird foraging areas include rangeland, fields of alfalfa or cut hay, or irrigated pastures with an abundance of insects.

Threats. The species has undergone a long-term population decline, primarily due to losses and fragmentation of breeding and foraging habitats caused by urban and agricultural land conversions, and water diversions (Tricolored Blackbird Working Group 2007).

Project Site Occurrence. Tricolored blackbird was observed to be present in cattail and tule stands along the pond margin during field reviews of the site on August 8 and September 21, 2023. Although this sighting was after the nesting season, it is possible that the species nested on the site during 2023 and could nest on the site in the future.

Burrowing Owl (*Athene cunicularia*):

Range. Widespread distribution in North America.

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

Habitat. Burrowing owls are small terrestrial owls commonly found in open grassland ranging from western Canada to portions of South America. Burrowing owl habitat can be found in annual and perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Burrowing owls are a subterranean nester, and in California, burrowing owls most commonly use burrows of California ground squirrel, but they also may use man-made structures, such as cement culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement. Burrowing owls may use a site for breeding, wintering, foraging, and/or migration stopovers during migration.

While foraging, owls will perch on raised burrow mounds or other topographic relief such as rocks, tall plants, fence posts, and debris piles to attain better visibility. Occupancy of suitable burrowing owl habitat can be verified at a site by an observation of at least one burrowing owl, or, alternatively, presence of "decoration" at or near a burrow entrance which can include molted feathers, cast pellets, prey remains, eggshell fragments, or excrement.

Threats. Habitat alteration is causing population declines. The loss of grassland habitat and suitable burrows has been compounded by a reduction in prey populations, and concurrent increases in predation, vehicle collisions, expansion of renewable energy, and severe weather events.

Project Site Occurrence. Not observed to be present. Although the grasslands in Project Site are not highly disturbed and there is no evidence of ground squirrel burrows, there is a Moderate Potential for the site to be used for episodic foraging. Occupation of the site by burrowing owl and episodic foraging in the future cannot be ruled out, especially if future colonies of California ground squirrels locate to the Project Site.

White-tailed Kite (*Elanus hudsonius*):

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

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

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

Threats. The species was extirpated throughout much of its range in the early 1900s due to habitat loss and hunting, but conservation efforts allowed a recovery by the 1980s. Habitat alteration / fragmentation of breeding and foraging habitats caused by urban and agricultural land conversions, and water diversions remain as threats.

Project Site Occurrence. Not observed to be present, however, trees on and adjacent to the Project Site are suitable for nesting and grasslands provide suitable foraging areas. There is a Moderate Potential for white-tailed kite to be found on the site.

Birds Protected by the MBTA and Fish and Game Code Kite

The Project Site and adjacent areas support potential nesting habitat for birds protected under the MBTA and California Fish and Game Code. These could include common species such as northern mockingbird (*Mimus polyglottos*) and house finch (*Haemorhous mexicanus*), special status species like tricolored blackbird, or raptors such as red-tailed hawk.

Mammals

Three special-status mammal species were identified as potentially occurring in the Project site.

Pallid Bat (*Antrozous pallidus*):

Range. Range includes western North America from south-central British Columbia (Okanagan Valley; small resident population) south through the western United States to southern Baja California, central Mexico, southern Kansas, and southern Texas; and also Cuba.

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

Habitat. Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites (CNDDDB 2024).

Threats. On a range-wide basis, no major threats are known. Locally, some maternity colonies and hibernacula are susceptible to disturbance, and they may be negatively affected or destroyed as a result of vandalism, mine closures or reactivation, or other activities. Tree-roosting populations may be detrimentally affected by timber harvest and other forestry practices. Roosts in buildings may be lost as a result of demolition, bat exclusion, or other alterations. Some populations undoubtedly have been negatively affected by loss or extensive modification of primary foraging habitat caused by agricultural expansion (including orchards and vineyards), cheatgrass invasion, fire, urban development, excessive livestock grazing, and pesticide use, but the degree of impact of these threats on the affected populations is not well known. As of mid-2012, this species was not known to be affected by whitenose syndrome.

Project Site Occurrence. Moderate Potential. Site subject to disturbance by various farm related activities.

Townsend's Big-Eared Bat (*Corynorhinus townsendii*):

Range. Range includes western North America from southern British Columbia south to the Isthmus of Tehuantepec (Mexico), west to the Pacific coast, eastward to the Black Hills of South Dakota and Edwards Plateau of Texas, with isolated populations in the gypsum caves of northeastern Texas, Oklahoma, and Kansas, and in limestone regions of Arkansas, Missouri, Illinois, Indiana, Ohio, Kentucky, Virginia, and West Virginia. Elevational range extends from near sea level to at least 3,300 meters in some areas.

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

Habitat. Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance (CNDDDB 2024).

Threats. Threats are similar to those described above for the Pallid bat.

Project Site Occurrence. Moderate Potential for occurrence. Site subject to disturbance by various farm related activities.

Project Site Occurrence. Moderate Potential for occurrence. Site subject to disturbance by various farm related activities.

American Badger (*Taxidea taxus*):

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

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

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

Threats. American badger has declined substantially in areas converted from grassland to intensive agriculture and where colonial rodents such as ground squirrels have been reduced or eliminated. The species is also threatened by collisions with vehicles and by direct persecution.

Project Site Occurrence. Not observed to be present, however, suitable habitat for American badger occurs on the Project Site. American badger has a Moderate Potential for occurrence.

Impacts to special wildlife species will be reduced to less than significant by incorporating Mitigation Measure BIO-3 – BIO-10. (see below).

Significance Level:

Less than Significant Impact with Mitigation.

Mitigation Measure BIO-1, Preconstruction Rare Plant Survey: Although considered unlikely to be found, a focused spring survey (April-May) by a Qualified Biologist for Congested-headed hayfield tarplant and Two-fork clover is recommended given the presence of potential habitat. It should also be noted that approximately half of the Project Site had been burned when previous plant surveys were conducted. If either of these plants are found, an adjustment(s) to the alignment of new roadways and/or lands to be cultivated would be warranted to avoid populations of either species. If populations cannot be avoided then transplantation is recommended as a mitigation strategy to avoid impact to either of these plant species. If any special-status plant species are observed, the applicant will coordinate with the County, CDFW and USFWS, as appropriate, to prepare a plant salvage and mitigation plan on-site. No work will be conducted until the County, CDFW and USFWS provide written approval of the plan.

Mitigation Monitoring BIO-1:

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

5.1.2 Special Status Insects

Several nectar producing plant species known to be used by the Western bumble bee for episodic foraging occur on the Project Site. Removal of plant species used by Western bumble bee could impact the species, if found to be present, by eliminating nectar sites.

Mitigation Measure BIO-2: Preconstruction Western Bumble Bee Survey. A preconstruction clearance survey shall be conducted for the Western bumble bee by a qualified biologist within 48 hours of the start of ground disturbing activities, including mowing. A qualified biologist shall also be present during vegetation mowing and/or removal activities associated with construction. If Western bumble bee is observed, the bee or bees shall be allowed to disperse out of the construction area prior to continuing construction.

Mitigation Monitoring BIO-2:

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

5.1.3 Special-Status Amphibians

Suitable aquatic and upland habitat for one special-status amphibian species, the California red-legged frog, is present within the Project Site. Suitable habitat includes a potentially suitable breeding site in the onsite pond, dispersal sites in the drainages, and upland dispersal and possibly aestivation sites in the onsite grasslands. The project proposes to avoid the existing pond and drainage area except for temporary impacts needed to construct a bridge that will clear span over the drainage. No permanent impacts would occur to the stream channel and banks. However, any ground disturbance conducted at the site during construction activities has the potential to encounter and possibly harm a California red-legged frog.

