

# SONOMA COUNTY BOARD OF SUPERVISORS

## Conditions of Approval

<b>Staff:</b>	Georgia McDaniel	<b>Date:</b>	October 7, 2019
<b>Applicant:</b>	Kim Gardner	<b>File No.:</b>	MNS12-0004
<b>Owner:</b>	Kim Gardner	<b>APN:</b>	019-080-003
<b>Address:</b>	245 Paula Lane, Petaluma		

**Project Description:** Request for a Minor Subdivision of 6.06 acres resulting in two parcels of 1.53 ± acres in size each and a designated remainder of 3.0 ± acres.

A Mitigated Negative Declaration has been prepared for the project and approved by the Board of Supervisors on October 7 2019. All mitigation measures from the MND are incorporated into these conditions of approval.

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### GENERAL:

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,280.75 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,330.75 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) 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. The PC decisions shall be final on the eleventh (11<sup>th</sup>) day after final Board. action
3. These conditions must be met and the application validated within 24 months of the final date of decision, November 12, 2018, as noted in the preceding condition unless a request for an extension of time is received before the expiration date.
4. Conditions with "NOTE ON MAP" shall be included in Improvement Plans.
5. The applicant shall include these Conditions of Approval on plan sets to be submitted for building and grading permit applications.

### SURVEYOR:

6. Prior to recording the map the applicant's surveyor shall provide proof to the Permit Sonoma satisfactorily showing that the designated remainder is at least 3.0 acres in size. If said proof is not shown, it shall be surveyed and shown on the parcel map.
7. A Parcel Map/Final Map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing, All Parcels, shall be filed with the Sonoma County Surveyor. Upon recording of the map, the Subdivision is valid.

### HEALTH:

#### Septic:

8. To insure 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.).

9. Prior to recording the map, on Lots 1 and 2 the applicant shall provide evidence of soils suitable for subsurface sewage disposal to the PRMD Well and Septic Section. This will include, but not be limited to, soil profiles and percolation tests done in accordance with current standards of the Well and Septic Section. 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 District Specialist.
10. Prior to recording the map, Lots 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;
11. Prior to recording the map, the applicant shall provide by means of a (topographic) Plot Plan drawn to a 1"=20' scale, that Lots 1 and 2 contain sufficient area to accommodate a three-bedroom private sewage disposal system and a 200% unencumbered future reserve area. 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 shall be shown, as well as existing and proposed driveways, grading cuts, and drainage ways. The plan is to be prepared by a registered Civil Engineer or Environmental Health Specialist and submitted to the District Specialist. This condition may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate primary and reserve area is available.
12. 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."
13. 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."
14. 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.).
15. 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.
16. Prior to recording the map, the location, type and proper function of the septic system on the Designated Remainder 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 class 3 standards. Repairs of existing permitted septic systems may be required based on inspection reports. The septic system repairs must meet 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.

17. Prior to recording the map, demonstrate 200% future reserve area in accordance with current septic system standards (including percolation tests) on the Designated Remainder. 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 District Specialist. This condition may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate reserve area is available.
18. 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.
19. 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.
20. 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.

Water:

21. Prior to recording the map, a bacteriological sample from the proposed water source 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 the Project Review Health Specialist.
22. In accordance with Government Code 66411.1, the Planning Commission 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.

**GRADING AND STORM WATER:**

23. Mitigation Measure HYD-2: 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 and include

erosion prevention/sediment control measures, details, notes, and specifications to prevent damages and to minimize adverse impacts to the surrounding properties and the environment. Drainage improvements shall be designed in accordance with the Sonoma County Water Agency Control Design Criteria, to maintain off-site natural drainage patterns, and to limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide. Grading and drainage improvements shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations."

Mitigation Monitoring HYD-2: Prior recordation of the Parcel Map, Permit Sonoma shall ensure the note above is on the map. Plans shall not be approved for issuance until the above note is printed on applicable building and improvement plans.

24. Mitigation Measure GEO-2: NOTE ON PLANS AND MAP: "The design of earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report. The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements that the improvements have been constructed in accordance with the geotechnical specifications."

