

# Notice of Completion & Environmental Document Transmittal

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For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # \_\_\_\_\_

**Project Title:** Tomales Area Service Review and Sphere of Influence Update

Lead Agency: Marin Local Agency Formation Commission (Marin LAFCO) Contact Person: Peter Banning,  
Mailing Address: 555 Northgate Drive, Suite 230 Phone: (415) 446-4409  
City: San Rafael Zip: 94903 County: Marin

**Project Location:** County: Marin City/Nearest Community: Dillon Beach

Cross Streets: approximately near intersection of State Highway 1 and Dillon Beach Road Zip Code: 94971

Lat. / Long.: 38 ° 14 ' 47 " N / 122 ° 54 ' 20 " W Total Acres: 174

Assessor's Parcel No.: 102-041-40 thru -44, 102-080-08 Section: 25 Twp.: T5N Range: R10W Base: MDMB

Within 2 Miles: State Hwy #: 1 Waterways: Tomales Creek, Keys Creek

Airports: none Railways: none Schools: Tomales ES, Tomales HS

**Document Type:**

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other \_\_\_\_\_  
 Mit Neg Dec Other \_\_\_\_\_  FONSI

**Local Action Type:**

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other \_\_\_\_\_  
sphere of influence and service boundary adjustment

**Development Type:**

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Educational \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Recreational \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Other: Administrative action only

**Project Issues Discussed in Document:**

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Wildlife  
 Coastal Zone  Noise  Solid Waste  Growth Inducing  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Land Use  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Cumulative Effects  
 Other Climate Change

**Present Land Use/Zoning/General Plan Designation:**

Currently vacant but for one residential unit, Zoned: C-AG3, C-SF6 & C-NC, General Plan Designations: C-ARP-2, C-RSP-7.26 & C-VCR:B-4

**Project Description:** (please use a separate page if necessary)

Marin LAFCO is proposing to adjust the Sphere of Influence (SOI) and service area boundary for the Tomales Village Community Services District (TVCSO). TVCSO is a local government agency that provides wastewater collection and treatment service to the Town of Tomales, as well as recreation services and park maintenance and operation of the Tomales Community Park. The SOI identifies the probable physical boundaries and service area of the TVCSO. The project would accommodate future sewer connections and park services to six parcels: APNs: 102-041-40, 102-041-41, 102-041-42, 102-041-43, 102-041-44, and 102-080-08.

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Air Resources Board            | <input checked="" type="checkbox"/> Office of Historic Preservation           |
| <input type="checkbox"/> Boating & Waterways, Department of        | <input type="checkbox"/> Office of Public School Construction                 |
| <input type="checkbox"/> California Highway Patrol                 | <input checked="" type="checkbox"/> Parks & Recreation                        |
| <input checked="" type="checkbox"/> Caltrans District #4           | <input type="checkbox"/> Pesticide Regulation, Department of                  |
| <input type="checkbox"/> Caltrans Division of Aeronautics          | <input checked="" type="checkbox"/> Public Utilities Commission               |
| <input type="checkbox"/> Caltrans Planning (Headquarters)          | <input type="checkbox"/> Reclamation Board                                    |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy    | <input checked="" type="checkbox"/> Regional WQCB # 2                         |
| <input checked="" type="checkbox"/> Coastal Commission             | <input type="checkbox"/> Resources Agency                                     |
| <input type="checkbox"/> Colorado River Board                      | <input type="checkbox"/> S.F. Bay Conservation & Development Commission       |
| <input type="checkbox"/> Conservation, Department of               | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of                | <input type="checkbox"/> San Joaquin River Conservancy                        |
| <input type="checkbox"/> Delta Protection Commission               | <input type="checkbox"/> Santa Monica Mountains Conservancy                   |
| <input type="checkbox"/> Education, Department of                  | <input type="checkbox"/> State Lands Commission                               |
| <input type="checkbox"/> Energy Commission                         | <input type="checkbox"/> SWRCB: Clean Water Grants                            |
| <input checked="" type="checkbox"/> Fish & Game Region # 3         | <input checked="" type="checkbox"/> SWRCB: Water Quality                      |
| <input type="checkbox"/> Food & Agriculture, Department of         | <input type="checkbox"/> SWRCB: Water Rights                                  |
| <input type="checkbox"/> Forestry & Fire Protection                | <input type="checkbox"/> Tahoe Regional Planning Agency                       |
| <input type="checkbox"/> General Services, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of              |
| <input checked="" type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of            |
| <input type="checkbox"/> Housing & Community Development           | <input type="checkbox"/> Other <u>County of Marin</u>                         |
| <input type="checkbox"/> Integrated Waste Management Board         | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Native American Heritage Commission       |   |
| <input type="checkbox"/> Office of Emergency Services              |   |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date September 4, 2009 Ending Date October 4, 2009

