

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 9

S 2

C 1 4

12/12/90
PRC 7476 W 24452
N. Smith

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: City of Petaluma
P. O. Box 61
Petaluma, California 94953

AREA, TYPE LAND AND LOCATION:
An 0.67-acre parcel of tide and submerged land
located in the Petaluma River and Adobe Creek
near City of Petaluma, Sonoma County.

LAND USE: Construction and maintenance of a 16-inch water
pipeline.

TERMS OF PROPOSED PERMIT:
Initial period: Forty-nine (49) years
beginning December 12, 1990.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner/permittee of upland.

CALENDAR ITEM NO. 7 4 (CONT'D)

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 12/15/90.

OTHER PERTINENT INFORMATION:

- 1. A Negative Declaration, SCH NO. 90030389, was prepared, circulated, and adopted for this project by the City of Petaluma. The State Lands Commission's staff has reviewed such document.
- 2. The annual rental value of the site is estimated to be \$150.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and San Francisco Bay Conservation and Development Commission (BCDC).

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.
- D. Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT A NEGATIVE DECLARATION, SCH NO. 90030389, WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
- 2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 3. AUTHORIZE ISSUANCE TO CITY OF PETALUMA OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING DECEMBER 12, 1990; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF

CALENDAR ITEM NO C 14 (CONT'D)

THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE CONSTRUCTION AND MAINTENANCE OF A 16-INCH WATER PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24452

LAND DESCRIPTION

A strip of sovereign land 10 feet in width in the beds of Petaluma River, Adobe Creek and any adjacent waterways in Sonoma County, California, the centerline of said strip more particularly described as follows:

COMMENCING at a 3/4-inch iron pipe monument L.S. 3775 at the most southerly corner of the Record of Survey Map of the lands of Shorter recorded in Book 305 of Maps, at page 20, Sonoma County Records; thence along the westerly line of said lands of Shorter N 47° 14' 55" W 16.00 feet; thence leaving said westerly line N 42° 30' E 38.00 feet to the POINT OF BEGINNING; thence N 27° 25' E 2900.00 feet to the end of herein described centerline.

EXCEPTING THEREFROM any lands lying landward of the ordinary high water marks of the beds of the Petaluma River, Adobe Creek and any adjacent waterways.

END OF DESCRIPTION

PREPARED OCTOBER, 1990 BY LLB.