Mitigation Measure BIO-3, California red-legged Frog: The following measures are recommended

to minimize potential impacts to California red-legged frog:

1. A Qualified Biologist with experience in the identification of all life stages of the California red-legged frog, and its critical habitat, will survey the Project Site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is detected, the Project Developer shall notify the USFWS and the CDFW prior to the start of construction. If the USFWS or CDFW determines that adverse effects to the California red-legged frog cannot be avoided, the proposed project will not commence until the appropriate level of consultation with these agencies occurs.
2. The Project Developer will conduct work activities between May 1 and October 31 to avoid the breeding season of the California red-legged frog, when activities would be most disruptive to the species.
3. Before work begins on any proposed project, a Qualified Biologist will conduct a training session for all construction personnel, which will include a description of the California red-legged frog, its critical habitat, and specific measures that are being implemented to avoid adverse effects to the species and critical habitat during the proposed project.
4. A Qualified Biologist monitor will be present during all authorized construction activities involving ground disturbance. If the Qualified Biologist detects any life stage of the California red-legged frog on the Project Site during construction, work will cease immediately and the Project Developer or Qualified Biologist will notify the USFWS and CDFW via telephone and electronic mail. If the USFWS or CDFW determines that adverse effects to California red-legged frogs cannot be avoided, construction activities will remain suspended until these agencies complete the appropriate level of consultation.
5. During project activities, the Project Developer will ensure that all trash that may attract predators will be properly contained and removed from the work site and disposing of regularly. Following construction, the Project Developer will ensure that all trash and construction debris is removed from work areas.
6. Prior to the onset of work, the Project Developer will have a plan in place for prompt and effective response to any accidental spills. The plan will include informing all workers of the importance of preventing spills and of the appropriate measures to implement should a spill occur.
7. The Project Developer will ensure that all refueling, maintenance, and staging of equipment and vehicles be conducted at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat. The Qualified Biologist will ensure contamination of aquatic or riparian habitat does not occur during such operations by implementing the spill response plan described in measure 6, above.
8. The Project Developer will ensure that all habitat contours are restored to their original configuration at the end of project activities in all areas that have been temporarily disturbed by activities associated with the project, unless it is determined that it is not feasible, or modification of original contours would benefit the California red-legged frog.
9. The Project Developer will ensure the project site is revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. The Project Developer will ensure locally collected plant materials are used to the extent practicable. The applicant will control invasive, exotic plants to the maximum extent practicable.
10. The Project Developer will ensure that the number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goals.

11. The Project Developer will ensure that Environmentally Sensitive Areas are delineated to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to habitat for the California red-legged frog. This goal includes locating access routes and construction areas outside of aquatic habitat and riparian areas to the maximum extent practicable. To control sedimentation during and after project implementation, the Project Developer will ensure that best management practices are implemented as outlined by the County. If best management practices are ineffective, as determined by the Qualified Biologist, the Project Developer will attempt to remedy the situation immediately, in coordination with the County.
12. The Qualified monitor will inspect all holes and trenches each morning. If the USFWS-and CDFW approved biological monitor finds a California red-legged frog in a hole or trench, the procedures from measure 4 above will apply.
13. If a work site is to be temporarily dewatered by pumping, the applicant will screen the intake with wire mesh not larger than 0.2 inch to prevent any California redlegged frogs not initially detected from entering the pump system. If California redlegged frogs are detected during dewatering, the applicant will halt work activities and will contact the USFWS and the CDFW to determine what measures may be necessary to avoid "take" of California red-legged frogs.
14. Upon completion of construction activities, the applicant will remove any diversions or barriers to flow in a manner that would allow flow to resume with the least disturbance to the substrate. The applicant will minimize alteration of the creek bed to the maximum extent possible and remove any imported material from the stream bed upon completion of the project.
15. Unless approved by the USFWS and CDFW, the applicant will not impound water in a manner that may attract California red-legged frogs.
16. A USFWS-and CDFW approved biologist will permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area to the maximum extent possible. The Qualified Biologist will be responsible for ensuring that his or her activities are in compliance with the California Fish and Game Code requirements.

Mitigation Monitoring BIO-3:

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

5.1.4 Special Status Reptiles

Western pond turtle (a special status species of reptile) is known to be present on the Project Site, as individuals were observed during field reviews conducted for this study. Suitable habitat on the site consists of an existing pond and adjacent foothill grasslands which provide potentially suitable nesting habitat. Grading/ground disturbance at the site could disrupt nesting sites and could harm an individual pond turtle if present during the construction period, if either was present during the construction period.

The following measures are recommended to minimize potential impacts to the western pond turtle:

Mitigation Measure BIO-4, Preconstruction Western Pond Turtle Survey: A Qualified Biologist shall conduct a preconstruction survey for the western pond turtle and their nests within 48 hours of the commencement of Project activities. If western pond turtle or their nests are detected at any time, CDFW shall be notified immediately, and the Qualified Biologist shall relocate the turtle to appropriate habitat within the Project Site. Turtle nests shall be avoided. The Permittee shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.

Mitigation Monitoring BIO-4:

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

5.1.5 Special-Status Birds and MBTA-Protected Birds

Nesting Birds. Habitats within the project site were shown to support a number of bird species during field surveys conducted by HBG. If active nests were present in vegetation or other areas of the site during construction operations on the project site, direct or indirect impacts could occur to nesting bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code as a result of construction activity. CDFW generally considers the nesting season to be from February 1 to August 31 for most bird species. Work related to construction, especially involving the removal of vegetation during the February 1 to August 31 breeding season of birds, could result in mortality of nesting avian species if they are present. Many species of raptors (birds of prey) are sensitive to human incursion and construction activities, and it is necessary to ensure that nesting raptor species are not present in the vicinity of construction sites. To ensure compliance with the MBTA and the California Fish and Game Code, bird nesting surveys are generally required if construction work requires vegetation removal during the bird nesting season. Required setbacks to protect active nests from construction activity are usually in the order of about 500 feet for large raptors such as buteos, 250 feet for small raptors such as accipiters, and 100 feet for passerines (songbirds) and other bird species. The following measure is recommended to minimize potential impacts to nesting bird species protected by the MBTA and California Fish and Game Code.

Mitigation Measure BIO-5, Preconstruction Nesting Bird Survey A preconstruction nesting bird survey shall be conducted if construction occurs during the bird nesting season (February 1- August 31). The survey should be conducted within 5 days prior to the start of work. The survey should include the entire project footprint and areas immediately adjacent to the project work area. The survey should include the trees and shrubs on and immediately adjacent to the project work area. Other large trees in the project vicinity are on the opposite sides of major roads; birds nesting in these trees are unlikely to be impacted by the proposed project; however, a qualified biologist conducting surveys shall determine the appropriate survey area. If the survey indicates the potential presence of nesting birds, a buffer should be placed around the nest and marked with orange construction fencing within which no work will be allowed until the young have successfully fledged or the nest has otherwise become inactive. The size of the nest buffer will be determined by a qualified biologist and will be based to a large extent on the nesting species, its sensitivity to disturbance, and the context of the nest location. In general, typical buffer widths range from 500 feet for large raptors such as buteos, 250 feet for small raptors such as accipiters, and 100 feet for passerines (songbirds) and other bird species. Buffers may be increased or decreased, as appropriate, with approval from CDFW. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by the biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest. A copy of the nesting bird survey report shall be provided to the County prior to construction.

Mitigation Monitoring BIO-5:

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

Burrowing Owl. Grassland habitat is present at the site that could support burrowing owl, but

burrowing owl is currently not present on the Project Site primarily due to the lack of suitable burrow sites in the form of California ground squirrel burrows. Future occupation by the species on the property cannot be ruled out, especially if the property were to be occupied by a greater number of California ground squirrels in the future. If the species was present at the time of construction, disturbances to either nesting or wintering burrowing owl are possible during grading or vegetation removal during construction. Preconstruction surveys for this species are warranted.

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

Mitigation Monitoring BIO-6:

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

Mitigation Measure BIO-7, Tricolored Blackbird: A preconstruction survey should be conducted of suitable habitats within the development area and immediately adjacent areas to determine if nesting by tricolored blackbird occurs in close proximity to project construction. CDFW typically requires a buffer zone of no construction activity within 300 feet of an active tricolored blackbird nesting colony. If a tricolored blackbird nesting colony is found in the vicinity of project construction a setback distance from the nesting colony should be developed in consultation with CFDW staff and marked with orange construction fencing that would allow successful nesting (fledging of young birds). No construction or earthmoving activity shall occur within the established buffer zone until it is determined by a qualified biologist that the young have fledged or that the nesting cycle is otherwise determined to complete based on monitoring of the active nesting colony.

Mitigation Monitoring BIO-7:

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

noted on the final project construction plans.

Mitigation Measure BIO-8, White-tailed Kite: If construction is proposed during the nesting season, a qualified biologist will conduct a bird nesting survey of the project site and adjacent areas pursuant to Mitigation Measure #5 that will include a search for raptor nests within the Project Site and areas adjacent to the Project Site. The preconstruction survey will be conducted within 5 days prior to ground disturbance and will include a search for nests of white-tailed kite. If an active white-tailed kite nest is detected during the survey, the nest site shall be protected by implementing a minimum 500-foot buffer zone around the nest marked with orange construction fencing. If an active nest is located outside of the Project Site, the buffer shall be extended onto the project site and demarcated with orange construction fencing where it intersects the Project Site. The qualified biologist, in consultation with CDFW, may modify the size of buffer zone based on the type of construction activity, physical barriers between the construction site and the active nest, behavioral factors, and the extent the whitetailed kite may have acclimated to disturbance. No construction or earthmoving activity shall occur within the established buffer zone until it is determined by a qualified biologist that the young have fledged or that the nesting cycle is otherwise determined to complete based on monitoring of the active nest.