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>PMC</u>	Applicant: <u>Marin LAFCO</u>
Address: <u>500 12th Street, Suite 240</u>	Address: <u>555 Northgate Drive, Suite 230</u>
City/State/Zip: <u>Oakland, CA 94612</u>	City/State/Zip: <u>San Rafael, CA 94903</u>
Contact: <u>Scott Davidson, AICP</u>	Phone: <u>(415) 446-4409</u>
Phone: <u>(510) 272-4491</u>	

Signature of Lead Agency Representative: [Signature] Date: Sept 4 '09

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**PROJECT TITLE:** Tomales Area Service Review and Sphere of Influence Update

**LEAD AGENCY:** Marin Local Agency Formation Commission (Marin LAFCO)  
555 Northgate Drive, Suite 230, San Rafael, CA 94903

**CONTACT PERSON:** Peter Banning, Executive Officer, (415) 446-4409

**PROJECT LOCATION:** Tomales Village, Marin County, APNs: 102-041-40, 102-041-41, 102-041-42, 102-041-43, 102-041-44, & 102-080-08.

**PROJECT DESCRIPTION:** The Marin County Local Agency Formation Commission (Marin LAFCO) is proposing to adjust the Sphere of Influence (SOI) for the Tomales Village Community Services District (TVCS D). TVCS D is a local government agency that serves the Town of Tomales located in the unincorporated area of Marin County. TVCS D was formed in 1999 to provide wastewater collection and treatment service to Tomales, as well as recreation services and park maintenance and operation of the Tomales Community Park. The SOI identifies the probable physical boundaries and service area of the TVCS D. The project would allow for the future extension of services to the following six (6) parcels:

Assessor's Parcel	Area	General Plan Designation	Zoning
102-041-40	0.24 Acres	C-SF6	C-RSP-7.26
102-041-41	0.17 Acres	C-SF6	C-RSP-7.26
102-041-42	0.17 Acres	C-SF6	C-RSP-7.26
102-041-43	0.17 Acres	C-SF6	C-RSP-7.26
102-041-44	5.74 Acres	C-AG3/C-SF6	C-ARP-2/C-RSP-7.26
102-080-08	7.29 Acres	C-NC	C-VCR:B-4

**ISSUE SUMMARY:** The proposed project could influence aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, transportation and traffic, utilities and service systems, and mandatory findings of significance. All environmental topics in the CEQA Checklist Appendix G are discussed in the Initial Study/Mitigated Negative Declaration. The topics where there are potential environmental impacts are discussed in detail and mitigation measures are included. Mitigation measures are listed below.

## ISSUE SUMMARY

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### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources                         | <input checked="" type="checkbox"/> Air Quality            |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality            | <input checked="" type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Noise                              | <input checked="" type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services                          | <input type="checkbox"/> Recreation                                    | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |

### AESTHETICS

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

***Less than Significant with Mitigation incorporated.*** The subject properties are located near or along scenic Highway 1. The most southern parcel is located immediately adjacent to Highway 1 and is bisected by Tomales Creek. The Marin Countywide Plan establishes a density range of between 1 and 20 units per acre, and sets development intensity between a floor area ratio of 0.3 to 0.5. The Countywide plan also contains Implementation Program CD-1.c and Implementation Program CD-5.e which limits development to the lower end of the density range where urban services are not available. Under these policies, the maximum development potential at this 7.29 acre site is 7 units and 95,265 square feet of commercial development. If this property was included within the TVCSD service area, the site could develop at the higher end of the development density and intensity, or it would have development potential of up to 145 units and 158,776 square feet of commercial. This represents the potential for an increase of up to 138 units and 63,511 commercial square feet over what would presently be permitted.

