



# County of Sonoma

## State of California

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Date: March 25, 2025

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving the Request by Ray Carlson and Associates on behalf of the property owner, Jackson Family Investments III, LLC, for a Minor Subdivision of a 347 +/- acre parcel into two lots 134 +/- acres in size and 213 +/- acres in size subject to a Land Conservation Act Contract for Property located at 3225 Bloomfield Road, Sebastopol; APN 025-100-043; Supervisorial District No. 2.**

**Whereas**, Ray Carlson and Associates on behalf of the property owner, Jackson Family Investments III, LLC, for a Minor Subdivision of a 347 +/- acre parcel into two lots, 134 +/- acres in size, and 213 +/- acres in size, subject to a Land Conservation Act Contract for Property located at 3225 Bloomfield Rd, Sebastopol; APN 025-100-043; Zoned LEA (Land Extensive Agriculture), B6 160, and combining districts for Z (Accessory Unit Exclusion), OAK (Oak Woodland), RC50/50, (Riparian Corridor with 50 ft and 50 ft setbacks) and RC100/50 (Riparian Corridor with 100 ft and 50 ft setbacks).

**Whereas**, the purpose of the Minor Subdivision is to create two lots for agriculture use; and

**Whereas**, in 1971, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract recorded under Book 2516, Page 775), located within Agricultural Preserve No. 2-375; and,

**Whereas**, a subdivision of land under a Land Conservation contract(s) can be approved provided the subdivided land conforms to the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* and meets the findings set forth in the State Subdivision Map Act, Government Code Section 66474.4; and

**Whereas**, a Mitigated Negative Declaration was prepared and circulated on March 17, 2023 – April 17, 2023 of Original Circulation; and

**Whereas**, agency comments were received regarding biological resources and the Mitigated Negative Declaration was revised to address potential impacts; and

**Whereas**, a revised Mitigated Negative Declaration was prepared and circulated on November 19, 2024 – December 19, 2024; and

**Whereas**, under Rule 10 of the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, no land subject to a Land Conservation Contract shall be subdivided unless the Board of Supervisors finds the Tentative Map to be in substantial conformance with the provisions of the State Subdivision Map Act; and

**Whereas**, on January 16, 2025 the Permit Sonoma Project Review and Advisory Committee held a public hearing at which time all interested persons were given an opportunity to be heard, and reviewed the project, and recommended findings and conditions to the Board of Supervisors; and

**Whereas**, Section 66474.4 of the Subdivision Map Act requires a final decision by the Board of Supervisors because the land is under a California Land Conservation Contract; and

**Whereas**, in accordance with the provisions of law, the Board of Supervisors held a public hearing on March 25, 2025 at which time all interested persons were given an opportunity to be heard; and

**Now Therefore Be It Resolved**, that the Board of Supervisors hereby finds, declares, and determines that the above recitals are true and correct, and based on the complete record before it, makes the following findings:

1. The subdivision creates two lots 134 +/- acres in size and 213 +/- acres in size, from a 347 +/- acre parcel which is consistent with the General Plan land use designation of Land Extensive Agriculture with a maximum allowable density of 160 acres per dwelling unit. The subdivision is consistent with General Plan goals, policies and objectives, specifically General Plan Policy AR-8c, which requires the lots to meet certain minimum parcel size as noted in #4 below.
2. The subdivision is consistent with the Land Extensive Agriculture Zoning Designation and minimum parcel size requirement of the zoning district.
3. The subdivision complies with the adopted Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, and the California Land Conservation Act, because it has been demonstrated that:
  - i. The resulting two lots will exceed the 10-acre and 40-acre minimum parcel size requirements and contain over 50% of each

proposed lot devoted to qualifying prime agricultural and/or qualifying open space uses. Proposed Lot 1 would be 134+/- acres in size and include 92.84 acres (69%) planted in commercial vineyard. Proposed Lot 2 would be 213+/- acres in size and include 85.33 acres (40%) planted in commercial vineyard and over 100 acres devoted to qualifying open space (46%). A Biological Assessment prepared by Kjeldsen Biological Consulting (KBC) in July 2017 identifies woodland, wetland, and riparian habitat types on Lot 2. In 2023, California Department of Fish and Wildlife determined that both parcels contain wildlife habitat for special status species.

- ii. In addition, the future residential use of each lot will be incidental to the agricultural and open space uses of the land. The Uniform Rules limit future development to compatible uses, including residential development, to a maximum of 15% of the total parcel size and not to exceed 5 acres, whichever is more restrictive.

For this project, the 5-acre threshold applies. Anticipated future compatible uses and acreage for existing vineyard and open space land for each new parcel are described below.

- Lot 1 (134 +/- acres in size) proposes a building envelope 1.64 acres in size and a new driveway 0.63 acres in size. No vineyard would be removed to develop the property's driveway or building envelope. Lot 1 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively amount to 2.77 acres and do not exceed the 5-acre threshold.
  - Lot 2 (213 +/- acres in size) proposes a building envelope 3.29 acres in size which is already developed with a single-family residence. No vineyard would be removed as the parcel's building envelope and driveway already exist. Lot 2 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively would amount to 3.79 acres and do not exceed the 5-acre threshold.
- b. Each parcel will meet the minimum parcel size of 10 acres for Prime Contracts and 40 acres for Non-Prime and Hybrid Contracts. Following approval of the minor subdivision, the applicant will be required, as a condition of approval, to submit complete application(s) and fees to rescind the existing Non-prime Land Conservation (Williamson) Act

contract on the property and replace it with two new separate Williamson Act contracts, one for prime land and one non-prime, hybrid open space and agricultural contract, to restrict the respective parcels resulting from the subdivision pursuant to Sonoma County's Uniform Rules for Agricultural Preserves (Uniform Rules).