Mitigation Monitoring BIO-8:

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

Mitigation Measure BIO-9, Preconstruction Bat Measures. To reduce to impacts to special status bat or other protected species of bat, the following mitigation measures will be followed:

Structure Removal:

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

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

Tree Removal. Prior to any tree removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). Trees without suitable habitat for bats can be removed. If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with

suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. If a two-step removal is used, two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting a two-step methodology, tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If construction occurs during the non-breeding period (typically from June through February).

Mitigation Monitoring BIO-9:

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

Mitigation Measure BIO-10, Preconstruction American Badger Survey: The following measures shall be implemented to avoid or minimize direct and indirect impacts on American badger within or immediately adjacent to the proposed project:

- a. No sooner than seven (7) days, prior to ground disturbance activities associated with initial project construction, a qualified biologist, familiar with badger life history and who possesses experience with identification of active badger burrows and badger activity patterns shall conduct a preconstruction survey to determine the locations of any active winter or natal American badger dens within 100 feet of proposed ground disturbance areas. Potential badger dens located during the surveys shall be evaluated (typically with remote cameras) to determine activity status.
- b. Any natal dens determined to be used by American badger, as identified from the surveys, shall be avoided and a 100-foot buffer marked with orange construction fencing shall be established around the dens during ground disturbance activities until it is determined by the qualified biologist that the den is no longer active, and the young are no longer dependent upon the den for survival.
- c. If construction occurs during the non-breeding period (typically from June through February) and an individual badger is determined to be using a non-natal den within 50- feet of the construction footprint construction shall be halted until the badger has left the den on its own accord, as determined by the biologist through monitoring of the den and/or the use of motion-detection cameras. Once it is determined that the den is vacant the den can be excavated and upon confirmation that the den is not occupied, the den can be collapsed and construction can continue.

Mitigation Monitoring BIO-10:

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

Mitigation Measure BIO-11, Temporary Construction Impacts: Recommended mitigation measures to minimize temporary construction impacts include:

1. Ground disturbing work to be conducted during dry or low-flow periods; if water happens to be present during the period of construction, temporary coffer dams will be used to redirect any surface water flows around the construction work area with any water from the interior of the coffer dam area discharged through a filter bag or straw bale siltation basin located in uplands.
2. Equipment working in streams will work from wood or steel mats to minimize soil disturbance.

3. Post-construction temporarily filled areas will be restored to original ground surface elevation with fill material off hauled and disposed of at a suitable upland location.
4. To prevent erosion and sediment transport Cori (coconut), jute, or sterile straw erosion control blankets and logs, and/ or loose sterile straw, will be used as appropriate following seed bed preparation of bare soil areas.
5. Project will not use erosion control materials containing plastic monofilament netting (erosion control matting) or similar material containing netting within the Project area due to documented evidence of birds, amphibians, and reptiles becoming entangled or trapped in such material. Acceptable substitutes include erosion materials contained with burlap netting, burlap tubes filled with natural fiber material, rolls of coconut coir matting or similar.
6. Hydroseeding will follow the installation of natural fiber matting, rolls, and/or loose straw BMPs.
7. Hydroseed mix will include native grass seed that produce dense fibrous rootsystem, organic mulch, slow-release fertilizer, mycorrhiza, and organic tackifier.

Mitigation Monitoring BIO-11:

Prior to any ground disturbance(s), the Project Review Division shall ensure that protection measures 1 – 7 are listed on building, and grading permits. Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on all construction plans including plans for building and grading.

Mitigation Measure BIO-12, Environmental Training: A Qualified Biologist shall conduct an education program for all persons employed on the Project prior to performing ground disturbing activities. Instruction shall consist of a presentation by the Qualified Biologist that includes a discussion of the biology and general behavior of any sensitive species that may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. Training will include such information about California red-legged frog, western pond turtle, burrowing owl, tricolored blackbird, white-tailed kite, pallid and Townsend's big-eared bats, and American badger. Interpretation shall be provided for non- English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Qualified Biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and office and be available to County upon request.

Mitigation Monitoring BIO-12:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until employee affidavits are submitted confirming construction employees have completed the education program.

Mitigation Measure BIO-13, Tree Mitigation: Mitigation shall involve replacement plantings of Valley oak within the Project Site and payment of an in-lieu fee to the County. All trees to be replaced shall be the same native species as that removed unless specific approval has been granted by the Planning Director. Planted trees shall be monitored for five years and replaced, if needed. The Project Developer shall implement measures to ensure that plant stock is avoid that may be infected with the plant pathogen *Phytophthora sp.* Measures to avoid contamination with *Phytophthora sp.*, may include, but are not limited to, avoiding collection of propagules from 1) known or likely infected areas; 2) during wet conditions; 3) when soil is muddy; or 4) from within 1.6 feet of the soil surface. Measures may also include implementing heat or chemical treatments to collected seeds prior to installation.

Mitigation Monitoring BIO-13:

The applicant shall provide the final landscape plan prior to issuance of a grading permit, with tree plantings confirmed by PRMD site inspection prior to issuance of an occupancy permit.

5.2 Postconstruction Impacts and Mitigation Measures

Light, noise, traffic, sedimentation, and event activity impacts resulting from project operations may result from the project's 28 annual events. Mitigation measures are designed to prevent harm to the sensitive animal species including western pond turtle and California red-legged frog, as well as other animal species.

Mitigation Measure BIO-14, Post Construction:

Light. Artificial light causes disruption of the behavior of insects, amphibians, mammals, and invertebrates. Unnecessary outdoor lighting should be turned off from dusk to dawn. If outdoor lighting is necessary, amber lighting along all outdoor areas including roadways should be used (Amber/Orange nm range 587 - 592 Peak Wavelength 590). Where practicable fixtures should be used that shield lamps or glowing lenses from being directly visible.

Traffic. No off-road event vehicle parking and driving along the western access roads is allowed. All parking will be on constructed areas with compacted soils with graveled or paved surfaces. No oil or mineral salts will be applied to roadway or parking areas for dust control. Maximum vehicle speed limits are restricted to 10 mph. A mowed 30-foot margin, where feasible, will be maintained along both sides of the western access road for visibility and fire control. Vehicles will stop if animals are observed within the mowed roadway until the animal clears the area. Speed limit and informational species protection signs will be posted along the western roadway and all farm access roadways.

Noise. Where feasible electric power-driven equipment and vehicles should be used. If feasible, a linear berm should be constructed along the margin of the western roadway adjacent to the pond area to reduce road noise. Maximum vehicle speed should be restricted to 10 mph on all roads.

Sedimentation. To avoid the potential for sediment being transported into aquatic resource areas along event access points all areas found that are barren of vegetation resulting from pedestrian or vehicle access, associated event activities, or animal use shall be restored by seeding with a blend of native erosion control grass seed. Seeded areas shall be mulched. Landscape fabric shall not be used. Revegetation shall be completed as soon as possible bare soil area(s) are discovered. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.

Event Activity. Signs shall be located along the pond-marsh-wetland and tributary perimeters indicating that these areas are set aside for conservation purposes and visitors should not access. If unauthorized access becomes a persistent issue fencing should be erected.

Mitigation Monitoring BIO-14:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until measures above have been included in plan sets.

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

Comment:

Three sensitive natural communities occur within the 5-mile CNDDDB database search radius. These include Coastal Brackish Marsh, Northern Coastal Salt Marsh, and Northern Vernal Pool communities. None of these community types was found to occur in the Project Site during HBG's field investigation on August 25, and September 21, 2033. However, the marsh (aka Palustrine

emergent wetland; freshwater emergent marsh; wet meadow), riparian scrub woodland (aka Valley Foothill Riparian), and valley oak woodlands plant communities found within the Project Site are also considered CDFW Sensitive Natural Plant Communities. In addition, the pond, wetland, and stream / tributary communities found during these field investigations are considered important aquatic resources subject to regulation by the Water Board under both Section 401 of the CWA and the Porter-Cologne Act, and CDFW under Section 1602 of the California Fish and Game Code (Appendix 1, Figures 9, 10, and 11). No aquatic resources meeting the Corps' definition of Waters of the US were found to be present (Appendix 1, Figure 9). The pond, adjacent wetlands, and tributaries are connected during significant stormwater flow events to an unnamed tributary and San Antonio Creek which are nearby by the Project Site. Both the unnamed tributary and San Antonio Creek are designated as streams protected by the County of Sonoma's Riparian Corridor Ordinance.