Design controls established by the County are adequate to ensure that the height, mass, and bulk of structures are compatible with the historic character of Tomales, the scenic values of Highway 1 are protected, and buildings and improvements are sited to minimize tree removal, and preserve rock outcroppings. Site constraints for this property are such that it may be physically difficult to accomplish these aesthetic objectives without environmental impact. Specifically, this site is bisected by Tomales Creek. A strict application of the stream conservation area policies established in the Countywide Plan would limit the developable portions of the property and consolidate development on a comparatively small land area. Given the increase in development potential that could result from the extension of sewer services, and the environmental constraints that apply to this property, future development at this site has the potential to result in the concentration of development on relatively small areas of this property that could negatively alter the character of Scenic Highway 1.

Should, however, development be proposed for this site, it is likely that potential environmental impacts could be reduced by connecting to the TVCSD sewer system rather than using on-site disposal systems. By incorporating the following mitigation measure, the project is modified.

MITIGATION MEASURE

**MM I.1** Remove the southeastern property from the proposed TVCSD SOI and service area boundary expansion. At a future point, when and if development is proposed for that property, the future applicant could then apply to expand the TVCSD SOI and service area boundary to include that property.

*Timing/Implementation:* Now.

*Enforcement/Monitoring:* TVCSD, Marin LAFCO

**MM I.2** Confirm that development proposals have secured all necessary land use approvals from the County of Marin and the California Coastal Commission, in compliance with CEQA.

*Timing/Implementation:* Before extension of sanitary sewer service to any property.

*Enforcement/Monitoring:* TVCSD, County of Marin

Implementation of the mitigation measures **MM I.1** and **MM I.2** would ensure that potential impacts to scenic, natural or historic resources would be reduced to **less than significant**.

Mitigation Measures I.1 and I.2 are used to mitigate impacts in several sections of this initial study. They are referenced in Biological Resources, Land Use and Planning, Population and Housing, Transportation/Traffic, and Utilities and Service Systems.

**AIR QUALITY**

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

**Less than Significant with Mitigation Incorporated.** There are not any existing air quality violations within the area of the subject properties. The proposed project would not result in any physical changes to any properties. Any future development project will be subject to separate County review, including CEQA review.

**PROJECT OPERATION**

Long-term operation of the project would result in no net increase in emissions of both attainment pollutants (i.e., carbon monoxide) and non-attainment pollutants (i.e., PM<sub>10</sub>, ozone precursors). Operation of the project would not contribute to new exceedances of attainment pollutants or continued exceedances of ozone and PM<sub>10</sub> standards. Because operation of the project would not result in a net increase in criteria pollutant emissions, the project would have a less than significant contribution toward any violation of any air quality standard and would have a less than significant contribution toward an existing or projected air quality violation.

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### PROJECT CONSTRUCTION

Assuming that approval of this project makes future development more likely, then eventually project construction will occur on the subject properties. Project construction would expose sensitive receptors to minimal and short-term emissions resulting from construction activities. Construction emissions of PM<sub>10</sub> can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM<sub>10</sub> emissions from construction. The BAAQMD's approach to CEQA analyses of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions. According to BAAQMD's CEQA Guidelines, quantification of construction emissions is not necessary and if all of the appropriate control measures provided by the District will be implemented, then air pollutant emissions from construction activities would be considered a less than significant impact.

Application of the BAAQMD's feasible mitigation measures would further reduce potential impacts from site grading or soil disturbance.

### MITIGATION MEASURES

**MM III.1** The following control measures shall be imposed on new sewer service connection permits and implemented during all phases of future project construction:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved construction and staging areas at sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Replace vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

*Timing/Implementation:* During project construction

*Enforcement/Monitoring:* TVCSD

With implementation of mitigation measure **MM III.1**, construction of the project would have a **less than significant** contribution toward any violation of any air quality standard and would have a **less than significant** contribution toward an existing or projected air quality violation.