CALENDAR PAGE	95
MINUTE PAGE	3430

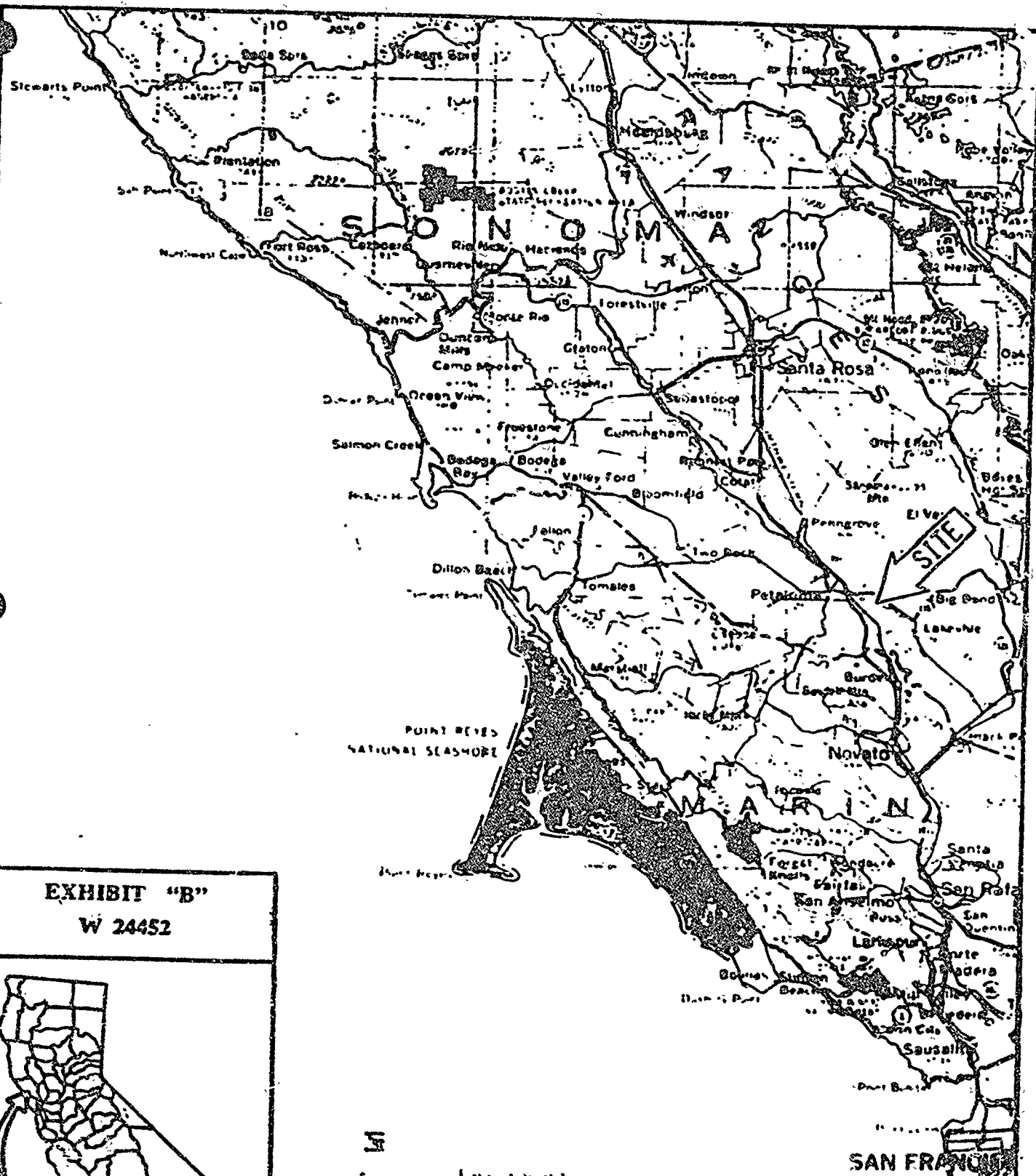


EXHIBIT "B"
W 24452



CALENDAR PAGE 96
MINUTE PAGE 3431

EXHIBIT "C"

Resolution No. 90-202 N.C.S.
of the City of Petaluma, California

APPROVING ISSUANCE OF A MITIGATED NEGATIVE DECLARATION FOR ZONE
IV H2O DISTRIBUTION PROJECT

WHEREAS, the City of Petaluma General Plan identifies the Zone IV H2O Distribution Project to accommodate future growth in the northeast section of the City; and

WHEREAS, the Zone IV H2O Distribution Project is not growth inducing, but is sized to accommodate future growth only pursuant to the General Plan; and

WHEREAS, the City of Petaluma shall obtain all necessary permits prior to construction of Zone IV H2O Distribution Project; and

WHEREAS, the City of Petaluma has contracted with Robert Koenitzer of Redwood Empire Appraisal to represent the City in the purchase of land and/or relocation costs negotiations between the City and the land/business owner due to encroachment onto private property resulting from the Zone IV H2O Distribution project improvements; and

WHEREAS, an initial study for the Zone IV H2O Distribution Project recommending a Mitigated Negative Declaration was prepared by Michael Clayton and Associates for the City; and

WHEREAS, a notice of intent to approve a Mitigated Negative Declaration was distributed pursuant to Local and State environmental guidelines; and

WHEREAS, the initial study identified potential substantial impacts to wetlands, oak trees and cultural/historical resources through implementation of the Zone IV H2O Distribution Project; and

WHEREAS, mitigation measures are recommended as shown in the Findings to mitigate any potential significant adverse effects to a level of insignificance due to implementation of Zone IV H2O Distribution Project; and

WHEREAS, the mitigation measures have been accepted by the City and incorporated into the project design; and

WHEREAS, the City Council held a hearing on June 18, 1990, to consider any public comments pertaining to the initial study for the Zone IV H2O Distribution Project;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma hereby authorizes issuance of a Mitigated Negative Declaration on the Zone IV H2O Distribution Project based on the following findings:

