



County of Sonoma

State of California

Date: November 10, 2020

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Issuing
A Roiling Permit Pursuant To Sonoma County Code § 23-3 (Ordinance No. 3836R) To Philip
Buehler, Bioengineering Associates Inc., For River Bank Stabilization And Revegetation Work
At 15200 And 15190 Drake Road, Guerneville (4/5 vote required)**

Whereas, Section 23-3 of the Sonoma County Code (also known as Section VIII of Ordinance No. 3836R) requires that any work or operations for the purpose of protecting property riparian to a river or stream that may decrease the clarity of the waters of the river or stream requires a permit, known as a roiling permit, to be approved by the Board of Supervisors; and

Whereas, Section 23-3 of the Sonoma County Code provides that if it is apparent to the Board of Supervisors that the proposed work or operations are necessary and that the work will be performed in a manner that will not unreasonably decrease the clarity of the waters of the river or stream, the Board after a 4/5 vote may issue the permit to do the work or operations; and

Whereas, Philip Buehler of BioEngineering Associates Inc. filed with the Permit and Resource Management Department an application for a roiling permit (identified as ROI20-0004) pursuant to Sonoma County Code § 23-3 and Board of Supervisors Resolution No. 94-1053, for construction work on the river bank at 15190 and 15200 Drake Road. The purpose of the project is to stabilize and revegetate the actively eroding streambank that is threatening

two homes along the river. The project involves constructing four vegetated rock deflectors along 135 linear feet of bank. The application proposes to place live vegetated rock deflectors to partially rebuild the Russian River bank, and to plant native vegetation throughout the deflectors to reduce near bank velocity and promote aggradation of fine sediment on the bank, helping to further stabilize the bank; and

Whereas, application ROI20-0004 proposes placement of a floating turbidity curtain in the river to isolate the construction site and prevent sediment from flowing downstream during streambank stabilization construction work. The application provides that a qualified biologist will oversee placement of the curtain to avoid injury to aquatic wildlife and that the river will be visually monitored for turbidity throughout the project; and

Whereas, due to the imminent start of seasonal rains, the project may commence immediately after all required state and local permits and approvals are granted and Permit Sonoma issues a grading permit. Compliance with the substantive requirements of Chapter 23-3 is ensured through state and federal permits and the County grading and zoning permit process; and

Whereas, staff of the Permit and Resource Management Department reviewed the application, determined that the project is exempt from CEQA pursuant to the exemption for emergency projects under Public Resources Code § 21080(b) and Cal. Code Regs., tit. 14, § 15269, and recommended that the Board approve the requested permit; and

Whereas, the Board of Supervisors has reviewed and considered said application, together with related submissions and materials;

Now, Therefore, Be It Resolved that:

1. The Board of Supervisors finds and determines, based on its review and consideration of application ROI20-0004 that the described work and operations described on said application is necessary to protect existing homes on the subject properties. The work and operations will be performed in a manner which will not unreasonably decrease the clarity of the waters of the rivers or streams of the County of

Sonoma because the project design and placement of a floating turbidity curtain during construction work will isolate the construction site and prevent sediment from flowing downstream.

2. The project is exempt from CEQA pursuant to the exemption for emergency projects provided by Public Resources Code § 20180(b)(3)-(4) and CEQA Guidelines § 15269 (a), (c). The project is exempt from CEQA pursuant to Public Resources Code § 20180(b)(3) and CEQA Guidelines § 15269(a) because the project is proposed to repair and restore river bank that was substantially eroded as a result of a 2019 flood event that was the subject of a February 25, 2019 proclamation of a state of emergency by Governor Gavin Newsom. Additionally or in the alternative, the project is exempt from CEQA under Public Resources Code § 20180(b)(4) and CEQA Guidelines § 15269(c) because it is necessary to prevent or mitigate an emergency, namely clear and imminent danger to two houses located on the subject lots that are threatened by the actively eroding river bank. Under CEQA and the CEQA Guidelines, an “emergency” involves clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health or property, including but not limited to such occurrences as flooding or other soil or geologic movements. (Public Res. Code, § 21060.3; CEQA Guidelines, § 15359.) The North Coast Regional Water Quality Control Board previously determined that the project is exempt from CEQA pursuant to CEQA Guidelines § 15304, minor alterations to land.

3. The permit (ROI20-0004) is approved. The work and operations shall be performed in the manner described in the application and in accordance with all applicable provisions of the Sonoma County Code and with project approvals granted by state and federal agencies, including but not limited to the terms and conditions of any applicable agreement required by Section 1601 et seq. of the California Fish and Wildlife Code and any applicable permits and certifications issued by the Regional Water Quality Control Board pursuant to the Porter-Cologne Water Quality Control Act (commencing at Section 13000 of the California Water Code).

4. The Director of the Permit and Resource Management Department, or designee, is authorized to issue a written permit to do the work and perform the operations described in

the permit application, consistent with this Resolution.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material that 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:

Rabbitt: Zane: Gore: Hopkins: Gorin:

Ayes: Noes: Absent: Abstain:

So Ordered.