

Resolution Number #24-11

County of Sonoma
Santa Rosa, California

December 05, 2024
PLP23-0014 Robert Pennington

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS (1) APPROVE AN AMENDMENT OF THE GENERAL PLAN LAND USE MAP TO CHANGE LAND USE DESIGNATIONS FOR APNS 066-300-011, 110-110-015 AND 110-110-016 FROM LIA TO LEA, AND (2) APPROVE AN AMENDMENT OF THE OFFICIAL ZONING DATABASE TO REZONE PARCELS APNS 066-300-011, 110-110-015, AND 110-110-016 FROM BASE ZONING OF LIA TO LEA; AND REMOVE THE MR COMBINING DISTRICT FROM APNS 066-300-049, 066-300-011, 066-300-027, 066-290-049, AND 110-110-016, AND (3) APPROVE A USE PERMIT FOR THE FLOODPLAIN RESTORATION WITHIN THE RIPARIAN CORRIDOR OF THE RUSSIAN RIVER, AND DEVELOPMENT AND OPERATION OF A PUBLIC PARK WITH DAY-USE PARKING, TRAIL SYSTEM, AND CAMPGROUND WITH WALK-IN AND BOAT-IN ACCESS ONLY, SUBJECT TO CONDITIONS OF APPROVAL FOR PROPERTY AT 9245 EASTSIDE RD. HEALDSBURG; INTERSECTING APNs 066-300-011; 110-120-023; 110-110-018 AND -020; 110-160-011 AND -016; 066-290-049; AND -053; 066-300-011, -027, AND -049; 110-110-015 AND -016; 110-120-020 AND -021; 066-290-042, -043, AND -044; AND 110-120-030, -028, AND -022.

WHEREAS, the applicant, Endangered Habitats Conservancy (hereinafter "EHC"), filed an application PLP23-0014 with Permit Sonoma titled The Russian River Floodplain Restoration Project (hereinafter "Project") that proposes to restore a functional floodplain at a former gravel quarry of approximately 358-acres along the middle reach of the Russian River near Windsor, CA in order to improve the functions and values of the Russian River for ecological benefit, flood management, improve water quality and provide public enjoyment. The Project also includes limited public access including public parking off Eastside Road, trail system, and seasonal campground. The Project proposes removal of Mineral Resources (MR) combining zone from APNS 066-300-049, 066-300-011, 066-300-027, 066-290-049, and 110-110-016, and change in General Plan land use and base zoning from Land Intensive Agriculture (LIA) to Land Extensive Agriculture (LEA) for APNs 066-300-011, 110-110-015 and 110-110-016.

WHEREAS, the Project site includes ecological restoration of four open water terrace pits that were created through terrace pit gravel mining of alluvial sand and gravel deposits east of the middle reach of the Russian River beginning in the 1950s and ending in 2002 or thereabouts.

WHEREAS, use permit PLP97-0096 was approved by the Board of Supervisors on December 15, 1998 under Resolution 98-1573 and authorized expansion of terrace pit mining and approved an amended reclamation plan for mine areas within the Project site with an end use of wildlife habitat.

WHEREAS, areas disturbed through mining and requiring reclamation under use permit PLP97-0096 have been largely reclaimed pursuant to the approved Reclamation Plan except for an area of approximately 30 acres that includes portions of the Mariani Pit (State Mine ID # 91-49-0051) and Piombo Pit (State Mine ID # 91-49-0003) that do not meet reclamation plan performance standards. Outstanding reclamation work includes limited revegetation, debris removal, and installation of an engineered flow control structure between the Mariani and Piombo Pits.

WHEREAS, the Russian River Pit Symposium sponsored by NOAA National Marine Fisheries and Service and Syar Industries was conducted in 2009 to bring scientists, managers, and industry together in a format of invited presentations, panel discussion with a diverse group of national and international experts, and round table discussion. The goals were to review and compile current knowledge, to identify research questions and needs, and to provide a direction for planners and regulatory agencies on how to most effectively manage gravel pits for the future benefit of the watershed. An outcome of the Symposium was a report documenting the environmental problems associated with terrace pits including impacts to fisheries, water quality, and river stability, as well as opportunities for floodplain restoration.

WHEREAS, a multi-agency and multi-disciplinary team including representatives from the Town of Windsor, Redwood Empire Trout Unlimited, Westside Association to Save Agriculture, Sonoma County Agricultural Preservation & Open Space District, Sonoma County Regional Parks, Sonoma Resource Conservation District, Sonoma County Water Agency, Hanson Aggregates Mid-Pacific, Inc., Russian Riverkeeper, California Department of Fish and Wildlife, NOAA Fisheries, United States Geological Survey, and Russian River Wild Steelhead Society., was convened and developed a floodplain restoration design for the Project site, and documented the design in a 2015 report titled "Hanson Russian River Ponds Floodplain Restoration: Feasibility Study and Conceptual Design" authored by Endangered Habitats Conservancy (EHC).

