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Santa Rosa, CA 95407

January 24, 2023

Planning Commission
County of Sonoma

RE: Appeal of DRH22-0008 regarding APN 134-074-022

Dear Planning Commission:

The forest is getting lost for the trees.¹ The WCTA project is the product of an extraordinary 1999 land use decision by the Sonoma County Board of Supervisors. Prior to the decision, the parcel at issue was pasture and wetland in a rural residential zone. There were then and still are now homes and farms in a rural residential zone to the immediate north and west. By a 3-2 vote the Board of Supervisors granted the WCTA a zoning change and a use permit to allow “a school bus storage yard” which is essentially an industrial use next to preexisting homes in a rural residential area. The Board of Supervisors approved the “school bus storage yard” on the parcel at issue because it is across the street to the west of two WCTA parcels in an industrial zone. The two eastern WCTA parcels are adjacent to a Sonoma County Transit liquid natural gas facility. Sharing the liquid natural gas facility created a large cost savings for the WCTA. To protect the rural residential character of the neighborhood to the north and west, the Board of Supervisors adopted a 17-page resolution containing 57 detailed conditions.

Although the 1999 conditions have the force of law, the WCTA’s approach has been to minimize their effect with frivolous interpretations that are completely contrary to the Board of Supervisors’ intent. The WCTA has ignored basic principles that every judge would follow in reading the conditions such as not taking individual conditions out of context and not departing from the plain and clear language of the conditions as they were written. The WCTA has also raced ahead of the land use process and has largely completed the bus storage yard without permits. It has been subject to a correction notice and to two stop work orders as a result. The proposed WCTA project is vastly in excess of what the Board of Supervisors intended in 1999.

The 1999 conditions require that the Planning Commission wear two hats. The first hat is a quasi-judicial hat. The Planning Commission must find compliance with all 57 of the 1999 conditions before any permits can be issued. There is no way for the Planning Commission to do so without systematically working through the details of each of the 57, 1999 conditions. Because the 1999 conditions have the same force of law as the other ordinances in the Sonoma County Code, the Planning Commission does not have discretion to change the 1999 conditions and must adhere to the plain language of them as they are written.

¹ This letter supersedes our letter of January 3, 2022. Please read this letter instead of the prior version. This letter contains important new information.

The second hat requires discretionary design review. This discretion is not absolute and must be used as required by the Sonoma County Code. Section Sec. 26-82-050 of the Sonoma County Code requires that the Planning Commission protect the “**character**” of the neighborhood and to protect the “**desirability of investment or occupation in the neighborhood.**” It reads as follows:

The committee, or other applicable decision-making body as the case may be, **shall endeavor to provide that the architectural and general appearance of buildings or structures and grounds are in keeping with the character of the neighborhood** and are not detrimental to the orderly and harmonious development of the county and **do not impair the desirability of investment or occupation in the neighborhood.** (Emphasis added.)

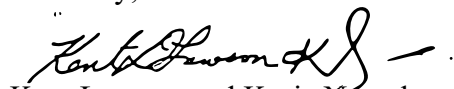
The Sonoma County Code requires that design review be used to maintain the historical, rural character of neighborhood before the WCTA project.

New CEQA review is also required because the proposed project is vastly different from what was approved in 1999 and the circumstances under which the project is being undertaken have vastly changed. Additionally, new CEQA review is further required because Sonoma County’s design review process is discretionary.

In order for us to have a meaningful appeal, we must be given an adequate chance to be heard. At the last hearing we were only given one very short amount of time to speak. We were not allowed to participate as the issues were being discussed. The fact that the opportunity to participate in the discussion was afforded to the WCTA and not to us raises grave concerns about having a meaningful appeal and adequate due process. The very reason for the appeal is that we disagree with the WCTA. Both sides should be heard.

Because our ability to be heard at the last hearing was so limited, we would be grateful if you would read the attached written comments and allow us to participate more equally at the next hearing. Please see our attached List of Issues.

Sincerely,


Kent Lawson and Kasia Nowak

List of Issues

1. Pursuant to condition 57, the WCTA use permit should be revoked for egregious noncompliance with the 1999 conditions and utter disregard of the land use process.

Instead of finding compliance with the 1999 conditions a more appropriate approach would be to revoke the WCTA's use permit. Condition 57 reads:

57. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-465.1 and 26-465.2 of the Sonoma County Code.

The WCTA's noncompliance with the 1999 conditions has been egregious. Condition 30 requires that "All development shall be according to the approved plans and application. Condition 42 requires that "The Final Development Plan(s) shall be reviewed by the Design Review Committee" and that "Building or grading permits shall not be issued by the PRMD Planning Specialist until final design review of all required plans has been completed."

Even after the WCTA was informed of the design review requirement, it raced ahead to complete as much of its project as possible. While this appeal was pending, the WCTA dumped fill in a wetland, installed tons of gravel, curbs and fences, all in attempt to establish its design, despite the fact that the WCTA knew that these items were the subject of this appeal.

The WCTA has been subject to a correction notice and to two stop work orders. Allowing the WCTA to break the law and to benefit from this sort of gamesmanship is unacceptable. The 1999 conditions have the force of law and intentionally violating them is a misdemeanor. The WCTA use permit should be revoked. The WCTA should be required to restore the western parcel to its natural state and to go through the process of obtaining a new use permit.

2. Pursuant to Section 26-92-130 of the Sonoma County Code, the use permit for the western parcel is "automatically void" and of no further effect because it "has not been used within two (2) years."

Public Facilities zoning does not give the WCTA the ability to use the western parcel for "parking" as a matter of right. Section 26C-183(g) of the Sonoma County Code requires a use permit for "parking lots" for "public service" uses.

Section 26-92-130 of the Sonoma County Code applies to use permits that have never been used and to uses that have been started and then abandoned. It reads as follows:

Section 26-92-130. - Revocation for failure to use or for abandonment of use.

In any case where a zoning permit, **use permit**, design review approval or variance permit **has not been used within two (2) years after the date of the granting** thereof or for such additional period as may be specified in the permit, such permit shall become **automatically void and of no further effect**, provided, however, that upon written request by the applicant and payment of applicable fees prior to the expiration of the two-year period, the permit approval may be extended for not more than one (1) year by the planning director subject to public notice and opportunity for hearing before the authority which granted the original permit. (Emphasis added)

Because the use permit for the western parcel has not been used for over twenty years it is **“automatically void and of no further effect.”** Consequently, the WCTA should be required to restore the western parcel to pasture and wetlands just as it was before it was bulldozed by the WCTA.

The WCTA may argue that its use of the eastern two parcels somehow constitutes use of the 1999 use permit on the western parcel. This argument disregards the fact that the western parcel has a different permitted use and is physically separate from the eastern two parcels. The use permit for the western parcel has a much narrower permitted use and has much stricter conditions than the use permit for the eastern parcels. The eastern parcels have industrial zoning rather than public facilities zoning. Please see Issue 4 below for more detail regarding the two different permitted uses.

The western parcel is also physically separate. It is across the street and has its own separate street address. It is required to be fenced off from the street and has been undeveloped pasture and wetland until 2022. The school bus facility on the eastern parcels has operated separately and independently from the western parcel for over 20 years. The eastern parcels are separately enclosed with concrete block walls and a hedge of redwood trees.

The fact that the WCTA never complied with the requirement of recording an open space easement on the western parcel, as explained below in Issue 3, shows an intent to abandon the project on the western parcel. Moreover, in order for a use permit to be considered used the conditions of use must be met within the two-year period. Because the 1999 use permit for the western parcel is over twenty years old and was never used it is **“automatically void and of no further effect.”** The WCTA should be required to restore the western lot to natural wetlands and pasture land.

3. Because no open space easement was ever recorded as required for wetland mitigation, the use permit is invalid pursuant to condition 40.

The 1999 Board of Supervisors resolution found that there were wetlands on the western parcel. The California Department of Fish and Wildlife report explains that the wetlands are important habitat for the California tiger salamander, which is an endangered species. The 1999 conditions

required that an open space easement be recorded on the western acre of the western parcel. There is no express timing requirement, but the intention was clearly that the easement be recorded at the time as the 1999 Board of Supervisors resolution. Additional actions are contemplated “at a later date.” A thorough title search by American Title in Santa Rosa has revealed that the WCTA has never complied with the open space easement requirement. Condition 40 of the 1999 resolution reads:

40: The westerly portion (one acre) of APN 134-074-022 shall be permanently set aside for wetlands mitigation and an open space easement shall be recorded over it. If an alternative wetlands mitigation site is found at a later date that is recommend by the State Department of Fish and Game and approved by the County Permit and Resource Management Department, the applicant may apply to rescind the open space easement over APN 134-074-022 after a new open space easement has been applied over the alternative site. Wetland areas to be disturbed on the eastern portion of the parcel shall be mitigated through creation of at least an equal amount of new wetland area in the set aside area. Alternately, the applicant shall purchase an equal value of Wetlands Mitigation Bank Credits. All applicable U.S. Army Corps of Engineers and Fish and Game permits shall be obtained prior to disturbance of any wetland area. (Emphasis added.)