- c. Each parcel will exceed the minimum gross income requirement of \$1,000 per planted acre per year. The proposed parcels are expected to individually meet the minimum annual income requirement for prime agricultural land as the vineyard currently generates an average of \$3,316 per planted acre which exceeds the Uniform Rules' minimum annual gross income of \$1,000.00 per planted acre.
  - d. Each parcel will remain under a Land Conservation Act Contract and complies with the restrictions to prime agricultural, open space, and compatible uses.
  - e. No land would be removed from the Land Conservation Act program.
4. The subdivision complies with Section 66474.4 of the Subdivision Map Act pertaining to land under an existing California Land Conservation Act Contract, referred to as a Williamson Act contract, because (1) the resulting parcels would be large enough to sustain continued agricultural use, (2) each parcel meets or exceeds the minimum lot size, (3) the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones do not require minimum annual income for properties under Open Space contracts, and (4) the subdivision is for agricultural purposes and would not result in residential development that is not incidental to the agricultural use of the parcels.
  5. Uniform Rule 9.0 of the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones requires that the owner of the contracted land apply for rescission of the existing contract and simultaneous replacement of that contract with a separate new contract for each parcel resulting from the subdivision. The conditions of approval include this requirement.
  6. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that the Mitigation Measures and Conditions of Approval are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
  7. The subdivision complies with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Specifically, the tentative map complies with Section 66474 of the Subdivision Map Act because (1) the subdivision design is consistent with the applicable objectives, goals, and policies of the General Plan, (2) the site is

physically suitable for the development, (3) the subdivision will not cause substantial environmental damage or injure fish or wildlife or their habitat, (4) the subdivision is not likely to cause serious public health problems, and (5) the design of the subdivision will not conflict with public easements.

**Be it Further Resolved**, that the Board of Supervisors based on the complete record before it, and the foregoing recitals which the Board finds to be true and correct, further finds, declares, and determines that the Mitigated Negative Declaration presented to it has been thoroughly reviewed. The Board of Supervisors certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds that the Negative Declaration reflects the independent judgment of the Board of Supervisors.

**Be it Further Resolved** that the Board of Supervisors hereby approves the requested Tentative Map to subdivide 347+/- acres into two lots, one 134 +/- acres in size, and 213 +/- acres in size, based on findings consistent with this Resolution, and subject to the Conditions of Approval in Attachment "A", which includes a condition to rescind and replace the existing Land Conservation Act Contract.

**Be It Further Resolved**, that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Hermosillo:      Rabbitt:      Coursey:      Gore:      Hopkins:  
  
Ayes:      Noes:      Absent:      Abstain:

**So Ordered.**

**ATTACHMENT A:  
SONOMA COUNTY BOARD OF SUPERVISORS**

**Conditions of Approval**

<b>Staff:</b>	<b>Hannah Spencer</b>	<b>Date:</b>	<b>March 25, 2025</b>
<b>Applicant:</b>	<b>Ray Carlson &amp; Associates</b>	<b>File No.:</b>	<b>MNS20-0002</b>
<b>Owner:</b>	<b>Jackson Family Investments III, LLC</b>	<b>APN:</b>	<b>025-100-043</b>
<b>Address:</b>	<b>3225 Bloomfield Rd, Sebastopol, CA 95472</b>		

**Project Description:** Request for a Minor Subdivision of one parcel, 350+/- acres in size, resulting in two parcels, 134+/- acres in size and 213+/- acres in size. The parcel is subject to a Land Conservation Contract.

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**GENERAL:**

1. Within five working days after project approval, the applicant/operator shall pay a mandatory Notice of Determination filing fee of \$3,018.75 (or the latest fee in effect at the time of payment) for County Clerk processing, made payable to Sonoma County Clerk and submitted to the Permit Sonoma project planner, unless the applicant requests an alternate payment method in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
2. Permit Processing and Development Fees. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. The Board of Supervisor decisions shall be final on the eleventh (11th) day after final Board of Supervisors action.
4. These conditions must be met and the application validated within 24 months (January 2027) unless a request for an extension of time is received before the expiration date.
5. Staff contact information is provided under each appropriate sub-heading of conditions. Contacts are in effect at the time of project approval and are subject to change.
6. FOR RESULTING LOTS: Prior to Permit Sonoma recording the final subdivision map, the property owner shall submit a complete application(s) and applicable filing fees to rescind and replace the existing Non-Prime Land Conservation Act Contract with two, new Land Conservation Contracts. Parcel 1 shall continue to be used for prime agricultural uses and shall be eligible for a prime replacement contract. Parcel 2 shall continue to be used for a combination of prime and open space uses and shall be eligible for a hybrid replacement contract. Once the final subdivision map is recorded, the property owner will submit to Permit Sonoma an updated preliminary title report for each resulting lot within 30 days or upon Permit Sonoma's request, and provide any other information to Permit Sonoma required to bring replacement contracts to the Board of Supervisors for action.

**PERMIT SONOMA PLANNING:**

7. The applicant shall include these Conditions of Approval on a separate sheet of plan sets to be submitted for building and grading permit applications.
8. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to

PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved Tentative Map. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.

9. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
10. Prior to submitting the subdivision check print maps to the County Surveyor, the applicant shall submit, to Permit Sonoma - Project Review Division, a Condition Compliance Review Fee deposit (amount to be determined consistent with the ordinance in effect at that time). This "At Cost" fee is a minimum deposit and condition compliance is charged on an actual cost basis. Should the actual costs exceed the amount of the fee, the applicant will be billed for additional costs. In addition, the applicant shall also pay any application processing fees that have exceeded the initial deposit fee to process the subdivision application.
11. Prior to recording the map, the property owner shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
12. **NOTE ON MAP:** "Agricultural activities occur in the area and noise, dust, odor, smoke and pesticide use may occur and are consistent with the Sonoma County General Plan Land Use designation for the area."
13. Dedication of parkland or payment of fees, in lieu of dedication, shall be paid prior to recordation of the Parcel Map. Alternatively, at the request of the subdivider, fees may be paid prior to issuance of building permits for new residential construction on each lot. If fees are intended to be paid prior to issuance of building permits, the following NOTE shall be placed on the Parcel Map.  
  
**NOTE ON MAP:** "New residential construction on these parcels is subject to payment of parkland fees in accordance with Section 25-58 et. seq. of the Sonoma County Subdivision Ordinance. Evidence that fees are paid shall be provided to the Regional Parks Department prior to the issuance of building permits."
14. **NOTE ON MAP:** "Affordable housing requirements apply to each residential lot pursuant to Section 26-89-040 F of the Sonoma County Code. Each nonexempt residential unit shall pay an in-lieu affordable housing fee at the time of issuance of the building permit, unless a building permit for a qualifying affordable unit is approved prior to or concurrent with the building permit for the nonexempt residential unit."
15. All construction-related work, including earthwork, grading, trenching, backfilling and compaction operations, shall be conducted in accordance with the Sonoma County Code Chapter 11. All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate to occupancy.
16. Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the notes included in these Conditions of Approval are printed on applicable building, grading and improvement plans. The applicant shall be responsible for

notifying construction contractors about California Building Code regulations for seismic safety.

17. Pursuant to Sonoma County Code Chapter 13 and Board of Forestry Fire Safety Regulations, the project shall meet emergency access, minimum emergency water supply, fuel modification and defensible space, sprinklers, and road naming and addressing.
18. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
19. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
20. **NOTE ON MAP:** "Development on this parcel is subject to the Board of Forestry Fire Safety Regulations, 14 CCR §§1270 et seq. ("Board of Forestry Fire Safety Regulations") as approved by the Fire Marshal in the Exceptions to Standards pursuant to 14 CCR §1270.06 and submitted to CalFire and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and egress, including turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance and defensible space around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District."
21. If it is determined by survey prior to recordation of the Parcel Map that adequate land is not available to meet General Plan and Zoning densities, then the number of lots must be reduced in order to comply with required densities.

**PERMIT SONOMA SURVEYOR:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_  
(Contact: County Surveyor, (707) 565-3713)

22. A Parcel Map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all easements and parcels shall be filed with the Sonoma County Surveyor. Upon recording of the map, the Subdivision is valid.
23. This subdivision was approved and a finding of site suitability was made based on the representation of the subdivider that he has, or is currently negotiating for and will acquire, the property rights necessary to (1) provide legal access, with a minimum width of 25 feet from a County maintained road to the subdivision, (2) provide the necessary Public Utility easements and (3) make all required offsite improvements. Without this representation, the subdivision would not have been approved. If the subdivider is unable to provide such proof, he shall be deemed to have failed to meet the condition and no subdivision map shall be recorded. The subdivider understands and agrees that the County will not exercise its power of eminent domain to condemn any of the above-described property rights.
24. The County acknowledges that there may be an existing private access roadway for this proposed subdivision. However, the project/subdivision is being conditioned for access from the nearest public road to the furthest proposed lot. Conditions allowing mitigation of some or all of that requirement follow the conditions requiring the improved access.
25. Prior to recording the parcel map the applicant shall revise the tentative map to show Lot 2 has a legal access and public utilities easement from the nearest public road.



26. The subdivider shall retain a registered civil engineer to prepare road construction and drainage plans for submittal to the Permit Sonoma Engineering Division in accordance with the Board of Forestry Fire Safety Regulations 14 CCR §1270 et seq, including the Exceptions to Standards approved by the Fire Marshal, the Sonoma County Subdivision Ordinance and the following:
- a) Construct, or provide, a private road from Lot 2 to Bloomfield Road as shown on the tentative map dated April 2021. The road shall have a seal coat for surfacing consisting of one and a half inch layer of number 4 rock, one layer of RS1, sealing oil, and three eighths inch layer of number 6 rock and be 18 feet wide, with one-foot shoulders. The structural section of the road improvements shall be designed using a soils investigation which provides the basement soils R-value and expansion pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The traffic index to be used for the design is "4". The designer may use an R-value of "5" and a T.I. of "4" if he wishes to waive the soils investigation for the road section design. After plan approval, the subdivider shall construct the required improvements as shown on said plans. These requirements are the minimum. It is the design engineer's responsibility to design an adequate road for its intended use.
  - b) All engineering plans shall be drawn to a scale no smaller than 1" = 40 feet, shall show contours and cross-sections at a minimum of every 50 feet and extend at least 50 feet each side of the road.
  - c) The easement shall be widened as necessary to contain the road base, all cuts and fills and the required side drainage.
  - d) A grading permit shall be obtained prior to the start of any earthwork.
  - e) Any roadway structure plans approved by the PRMD shall be attached to, and become part of, the subdivision's improvement plans.
  - f) Alternatively, if a road exemption letter is issued and signed in writing by the Sonoma County Fire Marshal and submitted to the Sonoma County Surveyor's office, the above condition could be considered met.
27. A report prepared by a civil engineer which provides sufficient information to demonstrate that the existing on-site private road does meet the Conditions of Approval may be submitted for approval by the County Surveyor. The report shall contain information regarding condition, width, alignment, grade, structural section, subgrade, base rock and asphalt compaction, surfacing and any other relevant information necessary to approve the report. If this cannot be demonstrated, the subdivider shall retain a registered civil engineer to prepare road and drainage plans showing how the road is to be up-graded to meet the above stated standards. This condition cannot be mitigated by the Fire Marshal.
28. Roads outside of parcel boundaries shall be inspected by the Fire Marshal to assure that emergency equipment can traverse the road safely. The Fire Marshal and/or PRAC may require the applicant to make improvements to meet safety requirements and may include, but are not limited to, widening, turnouts, turnarounds and surfacing. These improvements shall comply with the Board of Forestry's Fire Safety Regulations, including the Exceptions to Standards that may be approved by the Fire Marshal. In complying with this condition, the subdivider may provide the County Surveyor with an Exception to Standard Form that has been reviewed and approved