WHEREAS, the Project proposes implementation of the floodplain restoration detailed in the 2015 Hanson Russian River Ponds Floodplain Restoration: Feasibility Study and Conceptual Design.

WHEREAS, the Project objectives include:

- Increase floodplain, wetland, riparian, and salmonid habitat by creating approximately 167 acres of floodplain wetlands.
- Enhance overall ecosystem function by restoring connectivity between the river channel and floodplain, riparian and upland habitats.
- Reduce populations of non-native fish known to be present in the mining pits that prey on native species.
- Improve onsite and downstream water quality by eliminating open water pits that are attributed with mercury methylation, harmful algal blooms, and elevated temperatures.
- Increase river geomorphic stability through removal of unstable levees and filling of open water pits that are conducive to levee failure and rerouting of the river channel through open water pits.
- Lower flood elevations.

WHEREAS, implementation of the 2015 Hanson Russian River Ponds Floodplain Restoration: Feasibility Study and Conceptual Design project is the environmentally superior alternative to the approved Reclamation Plan.

WHEREAS, the Project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations, and is found to be statutorily exempt under California Public Resources Code Section 21080.56 Statutory Exemption for Restoration Projects. An application for exemption was submitted to California Department of Fish and Wildlife (CDFW) in February of 2024 and a concurrence letter signed by the Director of CDFW was posted on CDFW's website on May 28, 2024, and was thereafter sent to and received by the County of Sonoma by email on June 6, 2024 (CDFW CONCURRENCE NO. 21080.56-2024-052-R3).

WHEREAS, the applicant has reviewed and agreed to comply with all conditions of approval imposed herein, Exhibit "A".

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on December 5, 2024, at which time all interested persons were given an opportunity to be heard;

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the Project;

NOW, THEREFORE, the Planning Commission resolves as follows:

1. General Plan Consistency: The proposed Project is consistent with the General Plan land use designation of Land Intensive Agriculture and Land Extensive Agriculture, and the goals, objectives, policies and programs of the General Plan.
 - a. The project's floodplain restoration plan is designed to address and eliminate detrimental impacts of open water terrace pits on salmonids and is consistent with Land Use Element Objective LU-14.1 to manage terrace and instream mining of aggregates in the middle reach of the Russian River so that potential adverse impacts are minimized.
 - b. The project's floodplain restoration plan is designed to address and eliminate detrimental impacts of open water terrace pits on salmonids and is consistent with Objective OSRC-13.2 to minimize and mitigate the adverse environmental effects of mineral extraction and reclaim mined lands.
 - c. The project's floodplain restoration plan is consistent with Policy OSRC-7p, to support voluntary programs for habitat restoration and enhancement, hazardous fuel management, removal and control of invasive exotics, native plant revegetation, treatment of woodlands affected by Sudden Oak Death, use of fencerows and hedgerows, and management of biotic habitat.
 - d. The project's plan to remove open water mining pits associated with poor water quality is consistent with Goal WR-1 to protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all reasonable beneficial uses.
 - e. The project's plan to restore and enhance the active floodplain is expected to increase groundwater recharge and is consistent with Objective WR-2.3: Encourage new groundwater recharge opportunities and protect existing groundwater recharge areas.
 - f. The project's public access amenities including trail network and campground are consistent with the Open Space Element which identifies a public park at the

approximate location of the project site (Figure OSRC-5c), and the Russian River Waterway Trail (Figure OSRC-3) extends along the middle reach of the Russian River adjacent to the site.