**BIOLOGICAL RESOURCES**

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

***Less than Significant with Mitigation Incorporated.*** As indicated above, the proposed project would not directly effect or modify any habitat or special status species. The project does, however, have the potential to support future development on properties that are located within an area known to support habitat for special status species (the Coastal Zone). Of the subject properties, two have the potential to develop at higher density as the result of the proposed SOI extension, the Sass property, and the southeast property within the project area. The applicant in the Sass project has already had several studies prepared to evaluate development on the largest of the northwest properties. A wetlands assessment was completed and a total of approximately 0.9 acres of seasonal wetlands were found on the 5.23 acre northwestern property. The areas appeared to be hydrologically isolated and therefore might not fall under Army Corps of Engineers jurisdiction pursuant to Section 404 of the

Clean Water Act. (Macmillan, 2004). The Corps verified this assessment in 2004 and should there be no filling of the wetlands area during development then no Corps permit will be required. (Sass Project Narrative, 2008). A plant ecologist conducted surveys of the 5.23 acre northwestern property and found that the small areas of wetlands on the site are not well developed and do not appear to provide suitable habitat conditions for regionally known sensitive plant species. The plant ecologist stated that there are no known locations of any such sensitive plant species in the immediate area and no such species were found during the 4 surveys. He determined that development of the site could occur with relatively minor biological impacts. (Patterson, 2004) An arborist's report was prepared in 2004 in which all trees over 4" in diameter were examined on and around the 5.23 acre northwestern property. It was determined that development of the property would require removal of four trees. An Oregon Oak tree slated for removal is subject to Marin's Native Tree Protection Ordinance. The loss of this tree could be mitigated with planting two other Oregon Oak trees as replacements. (Balcerak Design, 2004). As all of these studies were done in 2004, the County might find it necessary to have the applicant conduct updates to determine if site conditions have changed in the intervening years.

No site specific studies have been prepared for the southeastern property, but this site also contains Tomales Creek and associated riparian habitat. It is likely that the southeastern property supports habitat for special status species. Consequently, future development on the sites proposed for inclusion within the TVCSD has the potential to impact habitat. With the southeast property it would be especially important to examine and mitigate all potential resources that could be impacted by development due to location of the Tomales Creek area.

**MITIGATION MEASURE**

- MM IV.1** All proposed development that occurs on the 5.23 acre Sass property, or on the 7.29 acre southeastern property shall include a study of the species,

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habitat, and any wetlands areas present on the project site and suggesting mitigation measures that must be complied with to demonstrate that no sensitive or special-status species or habitats are impacted by the proposed development.

*Timing/Implementation:* Prior to approval of extension of sewer service;  
Prior to and during construction

*Enforcement/Monitoring:* TVCSD, Marin County

With implementation **MM IV.1**, this impact would be considered **less than significant**.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the CDFG or USFWS?*

**Less than Significant with Mitigation Incorporated.** As previously mentioned, the proposed project includes a property to the southeast with Tomales Creek running north-south through the site. This riparian corridor likely contains several sensitive species which would be discovered due to implementation of **Mitigation Measure IV.1** above should any development someday be proposed. The proposed project is an administrative act and therefore has no direct impact on any sensitive natural communities, though it does make future development on the subject properties more likely. However, due to the required development setback of 100' from the Creek, development on the southeastern site is likely to be very restricted. According to the CDFG and the USFWS, the subject properties may contain the species Listed in Appendix C, Table IV.1. Due to the fact that no development is proposed at this time and with the implementation of **Mitigation Measures I.1 and IV.1**, the impacts are less than significant.

- c) *Would the project have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?*

**Less than Significant with Mitigation Incorporated.** As discussed in section IV.a above, at least one of the subject properties does contain approximately 0.9 acres of known wetlands. The Army Corps of Engineers confirmed that these wetlands are hydrologically isolated and contain mostly non-native species, no sensitive species, and a complete lack of native endemic seasonal wetland species. However, the proposed project is an administrative act and any future development would require a separate review. Therefore, with the implementation of **Mitigation Measure IV.1**, the proposed project would not have any significant effect upon federally protected wetlands.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Less than Significant with Mitigation Incorporated.** As shown in the Marin Countywide Plan's Natural Systems and Agriculture Element (2007), there are migratory routes or habitat for native wildlife species within the project vicinity. Riparian corridors, such as Tomales Creek, provide critical movement areas between both aquatic and terrestrial species. The project sites are in infill areas in the Village, but as the Village is small, it is possible that wildlife is still able to migrate

through the community. Implementation of the proposed administrative project would not interfere with the movement of any fish or wildlife species or impede the use of native nursery sites or corridors, but any development that might result from this action could potentially impact species movement. Implementation of **Mitigation Measure IV.1** would provide the needed information and mitigation measures for future development and make any potential impact from this project less than significant.