Although no CDFW designated natural communities occur within the Project Site, aquatic resources including wetlands, open water ponds, and tributary drainages were identified and delineated during field surveys. These aquatic areas are subject to the jurisdiction of the Water Board and CDFW (Appendix 1, Figures 10 and 11) (Section 6.0, Table 4). No aquatic resources meeting the Corps' definition of Waters of the US were found to be present (Appendix 1, Figure 9). No work will be conducted until the County, RWQCB, CDFW, and USACE provide written approval that work in aquatic resources to include wetlands and streams is authorized or the agency has determined they have no jurisdiction regarding the proposed project impact to aquatic resources.

The project as proposed will avoid permanent fill impacts to the existing pond (P1; see Attachment 1, Figure 16) and downstream drainage (R-1). Temporary impacts, to construct a bridge that will clear span over the R-1 drainage and avoid permanent impacts to the stream channel and banks, may occur. The clear span bridge impact over the drainage by shading is considered not significant. Portions of minor drainages R-2 and R-3 will be permanently impacted by the construction of an earth lined agricultural pond (acre). Impacts to these drainages is negligible (< 0.0004 acre). A portion of R-4 will also be permanently impacted by culvert construction for a roadway crossing. Impact to this drainage is also considered to be negligible (<0.0003 acre). The new pond will expand the area of aquatic resources on the Project site by 0.74 acres (Attachment 1, Figure 16). No mitigation is anticipated being required by the Water Board and CDFW for the clear span bridge crossing by the Water Board and CDFW other than stream enhancement plantings along the banks of the main tributary (R-1) which is downstream from the pond and the minor tributary drainages R-2 and R-3 (Attachment 1, Figure 16). A planting plan will be submitted prior to impacts associated with tributary drainages.

Significance Level:

Less than Significant Impact with Mitigation.

Mitigation Measure:

See BIO-11, Temporary Construction Impacts above.

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

Comment:

An area totaling 1.81 acres of aquatic resources was identified and delineated by HBG during field surveys conducted on September 21, 2023 (Appendix 3). More specifically, as defined by the USFWS classification system (Cowardin et al 1979), the aquatic resources consisted of Riverine Intermittent ("ephemeral") (0.12 acre), Palustrine Emergent (0.35 acre), and Palustrine Unconsolidated Bottom (1.34 acres) (Appendix 1, Figure 9). The latter Palustrine excavated pond aquatic resource was established by excavation and impoundment adjacent to an existing stream habitat. Based on review of Google Earth Pro aerial imagery this occurred between June 15, 1952 and May 1, 1965. Ephemeral streams are channels that flow only in direct response to precipitation. Water typically flows at the surface only during and/or shortly after large precipitation events, the streambed is always above the water table, and stormwater runoff is the primary water source.

Intermittent reaches are channels that contain sustained flowing surface water for only part of the year, typically during the wet season, where the streambed may be below the water table and/or where the snowmelt from surrounding uplands provides sustained flow. The flow may vary greatly with stormwater runoff. Perennial reaches are channels that contain flowing surface water continuously during a year of normal rainfall, often with the streambed located below the water table for most of the year. Groundwater typically supplies the baseflow for perennial reaches, but the baseflow may also be supplemented by stormwater runoff and/or snowmelt.

None of the 1.81 acres of aquatic resources meet the definition of WOTUS (33 CFR § 328.3 (a)) and therefore are potentially not subject to Corps and USEPA jurisdiction under Section 404 of the CWA (Table 2).

All 1.81 acres of aquatic resources (wetlands) meet the Water Board's definition of wetlands and are subject to jurisdiction as WOTS under the Porter-Cologne Water Quality Control Act (Table 3). The above-described aquatic resources would be considered as a stream (Riverine Intermittent ("ephemeral"), wetland (Palustrine Emergent), and pond (Palustrine Unconsolidated Bottom) under the CDFW's LSAA Program and subject regulation to Fish and Game Code Section 1602 therefore there will be no impact as the aquatic resources do not meet the definition of a wetland.

Significance Level:

Less than Significant Impact.

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

Comment:

The pond, adjacent wetland (aka Palustrine emergent wetland; freshwater emergent marsh; wet meadow), unnamed drainages, riparian scrub woodland (aka Valley Foothill Riparian), collectively provide a movement corridor for local insects, and amphibian, reptile, bird and mammal species. Wildlife use and wildlife movements through the Project is expected. The pond, unnamed drainages, riparian scrub woodland and riparian community, in particular, provide a movement corridor for local wildlife (insect, amphibian, reptile, bird, and mammal species). With BIO-12 being incorporated all constructions workers working at the site where necessary shall be educated on how to respond when encountering onsite wildlife.

Significance Level:

Less than Significant Impact with Mitigation.

Mitigation Measure:

See Mitigation Measure BIO-12 above.

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

Comment:

Four Valley oak trees within the valley oak woodlands will be impacted by the roadway alignment development within the southwest portion of the Project Site (Appendix 1, Figure 17). Valley oaks are Protected Trees of Special Significance by the County of Sonoma. No riparian trees or vegetation will be removed by the Project.

Significance Level:

Less than Significant Impact with Mitigation.

Mitigation Measure:

See Mitigation Measure BIO-13, Tree Mitigation above.

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

Comment:

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan. There are very few Habitat Conservation Plans in Sonoma County-they would only affect certain land in timber production areas in the northwest county (for spotted owl) and in the lower Petaluma River/Sonoma Creek watershed (for saltmarsh harvest mouse/black rail/clapper rail).

Significance Level:

No Impact.

5. CULTURAL RESOURCES:

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Comment:

A Cultural Resource Study was prepared for the project by Tom Origer & Associates¹. The Study included archival research at the Northwest Information Center, Sonoma State University, examination of the library and files of Tom Origer & Associates, Native American contract, and intensive field inspection of the study area. Application of the buried sites model and examination of the environment of the study area indicate a very low sensitivity for buried sites, which coincides with a probability of less than 1%. The study concluded that there are no Cultural Resources or historic resources in the study area, therefore there will be no impact.

Significance Level:

No Impact.

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

Comment:

On March 14, 2022, Permit Sonoma referred the project application to Native American Tribes within Sonoma County to request consultation under AB52. No requests for consultation were received.

There are no known archaeological resources on the site, but the project could uncover such materials during construction. Consistent with the CEQA Guidelines the following mitigation measure has been incorporated into the project.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure TCR-1

Mitigation Monitoring

See Mitigation Monitoring TCR-1

¹ CONFIDENTIAL Tom Origer & Associates "Cultural Resources Study of a Portion of the Property at 4485 D Street Extension Petaluma, Sonoma County, California", May 6, 2022

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

Comment:

According to the project cultural resource study, prepared by Tom Origer & Associates in 2022, the field survey found no archaeological sites within the study area and the application of the buried sites model indicates a low potential for buried resources. Mitigation Measure TCR-1 will reduce potential impacts to less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation

See Mitigation Measure TCR-1

Mitigation Monitoring

See Mitigation Monitoring TCR-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 will not result in significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Standard construction practices will be used.

Construction:

Energy would be required to operate and maintain construction equipment and transport construction materials. The one-time energy expenditure required to construct the infrastructure associated with the projects would be nonrecoverable. Most energy consumption would result from operation of off-road construction equipment and on-road vehicle trips associated with commutes by construction workers and haul trucks trips. The energy needs for project construction would be temporary and are not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Associated energy consumption would be typical of that associated with winery projects of this size in a rural setting. Although the one-time energy expenditure required to construct the project would be nonrecoverable, it would not be consumed in a wasteful, inefficient, or unnecessary manner.

Operational:

The projects would increase electricity consumption in the region relative to existing conditions. However, the projects would be built according to the latest Title 24 Building Energy Efficiency Standards). Increased energy use would occur as a result of increased electricity for building and facility operations and vehicle-based visitation to the project sites. Operation of the project would be typical of tasting room and winery operations requiring electricity for lighting, and climate control, and miscellaneous appliances. Transportation energy demand from the implementation of the projects would be reduced by federal and State regulations including the Low Carbon Fuel Standard, Clean Car Standards, and Low Emission Vehicle Program. Any additional energy use would be supplied by Sonoma Clean Power, which provides increased levels of renewable energy sourced energy from typical energy supplied by an investor-owned utility. Furthermore, the projects would not use natural gas or propane as an energy source.

Thus, the projects' energy consumption from construction, building operation, and transportation would not be considered wasteful, inefficient, or unnecessary.