by the County Fire Marshal in accordance with 14 CCR §1270.06.

29. The subdivider shall either complete all required private and public construction or enter into an Improvement Agreement and post security with the County of Sonoma, prior to the filing of the Subdivision Map, agreeing to complete the required construction within 24 months after the preparation of the agreement. If the required construction is completed prior to the filing of the Subdivision Map, the subdivider shall enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one year.
30. Prior to recording the map, the applicant shall pay all necessary fees required by the Sonoma County Treasurer-Tax Collector's Office

These conditions are not required to be included in the Improvement Plans with the exceptions of those entitled " **NOTE ON MAP**" and "**NOTE ON PLANS**".

#### **PERMIT SONOMA WELL & SEPTIC DIVISION:**

##### SEPTIC:

NOTICE: To ensure compliance with current State and Federal regulations at the time of recording the map, additional requirements may be imposed by PRMD to supplement sewage disposal conditions listed below as required by government Code section 66498.6 (b). Note that Well and Septic fees are separate from planning fees, and Well and Septic charges per parcel fees for each individual step (pre-perc, percolation testing, wet weather groundwater, plan check, operating permit, etc.).

31. Prior to recording the map for Lot 2, the applicant shall provide evidence of soils suitable for subsurface sewage disposal to Permit SonomaWell and Septic Section. This will include, but not be limited to soil profiles, percolation tests, and *approved Septic Design Applications (minimum of 3 bedrooms with 200 % viable reserve area)* in accordance with current standards of the Onsite Wastewater Treatment System manual. The work must be certified by a State Registered Civil Engineer, Environmental Health Specialist or Geologist, refer to this subdivision number, and shall be submitted to the PRMD, Well & Septic District Specialist for review and approval.
32. Prior to recording the map, Lot 1 and Lot 2 shall contain a minimum area of 1.5 acres exclusive of easements and rights-of-way, in order to qualify for use of private sewage disposal and individual domestic wells.
33. **NOTE ON MAP:** "All future sewage disposal system repairs involving the sewage disposal area(not the septic tank, risers, sump, solid transmission lines or distribution boxes) shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated with the approval of PRMD Well and Septic staff and without a Certificate of Modification, if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area."
34. **NOTE ON MAP:** "The area tested for sewage disposal and shown on this map shall be reserved for the construction of future on-site wastewater disposal systems and shall not be encumbered by buildings, roads, soil borrow pits, ponds, parking lots, water wells, easements, or any use incompatible with use as an on-site wastewater disposal system, unless an alternative sewage disposal location on the parcel of similar capability has been tested and accepted by the County as suitable to provide wastewater disposal for a new dwelling, or unless the parcel has been connected to public sewer service."

35. Prior to recording the map, the area tested for sewage disposal shall be shown on the map and shall be free of all encumbrances (**building envelopes**, roads, easements, etc.).
36. A check print of the map shall be submitted to the County Surveyor who will forward it to the Project Review Health Specialist for review and approval of the Health map notes prior to recording the map.
37. **NOTE ON MAP:** "Prior to building permit issuance, provide a drainage plan prepared by a registered Environmental Health Specialist or registered Civil Engineer designed to show how private sewage disposal system(s) will be shielded from storm water infiltration on Lot 1. Drainage easements shall be provided if discharge from drainage facilities will result in water flow being diverted to or concentrated on any adjacent parcels."
38. Prior to recording the map, the location, type and proper function of the septic system on Lot 2 shall be verified by a registered Civil Engineer, registered Environmental Health Specialist or C-42 contractor. Septic systems lacking a permit shall be replaced with a permitted system meeting all current standards. Repairs of existing permitted septic systems may be required based on inspection reports. The septic system repairs must meet a minimum of the new system standards in effect at the time of the existing septic system permit and be within the Designated Reserve areas. If reserve areas were not designated (pre-July of 1978 permits), the septic system shall be repaired to a minimum of Class 3 Standards. All repairs shall be done under permit of this department. The septic system must be located upon the same lot as the house being served by that septic system. The septic system may not serve additional dwelling units on other lots.
39. Prior to recording the map, demonstrate 200% future reserve area in accordance with current septic system standards (including percolation tests) on Lot 2. The applicant shall provide by means of a (topographic) Plot Plan drawn to a **1"= 20' scale**, that sufficient area to accommodate a **200% unencumbered** future reserve area is present. The reserve area shall be sized for a three-bedroom private sewage disposal system, or the number of existing bedrooms, whichever is greater.  
  
