CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT 455 MARKET STREET, SUITE 300 SAN FRANCISCO, CA 94105 PHONE: (415) 904-5260 FAX: (415) 904-5400 WEB: WWW.COASTAL.CA.GOV



F₁₀a

A-2-SON-22-0015 (Chang SFD) JUNE 10, 2022

EXHIBITS

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EXHIBITS

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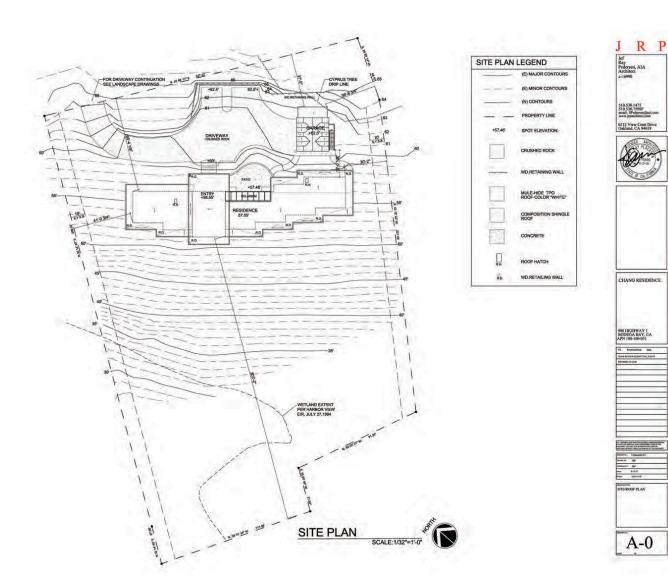
Exhibit 6 – Prior Commission Staff Comments





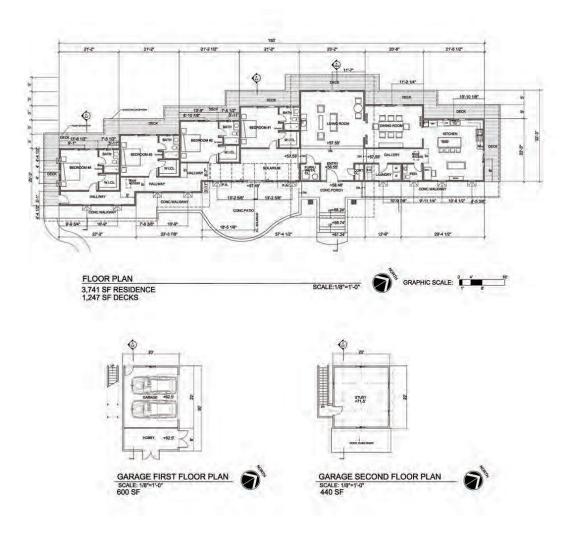
Views of 153 Harbor View Way from upper elevation looking west toward Highway 1 and Bodega Bay