Condition 40 contains the requirement of recording an easement in the permanent public land records maintained by the county clerk. It also requires that any mitigation measures also be documented in the same way by recording rescission of the easement. Recording the rescission of the easement is necessary to tie the mitigation measures to the western parcel so that they run with the land in the public record. Otherwise, there is no record of what project they relate to. Even if the WCTA engaged in timely mitigation measures, the failure to properly document them for over twenty years as required by the 1999 conditions should invalidate the use permit and the zoning change.

We have requested documentation numerous times showing that each of the specific requirements in condition 40 have been met. Because no documentation has been provided to us, to the Design Review Committee, or to the Planning Commission, we requested that First American Title in Santa Rosa perform a title search for the western parcel in order to look for the required open space easement. They were unable to find a record of the open space easement ever being recorded. If the easement were recorded, it would have been a part of Sonoma County’s public title records and First American Title would have found it. Please see the attached email exchange with First American Title in this regard. Because no open space easement was ever recorded, the use permit is invalid. At a minimum, the western acre of the western parcel must be restored as wetland and preserved as open space.

4. Employee parking violates the permitted use of “a school bus storage yard” as stated in the 1999 conditions pursuant to condition 31.

Public Facilities zoning does not give the WCTA the ability to use the western parcel for “parking” as a matter of right. Section 26C-183(g) of the Sonoma County Code specifically requires a use permit for “parking lots” for “public service or utility uses.” Because a use permit is specifically required for a parking lot it should not be seen as part and parcel of a “school bus storage yard.”

The 1999 Board of Supervisors’ resolution granted use permits for all three WCTA parcels. It addresses the two eastern parcels first and then it separately addresses the western parcel. Condition 31 reads:

31. The use permit is approved as requested for:

a) On APNs 134-072-025 & 048, **a school bus storage, maintenance, and administrative facility.**

b) On APN 134-074-022, **a school bus storage yard.** No employees shall be stationed on this parcel, no work shall occur on vehicles/equipment on this parcel, no hazardous materials shall be stored on this parcel, and no refueling activities shall occur on this parcel. All buses parked on this parcel shall be positioned so as to avoid the need for backing up when departing in the morning. Horn checks and backup beeper checks may not occur on this parcel. **(Emphasis added.)**

The permitted use on the western parcel is **“a school bus storage yard.”** It is not **“a school bus storage yard and employee parking lot.”**

The Board of Supervisors could have easily written **“a school bus storage yard and employee parking lot”** if that is what they intended. The board of supervisors wrote 17 single-spaced pages containing 57 very detailed conditions. If it had intended an employee parking lot on the western parcel, it would have said so expressly and included similarly detailed conditions relating to employee parking. Instead, the detailed conditions relate only to buses on the western parcel. Nowhere is employee parking mentioned in the use permit.

The WCTA has argued that “a school bus storage yard” somehow also implies an “employee parking lot” because the “bus drivers need somewhere to park.” For over 20 years, the bus drivers have been parking elsewhere.

The WCTA’s interpretation violates well established principles that courts follow when reading legislative rules. As the California Supreme Court has said, **“Our role in construing a statute is to ascertain the Legislature's intent so as to effectuate the purpose of the law. In determining intent, we look first to the words of the statute, giving the language its usual, ordinary meaning. If there is no ambiguity in the language, we presume the Legislature meant what it said, and the plain meaning of the statute governs.”** See Hunt v. Superior Court (1999) 21 Cal.4th 984, 1000, 90 Cal.Rptr.2d 236, 987 P.2d 705, followed in Curle v.

Superior Court (2001) 24 Cal.4th 1057, 1063, 103 Cal.Rptr.2d 751, 16 P.3d 166; accord: Hoechst Celanese Corp. v. Franchise Tax Bd. (2001) 25 Cal.4th 508, 519, 106 Cal.Rptr.2d 548, 22 P.3d 324. Emphasis added.

The WCTA's approach also violates the well-established principle that a rule should not be taken out of context. In Berkeley Hillside Pres. v. City of Berkeley 60 Cal.4th 1086, 1099 (Cal. 2015), the California Supreme Court held:

Appellants' argument ignores a basic principle of statutory interpretation: courts “do not construe statutes in isolation, but rather read every statute ‘with reference to the entire scheme of law of which it is part so that the whole may be harmonized and retain effectiveness.’ ” (People v. Pieters (1991) 52 Cal.3d 894, 899, 276 Cal.Rptr. 918, 802 P.2d 420.) **Thus, we must consider the three sections appellants cite, not in isolation, but “ ‘in the context of the statutory framework as a whole’ ” in order to harmonize CEQA's “ ‘various parts.’ ”** (Palos Verdes Faculty Assn. v. Palos Verdes Peninsula Unified Sch. Dist. (1978) 21 Cal.3d 650, 659, 147 Cal.Rptr. 359, 580 P.2d 1155 [construing the Ed. Code].)

None of the many detailed conditions pertaining to the western parcel refer to employee parking. They instead pertain singularly to buses. For example, condition 37 reads:

37. All areas where **buses** are driven or parked on the western lot (APN 134-07 4-022) shall be fully paved. Areas on the lot that are not utilized for parking or landscaping shall have the natural grass cover retained to avoid any dust being created on site. (Emphasis added.)

As another example, condition 42 reads:

42. The Final Development Plan(s) shall be reviewed by the Design Review Committee. The plans shall include a berm at least 6 feet high parallel to the north and west property lines of the western lot (APN 134-074-022), with the berm center setback a minimum of 50 feet from the north property line. The berm and setback area shall contain a dense evergreen landscape screening which shall shield the **buses** from view in those directions. A chain link fence with slats or other view blocking fence design at least 6 feet in height shall surround all other areas that are not shielded by the berm. Other perimeter and front yard areas shall also be fully landscaped and irrigated. All required berms, landscaping and fencing on each individual lot shall be fully installed prior to any use of that lot. (Emphasis added).

The WCTA has argued that because the 110-bus limit uses the word “buses” and the 80-vehicle limit uses the word “vehicles” that the 80-vehicle limit implies that parking vehicles other than buses are a permitted use on the western parcel. The WCTA’s argument about the use of the word “vehicles” is not logical. The plain ordinary meaning of the permitted use of “a school bus storage yard,” the 110-bus limit, and the 80-vehicle limit are all in harmony. They all complement and reinforce each other. The 110-bus limit applies to all three parcels combined. The word “buses” was chosen for a limit that applies to all three parcels because the Board of Supervisors intended to allow the parking of vehicles other than buses on the eastern two parcels.

The 80-vehicle limit applies only to the western parcel. The word “vehicle” was chosen to prevent the WCTA from parking more than 80 vehicles on the western parcel regardless of the type of vehicle. If the 80-vehicle limit were instead an 80-bus limit then the WCTA would be arguing that the 80-vehicle limit does not apply to employee parking, which is precisely why the word “vehicle” was chosen. The 80-vehicle limit was meant to be an additional way of limiting the WCTA’s use of the western parcel in addition to limiting the permitted use to “a school bus storage yard” and the 110-bus limit.

Given the historical context, the Board of Supervisors’ intent makes sense. The primary purpose of land use policy is to minimize the effect of incompatible uses. In 1999, the western parcel was zoned as rural residential, and neighbored homes in a rural residential area. Having employees park on a street in an industrial area is far more desirable than having them park next to homes in a rural residential area. The existing WCTA facility on the eastern parcel has operated for 20 years without an employee parking lot. The plans that were approved in 2000 for the existing facility on the eastern two parcels show only bus storage on the western parcel and no employee parking. The plan that was approved in 2000 is a good indication that no employee parking was intended on the western parcel by the Board of Supervisors in 1999.

Because there is no ambiguity in the way the permitted use is worded, we must presume that the Board of Supervisors meant what it said, and that the plain meaning of a “school bus storage yard” is controlling.

5. The proposed project violates the 110-bus limit for all three WCTA parcels pursuant to condition 32.

The relevant part of condition 32 states as follows:

The total site (APN’s 134-074-022 and 134-072-025 & 048) shall be restricted to a maximum of 110 buses on it at any one time.

The WCTA has submitted a revised plan that shows spaces for 71 buses on the western parcel and 39 spaces on the eastern two parcels. They have calculated 71 spaces for the western parcel based on a false count of the spaces on the existing WCTA facility on the eastern two parcels.

The WCTA is counting only the spaces for large buses toward the rear of the existing facility as bus parking spaces. They are not counting the large spaces toward the front of the facility that they label as 11 “bus maintenance/staging” spaces. They have also not counted 21 existing

spaces for small buses and vans that they have mislabeled “employee parking” in their updated site plan.