**CULTURAL RESOURCES**

*a-d) Would the project cause a substantial adverse change in the significance of a historical resource, archaeological resource, paleontological resource, unique geological feature, or human remains as defined in § 15064.5?*

***Less than Significant impact with Mitigation Incorporated.*** Any future proposed development project would be subject to the provisions of the California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.94 et seq., regarding the discovery and disturbance of human remains. However, the proposed project is administrative and though it may make future development of the subject properties more likely, any future development would require a separate review and mitigation measures to prevent disturbance of any cultural resources.

**MITIGATION MEASURES**

**MM V.1** All construction associated with expansion of the SOI, and all proposed development that occurs on any one of the six subject properties shall include analysis, prepared by a qualified expert, to determine the presence of cultural resources and, if necessary, establish mitigation measures that must be complied with to ensure no cultural resources are impacted by the proposed development.

*Timing/Implementation: Prior to approval of project plans; Prior to and during construction*

*Enforcement/Monitoring: TVCSD, Marin County*

**MM V.2** If cultural materials or archaeological remains are encountered during the course of grading or construction, the project contractor shall cease any ground disturbing activities near the find. A qualified archaeologist, approved by Marin County, shall be retained to evaluate significance of the resources and recommend appropriate treatment measures. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Town.

*Timing/Implementation: During construction*

*Enforcement/Monitoring: TVCSD, Marin County*

Upon implementing **Mitigation Measures V.1 and V.2**, the proposed project would have less than significant impact on any cultural resources.

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### GEOLOGY AND SOILS

- a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

*Landslides?*

**Less than Significant with Mitigations Incorporated.** The majority of the project area contains moderate slopes and are not adjacent to any significant slopes with landslide or mudflow potential. The 7.29 acre property located in the southeastern portion of the project area is bisected by Tomales Creek, and contains areas where the steepness of the slope is approaching the stability limits of the underlying materials. This condition has the potential to expose future improvements to landslide or slumping, or to cause landslides or slumping as the result of physical improvements. Implementation of **Mitigation Measure I.1** would eliminate this potential impact.

### HAZARDS AND HAZARDOUS MATERIALS

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Less than Significant With Mitigation Incorporated.** As discussed in VII.a), and VII.c-h), Hazards and Hazardous Materials, the proposed project would not result in the routine transport, use, disposal, handling, or emission of any hazardous materials that would create a significant hazard to the public or the environment. However, potential future construction-related hazards could be made more likely by this project. During the course of future construction on the subject properties, impacts from hazards and hazardous materials could be potentially significant given that construction activities involve the use of heavy equipment, which uses small amounts of oils and fuels and other potentially flammable substances.

### MITIGATION MEASURE

#### MM VII.1

Any future construction staging area for any of the project sites shall be identified on the project plans, including the area that will be used for storing materials and equipment. Storage areas shall be located a minimum of 30 feet away from sensitive uses (nearby residents, operating school facilities, drainages, etc.). During project construction, the staging area shall be fenced, secured, and have access restricted.

*Timing/Implementation:*            *Prior to approval of project plans; Prior to and during construction*

*Enforcement/Monitoring:*        *Marin County*

Implementation of **Mitigation Measure VII.1** would ensure that potential impacts from materials used at the project sites during construction would be reduced to **less than significant**.

### HYDROLOGY AND WATER QUALITY

- a) *Would the project violate any water quality standards or waste discharge requirements?*

**Less than Significant with Mitigations Incorporated.** The proposed project would not result in physical changes to any of the project sites. Future development of these sites would result in site preparation, resurfacing, and other construction activities that could result in minor sedimentation or the release of other construction-related pollutants to area waterways if the project was to occur during the rainy season. Unless future projects implement Best Management Practices to treat stormwater, there could be an impact to water quality standards.