Significance Level:

Less Than Significant Impact.

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

Comment:

As noted above, the projects' facilities and buildings would comply with the latest Title 24 Building Energy Efficiency Standards, which are intended to increase the energy efficiency of new development projects in the state and move the State closer to its zero-net energy goals. The project would be automatically enrolled as a member of the SCP, which serves as the Community Choice Aggregate (CCA) for the County. SCP works in partnership with PG&E to deliver GHG-efficient electricity to customers within its member jurisdictions. The project would also be all electric and provide EV charging facilities consistent with state efforts (e.g., 2022 Scoping Plan Update) for energy efficiency and fossil fuel use reduction. Implementation of the projects would not conflict with or obstruct a State or local plan for renewable energy or 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 site is not located in an Alquist-Priolo fault maps or depicted in a fault zone on zone based on the Sonoma County General Plan Public Safety Element Figure PS-1b: Fault Zone. The project zoning also does not include G Geologic Hazard Area Combining District per the Zoning Ordinance.

Significance Level:

Less than Significant.

ii. Strong seismic ground shaking?

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Standard project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking.

Significance Level:
Less than Significant.

iii. Seismic-related ground failure, including liquefaction?

Comment:
The project site is not located within a liquefaction area on the on the General Plan Public Safety Element Figure PS-1c: Liquefaction Hazard Areas. Fault Zone Report 120 map. Any new structures will be required to obtain a Building permit and required to meet building permit requirements, including seismic safety standards and soil test/compaction requirements.

Significance Level:
Less than Significant.

iv. Landslides?

Comment:
The project site is in a landslide prone area as shown on General Plan Public Safety Element Figure PS-1d: Deep-seated Landslide Hazard Areas, but the project proposes no new construction, and if new construction is proposed in the future, all work would be subject to the California Building Code.

Significance Level:
Less than Significant.

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

Comment:

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

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

Significance Level:
Less than Significant Impact.

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

Comment:
The project site is subject to seismic shaking and other geologic hazards as described in item 6.a.ii, iii, and iv, above. The existing agricultural barn structure is located in an area already disturbed from past development activity. With a small area of existing construction in an area that is already disturbed, it's unlikely the project would create an unstable area.

Significance Level:
Less than Significant.

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

Comment:
According to the Geotechnical report, the Agricultural Production barn is not located on expansive soils as defined in Table 18-1-B therefore it will not create a substantial risk to life or property.

Significance Level:
No Impact.

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

Comment:
The project site is not in an area served by public sewer. 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.

Significance Level:
No Impact

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

Comment:
A Cultural Resources Survey was prepared for the project by professional archaeologists on May 6, 2022. No unique geological features were identified on the property.

Significance Level:
No Impact.

8. GREENHOUSE GAS EMISSIONS:

Would the project:

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

Comment:
Section 15064.4 of the State CEQA Guidelines assists lead agencies in determining the significance of the impacts of GHG emissions. Section 15064.4 gives lead agencies the discretion to assess emissions quantitatively or qualitatively. The CEQA Guidelines do not establish a threshold of significance. Lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or other experts, so long as any threshold chosen is supported by substantial evidence.

The Bay Area Air Quality Management District's (BAAQMD) 2022 Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects acknowledges that evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem, rather than the result of a single source of greenhouse gas (GHG) emissions. With that in mind, the BAAQMD has recommended thresholds of significance as to whether a proposed project would have a "cumulatively considerable" contribution to the significant

cumulative impact on climate change.

For land use development projects, the BAAQMD recommends using an approach which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. Using this approach, a project that is consistent with and would contribute its "fair share" towards achieving those long-term climate goals can be found to have a less-than-significant impact on climate change under CEQA because the project would, in effect, help to solve the problem of global climate change. Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045.

Because GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that the BAAQMD evaluated to ensure that a project can and will do its fair share to achieve carbon neutrality. With respect to building energy use, the BAAQMD recommends replacing natural gas with electric power and eliminating inefficient or wasteful energy usage. This will support California's transition away from fossil fuel-based energy sources and will bring a project's GHG emissions associated with building energy use down to zero as the state's electric supply becomes 100 percent carbon free. With respect to transportation, the BAAQMD recommends that projects be designed to reduce project-generated Vehicle Miles Travelled (VMT) and to provide sufficient electric vehicle (EV) charging infrastructure to support a shift to EVs over time.

The BAAQMD has found, based on this analysis, that a new land use development project being built today either must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or must incorporate the following design elements to achieve its "fair share" of implementing the goal of carbon neutrality by 2045:

- A. Projects must include, at a minimum, the following project design elements:
 1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 2. Transportation
 - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
 - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

There is currently no applicable local GHG reduction strategy, such as an adopted Climate Action Plan, for Sonoma County. Therefore, the application the project was analyzed under criterium A above and discussed below.

Buildings: The project does not include any new construction of new buildings except the remodel of an existing agricultural barn structure that will bring it up to commercial building code standards for a processing, retail and event space, and grading of a new driveway. The existing building was not constructed with natural gas appliances or natural gas plumbing. If the 5,020 square foot barn requires a future remodel and updates will require compliance with the latest Title 24 Building Energy Efficiency Standards. Therefore, impacts due to energy consumption would be less than significant.

Transportation: The project does not include new residences, office buildings, or commercial retail,

and therefore, does not contribute any VMT to these three land use categories of concern, respectively. (Note that “commercial retail” refers to commercial retail spaces, not to a small ancillary retail space associated with another land use). The project would include commercial use of an existing 5,020-square-foot existing barn and would conservatively generate a maximum of 20 average daily trips.

As discussed in the Transportation Section 17b, VMT refers to the amount and distance of automobile travel attributable to a project. The County of Sonoma has not yet adopted specific VMT policies or thresholds of significance. However, the OPR Technical Advisory includes a screening threshold for small projects that generate or attract fewer than 110 trips per day, stating this level of vehicle activity may generally be assumed to result in a less than significant transportation impact. The project proposes a maximum of 20 average daily trips the maximum of 28 200-person events, would be expected to generate an average of 180 trips per event, or 5,040 trips annually. On a typical day, the project would only generate an average of six trips assuming an average of three daily trips per employee. Over the course of the year this project would therefore generate an average of approximately 20 trips per day (6 for the two employees and 14 for events). The maximum average daily trip number of 20 is far below the OPR threshold of 110. Therefore, the project is expected to have a less than significant VMT impact.

The latest California Green Building Standards Code (CALGreen) was published in 2022 and went into effect on January 1, 2023. The 2022 CALGreen Tier 2 requirements for EV charging stations apply to new non-residential buildings and require that off-street EV capable spaces be provided for a new non-residential development project with 10 or more parking spaces (note there are separate EV requirements for residential projects). The project does not propose new residential units and will utilize an existing non-residential structure. Additionally, standard conditions of approval require the applicant to comply with all 2022 CALGreen Tier 2 requirements for EV charging stations.

The BAAQMD 2022 guidance does not propose construction-related climate impact thresholds, stating that GHG emissions from construction represent a very small portion of a project’s lifetime GHG emissions, and that land use project thresholds are better focused on addressing operational GHG emissions, which represent the vast majority of project GHG emissions. Therefore, construction related GHG would not exceed established thresholds. Additionally, project construction activities are limited to proposed access improvements, and driveway through the property.

Because the project does not propose the use of natural gas, would use minimal energy, does not include new residential, office, or retail uses, would generate low VMT, and will meet 2022 CALGreen requirements for EV charging stations, the project would contribute its “fair share” towards achieving the State’s long-term climate goals, and therefore, would have a less-than-significant impact on climate change.

Significance Level:

Less than Significant Impact.

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

Comment:

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

- Increase building energy efficiency

- Increase renewable energy use
- Switch equipment from fossil fuel to electricity
- Reduce travel demand through focused growth
- Encourage a shift toward low-carbon transportation options
- Increase vehicle and equipment fuel efficiency
- Encourage a shift toward low-carbon fuels in vehicles and equipment
- Reduce idling
- Increase solid waste diversion
- Increase capture and use of methane from landfills
- Reduce water consumption
- Increase recycled water and graywater use
- Increase water and waste-water infrastructure efficiency
- Increase use of renewable energy in water and wastewater systems
- Reduce emissions from livestock operations
- Reduce emissions from fertilizer use
- Protect and enhance the value of open and working lands
- Promote sustainable agriculture
- Increase carbon sequestration
- Reduce emissions from the consumption of goods and services

All new development is required to evaluate all reasonably feasible measures to reduce greenhouse gas emissions and enhance carbon sequestration. A standard condition of approval has been incorporated into the project, requiring the applicant submit a Greenhouse Gas Emissions Reduction Plan prior to building permit issuance and/or commencement of the uses allowed by the use permit. The plan shall include all reasonably feasible greenhouse gas emission reduction measures outlined above.