Findings:

1. It is the intent of the City Council to mitigate the loss of trees caused by construction of the Zone IV H2O Distribution Project by the following mitigation measures:

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a. The following construction guidelines are required to reduce the decline or death of oak trees along Corona Road:

- i Fence individual or groups of oak trees before construction.
- ii Do not make changes in grade and drainage, compact soil, pave, fill, or trench within the root zone of oak trees.
- iii Do not use oak trees as posts.
- iv Do not apply herbicides.
- v Do not dump substances used in construction, operate or park heavy equipment, or store materials beneath oak trees.

b. Where construction will disturb the root zones of oak trees, an arborist must be consulted to provide management recommendations for the preservation and care of affected Oak trees.

- i If required, oak tree roots should be cut, not pulled, and carefully treated.
- ii Trees with root damage should be pruned and watered under advisement of an arborist.

2. It is the intent of the City Council to mitigate the disturbance of wetlands by construction of the Zone IV H2O Distribution Project by the following mitigation measures:

a. The following measures are required to reduce the disturbance or removal of wetland vegetation during construction:

- i Locate staging areas for construction vehicles and equipment away from the banks of creeks and drainage ditches as feasible.
- ii Locate storage areas for construction vehicles and equipment and areas for congregation of construction workers away from the banks of creeks and drainage channels.
- iii Limit the number of private vehicles at construction sites near creeks or drainage channels.
- iv Limit human activity near creeks and drainage channels to activity absolutely necessary for construction.
- v Construct simple bridges of wood or metal for creek crossings.

3. It is the intent of the City Council to mitigate the disturbance of cultural/historical/archeological sites/remains by the following mitigation measures:

a. The following mitigation measures are required to minimize archaeological impacts to levels of insignificance.

- i In the event that materials (including human skeletal remains) should be discovered while digging out the existing ditches in Manor Lane for water main installation or within the small pond in the narrow swale to be replaced by the larger reservoir, work shall be temporarily suspended within a short linear distance (approximately 5 meters/15 feet) of the discovery location, until an archaeologist can be contacted to view the material and determine its value.
- ii Once examined and determined to be potentially important, the material shall be photographed and/or collected using appropriate

1 techniques. While the material is under evaluation and/or scientific
2 recovery, the underground excavation should be relocated to another
3 trench segment or area and allowed to proceed, unless additional
4 discoveries are made.

5 iii Depending on the type and concentration of discovered artifacts or
6 deposits, it may be advisable to have the remainder of the trench or
7 excavation area monitored by an archaeologist to insure that
8 additional materials are not discovered or damaged unnecessarily.
9 This provision seems especially worthwhile in the Adobe Road/Frates
10 Road segment, since the frontage of both roads contain definite
11 evidence of aboriginal soil deposits and artifacts indicative of a major
12 village site.

13 iv In the case of the Adobe Road/Frates Road intersection, where
14 midden deposits and stone artifacts have been definitely observed, no
15 drilling, grading or similar underground excavation will be allowed
16 without the direct supervision of an archaeological monitor. The
17 monitor shall have the right to temporarily suspend any and all
18 activities within a reasonable distance from the discovery location (no
19 less than 5 meters radially from the place). Potentially significant
20 prehistoric Native American cultural materials that could be
21 encountered included midden soil deposits, fire-affected rocks, and/or
22 domestic or mortuary features such as housepit depressions, artifact
23 caches, or human skeletal remains.

24 v During the suspension of underground excavation or water main
25 installation, the archaeologist shall strive to quickly assess the
26 scientific and cultural significance of the discovered material and
27 implement appropriate recording, data recovery (salvage), or
28 protective measures.

29 vi The discovery of human skeletal remains will necessitate the
30 immediate suspension of all work in close proximity to the remains
31 until the County Coroner, City Planners, and Native American
32 Heritage commission can be contacted to put an appropriate
33 mitigation plan into effect (Appendix E). The wishes of the locally
34 designated Native American representative shall be followed as to
35 whether reburial will occur in the same place as the discovery location
36 or if the remains will be disinterred and reburied elsewhere.