Mitigation Monitoring GEO-2: Permit Sonoma Plan Check staff will ensure plans are in compliance with geotechnical requirements. Permit Sonoma inspectors will ensure construction is in compliance with geotechnical requirements.

25. Mitigation Measure GEO-3: NOTE ON PLANS AND MAPS: "The project site shall be inspected by applicant's qualified engineer or qualified professional after storm events that produce 1 inch of rain or greater within 24 hour period in the City of Petaluma area. During every inspection, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions will be taken immediately. If erosion control measures appear to be effective for three consecutive site inspections following 1-inch storm events, then site inspections will only be required following storm events that result in 2 inches of rain, or greater, within a 24-hour period in the City of Petaluma area.

At the end of the rainy season, the applicant's qualified engineer or qualified professional will re-inspect the site and evaluate the effectiveness of the erosion control measures that were used. Copies of the completed inspection forms and documentation of remedial actions implemented will be submitted to the County Engineering Division."

Mitigation Monitoring GEO-3: Permit Sonoma will review the submitted inspection forms and documentation of remedial actions implemented. If there were problem areas at the site, necessary recommendations will be made or notices of violation issued to ensure required protection and compliance.

26. Mitigation Measure GEO-4: NOTE ON PLANS AND MAP: "The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Permit Sonoma prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable:

- i. Throughout the construction process, ground disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage

areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.

- ii. All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- iii. All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 1<sup>st</sup>. Erosion control measures shall remain in place until the end of the rainy season, but may not be removed before April 15th."

Mitigation Monitoring GEO-4: Grading permits for ground disturbing activities shall not be approved for issuance by Permit Sonoma until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

- 27. Mitigation Measure HYD-1: NOTE ON MAPS AND PLANS: "This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of Permit Sonoma."

Mitigation Monitoring HYD-1: Permit Sonoma shall not issue the Building Permit until the NOI and the WDID have been received.

#### **TRANSPORTATION AND PUBLIC WORKS:**

- 28. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to create public right-of-way a total of 25 feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the Lot 1 and Lot 2 frontage on Paula Lane. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement described above.
- 29. Right-of-way shall be dedicated for public use on the face of the parcel map.
- 30. NOTE ON MAP: "To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to Paula Lane shall conform to AASHTO recommendations. More specifically, the Developer shall construct a driveway with a throat width of 12 feet and entrance curves having a minimum pavement radius of 25 feet. The entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Paula Lane. A 1:10 pavement taper shall be constructed on both sides of the entrance. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Paula Lane. The Developer shall surface the entry with asphaltic concrete pavement a minimum distance of 25 feet from the edge of pavement. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814 ([www.sonoma-county.org/tpw/pdf/const\\_std/814.pdf](http://www.sonoma-county.org/tpw/pdf/const_std/814.pdf)) for private road and driveway intersection details. The improvements shall be in place prior to dwelling occupancy. Note: Entrance curve radii may be reduced with the approval of the Fire Services Division of the Sonoma County Department of Emergency Services."

31. NOTE ON MAP: "Prior to constructing any new private driveway intersection with the public road, or improving an existing intersection, the applicant shall obtain an encroachment permit from the Permit and Resource Management Department. The intersection improvements shall be constructed in accordance with the Department of Transportation and Public Works standards and the adopted conditions of approval."
32. 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 Section 26, Article 98 of the Sonoma County Code."

**FIRE AND EMERGENCY SERVICES:**

33. NOTE ON MAP: "The new created parcels when built upon will be required to have addresses in compliance with County regulations."

**PLANNING:**

34. 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 applicant, 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."
35. NOTE ON MAP: "Development on this parcel is subject to the Sonoma County Fire Safe Standards 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 turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District."
36. 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.
37. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
38. 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."
39. 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.
40. Prior to submitting the subdivision check print maps to the County Surveyor, the applicant shall submit, to PRMD - 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.

41. The applicant shall include these Conditions of Approval on a separate sheet of plan sets to be submitted for building and grading permit applications.