As discussed in section (a) above, the proposed project would not be expected to generate GHG emissions that exceed BAAQMD-recommended CEQA thresholds. The project, therefore, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Significance Level:
Less than Significant Impact.

9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Comment:

The project includes a condition that prior to any business operation, the applicant shall provide evidence and be in full compliance with building and fire code regulations hazardous materials regulations, to Sonoma County Fire Prevention that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be met. The project itself would not generate or produce hazardous materials. Hazardous materials (diesel fuels, solvents, oils, etc.) are contained in products used on site for use and maintenance of equipment and machinery. The use of pesticides and herbicides are regulated by the Sonoma County Agricultural Commissioner's Office, any use of these materials associated with the proposed project would need to meet the requirements of the Sonoma County Agricultural Commissioners office. Therefore, with the standard permitting requirements under the local Agricultural, Building and Fire

Codes, and the Hazardous Materials Business Plan required for the winery operations, the project would have a less than significant level of with regard to the use or storage of hazardous materials.

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:

Refer to discussion above at item 9.a.

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 is not located within one-quarter mile of a school, nor would the proposed project include emission of hazardous materials or substances. See item 9.a, above, regarding regulation of hazardous materials at the planned events.

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:

Historically the project site has been used for agricultural purposes. The project site was not identified as hazardous materials site under the State Water Resources Control Board Geotracker database as of June 2, 2023.

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 located within two miles of a public airport or public use airport. The project site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan - ALUC.

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. In any

case, the project would not change existing circulation patterns, significantly and have no effect on emergency response routes.

Significance Level:

Less than Significant Impact.

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

Comment:

The project site is located in a State Responsibility Area and in a Moderate Fire Hazard Severity Zone. Projects located in High and Very High Fire Severity Zones are required by state and county code to have a detailed vegetation management plan developed and reviewed by the Sonoma County Fire Prevention Division before a building permit can be issued. This requirement does not apply to projects located in a Moderate Zone. However, all construction projects must comply with County Code Fire Code (Chapter 13) and Fire Safe Standards, including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site.

Events will take place indoors and outdoors on improved areas and not in high grass or remote areas on the site. The proposed road will be required to be in compliance with all Sonoma County Fire Standards. No new structures are proposed, however the agricultural barn structure will be required to meet all current building standards for agricultural processing and commercial uses, including event uses. Compliance with current building standards would decrease the fire risk to structures on the project parcel. In addition, standard conditions of approval include that the facility operator shall; shall provide for safe access for emergency fire apparatus; provide signing and building numbering; shall provide emergency water supply for fire protection available and accessible in locations, quantities and delivery rates as specified in the California Fire Code; maintain vegetation; ensuring the property is in compliance with Building, Fire, and Hazardous materials regulations; requires fire safety inspections of places of assembly; and requires a Fire Protection plan to be provided prior to operation. All of the fire safe conditions of approval will ensure that the project would reduce the exposure of people and property to fire hazards to a degree the risk of injury or damage is less than significant. The project would not expose people to significant risk from wildland fires.

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 project site is not within the designated NPDES (National Pollutant Discharge Elimination System) area. As authorized by the Clean Water Act (CWA), the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The project site is not within a Flood Prone Area.

In addition, the County grading ordinance and adopted best management practices require that storm water facilities be engineered to treat storm events and associated runoff to the 85 percentile storm event. Adopted flow control best management practices must be designed to treat storm events and associated runoff to the channel forming discharge storm event, which is commonly referred to at the two-year storm event. Required County inspection ensures that all work is constructed according to

the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential project water quantity impacts at a less than significant level during and post construction. Drainage improvements to the site as well as erosion/sediment control measures will be required during grading activities to handle any increases in storm runoff. 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.

For the sanitary sewage disposal, the existing on-site septic system is sized to accommodate the existing residential uses onsite, and a new 12-bedroom system has been reviewed by Permit Sonoma for the Agricultural Barn Structure. Portable bathrooms are proposed for events when occurring.

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:

A Hydrogeologic Report for General Plan Policy WR-2E (Attachment 3: Hurvitz Environmental Services, March 15, 2023) was prepared as required by Permit Sonoma for the project due to the property's location in a Class 4 Groundwater Availability Zone to comply with requirements set forth in Policy WR-2e of the Sonoma County General Plan. The purpose of Policy WR-2e is to determine whether there are adequate existing and future groundwater supplies to accommodate the proposed development demands and to estimate the effects of drawdown, if any, within the designated cumulative impact area (CIA). Existing and future site development characteristics and zoning designations for surrounding properties were considered, coupled with the site hydrogeology and the nature of the proposed development, to estimate the CIA for the project. The overall size of the CIA is 300 acres and encompasses 7 properties (including the project site).

The following types of promotional events are proposed annually:

- 15 Private Gatherings (80-200 attendees)
- 10 Customer, Educational, Marketing, Farm to Table Events (40 -120 attendees)
- 2 Charity Fundraising Events (50-150 attendees)
- 1 Industry related event (40-120 attendees)
-

The following annual water use is anticipated for the proposed events onsite.

200 people (guests per event) x 7.05 gallons/guest + 2 (full-time employees) x 15 gallons/day + 8 (part-time employees) x 7.5 gallons/day = 1,500 Gallons per event.

1,500 gallons/event x 25 events/year = 37,500 gallons = Annual Water Use for the proposed events.

Total water usage between all the uses onsite:

Annual total water use is estimated by combining annual site water use from Well #1 serving the livestock water use and well number 2 serving the domestic water use. The reduction in cattle water has also been applied to the overall water use.

65,400 gallons/year (Lavender Farming) + 24,000 gallons/year (Lavender Processing) + 37,500 gallons/year (Event Center) + 246,324 gallons/year (Landscaping) =
373,224 gallons or 1.15 acre-feet/year = Total Annual Project Water Use (Well #1)

373,224 (project water use) + 94,900 gallons/year (Cattle) + 185,735 gallons/year (Domestic Water Use) = 653,859 gallons/year or 2.01 acre-feet/year = Total Site Water Use (Well #1 & Well #2)

The peak water usage for the project including farming, processing, events, and landscaping is expected to occur in July each year with an estimated daily demand of 2,355 gallons/day. Average water use for the project during the entire year is expected to be 1,023 gallons/day.

The applicants plan to reduce the number of cattle onsite by 80% which would result in a decrease in water usage of 379,600 gallons/year (1.16 acre-feet/year). Therefore, the estimated net increase to the sites overall water use is approximately 88,524 gallons/year or 0.27 acre-feet/year representing a Less than Significant Impact. Assuming the residential use is constant at 0.57 acre-feet/year the net increase in water use can be calculated as follows:

373,224 gallons/year (project water use) + 94,900 gallons/year (livestock water use)
- 379,600 gallons/year (water use reduction from livestock) =
88,524 gallons/year = Net Increase in Groundwater Use Onsite

The 2023 Hydrogeologic Report finds that the quantity of groundwater to be used for the project and within the Cumulative Impact Area compared to the quantity of available groundwater indicates that the proposed water use for the Project is unlikely to result in significant declines in groundwater resources over time. Based on the findings of this report, groundwater extraction at the Project well will not significantly impact neighboring wells or stream flow conditions in nearby creeks.

On April 25, 2023, Permit Sonoma's Staff Geologist, Robert Pennington, reviewed the hydrogeologic report and agreed with the report, finding the analysis well documented and of appropriate detail and effort to support the findings. No further information was requested. Project conditions of approval require that prior to vesting the use permit, the applicant convey a well monitoring easement, install groundwater level monitoring equipment, install a 50,000-gallon rainwater capture system, and demonstrate compliance with Sonoma County's Water Efficient Landscape Ordinance. Ongoing operational conditions of approval include limiting overall water use on the parcel to a maximum of 2.0 acre feet per year.

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 including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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

Comment:

The proposed project would not modify or alter an existing creek, nor create runoff that would result in off-site or on-site flooding. Appropriate grading permits are required for the proposed road serving the agricultural structure.

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 would not significantly alter drainage patterns on-site or in the general area, nor will it result in on- or off-site flooding. The project proposal does not include the alteration of a stream or river.

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:

The proposed project would not create or contribute significant new runoff water or alter drainage patterns or capacities of the project site, or result in substantial additional sources of polluted runoff, as the project will need minimal development involving only the new road.

Significance Level:

Less than Significant Impact.

iv. Impede or redirect flood flows?