Please see the aerial photo from Google Earth, which we have provided as an exhibit to this letter. It shows that there are 75 preexisting spaces on the eastern parcel. Although cars are parked in some of the spaces, the striping is sized for 51 spaces for 40-foot buses and 21 spaces for 20-foot buses-- or 72 buses total. You can see that some of the smaller bus spaces are used for employee parking and that the large bus spaces are sometimes used for two smaller buses.

To stay within the size limitations, the WCTA should be allowed a bus storage lot for a maximum of 35 new bus spaces on the western parcel. $72 + 38 = 110$. The math is simple and the Board of Supervisors’ size limitation should be enforced.

The WCTA will likely argue that even if it has 146 bus spaces that it will respect the 110-bus limit by keeping 36 spaces empty at all times. This argument is impractical because there is no practical means of enforcing the 110-bus limit if enough paving is done to accommodate 146 bus spaces. Moreover, condition 37 limits the amount of paving to the need for buses:

37. All areas where **buses** are driven or parked on the western lot (APN 134-07 4-022) shall be fully paved. Areas on the lot that are **not utilized for parking or landscaping shall have the natural grass** cover retained to avoid any dust being created on site. (Emphasis added.)

The paving requirement applies only to buses because no employee parking was intended. If employee parking was intended the board of supervisors would have also mentioned it in the paving requirement.

The WCTA’s revised plan shows paved space on the western side of the western lot where the WCTA has eliminated striping for spaces from its plan. These areas should have landscaping or grass to comply with condition 37. It is important that there not be more paving than necessary.

6. The proposed project violates the 80-vehicle limit on the western parcel pursuant to condition 32 because “80 vehicles” means “80 vehicles” and not “160 vehicles”.

Condition 32 of the 1999 conditions reads in pertinent part:

32. The western lot (APN 134-074-022) shall be restricted to a maximum of 80 vehicles on it at any one time.

The WCTA has completely disrespected the intent of the 80-vehicle limit and has argued that spaces for 160 vehicles are allowed because the buses will leave when the bus drivers park their cars. This argument renders the 80-vehicle limit completely impractical and unenforceable, especially because bus drivers will constantly be coming and going due to field trips and split

shifts. If the Board of Supervisors had intended such an arrangement, they would have said so expressly and imposed detailed conditions in this regard.

Looking at the surrounding conditions illuminates the board of supervisors intent. For example, condition 31 comes immediately before condition 32. It limits the permitted use to “a school bus storage yard.” It imposes detailed conditions on how the “school bus storage yard is used” without imposing any conditions on employee parking. Please see the text quoted in Issue 4 above for the detailed conditions. No conditions were imposed on employee parking because employee parking was not a permitted use.

Similarly condition 37, which requires that paving to minimize dust and that paving be kept to a minimum, refers only to buses. Please see the text of condition 37 quoted above in Issue 4.

Similarly condition 42 requires: “The berm and setback area shall contain a dense evergreen landscape screening which shall **shield the buses** from view in those directions.” (Emphasis added). Condition 42 does not refer to employee cars because employee cars were never intended on the western lot.

The words “at any one time” were not intended to result in a bizarre arrangement of rotating cars and buses that would take more choreography than a ballet. The words should just be read to mean “at any one reasonable amount of time.” In 1999, the Board of Supervisors wrote very lengthy and detailed conditions about the use of the western parcel. The 80-vehicle limit in condition 32 needs to be read in the context of these surrounding conditions. These other conditions do not address rotating employee cars and school buses on and off the bus storage lot because this arrangement was never intended.

Even if the WCTA could somehow offer a plan that could show how operationally there would be no more than 80 vehicles on the lot at one time, there would be no practical way to enforce the requirement. Self-enforcement by the WCTA is not a reasonable option. This appeal has been necessary because the WCTA does not respect the 1999 conditions. It has shown a pattern and practice of overreaching. The WCTA has been subject to a correction notice and two stop work orders as a result.

The WCTA’s claim that there will never be more than 80 vehicles in the bus storage yard at one time is both impractical and unenforceable. Given that most schools start around the same time in the morning and end around the same time in the afternoon, there is no reliable way to stagger the arrivals and departures of 80 bus drivers every day. Staggered arrivals and departures will prolong the period of time each day that the buses and employee cars create noise, especially with a split shift schedule. This approach seems totally impractical, especially since the buses cannot be parked temporarily on the street pursuant to condition 35, which states that: “No buses or equipment shall be parked in the public right-of-way.” Allowing employee parking greatly intensifies the use of the western parcel beyond what the board of supervisors intended.

7. The proposed project violates the 1999 Board of Supervisors’ lighting restrictions pursuant to condition 46, which require that security lights be “located at the periphery of the property and not as flood lights.”

The WCTA lighting plan will have a severe and negative impact on the surrounding homes and the rural character of the neighborhood. It has proposed leaving lights on all night that will shine off the tops of white school buses that will be visible from throughout the neighborhood, including from our second-story bedroom window.

Condition 46 states:

46. An exterior security lighting plan shall be submitted to the Permit and Resource Management Department for review and approval. Exterior lighting shall be internal only and not "wash out" onto adjacent properties nor be a source of glare onto adjacent streets. Generally, fixtures should accept sodium vapor lamps and lighting should be **located at the periphery of the property and not as flood lights**. The lighting shall be installed in accordance with the approved lighting plan during the construction phase. (Emphasis added.)

Only “**security lighting**” at “**the periphery**” was considered necessary because the 1999 conditions restrict the hours of operation of the school bus storage yard from “Monday through Friday from 6:00 a.m. to 6 p.m.” During almost all of the year, there will be enough natural light for a school bus storage yard.

The WCTA lighting plan is vastly in excess of what is reasonable for security purposes. It includes 37 lights on tall poles. Many of the lights are slated to be on central islands and are not located on the periphery. Some of the poles are as high as 27 feet, not including the concrete base and the arms that extend from the poles. Some poles hold multiple lights each. These lights are exactly what the board of Supervisors was trying to prevent when it prohibited “**flood lights.**”

The WCTA has argued that its lighting plan is required by design standards for parking lots. This is precisely why an employee parking lot should not be allowed on the western parcel, and should only be limited to the permitted use of a “**school bus storage yard.**”

There is very little security risk to the school bus storage yard from the homes to the north and to the west, especially given the berm and the fence. The WCTA only needs short bollard security lighting along its fence to the east and to the south. The lights can be on motion sensors. Lighting should be restricted to the minimum necessary for security purposes.

8. The proposed berm, set back, and landscaping do not meet condition 42 that requires that “the berm and setback area shall contain a dense evergreen landscape screening, which shall shield the buses from view” and that this screen be effective before the bus storage yard is used.

Condition 42 of the 1999 Board of Supervisors conditions requires:

42. The Final Development Plan(s) shall be reviewed by the Design Review Committee. The plans shall include a berm at least 6 feet high parallel to the **north and west** property lines of the western lot (APN 134-074-022), with the berm center setback a minimum of 50 feet from the north property line. **The berm and setback area shall contain a dense evergreen landscape screening which shall shield the buses from view** in those directions. A **chain link fence with slats** or other view blocking fence design at least 6 feet in height **shall surround all other areas** that are not shielded by the berm. Other perimeter and front yard areas shall also be fully landscaped and irrigated. All required berms, landscaping and fencing on each individual lot shall be fully installed prior to any use of that lot. (Emphasis added.)

The purpose of the required berm was to minimize the noise and visual impact on the neighboring rural residential homes. The berm should be designed with this purpose in mind. The berm is so steep that it looks like a strip mine or a shooting range. The Planning Commission should use its discretion to require a more naturally shaped berm that will enhance the rural residential character of the neighborhood.

Currently, there are only a few feet between the edge of the berm and a fence along the property line on the western side. This setback area is too narrow to plant trees. The berm is also only 1-2 feet wide on the top which is also too narrow to plant trees. The berm is also too steep to effectively plant trees on the sides. The WCTA engineer has stated that the berm will have a 2:1 slope. Don MacNair, the landscape architect on the Design Review Committee, stated that anything steeper than a 3:1 slope makes it difficult to dig holes for trees because trees need a flat spot to hold water. He also stated that he was trying to avoid putting trees on the berm as a result. The berm design is absurd because the whole point of the berm is to plant trees on it.

The 1999 conditions require that **“the berm and setback area shall contain a dense evergreen landscape screening which shall shield the buses from view”** to the north and the west. The berm and setback should be redesigned to accommodate the required screening. The berm needs to be moved back from the property line, the top made wider, and the slope made more gradual so that trees can be planted.

Larger trees are also required. The WCTA landscaping plan relies on trees in 15-gallon containers that will only be a few feet tall and not provide the required screening for years to come-- if ever. The screening condition is unusual in that it requires larger and more mature landscaping than is usually required. The 1999 conditions require that the screening condition be met before the bus storage yard can be used.

The WCTA has had over twenty years to start growing an adequate screen. It has done the exact opposite. In fact, the WCTA bulldozed out five redwood trees that were planted twenty years ago. The redwood trees were planted in a row along the west property line to make a screen and were part of a row of 23 redwood trees.