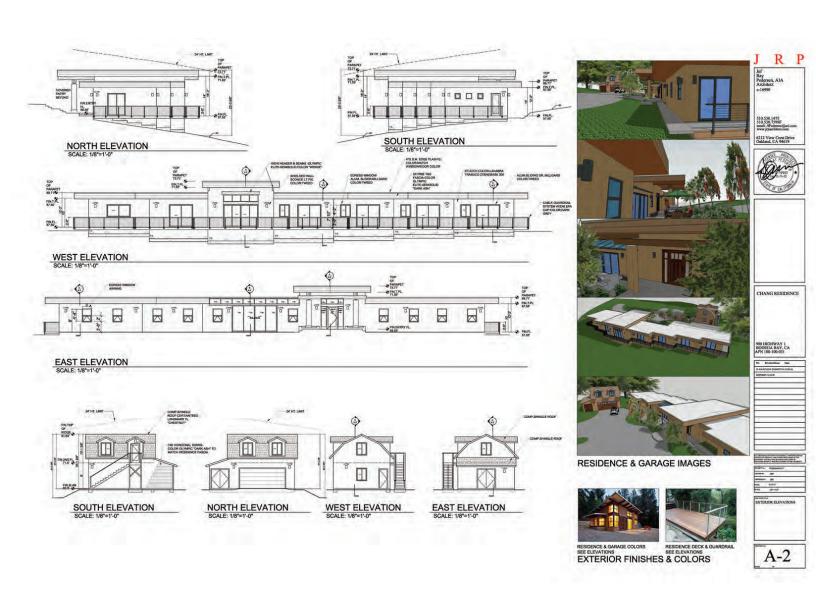


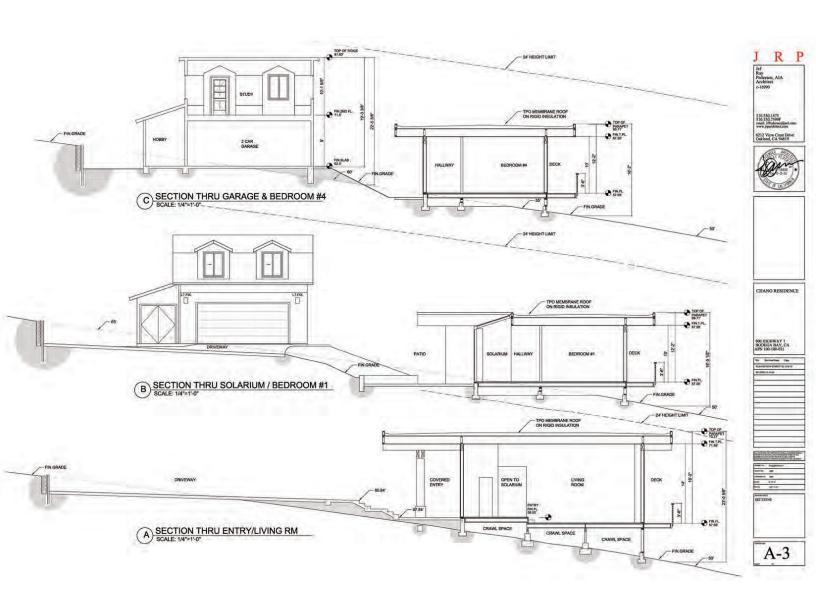
900 HIGHWAY I BODEGA BAY, CA APN 100-100-031

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NOTICE OF FINAL ACTION ON A COASTAL PERMIT

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1900 FAX (707) 565-1103

April 7, 2022

RECIVED

Vincent Chang 466 36th Avenue San Francisco, CA 94121

APR 1 1 2022

CALIFORNIA COASTAL COMMISSION ORTH CENTRAL COAST

NORTH CENTRAL COAST

This notice is being distributed to the Coastal Commission and those who requested notice. The following project is located within the Coastal Zone. A project decision has been completed.

File No.: CPH18-0009

Project Location: 153 Harbor View Way, Bodega Bay

Assessor's Parcel Number: 100-100-031

<u>Project Description:</u> Request for a Coastal Permit to allow the construction of a one story single-family residence with detached garage, driveway and associated landscaping.

Proposed Project Approved by the Sonoma County Board of Supervisors on April 5, 2022

Conditions of Approval dated April 5, 2022 are enclosed.

<u>Findings:</u> The project, as described in the application and as conditioned, conforms with the plans, policies, requirements and standards of the Sonoma County Coastal Program. Specifically:

- The, project as described in the application and as conditioned, conforms with the plans, policies, requirements, and standards of the Sonoma County Local Coastal Program and the zoning designation of PC (Planned Community) CC (Coastal Combining) SR (Scenic Resources Combining).
- 2. The proposed single-family residence, as conditioned, is consistent with the Local Coastal Plan Design review policies and Coastal Zoning Ordinance Design review requirements because the height, location, scale, size and character of the proposed single-family residence will be compatible with the surrounding neighborhood given that the residence will be 23' 5/8"in height and comprised of earth tone exterior materials.
- 3. The project is located on the east side of Highway 1, which allows for a maximum of 24 feet for residential development pursuant to Coastal Zoning Code Section 26C -125 (4). The proposed 23' 5/8" tall single-family residence is in conformance with the height restrictions and will not block public views from Highway 1.
- The proposed single-family residence and associated development is not located within designated critical habitat or sensitive plant communities as determined by the Biological Resources Assessment prepared by WRA Environmental Consultants, dated January 2018.
- The proposed single- family residence will be located more than 100 feet from the area identified as seasonal wetlands on the project site. Condition of Approval # 3 does not allow development be placed within 100 feet of the seasonal wetlands identified on Figure 2 of the Biological Resources Assessment, dated January 2018.