If the parcel is not served by public water, the plan shall include the location of any existing and potential domestic well site(s). Location of neighboring wells and septic systems within 150 feet of the proposed lots must be shown, as well as existing and proposed roadways, driveways, grading cuts, and drainage ways (including roadside/driveway ditches). The plan is to be prepared by a registered Civil Engineer or Environmental Health Specialist and submitted to the PRMD, Well & Septic District Specialist.
40. If Subdivision Improvement Plans are submitted, prior to recording the map, one additional copy of Subdivision Improvement Plans shall be submitted to the Survey and Land Development Section for Well and Septic Section review (fees apply). Subdivision Improvement Plans shall show the outline of all existing and proposed septic tanks, sumps, wastewater disposal areas, reserve wastewater disposal areas and water wells within 100 feet of the proposed on-site and off-site improvements. Any subdivision improvement requiring a cut three feet or deeper within 100 feet of a septic system component shall dimension that distance on the Improvement Plans. All setbacks to existing and proposed septic systems (including septic system reserve areas) shall be met prior to recording the map.
41. **NOTE ON MAP:** "All private sewage disposal systems shall be designed by a registered Civil Engineer or Registered Environmental Health Specialist" shall be shown on the lots of the map where test results indicate that a system requires such a design."
42. Prior to recording the map, for a mound, pressure distribution, pretreatment units, at-grade, filled land, or shallow sloping sewage system, the applicant shall submit to the Project Review Health Specialist an approved form of *Declaration of Restrictions* with either a Grant Deed/Straw

Transfer or *Owner's Statement on the map*. Approval by the Project Review Health Specialist of the Draft Declaration of Restrictions form shall be obtained prior to signature and notarization.

43. **NOTE ON MAP:** "Prior to major grading, landscaping or location of ponds, contact should be made with the PRMD Well and Septic Section with regard to protection of the septic system and reserve area."

WATER:

44. **NOTE ON MAP:** "Prior to building permit issuance, appropriated water rights approval shall be obtained from the State Water Resources Control Board, Division of Water Rights, if any future well serves subdivided lots which draw water from the underflow of a perennial stream and/or pond."
45. **NOTE ON MAP:** "Prior to occupancy, Lot 1 and Lot 2 shall be provided with a separate water supply meeting all current standards for annular seal and setbacks."
46. Prior to recording the map, Lot 1 and Lot 2 the drinking water wells shall be tested by a California State certified laboratory and found to meet California State and Federal standards for arsenic and nitrate contamination. If contamination **exceeding the arsenic and nitrate** standards is found, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to California State Water Resources Control Board or Sonoma County requirements. An acceptable water source shall be demonstrated for each lot.
47. Prior to recording the map, a bacteriological sample from the drinking water wells Lot 1 and Lot 2 shall be analyzed for **total coliform and E. coli** by a California State certified laboratory. Samples shall be clearly marked to indicate which wells have temporary pumps installed for the purpose of collecting the sample. Wells with temporary pumps for sampling shall meet the State standard for E. coli, and all other water sources shall meet California State drinking water standards for total coliform and E. coli. If analysis does not meet the applicable standard, the applicant will be required to disinfect the well per County requirements and re-test the well. A copy of the analysis shall be submitted to Project Review Health. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to California State Water Resources Control Board or Sonoma County requirements. An acceptable water source shall be demonstrated for each lot.
48. Prior to recording the map, provide the Project Review Health Specialist with a copy of the Drillers Log for the existing well to verify a minimum of a 20-foot annular seal (the property owner may access existing confidential State records by calling the Department of Water Resources at 916-376-9612). If it is not possible to demonstrate that the well meets minimum construction standards and setbacks a replacement well may be required. Water System Standards for pressure and flow (5gpm/25psi for two hours).
49. In accordance with Government Code 66411.1, the Project Review Advisory Committee finds that the stated conditions are necessary for reasons of public health and safety, and/or are necessary prerequisites to the orderly development of the surrounding area.

**PERMIT SONOMA GRADING AND STORM WATER SECTION:**

50. **NOTE ON MAP:** "Prior to issuance of a grading or building permit, the property owner shall submit any and all required grading/site plans and drainage reports for proposed work to the Permit and Resource Management Department (PRMD) for review. Grading/site plans shall

clearly indicate the nature and extent of the proposed work including earthwork, drainage improvements, erosion prevention/sediment control measures, details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Grading, drainage improvements, and erosion prevention/sediment control measures shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.”

51. **NOTE ON MAP:** “All structures requiring a building permit or an agricultural exemption shall adhere to a building setback line measured, from the toe of the stream bank outward, a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of the stream bank cannot be determined by visual analysis, then the building setback line shall be determined by hydraulic analysis.”
52. **NOTE ON MAP:** “Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.”
53. **NOTE ON MAP:** “The lots shown hereon are subject to storm water Low Impact Development (LID) regulations. Post-construction storm water features to mitigate impacts to the quality and quantity of storm water discharges from the private road have been incorporated into the development of the subdivision. These post-construction storm water features shall not be altered or removed in any manner that may compromise their intended design. Prior to any changes to the location or design of the approved post-construction storm water features, the property owner(s) shall submit a revised Storm Water Low Impact Development Submittal (SW LIDS) to the Permit and Resource Management Department (Permit Sonoma) - for review. If any changes to the locations of the approved postconstruction storm water features are proposed then the property owner(s) shall revise the subdivision map through a certificate of modification to incorporate the approved changes of the revised SW LIDS.”
54. **NOTE ON MAP:** “The lots shown hereon are subject to storm water Low Impact Development (LID) regulations. Post-construction storm water features to mitigate impacts to the quality and quantity of post-construction storm water discharges must be incorporated as part of the development of each individual lot. Prior to issuance of a grading or building permit, the property owner shall submit a Storm Water Low Impact Development Submittal (SW LIDS) to the Permit and Resource Management Department (Permit Sonoma) - for review.”
55. **NOTE ON MAP:** “Property owners shall be responsible for obtaining information, permits, or waivers from local, state or federal agencies that regulate work in or near waterways.”
56. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the subdivision map and improvement plans.
57. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
58. The subdivision map shall delineate areas reserved for LID features as required by the approved improvement plans and Storm Water Low Impact Development Submittal (SW LIDS). If any changes to the design or locations of the approved LID features associated with the private road are made after the subdivision map is filed then the applicant shall submit a revised SW LIDS to the Permit and Resource Management Department (Permit Sonoma) for review and revise the subdivision map through a certificate of modification to incorporate the approved changes of the revised SW LIDS.

59. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) . The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
60. The proposed project is subject to storm water Low Impact Development (LID) regulations. Postconstruction storm water LID best management practices (BMP's) to mitigate impacts to the quality and quantity of storm water discharges from the project site shall be incorporated into the drainage design of the project. A final Storm Water Low Impact Development Submittal (SW LIDS), based upon the approved initial SW LIDS dated **July 26, 2021**, shall be submitted with the improvement plans, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to the issuance of any grading or building permits. LID BMP's must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
61. Landowner shall submit to Permit and Resource Management Department (Permit Sonoma) annually the results of the Storm Water BMP inspection. Inspection shall include but is not limited to the Inspection and Maintenance Checklists, photo evidence of BMP existing conditions, and a report of any maintenance activity, remediation, or replacement of BMP features.
62. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Management Design Manual. Drainage improvements shall be shown on the improvement plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.
63. The applicant shall provide improvement plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
64. As part of the improvement plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

65. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
66. Before construction may begin near a waterway, wetland, and/ or environmentally sensitive area, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway, wetland, and/ or environmentally sensitive area. The protective construction fence shall be shown and noted on the improvement plans.
67. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

**SONOMA PUBLIC INFRASTRUCTURE:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

**Intersections of Roads and Driveways:**

68. The Applicant shall construct a private roadway entrance such that it conforms to AASHTO standards and meets the following criteria to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road (Bloomfield Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to Bloomfield Road) meets these requirements.
  - a. A minimum paved throat width of eighteen (18) feet.
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Bloomfield Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per County Code Section 13-32 (b). Entrance curve radii may be reduced with the approval of Sonoma County Fire Prevention.
  - c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with current AASHTO requirements for the speed traveled on Bloomfield Road. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum AASHTO required sight distance at each driveway.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
  - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
  - g. Improvements shall be constructed prior to filing the parcel map.

69. The Applicant shall maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.
70. **Emergency Vehicle Access:** The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the pavement, in accordance with Standard Detail 242.
71. **Note on Map:** "New construction on the parcels associated with this approval is subject to payment of a development fee (Traffic Mitigation Fee) to the County of Sonoma before issuance of any building permits, as required by Chapter 26, Article 98 of the Sonoma County Code."
72. **Processing:** The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

**PERMIT SONOMA FIRE PREVENTION:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact: Steve Mosiurchak, Fire & Emergency Services, (707) 565-1380,  
Steve.Mosiurchak@sonoma-county.org

73. **Fire apparatus access roads.** The applicant shall provide evidence that on each parcel including bridges and gate access, to buildings and building envelopes are in compliance with the California Fire Code, as adopted and amended by Sonoma County Code, subject to the review and approval of the Fire Marshal prior to filing the Parcel/Final Map at PRMD. This condition shall be met by providing Sonoma County Fire Prevention a scale plan-view drawing that graphically illustrates that the fire apparatus access roads, including gate access and bridges are in compliance with the California Fire Code, as adopted and amended by Sonoma County Code.
- a. Roadway grades greater than 15% are not permitted without mitigation. Any mitigation for roadway grades greater than 15% is limited to 300 lineal feet of roadway within each 1000 lineal feet of roadway.
  - b. Roadways that provide vehicular access to more than one (1) parcel, to a commercial building or agricultural operation on a single parcel, or to more than two (2) residential buildings or two (2) residential buildings, containing more than three (3) dwelling units, on a single parcel are required to be two-way roads with a width of at least 20 feet plus shoulders. Unless otherwise approved to be reduced per code.
  - c. A minimum of a 25-0 foot wide fire right of way easement shall be provided and recorded as a deed restriction per 13-34 (a) of the Fire Safe Standards. Unless otherwise approved to be reduced per code by the fire code official and the county surveyor.
74. **Addressing, signing and building numbering** is in compliance with the California Fire Code, as adopted and amended by Sonoma County Code, subject to the review and approval of the Fire Marshal prior to filing the Parcel/Final Map at PRMD. This condition shall be met by providing Sonoma County Fire Prevention appropriate documentation that includes a scale plan-view drawing that graphically illustrates that the signing and building numbers are in compliance with the California Fire Code, as adopted and amended by Sonoma County Code.
75. **Names of roads.** All roads serving more than two (2) parcels shall be identified by a road name. All private roads requiring a road name shall be named by the director of Permit and Resource Management pursuant to procedures established by resolution or ordinance of the Board of Supervisors. Any private road having a road name may be renamed using the procedures for



naming a private road.