Comment:

The site is outside the of the mapped 100-year flood hazard area. There is no 100-year flood hazard area on the site.

Significance Level:

No Impact

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

Comment:

The project site is located more than 10 miles from the Pacific Ocean and not susceptible to tsunami, mudflow or seiche.

Significance Level:

No Impact.

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

Comment:

The project is not located in a priority basin designated by the Sustainable Groundwater Management Act. A condition of approval requires that the project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

Significance Level:

No Impact.

11. LAND USE AND PLANNING:

Would the project:

a) Physically divide an established community?

Comment:

The project would not reconfigure any existing parcels or major public roadways, nor would the project remove a primary access route that would impair mobility within the established community, therefore the project would not physically divide an established community.

Significance Level:

No Impact.

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

Comment:

The General Plan Land Use Designation on the project parcel is Land Extensive Agriculture. This land use designation is intended to enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials in areas where soil and climate conditions typically result in relatively low production per acre of land. The primary use of any parcel within one of the three agricultural land use categories must involve agricultural production and related processing, support services, and visitor serving uses. Within the Land Extensive Agriculture Zoning designation, the Small-Scale Agricultural Processing and Farm Retail sales are permitted uses, and the primary use of the property will remain in agricultural production. The proposed Agricultural Promotional Events will promote and markets products produced onsite and are considered secondary and incidental to the property's primary agricultural production and processing uses; consistent with General Plan Objective AR-4.1 and Policy AR-4a of the Agriculture Resources Element.

Significance Level:

Less than Significant.

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:

The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). 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 site is located in an agriculturally designated and developed area.

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) (Sonoma County Aggregate Resources Management Plan, as amended 2010 and Sonoma County Zoning Code). 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:

According to the County of Sonoma's Guidelines for the Preparation of Noise Analysis, Table 1, the project does not require a noise study. The proposed project is not a noise sensitive land use, nor is the proposed project located in or adjacent to a noise generating land use. The project does propose a noise generating land use; however the project will be located over 1,000 feet away from the nearest neighboring noise sensitive land uses.

While the proposed grading activities for the driveway, parking, and outdoor event areas may generate a temporary increase in ambient noise levels during construction, these levels would not be excessive or significant as they would be limited to a short construction period. After the construction has concluded, the proposed events will be subject to the conditions of approval, and the below mitigation measure to address any potential noise impacts. With the conditions of approval and the mitigation measures project impacts can be considered less than significant.

Significance Level:

Less than Significant with Mitigation Incorporated.

Mitigation Measure NOISE-1:

Outdoor amplified speech and amplified music is prohibited. Amplified noises shall be allowed to occur only within the agricultural barn structure.

Mitigation Monitoring NOISE-1:

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. (Ongoing)

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

Comment:

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

Significance Level:

Less than Significant 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:

The project site is not within an airport land use plan as designated by Sonoma County and not within two miles of a private airport or public use airport. Additionally, the project site is not located within the ALUC (Airport Land Use Commission) referral area.

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 would not include construction of a substantial amount of homes, businesses or infrastructure and therefore would not induce substantial population growth.

Significance Level:

No Impact.

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

Comment:

The project does not include the displacement of any existing housing or necessitate the construction of replacement housing elsewhere in the County.

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 rations, response times or other performance objectives for any of the public services:**

Comment:

The project would not increase residents or employees such that governmental services and/or facilities will have to be expanded. Generally, any potential impact the project may have on the provision of public services and/or expansion of governmental facilities will be offset by development fees.

Significance Level:

Less Than Significant Impact.

i. Fire protection?

Comment:

The County Fire Marshal requires that the Project comply with Fire Safe Standards, including 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. Local fire protection services are provided by the San Antonio Voluntary Firefighter Company.

Significance Level:

Less Than Significant Impact.

ii. Police?

Comment:

The Sonoma County Sheriff will continue to provide police protection services. There will be no increased need for police protection as a result of the project.

Significance Level:

Less Than Significant Impact.

iii. Schools?

Comment:

The project itself would not contribute to an increase in the need for expanded or additional schools.

Significance Level:

Less Than Significant Impact.

iv. Parks?

Comment:

The project itself would not contribute to an increase in the need for expanded or additional parks.

Significance Level:

Less Than Significant Impact.

v. Other public facilities?

Comment:

The project itself would not contribute to an increase in the need for expanded or additional public facilities.

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 proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.

Significance Level:

No 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 include a recreational facility and is of a project-type that does not require the

construction or expansion of a recreational facility.

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:

Three transportation-related plans have been adopted in Sonoma County: the Sonoma County General Plan 2020 Circulation Element, the Sonoma County Transportation Authority Comprehensive Transportation Plan (2009), and the Sonoma County Bikeways Plan. The project will not conflict with any of these plans.

A Transportation Impact Study was prepared for the Villa Vanto Farm Project (Attachment 3: W-Trans, December 12, 2022) concluded the following.

The proposed farm project would on average generate a minimal number of trips, with less than ten per hour during normal daily operation, and two during the AM and PM peak hours. A maximum-sized 20 person event would be expected to generate an average of 180 trips.

1. Pedestrian, bicycle, and transit facilities are adequate due to the rural location of the project site.
2. With an average daily trip generation of 20 trips, the project would be expected to have a less-than-significant transportation impact on VMT.
3. The collision and injury rates for the segment of D Street within one-half mile of the project driveway are below the statewide average.
4. Sight lines from the project driveway are adequate in both directions.
5. A left-turn lane is not warranted at the project driveway on D Street.
6. Access and circulation for emergency response vehicles are not adequate. The driveway will need to be widened to at least 12 feet and a turn-around provided.
7. D Street operates acceptably under existing weekday and weekend peak hour volumes and with the addition of project-generated volumes from a maximum-sized event.

Significance Level:
Less than Significant Impact.

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

Comment:

In the traffic study, the project related vehicle miles traveled (VMT) impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR Technical Advisory identifies several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a VMT impact and can be "screened" from further

VMT analysis. One of these screening criteria pertains to small projects, which OPR identifies as generating fewer than 110 new vehicle trips per day.

The traffic study finds the project would be expected to generate an average of 180 trips per event, or 5,040 trips annually. On a typical day, the project would only generate an average of six trips assuming an average of three daily trips per employee. Over the course of the year this project would therefore generate an average of approximately 20 trips per day (6 for the two employees and 14 for events). This project can be presumed to have a less-than-significant impact on VMT as the project generates well below 110 new vehicle trips per day.

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, since it maintains the existing alignment of the roadway and would not create hazards from incompatible uses.

Significance Level:

No Impact.

d) Result in inadequate emergency access?

Comment:

Development on the site must 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 requirements.

As discussed in the traffic study recommendations and conclusions above in section 17 (a), the existing driveway is not adequate for emergency access and will need to be widened to 12 feet in order to be considered adequate. The project has been conditioned to require emergency access standards shall be met.

Significance Level:

Less than Significant Impact.

e) Result in inadequate parking capacity?

Comment:

Sonoma County Code Section 26-86 requires 1 parking spaces for the farm retail use. This is one space per 200 sq ft of indoor retail space. Sonoma County Code Section 26-86 does not have an equivalent use for events, the best equivalent use is the recently adopted County Winery Events Ordinance (Ordinance 6404, March 2023) where Permit Sonoma codified typical parking requirements for event use permits – 1 space for every 2.5 event guest and 1 space per employee. Additionally, Fire Prevention standard referral comments include requirements to demonstrate the events will not result in obstruction to emergency access to the site due to inadequate parking, by showing there is parking for every 2.5 event guests. When the project hosting events the largest events for 200 people require requiring up to 80 spaces total plus one space per employee for the event equal to 27 spaces for a total of 107 space for the largest events.

In total there are 108 parking spaces to accommodate all uses on the project site. During normal operations of the farm retail a minimum of 1 spaces are required. During events the farmstand/farm retail will be required to be closed leaving room for the required 107 spaces for the largest events.

Significance Level:
Less than Significant Impact.

18. TRIBAL CULTURAL RESOURCES:

Would the project:

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- ii) **A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Comment:

On March 14, 2022, Assembly Bill 52 Project Notifications were sent to the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Torres Martinez Desert Cahuilla Indians, Mishewal Wappo Tribe of Alexander Valley, Middletown Rancheria Band of Pomo Indians, Lytton Rancheria of California, Kashia Pomos Stewarts Point Rancheria and Federated Indians of Graton Rancheria. No Tribe requested formal consultation on the proposed project.