At the Design Review Committee Hearing, the WCTA stated that bulldozing the 20-year-old redwood trees was a mistake and offered to replace the trees. The Planning Commission should require them to do so with similarly sized trees. Redwood trees would make a better screen than the proposed design with oaks and pepper trees because redwood trees are taller and can be grown to create a giant hedge. A similar redwood tree hedge surrounds the existing WCTA facility and is a good indication of what the Board of Supervisors intended in 1999.

A tall screen is necessary because we will see over short trees from our upstairs windows. Redwood trees require water, but that should not be prohibitive because the 1999 conditions require the WCTA to irrigate the landscaping and there is good ground water in the area. The WCTA should also be required to plant additional large redwood trees to make the screen sufficiently dense to comply with the 1999 conditions.

9. The WCTA drainage / erosion plan required by condition 42 is totally inadequate as demonstrated by the recent storms.

The recent storms proved that the WCTA drainage plan is totally inadequate. Condition 42 requires that an engineered drainage plan be submitted to the PRMD for approval prior to the start of any construction. An “erosion control plan (winterization plan)” is also required. The 1999 resolution acknowledges a history of flooding in the area requires that “any adverse drainage impacts” be addressed. The WCTA plan that was submitted only addresses drainage for the bus storage yard and does not address run off and erosion on the other side of the berm.

The preexisting drainage ditch along the western property line and the WCTA’s new drainage swale became a single channel of water that turned into a large pond that flooded our property and the property belonging to our 90-year-old neighbor. A culvert under Oasis Drive connects the pastures to the north of Oasis Drive to the drainage ditch. These pastures were also flooded because the ditch was backed up with water. Please see the attached photos in this regard.

The preexisting ditch failed to drain because it is not well connected to the new WCTA storm drain. The opening of the storm drain is too high and needs to be lowered to match the bottom of the drainage ditch. Before the WCTA built the berm and raised the level of the soil on its lot, much of the overflow from the drainage ditch would have gone onto the WCTA lot. This problem has been compounded by the fact that debris from the construction process filled the preexisting ditch. The WCTA promised to remove its debris at the design review hearing, but never did so.

The WCTA has put the berm too close to the preexisting drainage ditch. It also put its own drainage swale and a fence in the narrow area between the berm and the preexisting drainage ditch. The berm needs to be moved back to make the setback wide enough to accommodate the required landscaping discussed in Issue 7 above. The whole setback area needs to be redesigned so that the fence is removed and the preexisting drainage ditch and the new drainage swale are combined into a single drainage swale that drains into the new WCTA storm drain.

10. The chain link fence to the north and to the west violates condition 42 and must be removed.

To the north and west condition 42 requires: **“a dense evergreen landscape screening which shall shield the buses from view.”** It goes on to require that: **“A chain link fence with slats or other view blocking fence design at least 6 feet in height shall surround all other areas that are not shielded by the berm.”** The purpose of the berm and the landscaping was to give the neighbors something more attractive to look at than a chain-link fence.

At the design review hearing, the WCTA offered to put its fence inside the berm. While this appeal was pending it installed the fence along the property line even though it knew the location of the fence was a subject of this appeal. The WCTA was subject to a stop work order as a result. The WCTA now maintains that putting the fence outside the berm instead of inside the berm is unnecessary for security purposes. There is no rational basis for this argument.

The 1999 conditions require **“a dense evergreen landscape screening which shall shield the buses from view”** to the north and the west. The WCTA’s plan of sandwiching the landscaping in between the fence and the berm where no one will see the landscaping makes no sense at all. The purpose for the berm and the landscaping was to help preserve the rural residential character of the neighborhood. An industrial looking chain-link fence with plastic slats is unappealing, and inappropriate facing homes in a rural residential area. It is also contrary to the 1999 conditions.

The area between the fence and the bottom of the berm is only a few feet wide. As a result, the setback is not wide enough to plant the required screening. Removing the fence will allow trees more space along the property line.

During the recent storms the fence ended up being in the middle of the water channel and was catching debris that restricted the flow of water. Putting a fence in the middle of a water channel is illogical.

The fence will also make it much more difficult to maintain the drainage ditch along the property line because the fence will restrict personnel and equipment from accessing the ditch.

11. EV charging should be prohibited pursuant to condition 31 that prohibits “refueling activities” on the western parcel.

The resubmitted plans show “EV” charging stations. Condition 31 prohibits “refueling activities” on the western parcel. EV charging stations often create a humming noise. The purpose of the 1999 conditions was to limit activity on the western parcel as much as possible. For these reasons, EV charging stations should be prohibited.

12. The Planning Commission should use its discretion to prevent noise from the bus storage yard from destroying the rural character of the neighborhood. It should require (1) a layout that does not require backing up, (2) the use of backup cameras instead of backup beepers, (3) a time-controlled gate that prevents the bus storage yard from being used for split shifts.

At the December 1, 2022 hearing, the point was made that back-up beepers will only be a problem in the afternoon because the 1999 conditions require that buses be parked so that the back-up beepers are not triggered in the morning. It is true that the 1999 conditions include this condition and made this assumption.

However, the school bus industry has changed since 1999. School bus drivers now work split shifts which means they work a couple hours in the morning and then work a couple hours in the afternoon. Only some bus drivers have enough seniority to be assigned field trips that allow them to work mid-day. As a result, buses and employee cars will constantly be coming and going throughout the day, especially if arrivals and departures are staggered in attempt to respect the 80-vehicle limit discussed above.

A back-up beeper is a piercing sound that is designed to trigger a person's response to danger. The beepers would be a nuisance in any residential neighborhood. We have been able to hear the back-up beepers from the WCTA construction equipment inside our home all summer even with closed double pane windows. The noise is even worse when we are outside in our garden or on our deck. The backup beepers during the construction process have been destroying the quiet, rural character of the neighborhood. The noise will be far worse once so many school buses are constantly coming and going.

In 2000, a plan for phase one of the WCTA project was approved. It also included a plan for the western parcel labeled "Future Phase 2 Development – Parking for 65 buses & 12 vans." It was designed so that the buses could pull straight into their parking spots in the afternoon and straight out of their parking spots in the morning without triggering their backup beepers. The Planning Commission has the discretion to impose this layout. It should do so.

We have done our best to research the issue and we are unable to find a legal requirement that school buses have back up beepers. It would cost very little to install switches to turn off the back-up beepers when they are on the bus storage lot. It would also cost very little to install wireless back up cameras on the buses. The Planning Commission should use its discretion to impose this requirement.

The design review process requires the Planning Commission to use its discretion to protect "**the desirability of investment or occupation in the neighborhood.**" (Emphasis added.)

The Planning Commission should use its discretion to eliminate the central island and require a layout like the one in the plan that was approved in 2000 that will eliminate the back-up beeper problem. The Planning Commission should also condition that back-up beepers be turned off before the buses enter the parking lot unless there is an express legal requirement that back-up beepers be used instead of backup cameras. Buses used for split shifts should be required to use the bus storage on the eastern parcel instead of the western parcel.

13. New CEQA review is required pursuant to California Public Resource Code sections 2116 and 2180 due to substantial changes in the project and its circumstances, and because design review is discretionary in Sonoma County.

The CEQA review from 1999 cannot be relied upon because substantial changes are proposed in the project and substantial changes have occurred with respect to the circumstances under which the project is being undertaken. Because several of the 1999 conditions are not being followed, the project is vastly in excess of what the Board of Supervisors intended in 1999. Moreover, the area of Santa Rosa where the project is located has changed drastically over the past twenty years.

Please see California Public Resource Code section 2116. It reads as follows:

Ca. Pub. Res. Code section 2116 - Subsequent or supplemental report required

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) **Substantial changes are proposed in the project** which will require major revisions of the environmental impact report.
- (b) **Substantial changes** occur with respect to the **circumstances** under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Substantial changes in the project include:

1. A change in the permitted use from a **“school bus storage yard”** to **“a school bus storage yard and employee parking lot.”**
2. A **doubling in the size of the project** on the western parcel i.e. a limitation to **80 vehicles** is being expanded to allow **160 vehicles**.
3. Disregarding the **110 buses limit** for all three parcels.
4. Allowing prohibited **“flood lighting”** in the interior of the property instead of respecting the requirement that **“lighting should be located at the periphery of the property and not as flood lights.”**
5. The berm and setback area will not contain the required **“dense evergreen landscape screening which shall shield the buses from view”** for years--if ever.
6. The failure to adequately address **drainage erosion and flooding**.
7. A chain-link fence with plastic slats where **“dense evergreen landscape screening”** is required.
8. The failure to follow required **wetland mitigation** procedures.