MITIGATION MEASURE

**MM VIII.1** Confirm that development proposals are in compliance with the Stormwater Pollution Prevention Program (SWPPP) that identifies specific Best Management Practices to be implemented and maintained on-site during construction in accordance with the NPDES General Construction and Municipal Stormwater Discharge Program permits.

*Timing/Implementation:* Before extension of sanitary sewer service to any property, during construction

*Enforcement/Monitoring:* TVCSD, County of Marin

Implementation of **Mitigation Measure VIII.1** would ensure that potential impacts on water quality standards or waste discharge requirements would be reduced to **less than significant**.

*c-d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

**Less than Significant with Mitigations Incorporated.** The majority of the project site is located in gently sloping areas. The site preparation (e.g. scraping), resurfacing, and other construction activities associated with future development would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site or would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Future development of the 7.29 acre parcel located in the southeastern portion of the project area, however, is bisected by Tomales Creek and development on this site has the potential to contribute to erosion and siltation within the watershed. Implementation of **Mitigation Measure I.1** would eliminate this potential impact.

LAND USE AND PLANNING

*a-b) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

**Less than significant impact with mitigation incorporated.** The proposed project would extend sewer service to properties within the Town of Tomales, and would not directly physically divide the established community. The subject properties are all infill lots located in the Town of Tomales that are designated for agricultural, residential, and commercial use. These uses are similar to existing uses and development on surrounding properties.

## ISSUE SUMMARY

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The proposed project does not propose any changes in existing land use designations or result in development that differs from the type and intensity contemplated in the Countywide Plan. One of the subject properties located in the southeastern portion of the project area is bisected by Tomales Creek. The Countywide Plan and Tomales Community Plan establish a 100 foot Stream Conservation Area buffer as measured from the top of creek bank. Given the location of the creek, the configuration of the subject property, and the intensity of development contemplated by the Countywide Plan, future development at this site has the potential to conflict with Stream Conservation area policies identified in the Countywide Plan, Local Coastal Program, and Tomales Community Plan. Because Countywide Plan policies calculate residential density at the lower end of the density range, the propose SOI expansion has the potential to compounded potential conflicts with stream conservation policies by substantially increasing development potential on this constrain site. Since no development is proposed at this time, it is unknown what could possibly be developed on that site. At the time that development is proposed for this site, potential environmental impacts from sewage disposal would likely be reduced by connecting to the public sewer, but the decision to extend sanitary service should be made through separate, site and project specific review by the County of Marin to evaluate and possibly limit density to meet land use policies.

Implementation of the Mitigation Measure **MM I.1** to remove the 7.29 acre southeastern property from the project description would ensure that potential impacts on land use and planning would be reduced to **less than significant**.

c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

***Less than significant impact with mitigation incorporated.*** Tomales village is located within the Coastal Zone. Tomales Creek crosses through a portion of the project area and is subject to the Stream Conservation Area (SCA) policies established in the Countywide Plan, the LCP, and the Community Plan. Both the LCP and SCA policies have been established to conserve natural resources. Though the proposed project will not directly result in development, extension of sewage disposal service to the subject properties has the potential to result in greater development intensity than would be allowed under existing Countywide Plan policies.

The County of Marin has established development review requirements that ensure that proposals are consistent with the Countywide Plan, LCP and Community Plan policies and the California Environmental Quality Act (CEQA). Specifically, the County has the authority to impose Design Review, Coastal Permit, Use Permit and Subdivision Map Act requirements to even minor development proposals. All of these discretionary applications must comply with CEQA. In general, these regulatory controls are adequate to mitigate potential impacts to a less than significant level. Extension of sewer service to the most southeastern property within the project area, however, has the potential to increase development potential from 7 to 145 residential units and/or up to 158,776 sq. ft. of commercial development on property that is subject to the SCA policies. The increase in development potential, together with the environmental constraints of this site, has the potential to conflict with natural community conservation objectives of the SCA. This potential impact can be mitigated to a less than significant level.

MITIGATION MEASURE

**MM IX.1** Confirm that development proposals have secured all necessary land use approvals from the County of Marin and the California Coastal Commission, including CEQA.