37 vii The State Parks and Recreation Department shall be contacted
38 before water main installation begins, so that the City Planners and
39 Engineers can determine whether or not significant artifacts or
40 remains have been found on earlier Park projects which border the
41 City rights of way. Additionally, the Park staff might also be able to
42 tell the City if human skeletal remains have been found previously,
43 and how these human remains have been treated in the past. Prior
44 determination of a potential reburial location outside the project
45 limits, could significantly reduce the time delays that would ensue if a
46 major discovery were made in the Adobe Road alignment.

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48 4. In view of the Council's stated intent and mitigations incorporated as part of the
49 Zone IV H2O Distribution Project as discussed above, and by the initial study:

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51 a. The project, as conditionally approved, does not have the potential to
52 degrade the quality of the environment, substantially reduce the habitat of a
53 fish or wildlife species, cause a fish or wildlife population to drop below self-
54 sustaining levels, threaten to eliminate a plant or animal community, reduce

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the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

- b. The project, as conditionally approved, does not have the potential to achieve short-term to the disadvantage of long-term, environmental goals.
- c. The project, as conditionally approved, does not have impacts which are individually limited, but cumulatively considerable.
- d. The project, as conditionally approved, does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
- e. The project is consistent with and further promotes the objectives, goals, and policies of the General Plan.

BE IT FURTHER RESOLVED that the Council directs the Planning Director to post and circulate this mitigated negative declaration pursuant to law.

ndzoneiv / council3

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a (Regular) ~~(Ad Hoc)~~ (Special) meeting on the 18th day of June, 1990 by the following vote:

Approved as to
form

City Attorney

AYES: Tencer, Woolsey, Cavanagh, Davis, Vice Mayor Sobel, Mayor Hilligoss

NOES: 0

ABSENT: Balshaw

ATTEST: *Patricia Lema*
City Clerk

M. Patricia Hilligoss
Mayor

Council File

Res No

90-202 SUS

CALENDAR PAGE 100
MINUTE PAGE 3435



This notice was posted on JUN 26 1990
and remained posted for a period of thirty days
until JUN 26 1990

EXHIBIT "D"

EEVE T. LEWIS, Co. Clerk

BY [Signature]
DEPUTY CLERK

City of Petaluma 11 English Street
Post Office Box 61 - Petaluma, California 94953

Mayor
M. Patricia Hilligoss

Councilmembers
John Balshaw
Jack W. Cavanagh
Michael Davis
Brian Sobel
Lawrence Tencer
Lynn C. Woolsey

COMMUNITY DEVELOPMENT DEPARTMENT
707/778-4301

June 19, 1990

NOTICE OF DETERMINATION

TO:

[x] Sonoma County Clerk
600 Administration Drive
Santa Rosa, CA 95401

[] City Clerk
City of Petaluma
P.O. Box 61
Petaluma, CA 94953

[x] Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, CA 95814

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152
of the Public Resources Code

Project Title/State Clearinghouse Number: Zone IV Water Distribution
90030389

Contact Person: Martin Strauss

Telephone Number: (707) 778-4301

Project Location: City of Petaluma, eastside

Project Description: Construction of waterline and two reservoir tanks.

This is to advise that the City of Petaluma has made the following determinations regarding
the above project:

1. The project has been ☒ approved by the lead agency
☐ disapproved by the lead agency
2. The project ☐ will have a significant effect on the environment
☒ will not have a significant effect on the environment
3. ☐ An Environmental Impact Report was prepared for this project pursuant to
the provisions of CEQA.
☒ A Mitigated Negative Declaration was prepared for this project pursuant to
the provisions of CEQA.

CALENDAR PAGE 101
MINUTE PAGE 3436

The EIR or Mitigated Negative Declaration and record of project approval may be examined at:

City of Petaluma
Community Development Department
11 English Street
Petaluma, CA 94952

4. Mitigation measures ☒ were, ☐ were not, made a condition of the approval of the project.
5. A statement of Overriding Considerations ☐ was, ☒ was not, adopted for this project.

Warren Salmon
Warren Salmon, Director Date _____
Community Development Department

zoneiv/plan9

CALENDAR PAGE 102
MINUTE PAGE 3437