Substantial changes in the circumstances under which the project is being undertaken since 1999 include:

1. A substantial increase in traffic in the area
2. A substantial increase in noise in the area
3. A substantial increase in air, water, and light pollution in the area
4. A substantial increase in population in the area
5. A substantial decrease in open space and rural land in the area
6. Climate change and more extreme weather
7. The depletion of ground water
8. A substantial decrease in habitat for native plants and animals

New CEQA Review is Required Because Sonoma County's Design Review Process is Discretionary. The court explained this requirement in McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80, 242 Cal.Rptr.3d 379. The Court said:

"CEQA applies only to "*discretionary* projects proposed to be carried out or approved by public agencies" (Pub. Res. Code sec 2180) italics added.) A "discretionary project" is defined as one "which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations." (Guidelines, § 15357.) The "touchstone" for determining whether an agency is required to prepare an EIR is whether the agency could meaningfully address any environmental concerns that might be identified in the EIR: " 'As applied to private projects, the purpose of CEQA is to minimize the adverse effects of new construction on the environment. To serve this goal the act requires assessment of environmental consequences where government has the power through its regulatory powers to eliminate or mitigate one or more adverse environmental consequences a study could reveal.


Attachments:

1. Screen shot of bus parking on existing facility from Google Earth
2. Correspondence with First American Title
3. Photos of flooding in the drainage ditch along the western property line



369

Google

From: Team Rebecca teamrebecca@firstam.com 
Subject: RE: Title Search
Date: December 13, 2022 at 1:55 PM
To: Kent Lawson klawson@velatax.com, Team Rebecca teamrebecca@firstam.com



Hi Kent,

Nice to hear from you.

Attached please find the only easements we were able to locate for 3300 Juniper Avenue, (APN 134-074-022), along with the CC&Rs (Covenants, Conditions & Restrictions).


I hope this helps!

Thank you,
Rebecca

Please note our holiday schedule:

- Friday, December 23rd – close at 12pm
- Monday, December 26th – holiday
- Friday, December 30th – close at 12pm
- Monday, January 2nd - holiday



 **First American Title™**
Rebecca Marino | Escrow Officer
627 College Ave
Santa Rosa, California 95404
Office:707.544.1560 Direct:707.577.1113
teamrebecca@firstam.com

From: Kent Lawson <klawson@velatax.com>
Sent: Tuesday, December 13, 2022 12:52 PM
To: Team Rebecca <teamrebecca@firstam.com>
Subject: Title Search

Hello Rebecca,

How are you? Eva Pavlicek at Engle & Volkers introduced us back in April. I am sorry that I have taken so long to circle back to you.

I would be grateful if you could help us with a title search. The house that Eva sold us is next to the West Country Transportation Agency Property at 3300 Juniper Avenue in Santa Rosa (APN 134-074-022). We would like to see what conservation easements are recorded on the WCTA property. I believe that one should have been recorded back around 1999. Is this search something that you can help with?

Thanks,

Kent

Kent D. Lawson, Esq.

Vela International Tax Advisory

[\(415\) 967-0201](tel:(415)967-0201)
www.velatax.com
klawson@velatax.com

Required IRS Statement: This document and any attachments was not intended or written to be used, and it cannot be used by the recipient, for the purpose of avoiding penalties that may be imposed on any taxpayer

This email and any attachments is confidential and may also be legally privileged. If you are not the intended recipient please immediately notify the sender and then delete it. You should not copy it or use it for any purpose nor disclose its contents to any other person. **Kent Lawson**
klawson@velatax.com

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If you received this email as a commercial message and would like to opt out of future commercial messages, please let us know and we will remove you from our distribution list.

Thank you.

FAFLD

CA-SO- Docum...47.PDF CA-SO- Docum...01.PDF CA-SO- Docum...50.PDF

89124801

2

RECORDING REQUESTED BY
Dave & Pat Provost

WHEN RECORDED RETURN TO:

Dave & Pat Provost
c/o Century 21
1057 College Avenue
Santa Rosa, Ca 95405

RECORDED AT REQUEST OF 110 BA1
AT 5:30 PM MIN. PAST
BERNICE A. PETERSON
SONOMA COUNTY RECORDER
Date 12-28-89

700

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions is made this 28 day of December, 1989, by WILLIAM D. PROVOST AND PATRICIA A. PROVOST, hereinafter referred to as "Declarants".
AND FLORENCE GREY

WHEREAS, Declarants are the owners of that certain real property described as Parcels 1, 2, 3 on Parcel Map No. 87-886, filed in Book 448 of Maps, at Pages 49-50, Sonoma County Records; and

WHEREAS, Declarants are subdividing the above described property, restricting it in accordance with a common plan designed to preserve the value and qualities of said land as land suitable for residential purposes, for the benefit of its future owners.

NOW, THEREFORE, Declarants declare that said real property shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenants and restrictions hereinafter set forth expressly and exclusively for the use and benefit of said property and of each and every person or entity who now owns or in the future shall own any portion of said real property.

1. A sewage disposal system and expansion area designed by a Registered Civil Engineer or Registered Sanitarian may be required on Parcels 1, 2, 3. The Parcels will require a mound type disposal system. The systems must be operated under terms of a valid operational permit renewable annually. Specifications for the mound systems and requirements for the operational permits are available from the Sonoma County Health Department. A permanent easement must be granted allowing access of County personnel for monitoring of the system: this easement may only be removed with the consent of the Health Department in the event of a change in circumstances or requirements. The construction of mound systems may require substantial expenditures of money. No building shall be commenced upon said real property or portion thereof until all requirements of the Sonoma County Health Department in effect at the time of construction have been complied with.

89124801

Declaration of Restrictions -- Page 2

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictions the day and year first above written.

William D. Provost
WILLIAM D. PROVOST

Patricia A. Provost
PATRICIA A. PROVOST

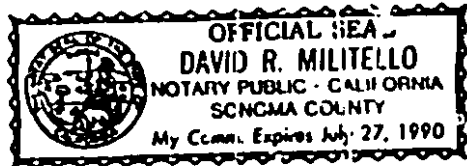
Florence Gresty
FLORENCE GRESTY

STATE OF CALIFORNIA)
COUNTY OF SONOMA)

On this 11TH day of DECEMBER, 1989, before me, a Notary Public in and for the County of Sonoma, State of California, personally appeared WILLIAM D. PROVOST AND PATRICIA A. PROVOST, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

David R. Militello
NOTARY IN AND FOR SAID
COUNTY AND STATE



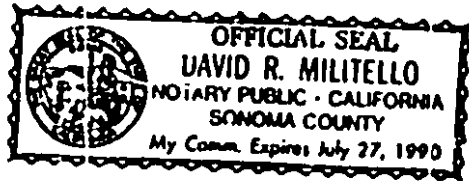
GENERAL ACKNOWLEDGMENT

NO. 201

State of CALIFORNIA }
County of SONOMA } SS.

On this the 11TH day of DECEMBER, 1989, before me,
DAVID R. MILITELLO
the undersigned Notary Public, personally appeared
FLORENCE GRESTY
 personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) IS subscribed to the
within instrument, and acknowledged that SHE executed it.
WITNESS my hand and official seal.

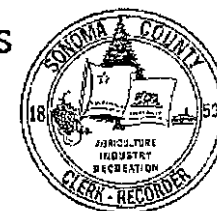
David R. Militello
Notary's Signature





2021103250

Official Records Of Sonoma County
Deva Marie Proto
09/14/2021 11:35 AM
SONOMA COUNTY PERMIT AND RES



ESMT 9 Pgs

Fee: \$0.00

PAID

RECORDING REQUESTED BY:
THE COUNTY SURVEYOR

WHEN RECORDED RETURN TO:
THE COUNTY SURVEYOR
2550 VENTURA AVE
SANTA ROSA, CA 95403

*No TRANSFER TAX DUE PURSUANT
TO R&T SECTION 11922*

Record free per Gov Code Sec 27383. Required by PRMD
SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF ROAD, PUBLIC UTILITY, AND SIDEWALK EASEMENT

West County Transportation Agency, Grants to the County of Sonoma, a Political Subdivision of the State of California, a Road Easement, a Public Utility Easement, and a Sidewalk easement to construct, reconstruct, install, inspect, maintain, replace, remove and use facilities of the type hereinafter specified, including but not necessarily be limited to the following:

Construction and installation of transmission and distribution facilities such as electrical, gas, water, telephone, cable television, sewer, street lighting, drainage, roadway, and landscaping.

Said easement shall also include the right to excavate or fill the easement for the full width and to a reasonable depth thereof.