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

NOTE ON MAP: "In the event that the archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work should be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from the tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD 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 PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological 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 PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, 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 will be followed."

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

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

"All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The projects grading and landscape plans shall detail all tree protection implementation measures."

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD Project Review staff shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

44. NOTE ON MAP: "The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits."

45. Building envelopes shall be shown on the Parcel Map. The envelopes shall be dimensioned and have ties to the parcel boundaries so that they can be established in the field.

46. Mitigation Measure AES-1: The following note will be placed on the map to ensure that all building occurs within the building envelopes or a modification is filed and reviewed:

NOTE ON MAP: "No building construction shall occur outside the building envelopes unless a Certificate of Modification is filed and approved. The scenic quality and landscape integrity for any changes to building envelope(s) must be consistent with the West Petaluma Area Plan."

Mitigation Monitoring AES-1: Prior to approving the subdivision map for recordation, Permit Sonoma will ensure that the note appears on the map..

47. NOTE ON MAP: "All utilities shall be underground with service lines located in the entrance drives."

48. 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."

49. Mitigation Measure AIR-1: NOTE ON MAP: The following dust control measures will be included in the project:

- i. 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.
- ii. 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.
- iii. 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 f shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading or building permits. After the mitigation measure is reviewed at plan check, implementation of the mitigation measures will be subject to inspection by Permit Sonoma staff.

51: Mitigation Measure AIR-2: NOTE ON PLANS: "The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board."

Mitigation Monitoring AIR-2: Permit Sonoma staff shall ensure that the measures are listed on all



site alteration or grading plans, prior to issuance of grading permits

- 52: Mitigation Measure BIO-1: NOTE ON PLANS AND MAP: "Only compatible uses such as but not limited to: horse and livestock grazing; agricultural uses; passive recreational related uses (that do not include grading); rural/permit exempt structures (e.g. small shed, gazebo, livestock rain shelter) with dirt or raised flooring; vegetation management (control of invasive species and fire management); or similar uses shall be allowed in the designated American Badger and Wildlife Habitat Area, excluding the designated Common Area within a portion of the American Badger and Wildlife Habitat Area where only passive recreational uses and vegetation management are allowed. Disking of the American Badger and Wildlife Habitat Area, including the Common area, should be avoided."

Mitigation Monitoring BIO-1: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above note is printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about these requirements.

- 53: Mitigation Measure BIO-2: NOTE ON PLANS AND MAP: "No grading, spoil sites or construction staging will occur within the designated badger habitat area. Excavation and haul equipment shall be confined to the designated access routes, designated staging areas, and designated excavation areas. The badger habitat area should be appropriately flagged and identified during construction to avoid accidental incursions by heavy equipment that could result in excessive soil compaction that may impact potential burrow sites."

Mitigation Monitoring BIO-2: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above note is printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about these requirements.

- 54: Mitigation Measure BIO-3: NOTE ON PLANS AND MAP: "A qualified biologist shall hold a training session for staff responsible for performing ground disturbing construction activities (e.g. activities involving heavy equipment used in excavation of foundations or other site grading). Staff will be trained to recognize American badgers and their habitats. Staff will also be trained to use protective measures to ensure that American badgers are not adversely impacted by ground disturbing construction activities. At least one staff person with up-to-date training in American badger protective measures shall be present at the site during all ground disturbing activities."

Mitigation Monitoring BIO-3: Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above note are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about training requirement.

- 55: Mitigation Measure BIO-4NOTE ON PLANS AND MAP: "Prior to any grading or construction adjacent to the American Badger and Wildlife Habitat Area in designated building envelopes and/or septic areas, a pre-construction survey shall be performed by a qualified biologist to map the location of any potential dens. If potential dens are observed, a minimum 300-foot no disturbance setback/buffer will be established around the potential den during the breeding/pupping/rearing season (December 1 to May 31). During the non-breeding season (June 1 to November 31), a minimum 100-foot setback/buffer will be established."

i "If planned construction activities are to occur within the 100-foot setback, a qualified biologist will perform track plate and/or push camera surveys to determine occupancy in consultation with CDFW. If occupied, the biologist will install one-way doors to exclude

badgers temporarily until work is completed. No work will occur within the setback until it is confirmed in consultation with CDFW that the den is no longer occupied."