A Cultural Resource Study was prepared for the project by Tom Origer & Associates. The Study included archival research at the Northwest Information Center, Sonoma State University, examination of the library and files of Tom Origer & Associates, Native American contract, and intensive field inspection of the study area. Application of the buried sites model and examination of the environment of the study area indicate a very low sensitivity for buried sites, which coincides with a probability of less than 1%. The study concluded that there are no tribal cultural resources in the study area.

Although there are no known tribal cultural resources on the site, the project could uncover such resources during construction. Consistent with the CEQA Guidelines the following mitigation measure has been incorporated into the project.

Mitigation Measure TCR-1:

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

NOTE ON PLANS:

“During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food

procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.”

In the event that human remains are unearthed during construction, state law requires that the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. If the remains were determined to be Native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e).

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated.”

Mitigation Monitoring TCR-1:

Building/grading permits shall not be approved for issuance by Permit Sonoma - Project Review Staff until the above notes are printed on the building, grading and improvement plans.

Significance Level:

Less than Significant with Mitigation Incorporated

19. UTILITIES AND SERVICE SYSTEMS:

Would the project:

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

Comment:

The project would not contribute to the need for construction of new water or wastewater treatment facilities, other than the construction of an additional private onsite septic system.

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:

As discussed in section 10.b, the project would use groundwater for its water source. A County-required hydrogeologic report determined that a sufficient groundwater supply is available to serve the project and that the project is unlikely to cause a decline in groundwater elevations or deplete groundwater resources over time. Potable water would be provided by the two existing private wells.

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 inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Comment:

A 12 bedroom non-standard drip irrigation system, file No. SEP22-0114, has been reviewed and issued by Permit Sonoma, the permit is awaiting final inspections. The project would not result in the need for additional wastewater treatment demand for an off-site sanitation system.

Significance Level:

No Impact.

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

Comment:

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project. Active permitted regional landfills include the Redwood Sanitary Landfill (26 million cubic yards remaining capacity), Potrero Hills Landfill (13.9 million cubic yards remaining capacity), Vasco Road Landfill (7.4 million cubic yards remaining capacity), and Keller Canyon Landfill (63.4 million cubic yards remaining capacity) (CalRecycle 2016). Solid waste generated during construction and operation of the project would represent a small fraction of the daily permitted tonnage of these facilities.

Significance Level:

Less than Significant Impact.

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

Comment:

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. Sonoma County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs.

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:

The proposed project would not impair implementation of an adopted emergency response plan. There is no adopted emergency evacuation plan for the County, and the proposed project would not change existing circulation patterns or effect emergency response routes, additionally the proposed project would be required to be reviewed and approved by Sonoma County Fire Marshal. The proposed road will be reviewed for approval under Cal Fire Board of Forestry standards Fire Safe Regulations to provide safe access for emergency wildfire equipment and civilian evacuation. The Fire Marshal has also required a Fire Protection Plan that documents fire access roads, including gates, emergency water supplies, location of hazardous materials, employee training in the use of regulated materials to meet Fire Code requirements.

Significance Level:

Less than Significant 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:

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a rural area surrounded by open fields and gently sloping hillsides. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

The project site is located in a State Responsibility Area and in a Moderate Fire Hazard Severity Zone. All construction projects must comply with County Code Fire Code (Chapter 13) and Fire Safe Standards, including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site.

The project would be required, through the conditions of approval, to be built and managed in compliance with applicable Fire Safe Standards, including provision of adequate emergency access and fire water supply, and defensible space, which would reduce the potential hazard of wildfires.

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:

Proposed infrastructure improvements include a new driveway to provide public access to the agricultural production barn, in addition, the project proposes retaining existing access onsite which provides for two different driveways for emergency ingress and egress. The project would include an onsite water supply and water storage to provide for required fire suppression, a new road with turnaround space and inclusion of required design aspects in order to comply with Fire Safe Standards include in the Sonoma County Zoning Code (Chapter 13). Installation and maintenance of the proposed minor infrastructure improvements are not anticipated to exacerbate fire risk or result in temporary or ongoing environmental impacts.

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:

The project site is not located in an area at high risk for flooding, such as a 100-year flood hazard area. The project would not substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off site, therefore site development for the project, will not significantly alter the existing drainage pattern of the site.

There are ponds, streams, and wetland features on the project site. Existing site elevations and topography would remain largely unchanged after project construction of the proposed driveway, and overall drainage patterns would essentially remain the same. The agricultural barn structure is already existing onsite and the footprint will remain the largely the same.

Additionally, development of the project site will be required to comply with the Grading and Drainage Ordinance and Best Management Practices (Municipal Code Chapter 11) and County Stormwater Quality Ordinance (Municipal Code Chapter 11A) and all other applicable standards related to slope stability. These standards will address the project site's post fire conditions and any slope sensitive issues in regard to build out of the site. Therefore, it is not anticipated that the project would expose people or structures to significant risks including flooding or landslides because of runoff, post-fire instability, or drainage changes.

Significance Level:

Less than Significant Impact.

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comment: Potential project impacts on special status plant and fish/wildlife species and habitat are addressed in Section 4. Implementation of the required mitigation measures (Mitigation Measures AIR-1, AIR-2, BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10, BIO-11, BIO-12, BIO-13, BIO-14, NOISE-1, and TCR-1) would reduce these potential impacts to a less-than-significant level. Potential adverse project impacts to cultural resources and Tribal Cultural Resources are addressed in Section 5 and 18 to ensure that cultural or archaeological resources are protected if unearthed during ground disturbing activities (Mitigation Measure TCR-1). Implementation of the required mitigation measure would reduce any potential impacts to a less-than-significant level.

Significance Level:

Less than Significant Impact.

- 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 air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise and traffic, which may be cumulative off-site, but mitigations 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: Proposed project operations have the potential to cause substantial adverse impacts on human beings, both directly and indirectly. However, all potential impact and adverse effects on human beings (resulting from air quality, biological resources, cultural resources, and noise) were analyzed, and would be less than significant with the mitigations identified in the Initial Study incorporated into the project.

Significance Level:
Less than Significant Impact.

References

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2. Assessor's Parcel Maps, County of Sonoma
3. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
4. California Natural Diversity Database, California Department of Fish & Game.
5. PRMD, Sonoma County General Plan 2020 (as amended), September 23, 2008.
6. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
7. Alquist-Priolo Special Studies Zones; State of California; 1983. http://www.conservation.ca.gov/cgs/rghm/ap/Pages/official_release.aspx
8. Flood Insurance Rate Maps, Federal Emergency Management Agency <https://msc.fema.gov/portal>
9. Special Report 120, California Division of Mines and Geology; 1980. ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_120/SR_120_Text.pdf
10. General Plan Environmental Impact Report, Sonoma County Permit & Resource Management Department. <http://www.sonoma-county.org/prmd/gp2020/gp2020eir/index.htm>
11. Standard Specifications, State of California Department of Transportation, available online: http://www.dot.ca.gov/hq/esc/oe/specs_html
12. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
13. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
14. Valley Oak Protection Ordinance, County Code Section 26-67; Sonoma County, December 1996.
15. Heritage or Landmark Tree Ordinance, County Code Chapter 26D; Sonoma County.

16. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
17. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sonomaCA1972/sonomaCA1972.pdf
18. Evaluation of Groundwater Resources, California Department of Water Resources Bulletin 118; 2003.
<http://water.ca.gov/groundwater/bulletin118/publications.cfm>
19. Sonoma County Congestion Management Program, Sonoma County Transportation Authority; December 18, 1995.
20. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
21. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.
22. Sonoma County Permit and Resource Management Department and Department of Transportation and Public Works Traffic Guidelines, 2014
23. Sonoma County Permit and Resource Management Department, Visual Assessment Guidelines, (no date)
24. Sonoma County Water Agency, Sonoma Valley Groundwater Management Plan, 2007 and annual reports. <http://www.scwa.ca.gov/svgw-documents/>
25. Sonoma County Water Agency, Santa Rosa Plain Groundwater Management Plan, 2014.
http://www.water.ca.gov/groundwater/docs/GWMP/NC-5_SRP_SonomaCoWaterAgency_GWMP_2014.pdf

Attachments

1. Huffman-Broadway Group, INC. January 2024, Biological and Regulatory Constraints.
2. Hurvitz Environmental Services, INC. March 15, 2023. Hydrogeologic Assessment Report.
3. W-Trans. December 12, 2022. Transportation Impact Study for the Villa Vanto Farm Project.
4. Sonoma County Permit and Resource Management Department Noise Guidelines, 2019
5. UPE21-0064 Permit Application Materials on file at the Sonoma County Permit and Resource Management Department (Permit Sonoma). Application materials are made available upon request.