The easement is a portion of the said Lands of West County Transportation Agency, a public agency, per Document Numbers 1999 052571 & 1999 074054, Sonoma County Records and is situated in the unincorporated area of the County of Sonoma, and being more particularly described as follows:

SEE EXHIBIT A, B, C, D, E, & F ATTACHED

For: West County Transportation Agency
By: Chad Barksdale
CHAD BARKSDALE

APN: 134-072-022, 134-072-025, 134-072-048

★ SEE ATTACHED ★

FILE NUMBER: PLP98-0050

PROJECT NAME: JUNIPER AVENUE ROADWAY IMPROVEMENTS

ROAD NAME & NUMBER: JUNIPER AVE 68084

INTEREST: ROAD, PUBLIC UTILITY, AND SIDEWALK EASEMENT

POST MILE: 9.87 - 10.00

SUR20-0092

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of SONOMA }

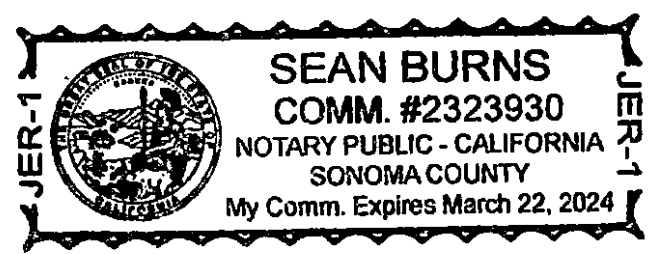
On 08/03/2021 before me, SEAN BURNS (notary public)
Date Here Insert Name and Title of the Officer

personally appeared CHAD BARKSDALE
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature [Handwritten Signature]

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Grant of Road, Pub Util & Se.
Document Date: Number of Pages: 01
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)
Signer's Name: Chad Barksdale
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[X] Other: Ex Dir
Signer is Representing:

EXHIBIT "A"
Right of Way Dedication
134-074-022

Being a Right of Way Dedication for a Portion of Juniper Avenue over and across the Lands of West County Transportation Agency, as described by Grant Deed recorded under Document No. 1999-R052571, Official Records of Sonoma County, described as follows:

Commencing at a point in the Northerly Line of West Robles Avenue, being the southeast corner of said Lands of West County Transportation Agency, as described by Grant Deed recorded under Document No. 1999-R052571, Official Records of Sonoma County, being the southeast corner of Parcel #3 as shown on Parcel Map 87-886, filed in Book 448 of Maps, Pages 44-46, Sonoma County Records; said point being the **Point of Beginning** for the following description,

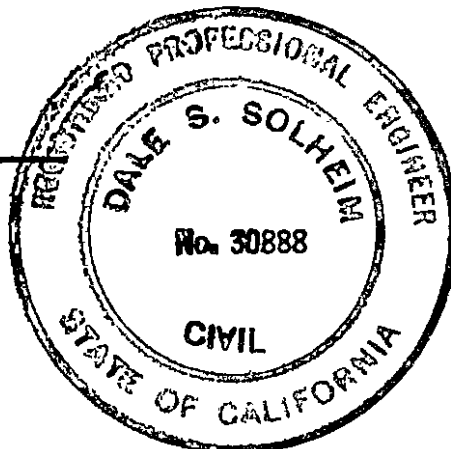
Thence continuing along the northerly line of said West Robles Avenue, North 89° 32' 16" West, 26.00 feet; Thence leaving said north line North 0° 36' 27" East, 49.57'; North 26° 12' 15" West, 5.52'; Thence along a curve to the left with a radius of 18.50', 11.28' through a central angle of 34°55'38"; Thence, North 30° 50' 55" West, 9.13'; Thence, North 10° 31' 35" East, 1.50'; Thence, North 0° 36' 27" East, 28.88'; Thence, North 8° 50' 19" West, 7.41'; Thence, North 54° 46' 31" East, 16.44'; Thence, North 28° 23' 22" East, 5.65'; Thence, North 0° 36' 27" East, 12.24'; Thence, North 26° 39' 25" West, 5.58'; Thence along a curve to the left with a radius of 18.50', 16.15' through a central angle of 50°00'40"; Thence, North 14° 52' 51" East, 7.44'; Thence, North 0° 31' 15" East, 23.47'; Thence, North 13° 35' 07" East, 1.44'; Thence, North 24° 38' 17" East, 8.41'; Thence, North 45° 17' 30" East, 10.44'; Thence, North 28° 54' 00" East, 5.72'; Thence, North 0° 36' 27" East, 30.81'; Thence, North 26° 08' 35" West, 5.51'; Thence along a curve to the left with a radius of 18.50', 11.28' through a central angle of 34°55'38"; Thence, North 26° 19' 15" West, 8.68'; Thence, North 13° 11' 12" East, 1.45'; Thence, North 0° 44' 03" East, 22.12'; Thence, North 10° 32' 22" West, 8.46'; Thence, North 52° 50' 37" East, 16.58'; Thence North 26° 13' 37" East, 5.36'; Thence, North 0° 36' 27" East, 56.16'; Thence, North 37° 07' 07" West, 5.84'; Thence, North 46° 47' 29" East, 4.95'; Thence, North 0° 36' 27" East, 4.21'; Thence, South 89° 57' 50" East, 26.00'; Thence, South 0° 36' 27" West, 368.37' to the **Point of Beginning**.

Containing 11,723 square feet, more or less, of Right of Way Area.

The Basis of Bearings for this survey is the California Coordinate System, Zone II, NAD 83, epoch 2011.00, convergence-0°27'29.6" and a combined factor of 0.99998667, as determined locally as a line between continuous global positioning systems (CGPS) station P196 and station CASR; being N0° 54' 40"E as derived from geodetic values published by the California Spatial Reference Center. Distances shown are ground distances.



Dale Solheim, R.C.E. 30888
My License Expires March 31, 2022



7-28-2021
Date

EXHIBIT "B"

PM 87-886
448M45
PARCEL 2

**LANDS OF JOS R FECTEAU
& RACHELLE J WILLIAMSON**
DOC NO. 2016-002973
APN 134-074-021

**JUNIPER
AVENUE**



THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83, EPOCH 2011.00, CONVERGENCE -0°27'29.6" AND A COMBINED FACTOR OF 0.99998667, AS DETERMINED LOCALLY AS A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATION P196 AND STATION CASR; BEING N0° 54' 40"E AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER. DISTANCES SHOWN ARE GROUND DISTANCES.

S89° 57' 50"E 26.00'
N0° 36' 27"E 4.21'
N46° 47' 29"E 4.95'
N37° 07' 07"W 5.84'
N0° 36' 27"E 56.16'
N26° 13' 37"E 5.36'
N52° 50' 37"E 16.58'
N10° 32' 22"W 8.46'
N0° 44' 03"E 22.12'
N13° 11' 12"E 1.45'
N26° 19' 15"W 8.68'

PROPOSED PUBLIC RIGHT
OF WAY DEDICATION
11,723± S.F.
0.220 Acres

**LANDS OF WEST COUNTY
TRANSPORTATION AGENCY**
DOC NO. 1998-R074054
APN 134-072-048

PM 8443
183M31
PARCEL NO. 2

**LANDS OF WEST COUNTY
TRANSPORTATION AGENCY**
DOC NO. 1999-R052571
APN 134-074-022

L=11.28, R=18.50
Δ=34° 55' 38"

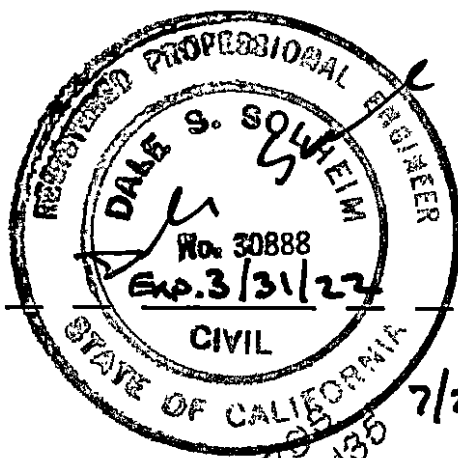
N26° 08' 35"W 5.51'
N0° 36' 27"E 30.81'
N28° 54' 00"E 5.72'
N45° 17' 30"E 10.44'
N24° 38' 17"E 8.41'
N13° 35' 07"W 1.44'
N0° 31' 15"E 23.47'
N14° 52' 51"E 7.44'

L=16.15, R=18.50
Δ=50° 00' 40"

N26° 39' 25"W 5.58'
N0° 36' 27"E 12.24'
N28° 23' 22"E 5.65'

(E) 30' ROAD EASEMENT
448M45
6M19

PM 87-886
448M45
PARCEL 3



L=11.28, R=18.50
Δ=34° 55' 38"

N10° 31' 35"E 1.50'
N30° 50' 55"W 9.13'
N26° 12' 15"W 5.52'
N0° 36' 27"E 49.57'

POB/POC

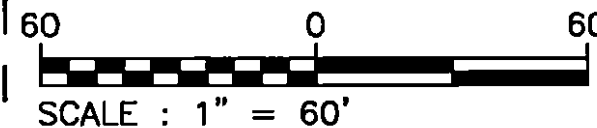
7/28/2021
185M35

LANDS OF A CRAIN, LLC
DOC NO. 2017-R0632781
APN 134-101-002

N89° 32' 16"W 26.00'

