



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 7/11/2023

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:** Reg Cullen 707-565-2502

**Vote Requirement:** 4/5th

**Supervisorial District(s):** First

**Title:**

Roiling Permit and Permit Extensions under Ordinance No. 3836 R to Sonoma County Regional Parks and Pacific Watershed Associates for Calabazas Creek Regional Park and Open Space Preserve Sediment Reduction and Road Repair Project and Making Findings as a Responsible Agency Pursuant to CEQA

**Recommended Action:**

Adopt a resolution issuing a roiling permit (Ordinance No. 3836R) and necessary permit extensions to Sonoma County Regional Parks and Pacific Watershed Associates for construction work on riparian property along Calabazas Creek (Nuns Canyon Road, Glen Ellen) to control fine sediment production and reduce sediment delivery to the Calabazas Creek watershed within the Calabazas Creek Regional Park and Open Space Preserve. This permit will consider the mitigated negative declaration (MND) that was prepared by Sonoma Agricultural Preservation and Open Space District as lead agency, and in the County Regional Park's limited role as responsible agency, making findings adopting the MND pursuant to the California Environmental Quality Act.

**Executive Summary:**

Sonoma County requires that an application for a permit, known as a roiling permit, be filed with the Board of Supervisors prior to work or operations in a river, stream, or channel which may decrease the clarity of these waterways. The recommended resolution will issue a roiling permit to Sonoma County Regional Parks for construction to improve park trails and road improvement treatments subject to mitigation measures along Calabazas Creek between 15 August 2023 and 15 October 2023. Permit and permit extensions for work within a channel or stream must be approved by the Board of Supervisors.

**Discussion:**

Ordinance No. 3836R (County Code chapter 23) requires that an application for a permit be filed with the Board of Supervisors prior to the performance of certain prescribed work or operations in a river, stream, or channel which will decrease the clarity of these waterways.

The County Board of Supervisors and Ag + Open Space Board of Directors approved the transfer of the Calabazas Creek properties to Regional Parks in July 2021 to become a new County Park: Calabazas Creek Regional Park and Open Space Preserve.

The Board of Ag + Open Space previously adopted a Mitigated Negative Declaration for the Calabazas Creek Preserve Resource Management Plan in 2016. The Resource Management Plan included improvement plans for the existing un-paved maintenance and emergency access road. As contemplated in the plan,

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improvements are needed to alleviate sediment delivery from erosional road-runoff and to remove two failing culverts, causing creek-bank failure and sediment delivery into Calabazas Creek.

Ag + Open Space planned to complete the road improvements prior to transfer of the property to the County and reached out to Regional Parks requesting park-staff manage public bidding and construction project management. However, the work was not completed prior to transfer.

An Interim Public Access Plan provides limited public access on existing roads and trails as Regional Parks develops the park master plan. In the interim, the Calabazas Creek Resource Management Plan developed by Ag + Open Space will be implemented by Regional Parks, and this plan will eventually be incorporated into the Master Plan.

As part of the property transfer, Ag + Open Space provided Regional Parks funding to complete the road improvements during the interim period and Regional Parks is continuing work to implement the improvements. The required state and federal regulatory permits for the project that had been obtained by Ag + Open Space were transferred to Regional Parks.

The application submitted by Regional Parks and Pacific Watershed Associates complies with the requirements of the 3836R Ordinance. No significant residual impacts affecting water clarity of the rivers or streams of the County of Sonoma will result. The project will help to prevent erosion and sedimentation into nearby streams along both sides of Calabazas Creek. The work is proposed to commence no earlier than 15 August 2023 and be completed by 15 October 2023.

As described in this application, the work will require greater than 30 days to complete. To accomplish this, the permit may be extended for additional 30-day periods if such permit period extensions are pre-approved by the Board of Supervisors as proposed. The Director of the Permit and Resource Management Department shall confirm the need for each permit extension immediately prior to the expiration of the current permit period to ensure that the work is not yet complete, and an additional 30-day period extension is necessary. Regional Parks anticipates that two 30-day extensions may be required. The 3836R permit and 30-day extensions require a 4/5ths approval vote by the Board pursuant to the requirements of the 1988 ballot measure that enacted Ordinance No. 3836R.

As Ag + Open Space adopted the Mitigated Negative Declaration that addressed the culvert work as a lead agency, Regional Parks requests that the Board make responsible agency findings in connection with this permit and assign the relevant mitigation measure compliance obligations formerly held by Ag + Open Space to Regional Parks.

**Strategic Plan:**

N/A

**Prior Board Actions:**

N/A

**FISCAL SUMMARY**

N/A

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**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment 1: Resolution

Attachment 2: Application

Attachment 3: Map

Attachment 4: Map of Drainage Features

Attachment 5 Mitigated Negative Declaration

Attachment 6: Mitigation Monitoring and Reporting Program

**Related Items “On File” with the Clerk of the Board:**

Army Corps of Engineers authorization

California Department of Fish and Wildlife authorization

Notice of CEQA determination

San Francisco Bay Regional Water Quality Control Board authorization