*Timing/Implementation:* Before extension of sanitary sewer service to any property.

*Enforcement/Monitoring:* TVCSD

Implementation of the Mitigation Measure **MM I.1** and **IX.1** would ensure that potential impacts on land use and planning would be reduced to **less than significant**.

**NOISE**

a) *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less than Significant with Mitigation Incorporated.** Noise generated by the project would occur during any future short-term construction which could become much more likely from approval and extension of the TVCSD SOI.

The proposed project could result in development on the subject properties. As a result, noise-generating construction activities would be considered to have a **potentially significant** short-term impact.

MITIGATION MEASURE

**MM XI.1** The following measures shall be implemented to reduce construction-generated noise levels:

- Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and legal holidays.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All equipment shall be turned off if not in use for more than 10 minutes.
- Marin County shall provide Marin LAFCO with the name and telephone number of the individual empowered to manage construction noise from the project. Marin County shall post an information sign at the construction site entrance that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise

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levels. The designated construction contact shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.

- Interested parties shall be notified a minimum of one week prior to commencing onsite construction activities so that any necessary precautions (such as rescheduling or relocation of interior noise-sensitive activities) can be implemented. The written notice shall include the name and telephone number of the individual empowered to manage construction noise from the project. In the event that noise complaints are received from these land uses, the individual empowered to manage construction noise shall respond to the complaint within 24 hours. To the extent feasible, the response shall include identification of measures being taken by Marin County to reduce construction-related noise. Such measures may include, but are not limited to, the relocation of equipment, use of equipment noise shields, or construction of temporary barriers or curtains.

*Timing/Implementation:* Prior to and during construction

*Enforcement/Monitoring:* TVCSD, Marin County

Use of mufflers would reduce individual equipment noise levels by approximately 10 dBA. Implementation of **MM XI.1** would limit construction activities to the less noise-sensitive periods of the day. With implementation **MM XI.1**, this impact would be considered **less than significant**.

*d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Less than Significant with Mitigation Incorporated.** As discussed in Section XI.a) Noise, short-term construction-related activities could result in a temporary increase in ambient noise levels at nearby receptors. As a result, this impact is considered **potentially significant**.

### MITIGATION MEASURE

Implementation of Mitigation Measure **MM XI.1**, construction activities would be limited to the less noise-sensitive periods of the day, consistent with requirements typically imposed for noise-generating construction activities by Marin County. With implementation **MM XI.1**, this impact would be considered **less than significant**.

### POPULATION AND HOUSING

*a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

**Less than Significant Impact with Mitigation Incorporated.** The proposed project creates the potential for sewer service to be extended to the six properties located within the project area. Presently, the development potential at these sites is restricted to the low

end of the density range established by the General Plan. By extending sewer service to these sites, the project creates the potential that these site could develop at a greater density than policies presently allow.

Project implementation would not result in the displacement of existing housing or displacement of people. However, the proposed project would potentially induce substantial population growth in the area by extending sewer service to sites that have development potential. For 5 of the 6 parcels, inducements to growth would not result in potentially significant impacts because development of these sites could occur in a manner that is compatible with the height, mass, and bulk of surrounding development, and in keeping with the character of the community. Four (4) of the subject properties are of a size that extension of sewer service would not result in additional development potential. For the 5.23 acre site located in the northwestern portion of the project area, development potential would be from 13 to 23 units. While development at this scale would represent a change, the density of development is consistent with the Countywide Plan land use designations. Through existing land use controls, the County of Marin will review development proposals to ensure that the building form and mass are compatible with the surrounding community.

The extension of sewer service to the southeastern property in the project area, however, has the potential to induce growth in a way that could have potentially significant impacts. The Countywide Plan designates land use at this property at a residential density of between 7 and 145 units and commercial development between 95,265 and 158,776 square feet. Because use of a large portion of this property is restricted by the presence of Tomales Creek and the associated Stream Conservation Area restrictions, development at the contemplated intensities has the potential to either impact the riparian resource, result in development that departs from the predominant character of the community, and create driveway access conflicts on Highway 1. These potential impacts may be resolvable through creative design, but without more detailed information about the site or development proposal, the potential for impact can not fully be assessed. By removing this property from the SOI expansion area, potential impacts can be reduced to a less than significant level.