A-2-SON-22-0015

Exhibit 4

1 of 6

- 6. The project is Categorically Exempt from CEQA pursuant to Section 15303, Class 3(a) because the project involves the construction of a new single-family residence.
- 7. The Alquist-Priolo Earthquake Fault Zoning Act, and regulations promulgated pursuant to it, do not apply to construction of a single-family wood-framed or steel-framed dwelling not exceeding two stores, when that dwelling is not part of a development of four or more dwellings. The proposed project is a single-family, single story, wood-framed dwelling, and is exempt from Alguist-Priolo Earthquake Fault Zoning Act, and regulations promulgated pursuant to it. The establishment, maintenance or operation of the use for which this application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the area of such use, nor be detrimental or injurious to property and improvements in the area or the general welfare of the area. This is based on the fact that the proposed project is a residential use on a property zoned for residential and the proposed single-family residence will be similar in mass and architecture to existing residential uses in the area.
- 8. Prior to issuance of development permit the applicant shall provide a geologic report, as required by Sonoma County Code sec. 26C-252 and meeting the standard in California Code of Regulations Title 14, section 3603(d), that describes the hazards and includes mitigation measures to reduce risks to acceptable levels. No development permits will be issued for the project until the geologic report has been reviewed and accepted by the Permit Sonoma Professional Geologist

Project is Appealable. The decision may be appealed in writing to the Sonoma County Board of Supervisors within ten (10) calendar days. The decision of the Board of Supervisors is appealable to the State Coastal Commission within ten (10) working days.

Address:

California Coastal Commission 455 Market Street, Suite 300 San Francisco, CA 94105-2219

If you have any questions, feel free to contact me at (707) 565-1683 or at Jennifer. Faso@sonomacounty.org. Please refer to your file number (CPH18-0009) and site address when making inquiries.

Sincerely,

Jennifer Faso

ennifer Faso

Project Planner

Enclosure: Conditions of Approval dated April 5, 2022

File No. CPH18-0009 C:

State Coastal Commission (via Certified mail)



CALIFORNIA COASTAL COMMISSION

Conditions of Approval

Date:

April 5, 2022

File No.:

CPH18-0009

Applicant: Vincent Chang

APN:

100-100-031

Owner:

Vincent Chang

Address:

153 Harbor View Way, Bodega Bay

Project Description: Request for a Coastal Permit to allow a 3,754 square foot single-family residence and a 600 square foot detached garage with associated landscaping and site improvements on a 1.48 acre parcel.

Prior to commencing the use, evidence must be submitted to the file that all of the following nonoperational conditions have been met.

BUILDING:

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.

PLANNING:

"The conditions below have been satisfied"	BY	DATE

- This Coastal Permit allows the applicant to construct a new 3,754 square foot single family 2. dwelling and 600 square foot detached garage on a 1.48 acre parcel. The use shall be operated in accordance with the proposal statement and site plan located in File No. CPH18-0009 unless otherwise modified by these conditions.
- No development shall be approved or constructed within 100 feet of the area identified as 3. Potential Jurisdictional wetlands by the Biological Assessment prepared by WRA Environmental Consultants, dated January 2018. This area is shown on Figure 2, Biological Communities.
- 4. The applicant shall provide a geologic report, as required by Sonoma County Code sec. 26C-252 and meeting the standard in California Code of Regulations Title 14, section 3603(d), that describes the hazards and includes mitigation measures to reduce risks to acceptable levels. No development permits will be issued for the project until the geologic report has been reviewed and accepted by the Permit Sonoma Professional Geologist.



- 5. Any proposed modification, alteration, and/or expansion of the use as described by the application submitted on April 24, 2018 and plans dated December 10, 2020 and as authorized by this Coastal Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Coastal Permit and additional environmental review.
- 6. All utilities shall be placed underground.
- Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare.
 Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be
 located at the periphery of the property and shall not spill over onto adjacent properties or into
 the night sky.
- All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
- 9. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. Prior to Building Permit Issuance a Landscape Permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use.
- Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
- 11. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor



depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

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

Mitigation Monitoring: No permits for any construction activities shall be issued until the above note appears on the construction plans.

- 12. If construction work, including vegetation removal, is to be initiated between February 1 and August 31, a wildlife biologist should conduct a survey of the site within 14 days of the start of work to determine the potential presence of active nests of migratory birds, including Bryant's savannah sparrow. If not active nests are found during the survey, construction may begin and continue until completed and not impacts to migratory birds will result. If any active nests are found, the wildlife biologist will determine the appropriate action needed for protection of the species that will result in no impacts.
- 13. Best management practices (BMPs) typically implemented for construction sites should be implemented in order to control sediment runoff. BMPs can include stray wattles, hay bales, silt fences, vegetated buffer strips, and other elements. In particular, the drain in the grassland area should be protected with hay bales or other appropriate elements.
- 14. This permit shall be subject to revocation or modification by the Permit and Resource Management Department if: (a) the department finds that there has been non-compliance with any of the conditions or (b) the department finds that the use for which this permit is here by granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-335 and 26C-335.2 of the Coastal Zoning Ordinance.

In any case where a Coastal Permit has not been used within two (2) years after the date of 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 prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26C-348 of the Coastal Zoning Ordinance.



CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

NORTH CENTRAL COAST DISTRICT OFFICE 455 MARKET ST., SUITE 228 SAN FRANCISCO, CA 94105-2420 (415) 904-5280 NORTHCENTRALCOAST@COASTAL.CA.GOV



APPEAL FORM

Appeal of Local Government Coastal Development Permit

District Office: North Central Coast	
Appeal Number:	
Date Filed:	
Appellant Name(s):	

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Central Coast district office, the email address is NorthCentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <a href="https://coastal.ca.gov/contact/#/).

1. Appella	ant info	rmation ₁	
Name:		Bodega Bay Concerned Citizen and Save the Sonoma Coast	
Mailing add	dress:	PO Box 998, Bodega Bay, CA 94923	
Phone num		(707) 875-2297	
Email address:		briarepach@aol.com and savethesonomacoast@gmail.com	
How did yo	ou particip	pate in the local CDP application and decision-making process?	
Did not p			
Describe:	'	al paid and timely appeal to the Board of Supervisors on 4/29/21 went unacknowledged	
	haddespite a M	emorandum with additional information. Later we discovered that the permit dept had never informed them of the appeal. a year later,.	
	we received not	tice of a hearing on April 5, 2022 in Chambers. informapackettions were delivered to each Supervisor on April 4, outlining our appeal.	
Upon arrival, a hand-written sign had been posted, instructing us to return home to participate electronically, our rights to an impartial hearing were negated			
please ider	ntify why	pate in the local CDP application and decision-making process, you should be allowed to appeal anyway (e.g., if you did not you were not properly noticed).	
why you sh	nould be a e and hea h.	you exhausted all LCP CDP appeal processes or otherwise identify allowed to appeal (e.g., if the local government did not follow proper aring procedures, or it charges a fee for local appellate CDP opeal was not accepted in a proper, timely manner.	
Describe.		of \$1200 was charged a year prior to the eventual hearing.	
	-	CDP notice procedures were not followed.	

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local CDP decision being annealed:

Local gove	aramont name:	County of Sonoma	
Local government name: Local government approval body: Local government CDP application number: Local government CDP decision: Date of local government CDP decision:		Board of Supervisors	
		CPH-18-0009	
		CDP approval CDP denials 4/5/2022	
	ntify the location and description on the local government.	of the development that was approved or	
Describe:	A 3,754 sq', 2-story house with a 600 s	q' detached garage was approved for	
	a 1.48 acre parcel adjoining scenic corridor Hwy 1 in Bodega Bay.		
	It lies in a San Andreas fault trace on a federally protected wetland.		
	-		
	Seguina		
	-		
	-		
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	-		

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

3. Applicant information

Applicant name(s):	Pete Pedersen, for Vincent Chang, owner	
	,	24 H St, San Rafael, CA 94901
Applic	ant Address:	
4. Ground	s for this appeal4	
approved of provisions. that the development of the provisions of	levelopment does not conform to For appeals of a CDP denial, grovelopment conforms to the LCP arrly identify the ways in which the the LCP and Coastal Act provision	appeal are limited to allegations that the the LCP or to Coastal Act public access bunds for appeal are limited to allegations and to Coastal Act public access provisions. e development meets or doesn't meet, as ons, with citations to specific provisions as ed to be concise, and to arrange their cies.
Describe:	The development does not mee	et LCP and Coastal Act Provisions:
	Section 30233, Article 4(c) prohibits new development affecting this particular wetland.	
	No monitoring for spring-time	incidence of Special-status species has
	been performed in accordance with biologist recommendations.	
	The Alquist-Priolo Act is violated by	construction of a residence on this parcel.

-- This wetland has been confirmed as a sag pond by CA-licensed geologist Ray Waldbaum

--This parcel was designated as ESHA at least 40 years ago.

--Portions of the construction exceed the 16' height limit specified in LCP OSRC D/VR26

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print nameMargaret C. Briare, representing Bodega Bay Concerned Citizens	
Margaret C. Briane Signature	
Date of Signature April 20, 2022	

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

	I have authorized a representative, and I have provided authorization for them on
the	e representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Print nameMargaret C. Briare, representing Bodega Bay Concerned Citizens
Signature Margaret C. Brears
Date of SignatureApril 20, 2022
7. Representative authorization
While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. T do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I attest that to the best of my knowledge, all information and facts in this appeal are

I have authorized a representative, and I have provided authorization for them on

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

the representative authorization form attached.

455 MARKET STREET, SUITE 300 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200

FAX (415) 904-5400

correct and complete.

DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Interested persons, Appeal of CDP #COH 18-00009

Cea Higgins, Sonoma Coast Surfrider

Richard Retecki, author, Sonoma County Local Coastal Plan

Laura Morgan, MD, Occidental Area Health Center

Carol Sklenicka, Author, Jenner

Padi Selwyn, Preserve Rural Sonoma County

Jim Sullivan, Internationally Certified Animal Tracker, professor SRJC

Jill Lippitt, Esq., Jenner

Rue Furch, Sonoma County Water Coalition, Sierra Club

Dee Swanhuyser, Greenbelt Alliance, Western Sonoma County Rural Alliance, Sonoma County Forest Conservation

All above are members of Save the Sonoma Coast

savethesonomacoast@gmail.com. (510) 926-0351

(Individual contact information provided upon request)

CALIFORNIA COASTAL COMMISSION

455 Market Street, Suite 300 San Francisco, CA 94105 - 2219 Voice (415) 904-5200 FAX (415) 597-5885 TDD (415) 597-5885



Waiver of the 49 Working Day Rule for an Appeal of a Local Government's Final Action on a Coastal Development Permit

Local Government Application Number:
I, the applicant or authorized representative hereby waive my or the Applicant's right to a hearing within 49 working days after the application or appeal has been filed with the Coastal Commission. (Public Resources Code Sections 30621(a), 30625(a).) I request that the referenced application be scheduled:
() for consideration at the next possible Commission meeting in Southern
California
for consideration at the next possible Commission meeting in Northern
California.
I understand that the application may need to be scheduled without regard to the Southern/Northern California preference.
() for consideration after staff and I have had additional time to discuss the
project.
I also understand that while the Commission staff will attempt to schedule the appeal expeditiously, the waiver of the 49 working day time limit does not result in the imposition of a new deadline for hearing of the application or the appeal.
THIS FORM SHALL NOT BE MODIFIED IN ANY MANNER

A-2-SON-22-0015 Exhibit 5 8 of 8

Signature of applicant or authorized agent

Re: Referral for CPH18-0009; 153 Harbor View Way, Bodega Bay

Black, Abigail@Coastal <abigail.black@coastal.ca.gov>

Thu 10/24/2019 11:06 AM

To: Jennifer Faso <Jennifer.faso@sonoma-county.org>

Cc: Rexing, Stephanie@Coastal < Stephanie.Rexing@coastal.ca.gov>

Hi Jennifer,

Thanks for clarifying. Staff has no further comments.

All the best,

Abigail M. Black | Coastal Planner
CALIFORNIA COASTAL COMMISSION

North Central Coast District

(415) 904-5290

From: Jennifer Faso < Jennifer. Faso@sonoma-county.org>

Sent: Thursday, October 24, 2019 9:43 AM

To: Black, Abigail@Coastal <abigail.black@coastal.ca.gov>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Subject: RE: Referral for CPH18-0009; 153 Harbor View Way, Bodega Bay

Hi Abigail,

es the address thing is a bit confusing. When the application first came in it had the address of 900 Highway 1. However because there is no access from Highway 1 the address has been changed to 153 Harbor View Way. At this point I did not want them to change the address on the documents before the referral because they may need to make changes based on referral comments and then all the changes can be made at once.

In regards to the wetlands, yes based on the Biological report the project is located more than 100 feet away from the wetlands.

If you have any further questions or need additional information please let me know.

Jennifer

Jennifer Faso

Planner III
County of Sonoma
Planning Division | Project Review
2550 Ventura Avenue, Santa Rosa, CA 95403
Direct: 707-565-1683 | Office: 707-565-1900











OFFICE HOURS: Public Lobby is open Monday through Friday from 8:00 AM until 4:00 PM, except Wednesdays, open from 10:30 AM to 4:00 PM.

From: Black, Abigail@Coastal [mailto:abigail.black@coastal.ca.gov]

Sent: Wednesday, October 23, 2019 7:14 PM

To: Jennifer Faso < Jennifer. Faso@sonoma-county.org>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov> **Subject:** Referral for CPH18-0009; 153 Harbor View Way, Bodega Bay

EXTERNAL

Hi Jennifer,

Thank you for the opportunity to comment on CPH18-0009 for the development of a new residence at 153 Harbor View Way.

I was confused as to why the Biological Assessment was referring to a property at a different address of 900 Highway 1. Perhaps the two names are linked somehow?

Outside of this concern, it appears that the project is located more than 100 feet away from the wetland at the western/lower part of area of reference.

If you could please confirm these two things that would be very helpful.

Thank you,

Abigail M. Black | Coastal Planner
CALIFORNIA COASTAL COMMISSION
North Central Coast District
(41) 904-5290

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unex ected, do not click any web links, attachments, and never give out your user ID or assword.