76. **Emergency water supplies.** The applicant shall provide evidence that on each parcel are in compliance with Chapter 5 and Appendix-B of the California Fire Code, as adopted and amended by Sonoma County Code, subject to the review and approval of the Fire Marshal prior to filing the Parcel/Final Map at PRMD. This condition shall be met by providing Sonoma County Fire Prevention sufficient documentation which proves that the emergency water supplies are in compliance with Chapter 5 and Appendix-B of the California Fire Code, as adopted and amended by Sonoma County Code.
- a. Water supply for buildings on non-urban parcels shall be provided in accordance with NFPA 1142. The minimum on-site storage is 2500 gallons. The minimum flow rate is 500 gallons per minute. Dwellings larger than 2000 square feet in area will require more than 2500 gallons of storage. Where the required storage is more than 10,000 gallons the flow rate is 750 gallons per minute.
77. **Setbacks for buildings.** For new parcels, the applicant shall provide evidence that on each parcel; (or building envelopes) will be in compliance with Section 13-55 of the Sonoma County Code, subject to the review and approval of the Fire Marshal prior to filing the Parcel/Final Map at PRMD.
78. **Fuel modification and defensible space clearances.** The applicant shall provide evidence that on each parcel for buildings (or building envelopes) are in compliance with Chapter 49 of the California Fire Code as adopted and amended by Sonoma County Code, subject to the review and approval of the Fire Marshal prior to filing the Parcel/Final Map at PRMD. This condition shall be met by providing Sonoma County Fire Prevention a scale plan-view drawing that graphically illustrates that the fuel modification and defensible space clearances for buildings (or building envelopes) are in compliance with Chapter 49 of the California Fire Code as adopted and amended by Sonoma County Code.
79. **Affirmative covenant, Covenants or Deed Restriction,** which shall run with the land in perpetuity, shall be created that includes: an agreement to maintain commonly shared roadways in compliance with fire regulations; an agreement to maintain vegetative fuels along commonly shared roadways and in commonly shared areas in compliance with fire regulations; and an agreement to maintain the commonly shared emergency water supply system in compliance with fire regulations. This condition shall be met by providing Sonoma County Fire Prevention and the County Surveyor a copy of a recorded covenant or deed restriction which includes the noted items.
- Minor or Major subdivisions shall have a recorded maintenance agreement for the preservation, maintenance or repairs for all access roads subject to the Sonoma County Fire Safety Code Chapter 13.
80. **NOTE ON MAP:** Under local agency the required information shall be provided and indicate the following language.
- a. Development on this parcel or parcels is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal or Local Fire District when requested. Said plan shall include but not limited to: Emergency vehicle access, easements, turnarounds at building sites, addressing, water storage for fire protection, vegetation management. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the county fire marshal.
  - b. All existing and newly created private roads shall be considered a Fire Emergency Vehicle Access Route (EVA) to facilitate emergency response and shall not be altered or

obstructed without approval of the County Surveyor and Sonoma County Fire.

### **Mitigation Measures**

81. **Mitigation: Mitigation Measure VIS-1:**

The following note shall be printed on the parcel map:

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

**Mitigation Monitoring VIS-1:**

The Project Planner shall ensure that the above note appears on the Final Map/Parcel Map Check Print prior to recordation.

82. **Mitigation Measure VIS-2:**

The following note shall be printed on the parcel map:

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

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

83. **Mitigation Measure AIR-1:**

The following note shall be printed on the parcel map:

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

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

84. **Mitigation Measure BIO-1: Conduct Sebastopol Meadowfoam Habitat Assessment:**

**NOTE ON MAP:** “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of Sebastopol Meadowfoam Habitat on and near the project site as a result of construction-related vegetation removal and site disturbance. The "project site" includes areas proposed for development as a result of the MNS20-0002 approval, including but not limited to driveway, septic, well, and residential building construction and similar activities:

Sebastopol Meadowfoam Habitat Assessment. The project shall conduct a habitat assessment for Sebastopol meadowfoam within and adjacent to the project site and shall obtain CDFW's written approval of the assessment, prior to ground-disturbing activities. If it is determined through the habitat assessment that habitat for Sebastopol meadowfoam occurs on-site or adjacent to the site where it may be impacted, then the following Special-Status Plant Survey mitigation measure below shall be implemented.

Special-Status Plants Survey and Permitting. The project shall submit to CDFW two years of completed botanical surveys and associated reports and obtain CDFW's written approval of the reports prior to initiation of project activities. The botanical surveys and reports shall follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*. If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, such as altering off-site hydrological conditions where the species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the project, including Sebastopol meadowfoam, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

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

85. **Mitigation Measure BIO-2: Conduct Pre-construction Surveys for American Badger**

**NOTE ON MAP:** “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of American Badger burrows on and near the project site as a result of construction-related vegetation removal and site disturbance. The "project site" includes areas proposed for development as a result of the MNS20-0002 approval, including but not limited to driveway, septic, well, and residential building construction and similar activities:

1. If feasible, conduct all ground-disturbing activities between September 1 and February 28 to avoid the natal season for American badger. If it is not feasible to conduct ground-disturbing activities to avoid natal season for American badger, complete the following:

a. Conduct a survey by a qualified biologist for natal burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites

and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Survey results will remain valid for a period of 21 days following the date of the survey.

b. In the event that an active natal burrow is discovered in the surveys area, postpone all ground-disturbing construction activities within this area until the Operating Entity consults with the California Department of Fish and Wildlife to determine the appropriate size of a no-disturbance buffer. This area will be flagged and no ground-disturbing activity will be allowed to occur here until it is determined that the young have dispersed the natal burrow.

2. Outside the natal season, conduct a survey for active badger burrows within seven days prior to any ground-disturbing activity. The area to be surveyed will include all construction sites and staging areas, to a buffer of 50 feet outside the boundary of the disturbance area. Exclusion techniques will be used to passively relocate any badgers that are present in the disturbance area or within 50 feet of project activities. Exclusion techniques, such as installation of a one-way door in the burrow entrance, would exclude badgers from entering the burrow. Burrows with exclusion techniques will be monitored to confirm badger usage has been discontinued. After badger use has been discontinued, burrows outside the disturbance area, but within 50 feet of construction activities, will be temporarily covered with plywood sheets or similar material. Burrows within the project work area will be hand-excavated and collapsed to prevent reoccupation.