**BANE
AVENUE**

**WEST ROBLES
AVENUE**



EBA
ENGINEERING
825 SONOMA AVENUE
SUITE C
SANTA ROSA, CA 95404
TEL: (707) 544-0784

RIGHT OF WAY DEDICATION
APN 134-074-022
OF A PORTION OF THE LANDS OF WEST COUNTY TRANSPORTATION AGENCY
AS DESCRIBED IN DOCUMENT 1999-R052571
OFFICIAL RECORDS OF SONOMA COUNTY

JULY 2021
20-2850

EXHIBIT "C"
Right of Way Dedication
134-072-048

Being a Right of Way Dedication for a Portion of Juniper Avenue over and across the Lands of West County Transportation Agency, as described by Grant Deed recorded under Document No. 1998-R074054, Official Records of Sonoma County, described as follows:

Commencing at a point in the Northerly Line of West Robles Avenue, being the southeast corner of said Lands of West County Transportation Agency, as described by Grant Deed recorded under Document No. 1999-R052571, Official Records of Sonoma County, being the southeast corner of Parcel #3 as shown on Parcel Map 87-886, filed in Book 448 of Maps, Pages 44-46, Sonoma County Records; said point being the **Point of Beginning** for the following description,

Thence leaving said Northerly line North 0° 36' 27" East, 459.69'; Thence South 89° 30' 03" East, 26.00'; Thence South 0° 36' 27" West, 159.74'; Thence South 22° 28' 45" East, 5.05'; Thence, along a curve to the left with a radius of 18.50', a distance of 11.68' through a central angle of 36°09'47"; Thence South 0° 36' 27" West, 42.20'; Thence, along a non tangent curve to the left with a radius of 18.50', a distance of 10.38' through a central angle of 32°09'21" and a chord bearing and distance of S43°46' 45" W 10.25'; Thence South 27° 42' 04" West, 5.56'; Thence South 0° 36' 27" West, 197.92'; Thence, South 45° 20' 29" East, 40.20'; Thence, South 88° 14' 30" East, 6.19'; Thence, South 0° 28' 37" West, 6.01' to said Northerly Line; Thence, North 89° 31' 23" West, 36.09'; Thence North 89° 23' 33" West, 25.00 feet to the **Point of Beginning**.

Containing 13,068 square feet, more or less, of Right of Way Area.

The Basis of Bearings for this survey is the California Coordinate System, Zone II, NAD 83, epoch 2011.00, convergence-0°27'29.6" and a combined factor of 0.99998667, as determined locally as a line between continuous global positioning systems (CGPS) station P196 and station CASR; being N0° 54' 40"E as derived from geodetic values published by the California Spatial Reference Center. Distances shown are ground distances.



Dale Solheim, R.C.E. 30888
My License Expires March 31, 2022



7-28-2021

Date

EXHIBIT "D"

LANDS OF JOS R FECTEAU & RACHELLE J WILLIAMSON
DOC NO. 2016-002973
APN 134-074-021

PM 87-888
448M45
PARCEL 2

JUNIPER AVENUE

S89° 30' 03"E
26.00'

S0° 36' 27"W
159.74'

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83, EPOCH 2011.00, CONVERGENCE -0°27'29.6" AND A COMBINED FACTOR OF 0.99998667, AS DETERMINED LOCALLY AS A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATION P196 AND STATION CASR; BEING N0° 54' 40"E AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER. DISTANCES SHOWN ARE GROUND DISTANCES.



LANDS OF WEST COUNTY TRANSPORTATION AGENCY
DOC NO. 1999-R052571
APN 134-074-022

PROPOSED PUBLIC RIGHT OF WAY DEDICATION
13,068± S.F.
0.300 Acres

LANDS OF WEST COUNTY TRANSPORTATION AGENCY
DOC NO. 1998-R074054
APN 134-072-048

(E) 30' ROAD EASEMENT
448M45
6M19

S0° 36' 27"W
425.57'

S22° 28' 45"E 5.05'
L=11.68, R=18.50
Δ=36° 09' 47"

S0° 36' 27"W 42.20'

L=10.38, R=18.50
Δ=32° 09' 21"

S27° 42' 04"W 5.56'

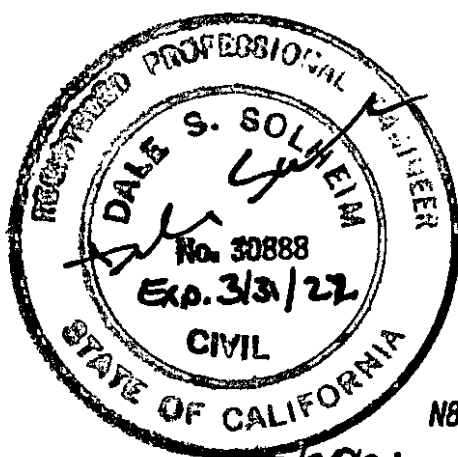
(N0° 36' 27"E 368.18' - INVERSE)

N0° 36' 27"E 459.69'

S0° 36' 27"W 197.92'

(E) 25' ROAD EASEMENT
183M31
22740R439

PM 3443
183M31
PARCEL NO. 2



N89° 23' 33"W 25.00'

POB/POC

S45° 20' 29"E 40.20'

S88° 14' 30"E 6.19'

S0° 28' 37"W 6.01'

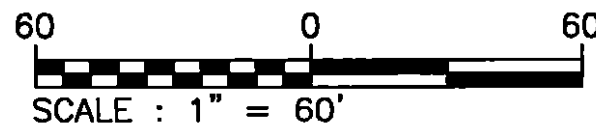
N89° 31' 23"W 36.09'

ROS
185M35

LANDS OF A CRAIN, LLC
DOC NO. 2017-R0632781
APN 134-101-002

BANE AVENUE

WEST ROBLES AVENUE



RIGHT OF WAY DEDICATION
APN 134-072-048
OF A PORTION OF THE LANDS OF WEST COUNTY TRANSPORTATION AGENCY
AS DESCRIBED IN DOCUMENT 1998-R074054
OFFICIAL RECORDS OF SONOMA COUNTY

JULY 2021
20-2850

EXHIBIT "E"
Right of Way Dedication
134-072-025

Being a Right of Way Dedication for a Portion of Juniper Avenue over and across the Lands of West County Transportation Agency, as described by Grant Deed recorded under Document No. 1998-R074054, Official Records of Sonoma County, described as follows:

Commencing at a point being the southeast corner of lands of Fecteau and Williamson, as described by Grant Deed recorded under Document No. 2016-002973, Official Records of Sonoma County, being the southeast corner of Parcel #2 as shown on Parcel Map 87-886, filed in Book 448 of Maps, Pages 44-46, Sonoma County Records; said point being the **Point of Commencement** for the following description,

Thence, North 0° 36' 27" East, 91.32 to **The Point of Beginning**; Thence continuing northerly along the easterly line of said parcel 2, North 0° 36' 27" East, 208.71'; Thence, South 89° 30' 03" East, 26.00 feet; Thence South 0° 36' 27" East, 208.71' feet; Thence, North 89° 30' 03" East, 26.00 feet to the **Point of Beginning**.

Containing 5,426 square feet, more or less, of Right of Way Area.

The Basis of Bearings for this survey is the California Coordinate System, Zone II, NAD 83, epoch 2011.00, convergence-0°27'29.6" and a combined factor of 0.99998667, as determined locally as a line between continuous global positioning systems (CGPS) station P196 and station CASR; being N0° 54' 40"E as derived from geodetic values published by the California Spatial Reference Center. Distances shown are ground distances.