Mitigation Monitoring BIO-4: Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the pre-construction survey requirement.

56. Mitigation Measure BIO-5: NOTE ON PLANS AND MAP: "Downcast lighting (or landscape lighting) is required for outdoor placement on any structures that may result in indirect lighting impacts to badgers that may be located in the American Badger and Wildlife Habitat Area. Ambient lighting from these structures is not expected to negatively affect any badgers present in the habitat area based on the presence of existing ambient lighting surrounding both the habitat area and adjacent Open Space Preserve in the form of streetlamps and existing residential and commercial structures. It is expected that existing topography will prevent lighting impacts from affecting wildlife use in the Open Space Preserve to the north."

Mitigation Monitoring BIO-5: Permit Sonoma staff shall ensure that downcast lighting (or landscape lighting) is shown on all building and improvement plans, prior to issuance of building permits.

- 57: Mitigation Measure BOP-6" NOTE ON MAP: "Fire protection activities, including mowing, should be limited to those deemed necessary by local fire authorities and ordinances, and should be implemented in such a way that minimizes impacts to American Badger to the extent feasible. It is understood that fire danger varies by season and that the extent of fire management activities will vary year by year."

Mitigation Monitoring BIO-6: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 58: Mitigation Measure BIO-7: NOTE ON PLANS AND MAP: "Prior to initiation of Project activities, a pre-construction burrowing owl survey shall be performed by a qualified biologist in the badger habitat area to determine if present."

Mitigation Monitoring BIO-7: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 59: Mitigation Measure BIO-8: NOTE ON PLANS AND MAP: "If the survey finds burrowing owl within 200 meters (656 feet) of the Project Area during the breeding season (April 1 to October 15), the biologist will establish a no-disturbance buffer of no less than 200 meters (656 feet) around the active nest burrow. Any modification or reduction to these buffers will only be done on a case by case basis with written concurrence from CDFW and will include monitoring by the qualified biologist to ensure buffers are adequate to avoid any disturbance to nesting activity. If disturbance is observed, the buffer will be increased. Additional measures to further reduce or avoid disturbances such as temporary screens may be employed with written concurrence and approval of such methods by CDFW."

Mitigation Monitoring BIO-8: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 60: Mitigation Measure BIO-9: NOTE ON PLANS AND MAP: "The burrowing owl shall be monitored by a qualified biologist, and the exclusion zone will be removed once it is determined by the

biologist that the young have fledged from the nest and with written concurrence from CDFW.”

Mitigation Monitoring BIO-9: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 61: Mitigation Measure BIO-10: NOTE ON PLANS AND MAP: “If burrowing owls are detected during the non-breeding season prior to construction activities, a buffer of 50 meters (164 feet) shall be established.”

Mitigation Monitoring BIO-10: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 62: Mitigation Measure BIO-11: NOTE ON PLANS AND MAP: “The following BMPs shall be implemented during the Proposed Project activities:
- No pesticides or rodenticides shall be employed or used.
  - Construction will be limited to daylight hours only and artificial nighttime lighting on the Project site will be shielded, directed downward and minimized at night.
  - Environmental training will be provided to all persons working on the Project site prior to the initiation of Project-related activities and training materials and briefings will include all biological resources that may be found on or in the vicinity of the Project site, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations and a contact person in the event that protected biological resources are discovered on the Project site.”

Mitigation Monitoring BIO-11: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 63: Mitigation Measure BIO-12: NOTE ON PLANS AND MAP: “Pass-thru fencing shall be installed around the badger habitat area where it borders the Open Space Preserve to the north and the adjacent property to the west. A pass-through fence having at minimum a 12-inch opening from the ground to the bottom of the fence is recommended to allow badgers to move through the property; the 12-inch opening is based on the upper range of badger burrow entrance heights (Reid 2006). A no-climb fence may be used, provided the 12-inch opening at the bottom is maintained. The bottom wire or, if a no-climb fence, the bottom of the fence should be free from barbs to avoid entanglement. No screening, slats or weatherproofing material on the pass-through fence shall be installed in order to avoid the appearance of a visual barrier.”