## **MITIGATION MEASURE**

Implementation of the Mitigation Measure **MM I.1** would remove the southeastern property from the proposed service area and SOI and would ensure that potential impacts on population growth would be reduced to **less than significant**.

## **TRANSPORTATION AND TRAFFIC**

- a) *Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

***Less Than Significant Impact with Mitigation Incorporated.*** The proposed project would serve future development in the project area. On the southeastern project property, a large portion of the property fronts on to Highway 1, the most traveled roadway within Tomales. This property also has the maximum development potential of 145 residential units, or 158,776 square feet of commercial development. Should this property be developed at its potential maximum, this would result in the potential for many vehicle entrances and exits onto

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Highway 1, which could result in an increase in traffic, which could also be a safety concern. With the incorporation of **Mitigation Measure I.1**, the southeastern property would be removed from the proposed service area and SOI, and impacts from increased traffic will be less than significant.

### UTILITIES AND SERVICE SYSTEMS

- b) *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

***Less than Significant with Mitigation Incorporated.*** All water in Tomales is provided by private individual wells. Expanding the TVCSD service boundary and SOI would result in the construction of new sewer service facilities to serve the subject properties once a future development proposal is approved. In conjunction with each development proposal, the applicant will be required to demonstrate that adequate water is available to serve the proposed development. To compile the information necessary to available water supply, an applicant is required to monitor water levels over time, survey the water levels in existing wells, and monitoring recharge speed to demonstrate that the water supply is adequate to serve the population that is anticipated for each project.

- e) *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?*

***Less than Significant with Mitigation Incorporated.*** The TVCSD provided written comments dated May 21, 2009 in response to a request for information for this initial study. TVCSD states that this project would result in no impact on sewer services. The TVCSD has set aside 15% of total capacity for infill projects such as this one. Currently, the system is operating at less than half capacity. This project would not alter the current flow by more than 20%.

The Tomales wastewater treatment plant is designed for an average annual flow of 38,000 gpd. It is estimated that the system could accommodate a population of up to 450 people. If all 6 of the subject properties were to develop at the maximum density allowed by the Countywide Plan, the potential population could increase to as many as 629 people. Application of **Mitigation Measure I.1**, would remove the 7.29 acre southeastern property from the project area. Using the current population number of 210 residents, the maximum potential population is 276 people (an increase of 66 people due to this project). This level of demand would be able to be accommodated by the existing wastewater treatment plant.

With the incorporation of **Mitigation Measure I.1**, the wastewater system has the capacity to accept and treat all wastewater generated directly or indirectly by the proposed project and therefore would not require expansion to accommodate project-generated wastewater. This is a less than significant impact.

### MANDATORY FINDINGS OF SIGNIFICANCE

- b-c) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Does the*

*project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

***Less Than Significant Impact with Mitigation Incorporated.*** The proposed project, which is an administrative act, would not directly result in physical changes to any of the project site. However, future development of the project sites becomes much more likely should the proposed project be approved and the properties are able to be served by the sewer system. Development of the project sites could have impacts on the local environment. This is expected to have a **less than significant with mitigation incorporated** cumulative impact on aesthetics due to impacts on scenic Highway 1, air quality due to construction and increased vehicle trips, biological resources due to sensitive habitats in and around Tomales Creek, cultural resources, hazards and hazardous materials, land use and planning, noise due to future construction, population and housing due to future development potentially bringing in more residents than would be able to be accommodated, transportation and circulation as it relates to safety and congestion in and out of the parcel adjacent to Highway 1, and Utilities and Service Systems again due to future construction activities and the possibility of future population numbers being too large for service capacities. The proposed project would make future individual projects more likely. These projects could have or result in a significant effect upon the environment and individual projects are required to mitigate their impacts under CEQA. The proposed project could have cumulative effects related to infrastructure needed to respond to forecasted changes in population within the TVCSD boundaries. This topic is under the purview of Marin County, the and the California Coastal Commission and is addressed within the Marin Countywide Plan and Local Coastal Program and the Tomales Village Community Plan.