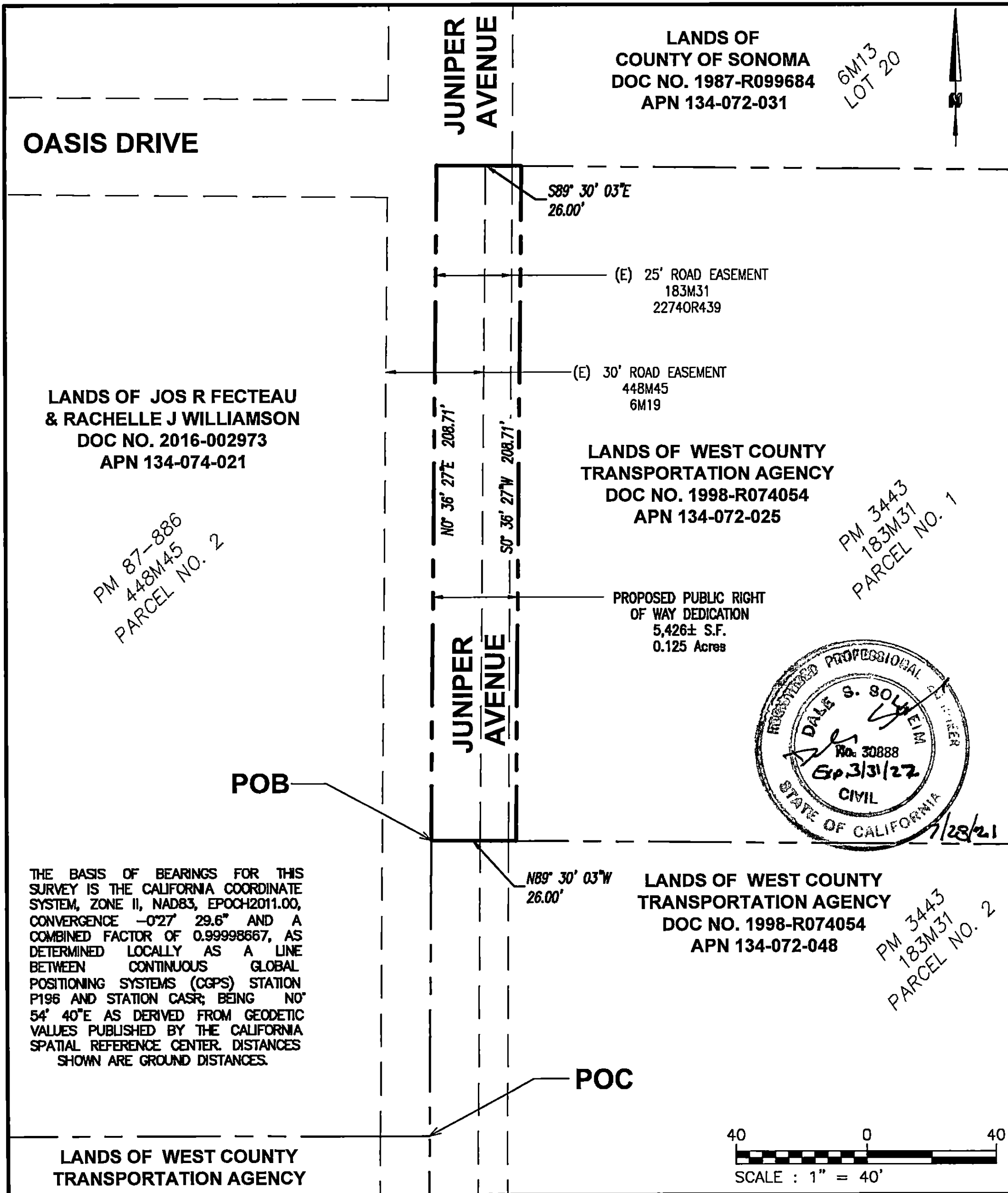
Dale Solheim, R.C.E. 30888
My License Expires March 31, 2022



7-28-2021

Date

EXHIBIT "F"



EBA
ENGINEERING

825 SONOMA AVENUE
SUITE C
SANTA ROSA, CA 95404
TEL: (707) 544-0784

RIGHT OF WAY DEDICATION
APN 134-072-025

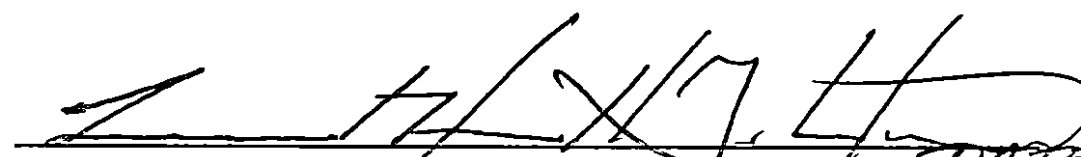
OF A PORTION OF THE LANDS OF WEST COUNTY TRANSPORTATION AGENCY
AS DESCRIBED IN DOCUMENT 1998-R074054
OFFICIAL RECORDS OF SONOMA COUNTY

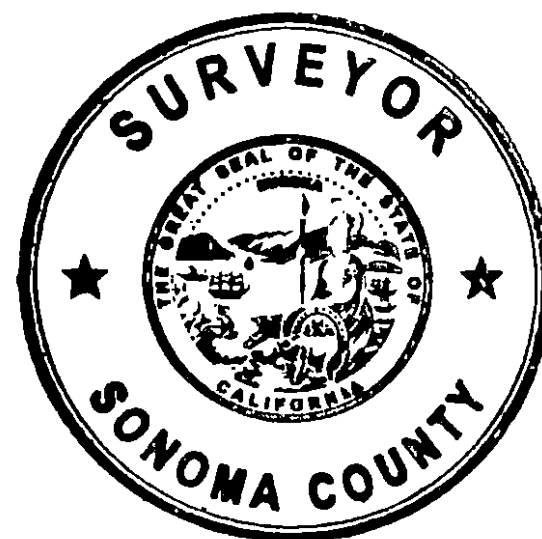
JULY 2021

20-2850

CERTIFICATE OF ACCEPTANCE
(Government Code 27281)

This is to certify that the easement interests in real property offered by the Grant of Road, Public Utility, and Sidewalk Easement Dedication dated August 3, 2021 from West County Transportation Authority; under Document Numbers 1999 052571 & 1998 074054, respectively Official Records of Sonoma County, to the COUNTY OF SONOMA, a political subdivision of the STATE OF CALIFORNIA, is hereby accepted on September 13, 2021, on behalf of the COUNTY OF SONOMA, pursuant to the authority conferred by Resolution No. 85-1640 of the Board of Supervisors as adopted on July 30, 1985, and the grantee consents to recordation thereof by its duly authorized officer.


Leonard H. Gabrielson, PLS 7886 *DATED: SEPTEMBER 13, 2021*
COUNTY SURVEYOR, COUNTY OF SONOMA



APN: 134-072-022, 134-072-025, 134-072-048
FILE NUMBER: PLP98-0050
PROJECT NAME: JUNIPER AVENUE ROADWAY IMPROVEMENTS
ROAD NAME & NUMBER: JUNIPER AVE 68084
INTEREST: ROAD, PUBLIC UTILITY, AND SIDEWALK EASEMENT
POST MILE: 9.87 – 10.00

Sur 20-0092

PAT PROVOST
CENTURY 21-CLASSIC
1157 COLLEGE
SANTA ROSA, CA
95404

CONSIDERATION LESS THAN \$100.00

EASEMENT AGREEMENT

Preamble

This Agreement made this 2ND day of JUNE, 1989
by and between PAT PROVOST,
hereinafter referred to as "Grantor" and FLORENCE GRESTY,
hereinafter referred to as "Grantee".

Recitals

WHEREAS, Grantor is the owner of certain real property commonly known
as 3300 JUNIPER AVENUE, SANTA ROSA,
in an unincorporated area of SINOMA County, State of
California hereinafter referred to as the "Servient Tenement" and described
as follows: (include A.P.#)

Appendix A

(2) The easement granted herein is an easement in gross.

Description of Easement

(3) The easement granted herein is a right to come onto the property of Grantor and to bring associates and employees of the Sonoma County Public Health Department and/or the North Coast Regional Water Quality Control Board onto the property.

Location

(4) The easement granted herein is located as follows:

The entire Servient Tenement

Use by Grantee

(5) The easement granted herein includes the following use of the Servient Tenement; to come onto the property alone or accompanied as hereinabove set forth for the purpose of observing, testing, sampling, placing and removing of test devices and evaluating and monitoring Grantor's experimental individual sewage disposal system. Said activity shall be permitted on Servient Tenement only during normal business hours.

Exclusiveness of Easement

(6) The easement granted herein is not exclusive.

Entire Agreement

(7) This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

Binding Effect

(9) This instrument shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

Operational Permit:

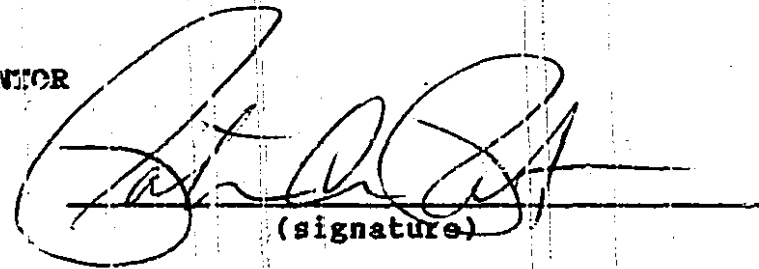
(10) This instrument shall include the issuance of an operational permit for a non-standard sewage disposal system to be issued to the grantor at the time of installation of said sewage system and subsequent use.

This operational permit shall be renewed on an annual basis by the current owners of the property, who shall be bound by all requirements and restrictions as set forth in Chapter 24 Sonoma County Code.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

6/2/89 Demetrius Lesure
witnessed signature of
Pat Provost.

GRANTOR


(signature)

PAT PROVOST
CENTURY 21 - CLASSIC
1057 COLLEGE AVE.
SANTA ROSA, CA 95404

GRANTEE

89051147

STATE OF CALIFORNIA)
COUNTY OF SONOMA)

On June 2, 1989, before me, the undersigned, a Notary Public for the state, personally appeared Demerus Lescure, personally known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposes and says that she was present and saw Patricia A. Provost, the same person described in and whose name is subscribed to the within and annexed instrument as a party thereto, execute the same, and that said affiant subscribed her name to the within instrument as a witness.



H. A. Sager
H. A. SAGER

My Commission Expires:
5/6/91