Mitigation Monitoring BIO-12: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

64. Mitigation Measure BIO-13: NOTE ON PLANS AND MAP: “If ground disturbance or removal of vegetation occurs between February 1 and June 30 (breeding season), preconstruction surveys should be performed by a qualified biologist no more than 14 days prior to commencement of such activities to determine the presence and location of nesting bird species. If ground disturbance or removal of vegetation occurs between July 1 and August 31 (breeding season), pre-construction surveys should be performed within 30 days prior to such activities. If active nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds, nests or young. The appropriate buffer distance is dependent on the species, surrounding vegetation, and topography and should be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction. Ground disturbance and removal of vegetation within the Project Area does not require

preconstruction surveys if performed between September 1 and January 31 (non-breeding season)."

Mitigation Monitoring BIO-13: Prior recordation of the Parcel Map, the Project Review planner shall ensure the note above is on the map. Plans shall not be approved for issuance by Project Review staff until the above note is printed on applicable building and improvement plans.

- 65: Mitigation Measure BIO-14: NOTE ON PLANS AND MAP: "All development on the subject site is subject to the Sonoma County Tree Protection and Replacement Ordinance. Protected trees, their protected perimeters, and whether they are to be retained or removed must be clearly shown on the improvement, grading, septic and building permit plans. Trees that are proposed to be removed or are damaged during construction activities must be replaced in accordance with the Tree Protection ordinance. An arborist report is required for any grading or construction proposed within the protected perimeters of any protected tree. The project construction manager shall maintain all tree protection barriers in good condition at all times during all site disturbing activities. If any violation to this condition occurs, construction will be halted until the tree protection barriers have been reinstalled at the approved location(s)."

Mitigation Monitoring BIO-14: Prior recordation of the Parcel Map, the Project Review planner shall ensure the tree protection note is on the map.

- 66: Mitigation Measure CUL-1: NOTES ON PLANS: "If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and Permit Sonoma staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of Permit Sonoma Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

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

Mitigation Monitoring CUL-1: Permit Sonoma shall verify that all permits issued for this project include the above note on the plans.

- 67: Mitigation Measure CUL-2: NOTE ON PLANS: "If archaeological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff and the Tribe shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the Tribe plus the project archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the

archaeologist, Project Review staff and the Tribe. Any appropriate Federal agencies shall be contacted.”

Mitigation Monitoring CUL-2: Permit Sonoma shall verify that all permits issued for this project include the above note on the plans.

68. Mitigation Measure CUL-3: NOTE ON PLANS: “If paleontological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the paleontologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and Project Review staff. Local tribes and the appropriate Federal agencies shall be contacted.”

Mitigation Monitoring CUL-3: Permit Sonoma shall verify that all permits issued for this project include the above note on the plans.

69. Mitigation Measure GEO-1: NOTE ON PLANS: Earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

Construction activities shall meet the California Building Code regulations for seismic safety. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements.

Mitigation Monitoring GEO-1: The grading permit for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

70. Mitigation Measure HAZ-1: NOTE ON MAPS AND PLANS: “The construction contract will require that any storage of flammable liquids be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.”

Mitigation Monitoring HAZ-1: Grading permits shall not be approved for issuance by Permit Sonoma until the above notes are printed on the grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

71. Mitigation Measure HAZ-2: NOTE ON MAPS AND PLANS: “During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

The project would include use of approved pesticides to enhance the effectiveness of invasive species removal. All pesticides shall be properly used and stored.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant shall call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.”

Mitigation Monitoring HAZ-2: Grading permits shall not be approved for issuance by Permit Sonoma until the above notes are printed on the grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

72. Mitigation Measure NOI-1: NOTE ON MAPS AND PLANS: “During construction activities, noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

<b>Hourly Noise Metric<sup>1</sup>, dBA</b>	<b>Daytime (7 a.m. to 10 p.m.)</b>	<b>Nighttime (10 p.m. to 7 a.m.)</b>
L <sub>50</sub> (30 minutes in any hour)	50	45
L <sub>25</sub> (15 minutes in any hour)	55	50
L <sub>08</sub> (4 minutes 48 seconds in any hour)	60	55
L <sub>02</sub> (72 seconds in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L<sub>50</sub> is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.