- g. The project's public access amenities including trail network and campground are limited in scale and consistent with Objective AR-6.2 that allows visitor serving uses in all agricultural land use categories if they support and do not adversely affect the agricultural production activities of the area. Bed and breakfast inns of five or fewer rooms, and campgrounds of up to 30 sites, are permissible recreational uses only in the "Land Extensive Agriculture" and "Diverse Agriculture" categories, if they do not adversely affect the agricultural production activities of the area.
 - h. The project's public access amenities including trail network and campground are consistent with Policies AR-6a, AR-6d and AR-6f as the project's visitor serving uses are secondary or incidental to local agriculture production, the uses will not require and extension of sewer or water and are compatible with the surrounding uses in the area.
 - i. The project is consistent with Policies AR-6f as the public park and campground would not constitute a detrimental concentration of visitor serving and recreational uses, and agricultural support uses. The project would not result in in joint road access conflicts and traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis. Additionally, the project would not draw water from the same aquifer and be located within the zone of influence of area wells, and the proposed project would not be detrimental to the rural character of the area.
 - j. The project's public access amenities are consistent with the Open Space Element that that specifies public access and public park in the vicinity of the Project site.
2. The proposed zone changes to the Official Zoning Database and amendments to the General Plan Land Use Map to change land use designations and base zoning of select parcels (APNS 066-300-011, 110-110-015 AND 110-110-016) from LIA to LEA are consistent with the General Plan because the project site is not currently in agricultural production, does not contain land suitable for intensive agricultural production, and because agricultural potential of the site has been lost due to historical use for terrace mining.
3. The proposed zone changes to the Official Zoning Database to remove MR zoning of select parcels (APNS 066-300-049, 066-300-011, 066-300-027, 066-290-049, AND 110-110-016) are consistent with the Sonoma County 1994 Aggregate Resources Management Plan that prohibits further terrace pit mining along the Russian River because removal of MR zoning removes indication that new terrace pit mining could be approved for the site.
4. Zoning Consistency: The proposed project is consistent with Sonoma County Zoning Code:
- a. The proposed habitat restoration and public access including trails are allowed in the LIA (Land Intensive Agriculture) Zoning District with a use permit.
 - b. The proposed habitat restoration, public access including trails, and primitive campground of less than 30 sites are allowed in the LEA (Land Extensive Agriculture) Zoning District with a use permit.

5. The Project is consistent with the Sonoma County 1994 Aggregate Resources Management Plan because it does not authorize any further terrace mining activities, the restoration is compliant with minimum reclamation standards of terrace mine pits, and the restoration establishes natural riparian conditions suitable for wildlife habitat.
6. The Project does not conflict with Sonoma County Code Section 26A-11-010 (Surface Mining and Reclamation Ordinance), the Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.) (SMARA) and the State Mining and Geology Board Regulations (California Code of Regulations Title 14, Division 2, Chapter 8, Subchapter 1) because it does not authorize any further terrace mining activities and the restoration plan is consistent with reclamation standards of terrace mine pits.
7. The Project does not conflict with, amend, or replace use permit PLP97-0096 for mining and reclamation of portions of the Project site because it does not authorize any further terrace mining activities and the restoration plan the approved end use of wildlife habitat and addresses detrimental impacts of open water terrace pits including stranding of salmonids and geomorphic instability.
8. The Project does not propose to remove any existing agricultural areas and will not impact the ability for any Project parcels to comply with existing Williamson Act contracts.
9. The operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area because the resulting project is compatible with surrounding development and as conditioned will improve environmental conditions and allow for additional public benefit through new public access.
10. The Planning Commission is not the decision-making body for this project under the California Environmental Quality Act. However, it finds the Project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations, and was found to be statutorily exempt under California Public Resources Code Section 21080.56 Statutory Exemption for Restoration Projects. The project is statutorily exempt because it will conserve, restore, protect, and enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, and will provide long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery and provide for the ongoing management for the protection of the environment. An application for exemption was submitted to California Department of Fish and Wildlife (CDFW) in February of 2024 and a concurrence letter signed by the Director of CDFW was posted on CDFW's website on May 28, 2024, and was thereafter sent to and received by the County of Sonoma by email on June 6, 2024 (CDFW CONCURRENCE NO. 21080.56-2024-052-R3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors (1) approve an amendment of the general plan land use map to change land use designations for APNs 066-300-011, 110-110-015 and 110-110-016 from LIA to LEA, and (2) approve an amendment of the official zoning database to rezone parcels APNs 066-300-011,

110-110-015, and 110-110-016 from base zoning of LIA to LEA; and remove the MR combining district from APNs 066-300-049, 066-300-011, 066-300-027, 066-290-049, and 110-110-016.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve a use permit for the floodplain restoration within the riparian corridor of the Russian River, and development and operation of a public park with day-use parking, trail system, and campground with walk-in and boat-in access only, subject to the Conditions of Approval in Exhibit "A", attached hereto, with proposed revisions to Conditions of Approval 13, 14, 24 and 26 specified in the Errata, and with revision to Condition of Approval 27 specifying that Open Space Easements shall be transferred to a public agency or qualified non-profit organization.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Marquez who moved its adoption, seconded by Commissioner Carr, and adopted on roll call by the following vote:

Commissioner	Carr	Aye
Commissioner	Gilardi	Aye
Commissioner	Ocana	Aye
Commissioner	McCaffrey	Aye
Commissioner	Marquez	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.