3. A qualified biologist shall conduct a worker environmental awareness program to provide construction personnel with information on their responsibilities with regard to the American badger. At a minimum, the training shall describe the species and their habitat, the importance of the species and its habitat, measures that are being implemented to conserve the species, and actions to take in the event badgers are observed in the work area. Include information about sensitive habitats and badger presence in interpretive signage.”

**Mitigation Monitoring BIO-2:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that minimization measures are listed on all site alteration, grading, building or improvement plans. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

86. **Mitigation Measure BIO-3: Conduct Nesting Bird Avoidance or Conduct Pre-construction Surveys**

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

(a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.

(b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (e.g., early

morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

(c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.”

**Mitigation Monitoring BIO-3:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

87. **Mitigation Measure BIO-4: Conduct California Red-legged Frog Survey**

**NOTE ON MAP:** “To avoid/minimize direct and indirect impacts to California red-legged frog (CRLF) within or adjacent to the building envelope as a result of project implementation, the following measure shall be implemented:

California Red-Legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If California red-legged frog are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the project. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the project shall

consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.

**Mitigation Monitoring BIO-4:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance of grading or building permits, Permit Sonoma staff shall ensure that minimization measures are listed on all site alteration, grading, building or improvement plans. Prior to construction and through completion of initial site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

88. **Mitigation Measure BIO-5: Conduct Burrowing Owl Habitat Assessment and Survey**

**NOTE ON MAP:** “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of burrowing owls on and near the project site as a result of construction-related vegetation removal and site disturbance. The "project site" includes areas proposed for development as a result of the MNS20-0002 approval, including but not limited to driveway, septic, well, and residential building construction and similar activities:

Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)* survey methodology prior to project activities beginning during the non-breeding wintering season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology to ensure the owl is not disturbed by project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to project construction.

**Mitigation Monitoring BIO-5:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to construction and site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

89. **Mitigation Measure BIO-6: Conduct Western Pond Turtle Survey**

**NOTE ON MAP:** “The following measures shall be taken to avoid potential inadvertent destruction or disturbance of Western Pond Turtles on and near the project site as a result of construction-related vegetation removal and site disturbance. The "project site" includes areas proposed for development as a result of the MNS20-0002 approval, including but not limited to driveway, septic, well, and residential building construction and similar activities:

Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction 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 suitable stream habitat closest to where it was found. The project 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-6:** Prior to approval of the map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to construction and site disturbance, Permit Sonoma staff shall verify that all surveys have been conducted according to applicable protocols and shall review the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive habitat or species and ensure compliance.

90. **Mitigation Measure BIO-7: Tree Protection**

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

**Mitigation Monitoring BIO-7:** Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are followed. All measures shall be noted on the final project plans.

91. **Mitigation Measure BIO-8: Aquatic Resources Permit Application**

**NOTE ON MAP:** “The Applicant shall obtain all required permits for working in and/or near Waters of the U.S. and Waters of the State. Those permits are likely to include Section 404 Nationwide Permit with the Corps, Section 401 Water Quality Certification with the Regional Water Quality Control Board (RWQCB), and Section 1600 Lake and Streambed Agreement with the California Department of Fish & Wildlife (CDFW). Any mitigation measures or Best Management Practices (BMPs) recommended by resource agencies as part of that permitting shall be followed.”

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

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

**Mitigation Monitoring BIO-8:** Prior to approval of the subdivision map for recordation, Permit Sonoma staff shall ensure the note is shown correctly on the map. Prior to issuance by Permit Sonoma of a grading and/or building permit, Permit Sonoma shall verify all required resource agency permits have been obtained and ensure all recommended mitigation or protection measures are followed. All measures shall be noted on the final project plans.

92. **Mitigation Measure CUL-1:** An Archaeological Monitor is required to be present onsite during all grading and ground disturbance work that occur within the riparian area along the unnamed tributary to Blutcher Creek. Prior to submittal of the application for Grading Permit or any other

ground disturbing activity, the applicant shall provide a contact with a qualified consultant to monitor ground disturbing activities to Permit Sonoma.

The following note shall be printed on the parcel map:

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

“An Archaeological Monitor is required to be present during all grading or other ground-disturbing work occurring within the riparian area along the unnamed tributary to Blutchter Creek. The Archaeological Monitor must be present on site before the start of any ground-disturbing work, including scraping. In the event that cultural resources are discovered at any time during grading, scraping or excavation within the property, all work should be halted in the vicinity of the find. Artifacts associated with prehistoric sites may 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 resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. The Archaeological Monitor and Permit Sonoma - Project Review Staff shall be notified. Permit Sonoma Staff should consult with the appropriate tribal representative(s) from the tribes known to Permit Sonoma to have interests in the area to determine if the resources qualify as Tribal Cultural Resources (as defined in Public Resource Code § 21074). If determined to be a Tribal Cultural Resource, Permit Sonoma would further consult with the appropriate tribal representative(s) and project proponents in order to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review Staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Evaluation and mitigation shall be at the applicant’s sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma Staff and County Coroner must be notified immediately pursuant to State law so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated and the appropriate provisions of the California Government Code and California Public Resources Code would be followed.”

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

93. **Mitigation Measure CUL-2:** The following note shall be printed on the parcel map:

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

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as



mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

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

**Mitigation Monitoring CUL-2:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

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

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

a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.

b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. (use this if no nearby receptors, or 5:00 pm if nearby receptors) on weekdays and 9:00 a.m. and 7:00 p.m. (same note as above) on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.

c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, (same note as above) Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.

d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only (same note as above).

e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.”

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