Mitigation Monitoring NOI-1: NOTE ON MAPS AND PLANS. Permit Sonoma staff will investigate any noise complaints. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, Permit Sonoma shall investigate complaints. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

73. Mitigation Measure NOI-2: NOTE ON MAPS AND PLANS: Construction activities for this project shall be restricted as follows:

- i. 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.
- ii. 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. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.

- iii. 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, 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. . Only work that does not require motorized vehicles or power equipment shall be allowed on holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer=s phone number for public contact.
- iv. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- v. 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.
- vi. The applicant shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's 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 NOI-2: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff.

74. Mitigation Measure NOI-3: Construction activities for this project shall be restricted as follows:

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.

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 am and 7:00 pm on weekdays and 9:00 am and 7:00 pm on weekends and holidays. Only work that does not require motorized vehicles or power equipment shall be allowed on holidays (1). If work outside the times specified above becomes necessary, the resident engineer shall notify the Permit Sonoma Environmental Review Division as soon as practical.

Mitigation Monitoring NOI-3: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff.

75. Prior to recording the Final Parcel Map, Applicant shall prepare and record a deed restriction or covenant acceptable to PRMD and County Counsel for each of Lot 1 and Lot 2. The deed restriction or covenant shall be sufficient to prohibit use and development other than the uses and structures specified in Condition No. 52 and a wildlife friendly fence or hedge on the portion of each such lot designated as American Badger and Wildlife Habitat Area on the tentative and final parcel maps. The deed restriction or covenant shall also specify that the primary use of the American Badger and Wildlife Habitat Area shall be the preservation of habitat for the American Badger and other wildlife in said American Badger and Wildlife Habitat Area; passive, recreational enjoyment of its natural features and views; and experiencing the relationship and interdependence of plant life, animal life and human life.

76. The proposed residences on Lots 1 and 2 shall be subject to design review.
77. Prior to issuance of any building permit, a hedge shall be planted and maintained or a wildlife-friendly fence shall be constructed and maintained, subject to the prior written approval of PRMD, at the boundary between the American Badger and Wildlife Habitat Area and the remaining portions of each Lot 1 and Lot 2, so as to provide a physical separation between the American Badger Habitat Area and the remaining portions of Lots 1 and 2.
78. Prior to recording the Final Parcel Map, Applicant shall prepare and record an easement and covenant acceptable to PRMD and County Counsel creating the designated Common Area in the northern portion of the American Badger and Wildlife Habitat Area and the northwest corner of Lot 1.
- i. The Common Area shall be limited to passive, non-motorized recreational enjoyment of its natural features and views and experiencing the relationship and interdependence of plant life, animal life and human life by the owners and/or occupants of Lots 1 and 2 and the Designated Remainder. No structures, other than benches, shall be allowed in the Common Area.
  - ii. The Common Area shall remain part of the American Badger and Wildlife Habitat Area. However, it shall be delineated by the installation of pass-through fencing on the southern line of the Common Area as shown on the Tentative Map. The pas-through fencing shall meet the criteria specified in Condition 63.
  - iii. A Covenant shall be prepared and recorded that requires maintenance of the Common Area by the owners of Lots 1, 2 and the Remainder Parcel.
  - iv. An access easement through the American Badger and Wildlife Habitat Area on Lots 1 and 2 consistent with the limitations set forth in Condition 52 and west of the hedge or wildlife friendly fence required by Condition 76, shall be prepared and recorded to provide access to the Common Area for Lot 2 and the Designated Remainder along the back property lines.
  - v. The pathway within the access easement shall be limited to pedestrian use only (i.e. no motorized vehicles or equipment) and no grading.
79. Greenhouse gas emissions reduction measures shall be incorporated into design and construction documents for the future residences on Lots 1 and 2.
80. The Director of PRMD 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 PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

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.

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